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“LAW OF POLICE SERVICE IN GUJARAT”

**THESIS
SUBMITTED TO THE
SAURASHTRA UNIVERSITY
FOR THE AWARD OF
THE DEGREE OF**

*Doctor of Philosophy
In
The Faculty of Law*

BY

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PREFACE

In recent years national and states attention has been directed to the topic of the police and the nature of policing. Although there are few occupations which are subject to the intense public scrutiny given the police in contemporary Indian society, those concerned with the historiography of the development of police work would no doubt note that concern with the organization and problems of the police can be traced through the centuries. The police function within a unique frame of reference. While, on the one hand, they are seen by the public—and by themselves—as law enforcers/crime preventers and as a visible extension of the legal system, on the other, most of their duty-connected activities are confined primarily to order-maintenance of peace-keeping. It is apparent that the police mandate is more than the basic requirement of stopping crime and enforcing laws. The police, in addition to being responsible for the enforcement of laws and ordinances, routinely do many things that have become their “duty” through default, such as handling problems for which no other agency is available.

Assigned as the protectors of law and order, no other executive wing of the Government, has come in for as much criticism as the police force. Its high visibility, is the main factor, responsible for the focus on it. The citizen wants quick and ready justice at his doorstep and is not interested in legal niceties of the present system based on western ideas. The poor man can neither understand it, nor put his faith in its infallibility. What succor is there to a litigant, when his case lingers on, indefinitely for years? The number of old cases pending decisions in courts is going up year after year. How can the society, then protect itself, from the nuisance of anti-social elements, without either taking the law into its own hands, or helping the police to use brutal methods?

The improvement of police services is a major strategy that has been the concern of many, including several national commissions. It has generally been assumed that the improvement of police organization, operations, and management is a much more difficult task than improving training or raising personnel standards.

Coupled with this assumption is the popular notion that the upgrading of educational standards will result in significantly greater performance by police officers.

Although politicians, police, and others have often advocated the expansion of police employment to control crime, the empirical relationship between crime rates and police employment has seldom been systematically explored by social scientists. The analysis suggests that crime rates and police employment are reciprocally related.

Being a student of law, a lecturer in Law College Junagadh, and a visiting lecturer of law in Police Training College, Junagadh and Gujarat Police Academy, KARAI (Gandhinagar), I was trying to read, reread and comprehend the letters of law and the work of police force in this area. My Honourable guide Dr. N. K. Indrayan kindly suggested me to ponder over the topic, improved my reading and then, accepted me as his student.

Dr. N. K. Indrayan taught, analyzed and highlighted the complexities of law in a very simple manner to enable me to grasp the design of the thesis.

All credit goes to Dr. N. K. Indrayan.

K. J. Vaishnav
Advocate.

“LAW OF POLICE SERVICE IN GUJARAT”

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CHAPTER-I

“LAW OF POLICE SERVICE IN GUJARAT”

(1) INTRODUCTION :

1.1 HISTORY OF POLICE:

There is no particular documented evidence of the existence of a separate agency for maintaining law and order during the Pre-British period, but scraps of information here and there in different classics of the country point to the existence of the police. There are good accounts of police administration during the Maurya, Gupta and Chola periods. The reports of Megasthenes and Kautilya's Arthashastra are the two authentic sources that give details of administration in the Mauryan period. This system continued without much change until the advent of Muslim rule.

The evidence about police administration during the Muslim period is as scarce as about the earlier period. The first piece of information appears in the fourteenth century, i.e. the Sultanate period. Then the official at the apex was the Amir Dad or Viceroy. But the person entrusted with the responsibilities of police administration was the Muhtasib. He was an Inspector-General of police, a Chief Engineer of public works, as well as an Inspector of Moguls. He used to delegate police duties in the cities of the Kotwals.

When the British came to India in 1609 with purely commercial interests, little had they realized that they would be ruling this country one day. Their commercial interests involved them in local politics which, finally, resulted in the colonization of India by Great Britain. The consolidation of the British position in India laid the foundation of the present-day police force. The need for a policing agency was felt first in 1792. By that time the East India Company had established itself fully in the three presidency provinces of Bengal, Bombay and Madras. Lord Cornwallis, the Governor-General of India, took police administration away from the large Zamindars in the three Presidency provinces in the same year. He divided districts into parts and a darogha was placed in charge of each of the parts. The darogha was made responsible to the district judge. In towns, the responsibility of police administration was left with the Kotwal. But this system did not succeed and was abolished in 1814. Sir Charles Napier conquered the territory of Sind for the Company in 1843. Napier had to create a new machinery and used the Royal Irish Constabulary as a model.

There was an Inspector-General of police for the entire territory, with Superintendents in each district. The Superintendent was responsible to the Inspector-General as well as Collector. This experiment was successful and its broad framework was used to reorganize police administration. Later, the model was used in other parts of India too. The main principles of Napier's model were not altered even by the police Commission 1860, which designed the present police force for India.

The Mutiny broke out in 1857. It, for the first time, forced awareness upon the British of Imperial domination in such a vast territory. The British felt the necessity to create a strong civil constabulary to meet internal disturbances and to protect the British and their interests in India. Thus, on the report of the police Commission 1860 a police administration was designed for British India. The police Act of 1861, passed by the British Parliament, created the present police system in India.¹

1.2 POLICE AFTER INDEPENDENCE:

A new era began for the people of India with independence in 1947. Floodgates of aspirations were opened when the Constitution of India was adopted and enacted on 26th November 1949. A constitution which aims to secure to all citizens social, economic and political justice, liberty of thought and expression, equality of status and of opportunity would certainly result in heightened expectations of a hitherto exploited and suppressed population. The principle of universal adult suffrage adopted by the framers of the India constitution guarantees every citizen of India the right to vote. (Who has attained the age of eighteen years).

A change in the legitimacy of the government perceives a change in the legitimacy of the government organs, must create an awareness of this change. Their role in the changed context requires adaptive changes; expects them to be responsive to the aspiration of the people and accountable for their actions to the elected representatives of the people. In the new set-up, they are part of the development

1. Police Changing India by Ajay K. Mehta. Usha Publication, New Delhi. Page 5 to 7.

administration and as such, they are expected to maintain peace and thereby contribute their share to national reconstruction.¹

The question arises: what should the police in this changing society be like? Certainly not oppressive and passive towards social change. They are no more Agents of colonial masters. As an organ of democratic government, which is committed to welfare of the people, they are expected to show a 'service to the people' attitude. They must realize that now their role is that of a public servant.

When in 1979 the policemen in Jalandhar went out of barracks to protest against slapping of one of their colleagues no one realized that this would flare up into a unprecedented countrywide police agitation. Equally unexpected was the gradual shift in the thrust of the agitation from misbehavior of politicians to more substantive issues like law wages and other organizational and administrative anomalies. This was the reason why the Centre as well as the affected States could not easily quell the agitation on the pretext of Indiscipline. The agitation resulted not only in most of economic demands of the policemen having been granted, but also in appointment of the first National Police Commission. The present organizational structure, recruitment policy and training programmes for various ranks need reconsideration and redesigning. Even a cursory glance at the levels of recruitment, the powers and functions of various ranks and the types of duties that the police have to perform would make visible the inconsistencies and anomalies prevailing in police system in all over India.

To appreciate the basic problems of the police and the necessity for introducing adaptive changes in the role of the police organization, it is essential to indentify the organic relationship between the state and society on the one hand, and the police on the other. The state represents a societal consensus for legitimate⁴ use of sovereign authority through institutionalized agencies collectively called Government. The police, being one of the governmental agencies, perform tasks necessary for maintaining the legitimacy of the state authority entrusted to it by the society. The state, police and society are thus, organically interlinked systems. The

1. Police changing India, By Ajay K. Mehta. Page 9-10.

legitimacy of the police, therefore, in any society is dependent upon the state. The Police draw their authority from state power. Their role and functions would naturally be determined by the nature of the state authority. In a democratic set-up, the police have to perform the crucial task of the reconciliation of authority with liberty. In a welfare state, the police assume functions of a social service organization in addition to their basic duties of prevention and detection of crime and maintenance of law and order.¹

1.3 GUJARAT STATE POLICE ORGANIZATION:

In Gujarat State mainly The Bombay Police Act 1951 and The Bombay Village Police Act, 1867 and The Bombay State Reserve Police Force Act 1951 and their Rules are applicable. For smooth police administration there are three volumes of GUJARAT POLICE MANUAL framed in 1975. This is my attempt to study the present Police Organizations, the law applicable to them, their duties and their problems to fulfill their duties in better interest of society.

1. Police in Changing India, By Ajay K. Mehta. P.12.

CHAPTER-II

|

(2) ORGANISATION OF POLICE FORCE.

2.1: POLICE ORGANIZATIONS:

A police organization is a public employer of police officers. Villages, townships, municipalities, and states all are in need of police officers. Three major characteristics identify a police organization: a generalized public safety responsibility, a territorial jurisdiction, and funding by an employing governmental agency.

The generalized police responsibility is to protect life and property, to maintain the public peace, and to provide related services. The employees of a police organization are given a broad grant of authority to enable them to fulfill this responsibility, and there is an inherent accountability for the use of such power.

The territorial jurisdiction of a police organization is usually the same as that of the employing by government. Funds to operate the police organization are provided from the general funds of the State Government. The funding system is usually an annual financial allocation, but the State Government is also expected to provide emergency financial aid whenever necessary.¹

The Police Act of 1861 made the establishment of organized police forces the responsibility of the various provincial governments then in existence in India. The constitution of Independent India also placed “Public Order” and “Police, including railway and village police”, in the State List. The Central Government has exercised an advisory role in such matters and have been rendering assistance to the States in various ways.

The State Governments determine all questions relating to the strength and equipment of their police forces and the expenditure to be incurred thereon from year to year and also exercise various administrative and disciplinary powers. They also frame detailed rules for the administration and operation of their police forces which are contained in the Police Manuals/Regulations of the different States.

1. Police Organization and Management by PAUL B. WESTON, p.1-2.

The head of the police force in every state is the Inspector General of Police who is responsible to the State Government for the administration of the police force throughout the State and also for giving advise on police matters. This includes internal economy, equipment, training and discipline of the force and its efficient organization as a means of preventing and checking crime and preserving law and order and the efficient discharge of their duties by officers of all ranks. The Inspector General is expected to keep in constant touch and communication with the regional and district police officers and to keep the State Government informed of the state of crime and political and communal movements throughout the State.

The Inspector General is assisted by a number of Range Deputy Inspectors General on a regional basis. The number of ranges in a State depends on its size. Generally four districts are grouped together to form a 'Range' for the convenience of the police administration. The Range Deputy Inspector General of Police generally supervises the work of the Superintendents of Police and, without interfering in any way with the authority of the Superintendent, has to see that the standard of work is maintained at a high level. He visits and inspects the districts regularly to ensure that work is being carried on efficiently and is expected to advise, guide and assist the Superintendent of Police whenever the latter is faced with any difficult situation. He usually has under his control a part of the State armed reserve and can move it to any district with-in his range.

The administration of the police throughout the local jurisdiction of the Magistrate of a district is, under the general control and direction of such Magistrate, vested in a District Superintendent and such Assistant District Superintendents as the State Government consider necessary. With the separation of the Judiciary from the Executive, the District Magistrate's functions, under the Criminal Procedure Code (Cr.P.C.) as far as the police are concerned, are the promulgation and enforcement of regulatory orders and executive processes and the supervision of the work of the executive magistrates, who are entrusted with proceedings under the preventive sections of the Cr.P.C. and in certain States the trials of cases under local and special laws. The trials of cases under the Indian Penal Code (I.P.C.) are conducted by judicial magistrates. In bigger districts, there may be two or more Superintendent of Police; the senior most of them is then called the Senior Superintendent of Police.

Every district is divided into sub-divisions in-charge of Assistant or Deputy Superintendents of Police. In Gujarat states sub-divisions are further divided into police circles in charge of Inspectors. A district may have three to four policed sub-divisions and six to eight police circles.

Each district is divided into a number of police stations, depending on its size and population. There are some districts with more than 20 police stations, whereas there are others with only ten to fifteen. In Commissioner Area there are more than 20 police stations in Ahmedabad, Surat etc. The average-sized rural police station has a population of about 1,00,000 and an area of about 200 sq. kms. The Police station is the basic unit of the police administration in a district. Under the Cr.P.C. all crime has to be recorded at the police station and all preventive, detective and law and order work of the police is carried on from there. Each police station is divided into a number of beats, which are assigned to Head Constables for patrolling, surveillance, service of processes, collection of intelligence etc. The officer-in-charge of a police station is usually a Sub-Inspector or Inspector. In some Big Police stations Senior Inspectors are placed in charge of the bigger police stations. The officer in charge has varying numbers of Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables placed under him depending on the size of the police station.¹

The constable, being the lowest rung of the administrative hierarchy, constitutes the backbone of Police Organization. But the constables are treated as worse than unskilled workers. The main consideration for recruitment of police constable is physical fitness (educational qualification is matriculate). What efficiency can we expect except in wielding lathis? Many of the older generation of constables can barely sign their names. Since the intake is so poor, little improvement is possible at the stage of training. Now with increased salary, some improvement in the intake is expected. Poor salary, bad service conditions and little chances of promotion would not have attracted good human material, nor would these have provided an incentive to work to those who join because of paucity of employment opportunities.

1.Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, P.1 to 8

A.S.I. is the nucleus of the police department. He is the first officer to come into contact with crime. He is the officer whom Cr.P.C. recognizes as an officer who has to take the initiative when a case is reported. The status, powers and qualifications of a SI are not proportionate. Looking at his duties, powers and importance in police work, his status in the hierarchy is incommensurable. He is a non-gazetted officer. In the state the minimum qualification for the post is still intermediate or its equivalent. It is true that graduates and even post-graduates complete for this rank but they do not opt for it willingly, often they are compelled by deteriorating employment situation. Even during the service there is little incentive to work. Their responsibilities are enormous. But the incentives they get besides low salary, poor service conditions and limited chances of promotion, are ill-treatment from the senior officers, suspension and censures rather than rewards for shouldering the responsibilities and criticism and hatred from the public.

The ill-treatment of junior officers is because of a tremendous gap between the senior gazetted officers and the junior or non-gazetted officers. The main reason for this gap is the pyramidal structure of the police departments in which some people start not from the bottom of the pyramid but from the middle, rather, from near the top. The people who start from the bottom do not even reach the middle of the pyramid. Unfortunately, in the Police department, there is a separate cadre of leaders—leadership does not evolve, it is imposed. A person who starts from near the top of the hierarchy might not succeed as a leader, since he would not consider himself a part of the force and would not be aware of the problems his subordinates face in job-performance. Therefore, he might not be able to appreciate their difficulties. This would also affect their reactions to the successes and failures of their subordinates. Sometimes he would start with a superior feeling and would not listen to the advice given by experienced subordinate officers. Unless the leader can provide a fair treatment to his subordinates, relies upon co-operation and not on authority and generates a feeling of ‘we’ rather than ‘I’, he will not be able to give his men a purpose, will not be able to guide them properly and inspire enthusiasm among them.

Man-management is an important quality of leadership. There are two cardinal principles of leadership; (i) example is better than precept, and (ii) personal conduct should be such that it can be emulated and not taken advantage of. It should

be above reproach. The welfare and interests of subordinates should be looked after before thinking of his own comforts. In army, they say 'a good officer is a servant of his men first and master second'. This holds well in the police too. The quality of leadership influences the morale of the force. A good leader inculcates self-discipline and corporate discipline and develops spirit-de-corps in his unit.

The superior officers, instead of being impartial, are mostly governed by casteism, favoritism and nepotism and other predilections and are also influenced by political leaders on whom they tend to lean heavily for their early promotion and choice posting. This has led to inefficiency among all the subordinate ranks of the police due to the prevailing discontent among them. The superior officers have no time even to make out plans and propose them to the Government for the constructive development of the force in proportion to the population explosion and to meet the challenges of multiple problems that have been and are cropping up due to the changed social and political contexts and outlook of the masses.

A superior officer must also have the qualities of a good supervisor. A good and strict supervision is essential for the efficient functioning of an organization. Only a good supervisor can be aware of the deficiencies of the field officers and their genuine problems in job-performance. He is a trainer and developer of human resources. In performing this function, he is instilling confidence and improving not only the job but also an understanding of the goals of the police service, of its methods for accomplishing these goals, of its organizational philosophy, and of the various career paths available within it. It must be recognized how effectively the police supervisor trains his subordinates, as well as how the objectives of the training programme, have a tremendous influence on the capacity of the department to meet its goals. He must be aware of the practical problems facing the department and provide an example by solving such problems. He should go the fields regularly and supervise the functioning of the field officers, listen to complaints against them and instruct them as to how they should perform their duties.

Very few of these qualities are to be found in the supervisory officers in the Gujarat Police. Very rarely (and very few of them) do they try to know and understand their subordinates. Nor do they carry out supervisions properly. Most of them avoid going to the field and thus directions given by them are, most of the time,

theoretical and hypothetical, having little practical bias. Cases are supervised with much delay and no proper directions are given by them to the investigating officers. Advice tendered by experienced subordinates is either not heeded to or contemptuously turned down. Some of the senior officers, it has been pointed out, regard inspection as a means to punish the junior officers and look upon punishment as an effective instrument of maintaining discipline. They very seldom realize that too many punishments affect the morale of the officers.

An imposed leadership renders supervision ineffective. The IPS officers generally start with a superior air because they start from near the top of the hierarchy and from the very beginning they have a huge body of subordinates to control. They get charge of a district in one to two years, but do not get sufficient training and experience for the running of a district in such a short period of time. This is an anomaly that has developed after independence.¹

2.2 ONE POLICE FORCE FOR THE WHOLE STATE OF GUJARAT:²

There is one police force for the whole of the State of Gujarat. The Police force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by General or Special order determine;

The recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special orders.

There is a control of District Magistrate over Police force in district A pyramidal structure is created for providing jobs for various strata of society, gazetted posts 'for the scions of the falling feudal chiefs and the rapidly growing educated higher middle class', non-gazetted officers' posts (SI and Inspector) for the 'lower

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1. Police in Changing India by Ajay K. Mehta. P.111 to 114.
 2. The Bombay Police Act, 1951.

middle class' and the post of constables for 'the surplus landless labour of the country'. Since the all India cadre of the SP was initially reserved for Europeans only, the post of DySP was created for the upper and upper-middle class Indians. Later, some vacancies in the SP cadre were kept for Indians as well, but the parallel system of recruitment continued. The only difference between two of them is that one belongs to an all-India cadre and the other to the State cadre. One is selected through UPSC and the other through the examination conducted by State Public Commission i.e. G.P.S.C. Both of them start from the same level, but the former is designated ASP and the latter DySP. The former gets charge of a district in one year and the latter in eight to ten years. The former ascends the hierarchical ladder more swiftly than the latter.

There are two to three circles in a district and each of them is known as sub-division. There is a head of circle that is known as S.D.P.O. Sub-divisional Police Officer. A Sub-division consists roughly 6 to 8 police stations. The Police Inspector or Police Sub-Inspector remains in charge of Police Station. In Rural Police-stations most of them are running by Sub-inspectors. There is a post of Circle Police Inspector between three to four police stations which are conducted by P.S.I. C.P.I. is supervisory officer and he is under control of S.D.P.O. All S.D.P.O.'s are controlled by District Supdt. Of Police. The constable, being the lowest rung of the administrative hierarchy, constitutes the backbone of Police Organization. After promotion the constable gets the cadre of Head Constable (Jamadar) or 1st Grade H.C. or A.S.I. There are two grades of Head Constables. One is First Grade and the other is Second Grade. The Senior First Grade Head Constable promotes as A.S.I. and he is the senior most officers after P.S.I. in the Police station.

Before independence there was a provision of appointment of Village Police and there was a special act for the appointment, duties and control of Village Police the act is known as 'The Bombay Village Police Act, 1867.'

2.3 STRUCTURE OF POLICE FORCE FOR STATE OF GUJARAT: ¹

1. The Bombay Police Manual Part-I Chapter-I published by Gujarat State in 1975.

The structure of police force is described in Police Manual Part-I Chapter-I is as under:-

1. Constitution of the Gujarat State Police Force.—The Police Force of the State of Gujarat is constituted under the Bombay Police Act, XXII of 1951, as adapted by the Gujarat Adaptation of Laws (State and concurrent subjects) Order, 1960, made under Section 88 of the Bombay Reorganization Act, 1960 by the Government of Gujarat on 1st May 1960 and published in Gujarat Government Gazette, Extra Ordinary, dated 1st May 1960, and amended from time to time.

According to **Section-3 of Bombay Police Act, 1951** there shall be one Police Force for the whole of the State of Gujarat.

According to **Section-4 of Bombay Police Act, 1951** The superintendence of the Police Force throughout the State of Gujarat vests in and exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

Constitution of Police Force:- According to **Section-5 of the Bombay Police Act, 1951** the constitution of Gujarat Police force is as under :-

Subject to the provisions of this Act-

The Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

The recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order:

Provided that-

the rules and orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Part I or II of Schedule I and deemed to be the members of the Police Force under section 3, shall continue in force until altered or cancelled under clause (b); but in the case members of the Police Force; constituted under any of the Acts mentioned in Part II of that Schedule

such alteration or cancellation shall be subject to the proviso to sub-section (7) of section 115 of the State Reorganization Act, 1956 of 1956.

Nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

According to Section 5A of the Bombay Police Act, 1951 There is a provision to appoint of a DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE AS UNDER :-

For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General and Inspector General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and authority as may be provided by or under this Act or orders made by the State Government.

The Director General and Inspector General of Police shall be selected from a panel of officers consisting of the officers already working in the rank of the Director General of Police or of the officers in the rank of Additional Director General of Police who have been found suitable for promotion after screening by a Committee under the provisions of the All India Services Act, 1951 (61 of 1951);

Provided that the panel of officers from the rank of Additional Director General of Police shall not exceed double the number of vacant posts to be filled in the rank of Director General and Inspector General of Police in the State.

The Director General and Inspector General of Police so selected and appointed shall ordinarily have a minimum tenure of two years irrespective of his date of superannuation, subject to the relevant provisions under the All India Services Act, 1951 (61 of 1951), and the rules made there under.

The Director General and Inspector General of Police may be removed from his post before the expiry of his tenure by the State Government by an order in writing specifying the reasons thereof, consequent upon the—
conviction by a Court of Law in a criminal offence or where charges have been framed by a Court in a case involving corruption or moral turpitude; or

punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post; or
suspension from service; or
incapability to discharge his functions as the Director General and Inspector General of Police due to physical or mental illness; or
Misuse or abuse of powers vested in him or for gross inefficiency and negligence or failure to provide leadership to the police force.

According to **Section 5B of Bombay Police Act, 1951** the TENURE OF OFFICE OF KEY POLICE FUNCTIONARIES:- (1) The Police officer on operational duties in the field viz. Inspector General of Police in a range, Deputy Inspector General of Police, Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Sub-Divisional Police Officer and a police officer posted as an Officer-in-charge of the Police Station shall ordinarily have a minimum tenure of two years on such post.

(2) Any Police officer referred to in sub-section (1) may be removed or, as the case may be, transferred from his post before the expiry of the tenure of two years consequent upon the—

- (a) Conviction by a court of law, or
- (b) Punishment of dismissal, removal, compulsory retirement from service or of reduction to a lower rank; or
- (c) Charges having been framed by a court of law in a criminal offence, or
- (d) Suspension from service; or
- (e) Incapability to discharge his functions and duties due to physical or mental illness; or
- (f) Misuse or abuse of powers vested in him; or
- (g) Gross inefficiency and negligence where a prima facie case of a serious nature has been established after a preliminary enquiry; or
- (h) Superannuation; or

- (i) Promotion to a higher post; or
- (j) On his own request...)

According to **Section 6 of Bombay Police Act, 1951** the appointment of INSPECTOR-GENERAL, ADDITIONAL AND DEPUTY INSPECTOR-GENERAL-(1) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act, or orders made by the State Government.

(2) (a) The State Government may appoint an Additional Inspector General, and one or more Deputy Inspector General of Police.

(b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector General may be exercised, performed or discharged, as the case may be, by an Additional Inspector General or a Deputy Inspector General.

(c) The State Government may also by a general or special order direct that the Additional Inspector General or Deputy Inspector General shall assist and aid the Inspector General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

2. State, Commissionerate, Ranges and Districts.—The control and administration of the Police Force in the entire State is vested in the Inspector General of Police, (Director General of Police) who is assisted by one or more Assistant Inspectors-General of Police (Additional Director General of Police). For the purpose of Police Administration, the State is geographically divided into the Commissionerate of Ahmedabad, Rajkot, Baroda and Surat as Police Commissioner area and Seven Ranges, consisting of the Districts as below:- There is a Superintendent of Police in every district and the police force of the said district is under his control. Moreover there are 7 Ranges in the State and 4 Police Commissioners' areas as under:-

According to **Section-7 of Bombay Police Act, 1951**, the appointment of COMMISSIONER OF POLICE IS AS UNDER:-

The State Government may appoint a Police Officer to be the Commissioner of Police for any area specified in a notification issued by the State Government in this behalf and published in the Official Gazette.

The State Government may also appoint an Additional Commissioners of Police for the areas specified in clause (a).

The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order.

Provided that the State Government may direct that any of the powers, functions and duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector General:

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or, a District Superintendent may have been appointed.

Police Commissioners' area: - (1) Ahmedabad, (2) Baroda (3) Surat (4) Rajkot.

Range areas:-

Ahmedabad Range: - Covers Ahmedabad Rural District, Kheda (Nadiad) District and Anand District.

Gandhinagar Range: - Covers Sabarkantha District, Mehsana District and Gandhinagar District.

Baroda Range:- Covers Bharuch District, Narmada District, Dahod District, Panchmahal District, Baroda Rural District.

Rajkot Range:- Covers Rajkot Rural District, Jamnagar District, Surendranagar District.

Junagadh Range:- Covers Junagadh District, Amreli District, Bhavnagar District, Porbandar District.

Surat Range :- Covers Surat Rural District, Valsad District, Navsari District, Ahva-dang District, Tapi District.

Border Range:- Covers Banaskantha District, Patan District, Kutch-1 Bhuj District and Kutch-2 Gandhidham district.

There is a special provision Inserted by the Bombay Police (Gujarat Amendment) Act, 2007 (Guj.23 of 2007) dated 30th July 2007 in the Bombay Police Act, 1951 which reads as under:--

Section [7A. SEPERATION OF INVESTIGATING WING AND LAW AND ORDER WING:--

(1) The State Government may, having regard to the population in an area or the circumstances prevailing in such area, by an order, separate the investigating police from the law and order police wing in such area to ensure the speedier investigation, better expertise and improved rapport with the people.

(2) Such investigating police wing shall investigate the serious crimes such as offence punishable under Chapter XII, XVI, XVII of the Indian Penal Code, Offences of Terrorist Activities, Cyber Offences, Inter as of 1860 (45 of 1860). State Offences and such other offences as the State Government may, by an order, direct.

(3) The Director General and Inspector General of Police or an officer authorized by him shall co-ordinate between the Law and Order Police wing and the Investigating Police wing.

According to **Section-8 of Bombay Police Act, 1951** appointment of **District Additional, Assistant and Deputy Superintendents.—**

(1) The State Government may appoint for each District or for a part of a District or for one or more districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(2) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(3) The District Superintendent may, with the previous permission of the State Government delegate any of the powers and functions [conferred on him by or under this Act, except the powers to make, alter or rescind rules or orders under section 33, to an Assistant or Deputy Superintendent.]

According to **Section 8A of Bombay Police Act 1951** appointment of **Superintendents of Wireless System and Motor Transport System or for any specific duty.**—The State Government may appoint for the [whole of the [State of Gujarat] or for any part thereof one or more Superintendent of Police as it may think fit—

For the Police Wireless System;

For the Police Motor Transport System; or

For the performance of such specific duties as the State Government may from time to time determine in this behalf and the Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to him.

Provided that, such powers and functions shall be exercised or performed subject to the control of the Inspector General].

According to **Section 9 of Bombay Police Act 1951** appointment of **Principals of Police Training Schools.**—The State Government may appoint any Police Officer not below the rank of District Superintendent to be the [Principal of [any] Police Training College, or School] established by the State Government], and may assign to him such powers, functions and duties as it may think fit.

According to **Section 10 of Bombay Police Act 1951** State Government shall appoint **Deputies and Assistants to Commissioner.**—(1) The State Government may appoint one or more Deputy Commissioners and one or more Assistant

Commissioners of Police in any area in which a Commissioner has been appointed under clause (a) of section 7.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf.

Provided that the powers to be exercised by the commissioners [of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

According to **Section 11 of Bombay Police Act, 1951** the State Government shall appoint **Superintendents within Jurisdiction of Commissioners.**—(1) The State Government may appoint [for any area for which a Commissioner of Police has been appointed under section 7] such number of Superintendents of Police as it may think expedient.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government.

Provided that the powers to be exercised by the Commissioner [of making, altering or rescinding rules under section 33] shall not be exercisable by the Superintendent.

According to **Section 12 of Bombay Police Act, 1951** the **Constitution of Divisions and sections** is as under :--

(1) Subject to the control of the State Government, the Commissioner [for any area] shall, if he thinks fit-

Constitute [within the area under his charge] Police divisions.

Sub-divide the same into sections, and

Define the limits and extent of such divisions and sections.

(2) **Officers in charge of divisions and sections:**--Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

According to **Section 12A of Bombay Police Act 1951** the appointment of **INSPECTORS:-** Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector-General for other areas shall appoint Inspectors.]

According to **Section 14 of Bombay Police Act 1951** the **Certificate of appointment** shall be provided as under :--

(1) Every Police Officer [of the grade of Inspector or below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such force.

According to Section 20 of the Bombay Police Act 1951 the Power of Inspector-General and Commissioner to investigate and regulate matter of Police accounts are as follows.—The Inspector-General, throughout the [State] and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of accounts connected with the Police in the [State] or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

According to **Section 22A of Bombay Police Act 1951** the provision of **Appointment of Railway Police** is as under :--

(1) The State Government may, by notification in the Official Gazette create one or more special police district embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police and such other Police officers for each such special district as it may think fit.

(2) Subject to the control of the Inspector-General, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any member of the said Police Force whom the State Government shall generally or specially empower to act under this sub-section may, subject to any orders which that Government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer in charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer in charge of the police station discharging the functions of such officer within the limits of his station.

(4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

2.4 REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE:

According to **Section 23 of Bombay Police Act 1951** the **Framing of rules for administration of the Police** are as under :--Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force-

regulating the inspection of the Police Force by his subordinates;
determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;
prescribing the places of residence to members of the Police Force;
for institution, management and regulation of any Police Fund for any purpose connected with police administration;

regulating, subject to the provisions of section 17, the distribution, movements and location of the Police;
assigning duties to Police officers of all ranks and grades, and prescribing-
the manner in which, and
the conditions subject to which, they shall exercise and perform their respective powers and duties;
regulating the collection and communication by the Police of intelligence and information;
generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

According to **Section 24 of Bombay Police Act 1951** the **Inspector-General or Commissioner may call for returns.**—

(1) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subject connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(2) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in subsection (1).

2.5 Organizational set up of the Commissionerate Police Force—

(1) The Commissionerate area is divided into zones and for each zone there is a Deputy Commissioner of Police of the rank of Superintendent of Police or above ranks.

(2) Zones are divided into two or more Divisions each in charge of a Superintendent of the rank of Assistant or Deputy Superintendent of Police or above ranks.

(3) Each Division consists of two or more Police Stations. An Inspector of Police is ordinarily in charge of a Police Station. Ordinarily each Police Station has a certain number of Sub-Inspectors, Unarmed Head Constables and Constables under it for the purpose of carrying out executive as well as ministerial duties.

(4) In addition to Zonal Deputy Commissioners of Police, there are functional Deputy Commissioners of Police for Head quarters, Traffic, Special Branches etc. assisted by Superintendents of Police, Inspectors of Police, Sub-Inspectors of Police, Head Constables and Constables.

2.6 Organizational set up of the District Police Force:--

(1) For each district, there is a Superintendent of Police. He may, wherever necessary, be assisted by one or more Additional Superintendents of Police. The districts are divided into two or more Sub-divisions each in charge of a Sub-Divisional Police Officer of the rank of Assistant or Deputy Superintendent of Police. Every important Sub-Division has, in addition, one or more Circle Police Inspectors attached to it mainly for the purpose of coordination of crime. A District for Police purposes may be a revenue District or a part of it.

(2) Each Sub-Division consists of one or more Police Stations. A Sub-Inspector of Police is ordinarily in charge of a Police Station except in certain cases, where an Inspector is placed in charge. Important Police Stations have more than one Sub-Inspector attached to them. Ordinarily each Police Station has a certain number of armed and unarmed Head Constables and Constables under it for the purpose of carrying out both executive and ministerial duties.

(3) With a view to placing the Police machinery within easy reach of the public, certain rural Police Stations have one or more Outposts attached to them, each Outpost having ordinarily a Head Constable and the necessary number of Constables stationed at it. The area under District Headquarters, Towns and big rural Police Stations is generally divided into a number of sections popularly known as Chowkies or Gates each with a Head Constable and a certain number of Constables stationed at it in order to facilitate the performance of patrolling and other police duties. These Outposts and chowkies are created by local authority and the officers in charge of these cannot on their own, exercise the power of an officer in charge of a Police

Station as defined by the Criminal Procedure Code. In big cities the chowkies are ordinarily manned by Sub-Inspectors.

(4) Police Stations are notified by Government as defined in Section 2(s) of Cr PC. The Police Outposts and chowkies are opened with the previous permission of the Inspector General of Police, who is competent to sanction them provided there is no extra expenditure to Government on the creation of the additional strength.

(5) The constabulary in each district is divided into two branches—the armed and the unarmed. The main functions of the armed police are, escort, guard and reserve duties whereas the men of the unarmed police after training as policemen, will be required to devote their energy and intelligence to the prevention and detection of crime. As the Armed Branch is also used as reserve to deal with emergency they are usually put through a rigorous training in the use of lathis, tear smoke and fire-arms. It is not intended that the two branches shall be rigidly divided. To achieve a progressive amalgamation of both the branches, as an experimental measure, certain duties like—

(i) Orderlies including officer's orderlies, court orderlies, Bank orderlies, wireless orderlies, telephone orderlies

(ii) Officers in charge of bells of Arms, Tents, and Head Quarters and office pickets.

(iii) Supervisors in the District Motor Transport Sections, ---

Are placed in the combined list of duties to be performed both by armed and unarmed police.

2.7 Police Headquarters :--

(1) In addition to the men at the Police Stations and Outposts, there is at the Headquarters of each district unit a force under the charge of an officer not below the rank of an Inspector or a Deputy Superintendent of Police. This force consists only of armed reserve but also of men for other incidental duties like, escorting of prisoners, treasure, local and other guards. This force is mainly utilized for (a) local duties (b) duties in the district (c) as emergency reserve and (d) as leave and training reserve.

(2) The training of recruit constables is undertaken at the Police Training School Baroda. Till the term at the Police Training School commences, the recruit's are given training at their respective Head Quarters. In addition, those who return after completing the training, receive practical training at the respective Head Quarters. Necessary staff for such training is provided in the Head quarters.

(3) In addition, the Head-quarters has a Bell of Arms, and an armourer's shop run by one or more armed Head Constables and Constables.

(4) Clothing and equipment articles are issued from Head Quarters store, which is usually under an unarmed officer. The administrative officer of the Head-Quarters has also the required number of clerks and unarmed Head Constables and Constables as writers, including an armed Head Constable working as Company Orderly to keep records of allotment of daily duties to different members of the Head Quarters force.

(5) The Mess and Canteen is run at Head Quarters for the benefit of the men, and is under the control of a Manager

(6) In order to provide recreation to men a Recreation Centre with indoor games, library, etc. is provided at the Head Quarters.

(7) For the welfare of the men and their families, there is a Welfare Centre also at the Police Head Quarters where several welfare activities like sewing and embroidery classes, children's park, BAL Mandir, flour mill, health centre, family planning centre etc., are carried on.

(8) A hospital or a dispensary is also maintained for treatment of the sick policemen and their families in some places.

(9) The Head Quarters is the reserve centre of the District and whenever any reinforcements are needed, they are supplied from the Head Quarters. To this end, all the men at the Head Quarters are given both outdoor and indoor training every day, whenever they are not on duty.

2.8 Emergency Company :-

(1) At each Head Quarters a body of men set apart as reserve will be known as "The Emergency Company". The men of the company will be armed with 303

magazine rifles. The object aimed at is to have in each district a picked body of well armed and reliable shots available primarily for special work of a hazardous nature. This company should be tough hardened and physically strong striking force capable of withstanding hardships and shall be composed of the best shots; if possible all the members should be Marksmen.

(2) The Superintendent of Police concerned should personally select the members of the company for their tough physique smart appearance, cleanliness, intelligence, steadiness courage, reliability and see that normally they are not above 35 years of age.

(3) The men of the Emergency Company will undergo exhaustive training at the Head-quarters in musketry, bayonet fighting assault course anti-dacoit operation fields training and field craft including correct methods of house fighting, fighting in streets and crowded places I big cities in addition to other items such as physical training and the use of lathi and baton. They will also undergo special courses in field craft judo and such other items which may be specified from time to time. Superintendents of Police should take personal interest in the training of these men. In order to instill confidence in the men the senior officers and all other officers who are to deal with mobs should not only go through this training themselves but should be able to lead their men.

(4) The Company should be able to assemble within a few hours' notice and should be able to move off immediately. The Company should be trained to work in conjunction with Tear Gas Squads wherever they exist and one of the exercises which the Inspector General would like to see when he visits Districts is the ability of the Emergency Company to break up mobs by its own action and in collaboration with Tear Smoke Squads.

(5) Men, while in this Company, are not to be transferred from Head Quarters, but will perform all the ordinary duties performed by the rest of the Head quarters armed police when they are not under a course of training.

(6) They may be sent out of Head Quarters on escort duty, provided by so doing their number present at the Head Quarters is not reduced to less than half the Company and that during periods of emergency no member is so sent out. Ordinarily

members of the Company should not be given escort duty which will keep them away from Head Quarters more than a week at a time.

(7) In order to keep the Company as its maximum efficiency, the Superintendent of Police should review them regularly and replace persons who fail to reach the prescribed standards. Those who are not up to the mark in their efficiency or fail to reach the prescribed standards. Those who are not up to the mark in their efficiency or fail in any manner to come up to the standard set by the Superintendent for the Emergency Reserve should be removed from it and replaced by others who are more suitable. It is by constant weeding out that this force can be kept at a high pitch of efficiency.

(8) The men of the Emergency Company should be treated in the same manner as the remainder of the force, except in the matter of non-liability to transfer from Head quarters and of Musketry practices which should be arranged as per rule.

2.9 Emergency Reserve Force of the Police for Wireless Grid.(State Level).

(1) During emergency, it may be necessary to have more wireless operators to keep the wireless station open for 24 hours a day. The emergency reserve force of police wireless operators is therefore necessary. Suitable Police Constables and Head Constables drawn from the existing strength of the districts are therefore trained in wireless telegraphy and maintained as reserve to be called on duty during such emergency.

(2) The men drawn as above for emergency will have no special right to be taken up in the regular wireless staff where recruitment is done as laid down in the recruitment rules for the same. They can however apply like others.

2.10 Emergency Reserve Force of the Police for Motor Transport.(State Level)—

Emergency drivers will be recruited from constables who have driving licenses and are willing to work in the Motor Transport Section. These persons will be trained in driving police motor vehicles and they will be brought on the list of emergency drivers from the date they get heavy motor driving license. In case, there

are no sufficient men with driving licenses coming forward, recruitment may be done by calling for suitable candidates from the Employment Exchange. Those who have already got heavy duty vehicle license will rank higher in seniority than those having motor car or motor cab driving license, which in turn will rank higher than those having no license. The senior-most from the emergency drivers will be allotted as full drivers in case there is a vacancy in the sanctioned strength of drivers. The men so selected as emergency drivers will be kept on the waiting list at the Headquarters and utilized during emergency or when regular drivers go on leave or when a vacancy occurs, according to their seniority.

2.11 Police Band.—

- (1) With a view to providing appropriate music for police parades on ceremonial occasions and also to provide buglers to give orders to the men by means of buglecalls, a Police Band is maintained at the Police Head-quarters. Its strength ordinarily consists of one armed Head Constable (Band Master) and fourteen armed Constables (Band Men) the numbers being increased to sixteen, if tenor drums are used.
- (2) In Ahmedabad City, the Band Master is of the rank of Police Sub-Inspector. The strength of the band is three Head Constables and fifteen Constables.
- (3) Detailed rules regarding the maintenance of Police Bands are framed.

2.12 Crime Branch in the Commissionerate.—

The Crime Branch in the Commissionerate is normally under the charge of a Deputy Commissioner of Police who is assisted by one or more Superintendents of Police. It has two sections, viz. (1) Detection of Crime Branch and (2) Prevention of Crime Branch. Each of these branches is under a Deputy Supdt. Of Police who is assisted by the required number of Inspectors and Sub-Inspectors, Head Constables and Constables. The Detection of Crime Branch has sub-branches like (i) General Branch, (ii) Modus Operandi Bureau, (iii) Vigilance Branch, (iv) Anti-prohibition and Gambling Squad, (v) Photographic Bureau (vi) Anti-black-marketing (in cinema tickets) squad, (vii) Anti-violence squad, etc. The vigilance branch does the work of 'Juvenile Aid Police Unit' under a woman Sub-Inspector assisted by required number

of women Head Constables and Constables. Prevention of Crime Branch mainly attends to externment cases, detention cases and other matters regarding prevention of crime.

2.13 Commissionerate Criminal Investigation Department (Special Branch).—

(1) In the Commissionerate, the Criminal Investigation Department (Special Branch) consists of Special Branches (I) and (II) and also Special Emergency Branch each under a Superintendent of Police. A Deputy Commissioner of Police is in charge of all these branches.

(2) It is the primary duty of the Special Branch to collect intelligence of various communal, political and labour activities and to see that the situation arising out of the information is worked out with the help of Sectional Police whenever necessary. Any sudden or unforeseen communal, political developments or labour trouble are to be reported by the Sectional Police to the Special Branch for pursuing the matter further. The purpose is to take suitable measures to maintain law and order and to prevent disorder.

(3) The Special Branch is working more or less on the same basis as the State Criminal Investigation Department (Intelligence). Its main work is to collect intelligence which may have a bearing on law and order situation; it looks after all affairs concerning communal matters, activities of all political parties, students, labored. It also maintains records of all such activities. The security of V.I.Ps., vital installations and of the country in general is also the duty of this branch. In addition, the branch deals with movements and activities of foreigners and other subversive elements.

2.14 Local Crime Branch and Local Intelligence Branch (In Districts).—

(1) Every District including Western Railway has a Local Crime Branch under the direct control of the Superintendent of Police. The staff ordinarily consists of an Inspector and/or a Sub-Inspector and the necessary number of Unarmed Head Constables and Constables. Its general duties are:--

- (a) To take up investigations of important cases requiring sustained attention and effort,
- (b) To guide and assist the Police Stations in the investigation of complicated cases,
- (c) To investigate cases wherein gangs are involved or the activities of the Criminal extend over more than one Police-Station, and
- (d) To collect, collate and examine information regarding Crimes and Criminals in the district, and in the neighboring Districts with a view to locate any special upsurge of Crime in any area.

Note:--The Detective Branch of the Railways will henceforth be known as Local Crime Branch.

(2) Similarly there is a Local Intelligence Branch consisting generally of an Inspector and/or a Sub-Inspector with the necessary number of subordinate police. They collect intelligence and make enquiries about communal, political and other similar matters in the districts.

2.15 Women Police. ---

There is a Women's branch of the Police consisting of necessary staff in the Commissionerate and in some districts. Its main functions are to help in the recovery of abducted women, to attend to the convenience and complaints of female passengers at important railway stations, to apprehend, search and guard female offenders, to help in the implementation of the Juvenile Justice Act and Suppression of Immoral Traffic in Women and Girls Act, to keep vigilance at places of worship or entertainments. They can be used on other duties for which they have an aptitude or are capable of performing efficiently. They can also be of help in the investigation of cases where women are involved.

2.16 Prosecuting Staff.—

(1) For prosecuting cases in Magistrates' courts, there is, both in the commissionerate and the districts, a certain number of Assistant Public Prosecutors. They attend to all the Courts and conduct cases. They also study the papers of the

cases sent to them and point out the investigating officer, any evidence which could have been collected but has been omitted. Where he finds that no evidence has been collected on any ingredient constituting an offence, he may draw the attention of the Commissioner of Police/Superintendent of Police or the Deputy Commissioner of Police/Sub-Divisional Police Officer to this defect.

(2) As section of the Criminal Procedure Code is limited in its operation to enquiries and trials held by Magistrates and as it does not apply to security proceedings, Head Constables may be appointed as Prosecuting Jamadars in order to deal with Chapter cases under section 107 Cr PC for which a Prosecutor may not be available.

Note:- Since 1973 the Assistant Public Prosecutors are appointed by Gujarat Public Service Commission and they are performing their duties under the control of Gujarat State Legal Department.

2.17 Criminal Investigation Department (Intelligence).(State Level)—

The Criminal Investigation Department (Intelligence) of the State is controlled by a Deputy Inspector General of Police, (now it is controlled by Additional Director General of Police) who is assisted by one or more assistants of the D.I.G. and Superintendent of Police and a staff consisting of necessary numbers of Deputy Superintendent of Police, Inspectors, Sub-Inspectors, Head Constables and Constables in the head office. There are 4 Criminal Investigation Department (Intelligence) Units, at Ahmedabad, Baroda, Rajkot and Bhuj, each under a Deputy Superintendent of Police with required subordinate staff attached to it. There are Criminal Investigation Department (Intelligence) centers in each district under a Police Inspector and/or a Police Sub-Inspector stationed at the District Head Quarters and also other important places in the District. The main work of the Branch is to collect intelligence which may have a bearing on the law and order situation in the State and in the country. In addition, the branch also deal with the movements and activities of foreigners and other subversive elements. The security of the V.I.Ps. Vital installations and of the country in general is included in the duties of this Branch.

2.18 Criminal Investigation Department (Crime).(State Level)—

(1) The Criminal Investigation Department (Crime) of the State, commonly known as State C.I.D.(Crime), is controlled by an Additional Director General of Police who is assisted by one or more assistants of the rank of Deputy Inspector General of Police and Superintendent of Police and a staff consisting of the necessary number of Deputy Superintendents of Police, Inspectors, Sub-Inspectors and Head-Constables in the head office. Complicated and important cases, as also those having inter-State or inter-district ramifications and cases entrusted to this Branch under the orders of the Inspector-General (Director General) of Police or the State Government are taken up by this branch for investigation. There are two Criminal Investigation Department (Crime) Units, one for each of the two ranges, viz. Baroda and Rajkot, under the control of a Superintendent of Police with the required subordinate staff attached to it. A Police Research Centre is also functioning at the head officer under a Superintendent of Police with the required number of Deputy Superintendent of Police, Police Inspectors, Sub-Inspectors and Head Constables, to undertake study, analysis and research with regard to the incidence of crime in particular areas of the State.

(2) The Finger Print Bureau is a wing of the Criminal Investigation Department and is controlled by the Deputy Inspector General of Police, Criminal Investigation Department (Crime). The Director, Finger Print Bureau is in charge of the Bureau and he has under him a Director, Group II, Experts and Searchers. (for fuller details vide Finger Print Bureau Manual).

(3) The Handwriting and Photographic Bureau functions under the administrative control of the Deputy Inspector General of Police, Criminal Investigation Department (Crime). The Bureau is in charge of the Chief State Examiner of Questioned Documents. This Bureau gives expert opinion to the police on questioned documents and attends to identification of handwriting and all photographic requirements pertaining to finger prints, chance prints, scenes of accidents, house-breakings and theft cases, unknown dead bodies, etc. They also supply photos of externees and criminals for the purpose of identifying them and watching their movements whenever necessary.

(4) A Forensic Science Laboratory functions under the administrative control of the Home Department to assist the Police in dealing with crime on systematic and scientific basis. The laboratory is in charge of a Director, assisted by other subordinate staff.

(5) The railway police under the Superintendent of Police, Western Railway, Baroda and the State Traffic Branch under a Superintendent of Police with its Headquarters at Ahmedabad are also under the control and supervision of the Additional Director General of Police.

2.19 Anti-Corruption Bureau.(State Level)—

(1) With a view to eradicate the evil of corruption and bribery amongst Public Servants, there is an Anti-Corruption Bureau, under the control of the Director, Anti-Corruption Bureau. The Director, Anti-Corruption Bureau has been designated as Additional Director General of Police and Director Anti-Corruption Bureau. The Additional Director General of Police and Director is a Head of Department under the administrative control and direct supervision of the Home Department. The Additional Director General of Police and Director is assisted in his work by one or more Joint Directors (of the rank of Special Inspector General of Police) and Assistant Directors (of the rank of Superintendent of Police), Deputy Superintendent of Police, Police Inspectors and Police sub-inspectors, etc.

(2) In every District, at least one Inspector of Police of this Bureau is stationed. In certain Districts there are one or more Police Sub Inspectors to assist the Police Inspector. Units offices are working under an Assistant Director (of the rank of Deputy Superintendent of Police), with necessary staff under him.

(3) Officers (designated as Assistant Directors) from other departments like Public Works Department and Revenue Department are taken on deputation and attached to the Bureau, to assist and advise the Bureau in matters pertaining to their respective Departments.

2.20 State Reserve Police Force.—

With a view to providing the Armed force which may be required at any place in the State to deal with any disturbance or other emergency, the State Reserve Police

Force, trained more or less on Military lines and equipped with modern weapons, has been organized under the Bombay State Reserve Police Force Act, 1951 and is constituted into Groups and stationed at different centres in the State each Group being under the control of a Commandant of the rank of Superintendent of Police assisted by necessary staff of officers of different ranks. All the Groups of the State Reserve Police Force are under the administrative control of the Additional Director General of Police, Armed Units. The constitution and working of these Groups are given in the State Reserve Police Act, and the rules framed there under, as also circular orders issued from time to time.

2.21 Police Wireless Grid.(State Level)—

(1) The Gujarat State Police Wireless Organization is functioning under the Superintendent of Police, Wireless, who is assisted in his work by Deputy Superintendents of Police, Police Wireless Inspectors, Police Wireless Sub-Inspectors and other subordinate staff. This Section is controlled by the Deputy Inspector General of Police, Armed Units.

(2) The Police Wireless Communication net work consists of H.F. (High Frequency) or V.H.F. (Very High Frequency). It has static or fixed stations or mobile and/or transportable stations.

(3) Every district and State Reserve Police Group has a static wireless station at the district or State Reserve Police Headquarters connected with the State Headquarters at Ahmedabad. They are grouped together on different channels with State Headquarters according to load of traffic and administrative convenience. Some districts have also wireless stations at taluka Headquarters and/or other important or strategic places. In addition, some districts have been provided with wireless mobiles.

(4) In some important cities like Ahmedabad, Surat, Rajkot, Baroda etc. there are static control stations linked with wireless mobiles, for patrolling mobiles, striking force mobiles, traffic mobiles, supervising officers, mobiles, etc.

(5) There is a Central workshop and Stores at Ahmedabad for the upkeep, maintenance and supply of wireless equipments and also to give general technical

assistance wherever required in the State. A training centre also exists at Ahmedabad, where training is imparted to the wireless staff and other incumbents.

2.22 Police Motor Transport.(State Level)—

A Motor Transport Section for the whole State under a Superintendent of Police, Motor Transport is controlled by the Additional Director General of Police, Armed Units. The duties of this Section in general are--

- (i) To help maintain the Motor Transport fleet and Water Transport in good condition.
- (ii) To help in condemning vehicles, buy new ones and to adapt the Police Motor Transport to changing conditions.
- (iii) To carry out the duty of maintenance of vehicles through the Motor Transport workshops at Rajkot and Baroda.
- (iv) To impart basic and refresher training to mechanics, technical staff and drivers, and
- (v) Generally to advise the Inspector General on all matters relating to transport.

2.23 Traffic Control Department.(Commissionerate & District)—

(1) There is a separate Traffic Control Branch in the Commissionerate under the control of a Deputy Commissioner of Police assisted by the requisite number of Police Inspectors, Sub-Inspectors and other subordinate staff. The main functions of this Branch are:--

To regulate traffic in general and motor traffic in particular on important roads in the Commissionerate so as to prevent accidents; to study roads; especially the width and designs of footpaths, designs for traffic islands and such Engineering problems and to advise the Commissioner of Police on modifications to permit free flow of traffic; to enquire into and give technical advice in cases of motor accidents; to study accidents and suggest suitable measures to prevent them, to inculcate traffic sense in the minds of the members of the public through propaganda and other means; to enforce speed limits and other regulations in force; to enforce the law prohibiting

transport of any article from region to region and generally to advise the Commissioner of Police on the existing and likely traffic problems of the city.

(2) A similar Traffic Branch consisting of a Deputy Superintendent of Police and necessary subordinate staff, equipped with motor vehicles to facilitate quick movement in functioning under the direct control of the Additional Director General of Police C.I.D. (Crime and Railways) to cover the mofussil area and to perform similar functions with respect to the whole State and to advise the Director General of Police suitably.

2.24 Office Staff.—

(1) The ministerial staff of the Police Department consists of one combined cadre.

(2) The staff in the office of the Inspector General of Police & Director General of Police ordinarily consists of one or more Deputy Assistants to the Inspector General of Police, one or more Office Superintendents, and necessary number of Head Clerks, Clerks, Stenographers and typists.

(3) The staff in the office of the Commissioner of Police consists of one or more Office Superintendents, Head Clerks, Clerks, Stenographers and Typists.

(4)(a) The staff in the office of the Deputy Inspector General of Police consists of an Office Superintendent, and/or a Head Clerk, Stenographer and the requisite number of Clerks.

(b) To assist in the study of crimes in his charge, the Range Deputy Inspector General of Police has in his office a Police Inspector who is styled as Reader Inspector.

(5)(a) The ministerial staff of all the office of the Superintendents of Police, the Principals, Police Training Schools and the Commandants, State Reserve Police Force Groups, consists of a Head clerk and necessary number of clerks.

(b) An officer of the rank of Police Inspector is appointed as Home Inspector of Police to supervise, among other things, the work of ministerial establishment of the office of the Superintendents of Police in the Districts.

(c) To assist in studying the crime position in his charge, the Superintendents of Police and the Sub-Divisional police officers have in their offices a Police Sub-Inspector, who is styled as a “Reader”.

2.25 Mounted Police.—

In addition to the armed police, there are Mounted Police Units in some Districts. They are useful for crowd control during unrest, keeping watch over criminals and anti-social elements in areas notorious for such activities and especially for prevention of crop thefts and illegal grazing of standing crops in fields.

2.26 Dog Squad.—

In view of the increasing possibilities for the use of police dogs in the detection of crimes; Dog squads have been stationed at Ahmedabad and some Districts, to help in the investigation of various crimes; Separate instructions are issued from time to time regarding the use of these Squads.

2.27 DIRECTION AND CONTROL

2.27(1) Police Sub-Inspectors, Police Inspectors, Circle Police Inspectors:--(P.S.I., P.I., C.P.I.)

The Police Sub-Inspectors, Police Inspectors, Circle Police Inspectors works under the control of Deputy Superintendent of Police and exercises powers and performs duties conferred or imposed upon him as enumerated in Bombay Police Manual Volume III and under the Bombay Police Act, 1951. The Sub-Inspector, or the Inspector of Police is the head of the Police Station, he is the Police Station Officer and The Circle Police Inspector is the supervisory officer of two to three Police Stations controlled by Sub-Inspector of Police.

2.27(2) Sub-Divisional Police Officers.(Dy.S.P. & A.S.P.)—

The Assistant or Deputy Superintendent of Police in charge of a Sub-Division works under the Superintendent’s control and exercises powers and performs duties conferred or imposed upon him as enumerated in Bombay Police Manual Volume III and under the Bombay Police Act, 1951.

2.27(3) District Superintendent of Police.(S.P.)—

(1) Subject to the orders of the Director General of Police and the District Magistrate in their respective spheres of authority, the direction and regulation of the police throughout a district is vested in the Superintendent as the executive head of the force and he has full control over the internal administration of the force under him including arms, drill, exercise, prevention and investigation of crime, prosecution, discipline and other matters of executive detail.

(2) An Additional Superintendent of Police is in the same position as the Superintendent of Police in the area for which he is appointed and performs such duties and exercises such powers of the Superintendent as the State Government might have assigned to him.

2.27(4) District Magistrate.(D.M.)—

(1) A District Magistrate shall exercise full control over his District Police Force. In exercising his authority as such, the District Magistrate is subject to the rules and orders made by the State Government.

(2) In exercising his authority under section 17 of the Bombay Police Act, 1951 in respect of Assistant Public Prosecutors, the District Magistrate may make general orders subject to which in addition to the orders of the Director General of Police, the Superintendent of Police will direct the study by such officers of laws, orders and modes of proceedings; but the District Magistrate shall not make any orders as to the distribution or as to the performance of duties of such officers.

(3) If the District Magistrate considers that the Police Force required for a particular occasion is not available in the District, he can communicate with the Director General of Police, who will, as far as possible, comply with the District Magistrate's requisition. At the same time the District Magistrate will avoid, as far as possible, interference in matters of personal relations among members of the force and of disciplinary details.

(4) Superintendents of Police should inform the Director General immediately when they send men from their Districts to adjoining Districts at the instance of

District Magistrates or of Government, in cases where the Director General is not aware of such movements of the police.

(5) In order to keep in touch with the state of crime and the maintenance of peace and order in the District, the District Magistrate may call for reports generally or on specific occasions from the Superintendents of Police on various matters connected therewith, such as prevention of disorder, regulation of assemblies and places of amusement, the distribution of the Police Force, etc.

(6) If the District Magistrate finds that a particular officer is unsuited for a particular duty or locality, it is open to him to ask the Superintendent of Police to substitute another officer in his place. If the officer to be replaced is above the rank of an Inspector, the Director General of Police will, at the instance of the District Magistrate, make such orders as he deems suitable, due weight being given to the views of the District Magistrate.

(7) If the District Magistrate is not satisfied with some matters of police administration in his District he should first move the Director General of Police in the matter, endorsing a copy of the reference to Government, if considered necessary, by him. In case he considers the action taken by the Director General is inadequate or unsatisfactory he may then move the Government in the matter.

(8) The maintenance unimpaired of the responsibility of the District Magistrate for the peace and good order of his charge is of the utmost importance. All questions of policy and of the administration of the law within the District are for his decision, and his orders should as a rule, be accepted unhesitatingly. Should a Superintendent of Police demur to any order of the District Magistrate of which reconsideration has been refused, and should he consider the matter of sufficient importance to justify his action, the only course open to him is to address the District Magistrate and formally request him to refer the question to Government, who will decide such cases in consultation with the Director General of Police. When such a request is received by the District Magistrate, he should make a reference through the Director General of Police. In the meantime the orders of the District Magistrate must be promptly and fully carried out unless and until they are revised by Government. The District Magistrate shall not, however, interfere in questions of recruitment, internal economy and organization nor with the administrative, disciplinary or other details of the Force.

The District Magistrate when exercising his power of control shall also abstain from any action likely to weaken the authority of the Superintendent of Police or to deprive him of responsibility. For this purpose he shall avoid, as far as possible the issue of executive orders to the Police until he has consulted the Superintendent. The Director General will discourage any tendency on the part of his subordinates to approach him unnecessarily in matters in which the control properly vests in the District Magistrate.

(9) Whenever District Magistrate visit Divisional Head-Quarters for Co-ordination Meeting, they should take the opportunity of discussing general problems regarding law and order and crime with the Range Deputy Inspector General of Police. When the matter is of urgency and importance, they should arrange to meet the Deputy Inspector General individually.

2.27(5) Deputy Inspector General of Police.(D.I.G.)—

(1) The Deputy Inspector General of Police will perform such of the duties of the Inspector General of Police and will exercise such control as may from time to time be delegated to him either by Government or by the Director General of Police in respect of such powers as it may be within the latter's competence to delegate.

(2) The administration by the Superintendent which comes within the sphere of the Director General of Police shall also be subject to the control of the Deputy Inspector General of Police of the range concerned, so far as the latter officer has been empowered to exercise such control in respect of such matters.

(3) Whenever neglect or want of system or divergence from orders is observed, the Deputy Inspector General shall point out to the Superintendent of Police the proper method of conducting the duty and the latter, will carry out the instructions given, any difference of opinion being submitted to the Director General of Police subsequently.

(4) Deputy Inspector General when inspecting the police administration of a District should make a point of seeing the District Magistrate.

(5) A Deputy Inspector General may not issue any circular orders to, nor may he prescribe any returns or forms to be prepared by Superintendents of Police of the Districts in his range without the previous sanction of the Director General of Police.

2.27(6) Inspector General of Police (I.G.)—

The Inspector General of Police will perform such of the duties of the Deputy Inspector General of Police and will exercise such control as may from time to time be delegated to him either by Government or by the Director General of Police in respect of such powers as it may be within the latter's competence to delegate.

This post is created in Gujarat Police department for promotion purpose to Deputy Inspector General of Police. The duties of the I.G. is same as the duties of D.I.G.

2.27(7) Commissioner of Police.(C.P., D.C.P., A.C.P.)—

The Commissioner of Police, subject to the orders of the Director General of Police, shall, within his sphere of authority direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations distribution of duties, study of law, orders of modes of proceedings and all matters of executive detail or the fulfillment of their duties by Police Force under him.

2.27(8) Director General of Police. (D.G.P.)—

(1) The Director General of Police is the Head of all the Police Force in the State. He is the Head of the Police Department and the Adviser to Government on all questions of Police Administration. He is responsible for the internal economy, general training and discipline of the Police Force, and for its efficient organization as a means of preventing and checking crime and preserving law and order.

(2) All orders of Government in connection with the Police Force should, as a general rule, be issued through the Director General of Police. In any case where it may be necessary for Government to issue special orders to any part of the force, these also, as a general rule, should issue through the Director General of Police a copy of the same being sent to the District Magistrate concerned, when necessary. This sub-rule does not apply to general orders which are communicated simultaneously to all officers concerned.

(3) The general orders which the Director General of Police is empowered to make under Section 23 of the Bombay Police Act, 1951, need not in all cases be

submitted to Government for approval. But the Government expect the Director General of Police to submit for their previous approval any general orders involving radical and important changes which the Director General of Police may propose to issue under that section; otherwise all orders on matters of routine or of an unimportant nature may be issued by the Director General of Police without reference to Government.

(4) The Director General of Police has control over the Superintendent of Police in respect of his personal movements and duties subject to the provisions of Section 17 of the Bombay Police Act 1951.

CHAPTER-III

(3) CADRES OF POLICE FORCE:

The Government of India, Ministry of Personnel, Public Grievance and Pensions, Department of Personnel & Training, New Delhi, published their NOTIFICATION No. 11052/04/2010-AIS-II-A on 30th March 2010 as under :-

Prior to this notification the CADRE POSTS in Gujarat State Police Department were 85 only. After this notification the Senior Posts under the Gujarat Government extended to 107 which are as under:-

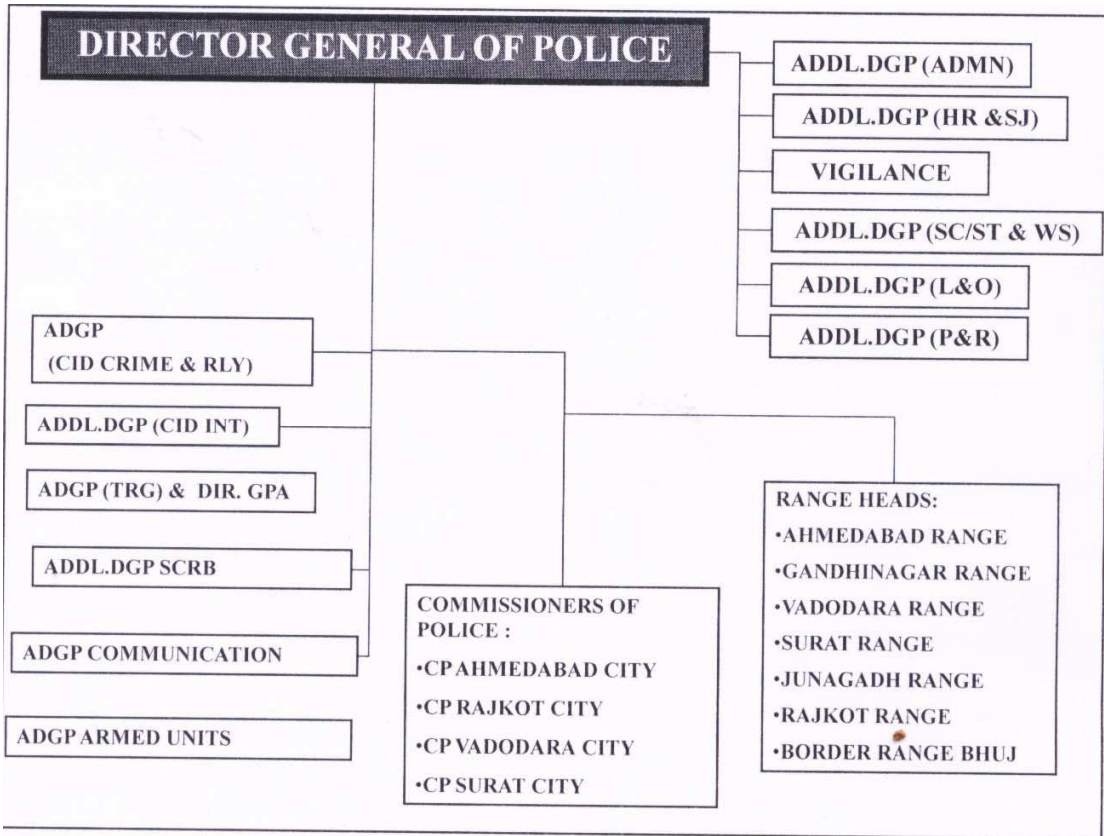
GUJARAT	107
1. Director General of Police, Gujarat.	1
2. Director General, Civil Defence & Home Guards.	1
3. Commissioner of Police, Ahmedabad City.	1
4. Addl. Director General of Police, CID, (Crime and Railways)	1
5. Addl. Director General of Police, Intelligence.	1
6. Addl. Director General of Police (Law & Order)	1
7. Addl. Director General of Police, Armed Police (Armed unit)	1
8. Addl. Director General of Police, Administration	1
9. Commissioner of Police, Surat City.	1
10. Commissioner of Police, Vadodara City.	1
11. Addl. Director General of Police & Director, State Police Academy, Karai, Gandhinagar.	1
12. Commissioner of Police, Rajkot City.	1
13. Joint Commissioner of Police (Crime), Ahmedabad City.	1
14. Inspector General of Police, Ahmedabad Range.	1
15. Inspector General of Police, Vadodara Range.	1
16. Inspector General of Police, Rajkot Range.	1
17. Inspector General of Police, Gandhinagar Range.	1
18. Inspector General of Police, Junagadh Range.	1
19. Inspector General of Police, Surat Range.	1
20. Inspector General of Police, Border Range, Bhuj.	1

21. Inspector General of Police, CID (IB)	1
22. Inspector General of Police, CID (Crime)	1
23. Inspector General of Police, Operation	1
24. Addl. Director, Anti Corruption Bureau.	1
25. Joint Director, Police Academy, Karai, Gandhinagar.	1
26. Joint Commissioner of Police, Sector-I, Ahmedabad City.	1
27. Joint Commissioner of Police, Sector-II, Ahmedabad City.	1
28. Joint Commissioner of Police, Headquarters, Ahmedabad City.	1
29. Joint Commissioner of Police, Traffic, Ahmedabad.	1
30. Joint Commissioner of Police, Sector-I, Surat City.	1
31. Joint Commissioner of Police, Sector-II, Surat City.	1
32. Inspector General of Police, Railways.	1
33. Deputy Inspector General of Police, Law and Order.	1
34. Deputy Inspector General of Police, Armed Police.	1
35. Deputy Inspector General of Police, Enquiries.	1
36. Deputy Inspector General of Police, Planning & Modernization.	1
37. Deputy Inspector General of Police, CID (Crime)	1
38. Deputy Inspector General of Police, Coastal Security.	1
39. Addl. Commissioner of Police, Administration, Traffic & Crime, Rajkot City.	1
40. Addl. Commissioner of Police, Crime & Traffic, Vadodara City.	1
41. Addl. Commissioner of Police, Administration, Ahmedabad City.	1
42. Addl. Commissioner of Police, Special Branch, Ahmedabad City.	1
43. Joint Director, Anti Corruption Bureau.	1
44. Principal, Police Training College, Vadodara.	1
45. Principal, Police Training College, Junagadh.	1
46. Principal, SRP Training Centre, CHOWKI, Dist.Junagadh.	1
47. Deputy Inspector General of Police, Women Cell, Gandhinagar.	1
48. Deputy Inspector General of Police, Intelligence, Gandhinagar.	2
49. Deputy Inspector General of Police, Armed Units, Rajkot.	1

50. Deputy Inspector General of Police, Armed Units, Vadodara.	1
51. Addl. Commissioner of Police, Traffic & Crime, Surat City.	1
52. Deputy Inspector General of Police, CID (Crime-IV), Gandhinagar.	1
53. Superintendent of Police, Ahmedabad Rural.	1
54. Superintendent of Police, Kheda.	1
55. Superintendent of Police, Anand.	1
56. Superintendent of Police, Sabarkantha, Himatnagar.	1
57. Superintendent of Police, Mehsana.	1
58. Superintendent of Police, Gandhinagar.	1
59. Superintendent of Police, Patan.	1
60. Superintendent of Police, Amreli.	1
61. Superintendent of Police, Bhavnagar.	1
62. Superintendent of Police, Junagadh.	1
63. Superintendent of Police, Porbandar.	1
64. Superintendent of Police, Jamnagar.	1
65. Superintendent of Police, Rajkot Rural.	1
66. Superintendent of Police, Surendranagar.	1
67. Superintendent of Police, Bharuch.	1
68. Superintendent of Police, Panchmahal-Godhra.	1
69. Superintendent of Police, Vadodara Rural.	1
70. Superintendent of Police, Valsad.	1
71. Superintendent of Police, Surat Rural.	1
72. Superintendent of Police, Banaskantha.	1
73. Superintendent of Police, Kutch.	1
74. Superintendent of Police, Narmada.	1
75. Superintendent of Police, Dahod.	1
76. Superintendent of Police, Navsari.	1
77. Superintendent of Police, Ahwa-Dangs.	1
78. Superintendent of Police, Tapi (Vyara) District.	1
79. Superintendent of Police, CID (Intelligence)	1
80. Superintendent of Police, CID (Crime)	1
81. Superintendent of Police, Western Railway, Vadodara.	1
82. Superintendent of Police, Economic Offences Cell.	1
83. Deputy Commissioner of Police, Zone-I, Ahmedabad City.	1

84. Deputy Commissioner of Police, Zone-II, Ahmedabad City.	1
85. Deputy Commissioner of Police, Zone-III, Ahmedabad City.	1
86. Deputy Commissioner of Police, Zone-IV, Ahmedabad City.	1
87. Deputy Commissioner of Police, Zone-V, Ahmedabad City.	1
88. Deputy Commissioner of Police, Zone-VI, Ahmedabad City.	1
89. Deputy Commissioner of Police, Traffic-I, Ahmedabad City.	1
90. Deputy Commissioner of Police, Zone-I, Surat City.	1
91. Deputy Commissioner of Police, Zone-II, Surat City.	1
92. Deputy Commissioner of Police, Zone-III, Surat City.	1
93. Deputy Commissioner of Police, Zone-IV, Surat City.	1
94. Deputy Commissioner of Police, Zone-I, Vadodara City.	1
95. Deputy Commissioner of Police, Zone-II, Vadodara City.	1
96. Deputy Commissioner of Police, Headquarter & Administration, Vadodara City.	1
97. Deputy Commissioner of Police, Rajkot City.	1
98. Superintendent of Police, CID (Cime), Gandhinagar.	1
99. Superintendent of Police, Operation, Gandhinagar.	1
100. Deputy Commissioner of Police, Crime, Ahmedabad City.	1
101. Deputy Commissioner of Police, Control Room, Ahmedabad City.	1
102. Superintendent of Police, Vigilance Squad, DGP Office, Gandhinagar.	1
103. Superintendent of Police, Intelligence, Gandhinagar.	1
104. Superintendent of Police, Intelligence, Vadodara.	1
105. Superintendent of Police, Intelligence, Surat.	1
106. Superintendent of Police, CM & VIP Security, Gandhinagar.	1
Total:	107.

Except above Senior Posts there are posts of A.S.P. and Dy.S.P. in Sub-division, P.I. or P.S.I. in Police Station, and Constables and Head Constables in Police Force.



CHAPTER-IV

(4) RECRUITMENT :

The role of the police is becoming more and more complex in the new social context. The police have now to be more than ever conscious of their role in safeguarding and fostering the processes of socio-economic growth and development and ensuring social justice. Linked with this is their responsibility for preserving the democratic order of society and upholding the Constitutional provisions, particularly with regard to equality before the law. Changes in values and social norms in this restless and turbulent age and challenges to established authority have made the task of the police delicate and exacting. Communal violence poses a serious problem for the police who are committed to maintaining and enforcing the secular concept of the Constitution. The growth of political extremism, a variety of social, political, economic, regional and linguistic tensions, and a rate of violent and heinous crime outpacing the rate of population growth due to industrialization, rapid urbanization and other economic factors have brought about a qualitative change in the nature and degree of the responsibility of the police in India. The induction of liberal principles of social defence into various aspects of law enforcement, the progress of science and technology and a very large number of social and other enactments have added to the volume and complexity of police work. At the same time, new techniques and devices are becoming available to an increasing extent to assist the police in the performance of their onerous tasks.

Of all the public services, the police alone can exercise direct coercive influence on the individual citizen. They have also been given discretion in order that they can be effective and responsive to the needs of the public. Their role calls upon them to make quick, perceptive judgments in the thick of conflict and in the glare of public scrutiny and errors of judgment on their part can cause irreparable harm. Law enforcement involves constant interaction with human beings. Human nature itself is very complex and has no set pattern. Policing in a modern society, therefore, calls for a deep insight into human behavior and a pragmatic approach.

These considerations call for persons of exceptional ability, intelligence and alertness and a high level of physical courage and stamina. Besides, they should be honest and impartial and men of character. We must also recognize the fact that the quality of the police officers recruited in the coming years will affect the standards of

performance of the force for at least the next quarter of a century and will provide the leadership which will face the challenges not only of today but also of the next two or three decades. The importance of sound recruitment procedures is, therefore, crucial.

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-emphasized.

4.1 PRE-ENTRY ORIENTATION

Like any other profession, the police also require personnel who have an aptitude for or interest in police work. In order to create this interest among the youth, it might be useful to expose them to police work during their school/college education and to extend the study of criminology in the universities.

Direct recruitment is made in the police at the levels of the Constables, the Sub-Inspectors, the Deputy Superintendent and the Assistant Superintendent.

There are three Cadres in Police force which are directly recruited by the State Government.

Police Constable, the recruitment of this cadre is by District or range level. They are appointed by the District Supdt. of Police or sometimes Inspector-General of Police of concerned range, or by Commissioner of Police. Now-a-days Gujarat Govt. has established recruitment board for Recruitment of Constables under the leadership of Addl. Director General of Police and recruitment is made by the Addl. Director General of Police Administration, Gujarat State.

Police Sub-Inspectors: According S.5 of the B.P.Act, the State Govt. appoints the P.S.I.'s by G.P.S.C. or by committee or board. The last recruitment was made by the selection board established under the leadership of Addl. Director General of Police.

Dy.S.P. The selection of this cadre have been made thro' G.P.S.C. only and after that G.A.D. appoints them in their cadre.

A.S.P. (IPS) : they are recruited thro' U.P.S.C. by Central Govt.

Supreme Court has ordered to separate the investigation wing and law and order wing. But Gujarat State has not followed the order or guideline of Hon. Supreme Court. If there is a separate investigation wing then at the time of appointment Science students can be considered for recruitment in Police force for investigation purpose because in investigation Medical and Forensic Evidence requires much importance.

Gujarat Government has started Raksha Shakti University in Ahmedabad and introduced Diploma Course but it is of very lower level and only for constables. Gujarat Government should start these courses for Class I, II, III posts as Pre-orientation.

Village Police: Before 30 years ago there was a police force named Village Police for the maintenance of Law & Order in the villages. As per village police act, 1867 S.5 the District Magistrate has powers for appointment of Village Police and Police Patel. They are performing their duties according the rules framed by the State Govt. They were honorary officers and there was provision to pay the honorarium. They were helping officers of Regular Police Force.

Railway Police: There is a provision to recruit Police Constables in Railway Police. The Supdt. Of Rly. Police, Baroda is the appointing authority for the recruitment of constables. But the P.S.I., P.I., DY.S.P. And S.P.'s are appointed by the State Govt. and they are on loan service from the state police force. There is a provision of mutual transfer, or regular transfer between State Police and Rly. Police.

4.2 RECRUITMENT, APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY.

SECTION-I. CLASSIFICATION AND GENERAL PRINCIPLES FOR RECRUITMENT.

(1) Division of Police Establishment under different Services: --

The personnel of the Police Department come under the different services as shown below:--

1. All India Service.—Members of the Indian Police and Indian Police Service.

2. (a) Gujarat State Police Service.—Superintendents of Police and Commandants of State Reserve Police Force Groups non-Cadre Officers (holding cadre or non-cadre posts), Assistant Commandants of the State Reserve Police Force, Deputy Superintendents of Police in the mofussil, Superintendents in the Commissionerate and Inspectors of Police.

(b) Gujarat State Police Service (technical executive).—Superintendent of Police, Wireless, Deputy Superintendent of Police, Wireless, and Deputy Superintendent of Police, Motor Transport.

(c) General State Service—Deputy Assistants to the Inspector General of Police; Office Superintendents to the Inspector General of Police; Director, Finger Print Bureau (Group I) and Assistant Public Prosecutors.

3. Class III Service.—Sub-Inspectors of Police, Head Constables, Police Constables, Subordinate ministerial staff, Director, Finger Print Bureau (Group II).

4. Class IV Service.—Peons and other miscellaneous servants.

(2) General Principles Regarding Recruitment.—(1) Recruitment rules for the several posts in the Police Department are detailed in the subsequent rules. All the appointing authorities should pay adequate attention to the various recruitment rules while making appointments. No person shall be appointed to any service or post unless he possesses prescribed qualifications, relating to the recruitment to such service or post.

(2) If a person is appointed to a particular post in relaxation of prescribed qualifications on the ground that suitable candidates possessing those qualifications were not available and if such person applies for another post on the strength of relaxation within a short time, the Head of the Department or office should withhold the application of such person. It is not intended that he should be permanently debarred from applying for other posts, but the intention is that he should not be allowed to apply for other posts within about one or two years of his appointment. This will not apply to persons who have been appointed in relaxation of the prescribed age limit on the ground that they possess superior qualifications and/or experience,

but apply only to those persons who are appointed in relaxation of the prescribed age limit or educational qualification on the ground of non-availability of suitable candidates possessing the prescribed qualifications.

(3) The recruitment shall be made in accordance with the principles mentioned in the Gujarat Civil Service Classification and Recruitment (General) Rules, 1967, as amended from time to time.

(4) With a view to ensuring that young men in Educational Institutions are attracted to the Home Guards in large numbers, Government has decided that, other qualifications being equal, regular members of the Home Guards who have completed their training should be given preference vis-a-vis others in recruitment to posts in the Police service in localities where there are Home Guard Units, and that membership of the Home Guards should be regarded as an additional qualification for recruitment to all posts in Government services.

(5) The use of caste nomenclature in the application form prescribed for applying for different posts in the State Government is stopped and where special reservation have been made according to the Constitution of India, such persons should be requested to give special certificate along with their applications in the prescribed form.

(3) Recruitment of Backward Classes.—

(1) (a) Out of the vacancies occurring in the Police Department, which are filled up by direct recruitment, a minimum percentage of such vacancies as prescribed by Government from time to time, should be reserved for members of the Scheduled Castes and Scheduled Tribes for the purpose of recruitment.

(b) If at the time of recruitment sufficient number of candidates are not available according to the prescribed percentage of reservation, for either members of scheduled castes or scheduled tribes these reserved posts will be carried forward and filled in accordance with the Government Orders.

(2) In order to ensure that the minimum percentage of vacancies prescribed for Backward Class candidates are kept up in Class III and Class IV services all appointing authorities should obtain from different sources lists of suitable Backward Class candidates at the time of filling up the vacancies in Class III and Class IV service.¹

SECTION II—RECRUITMENT RULES.

A) Officers for the Indian Police Service.—

(1) Under Article 309 of the Constitution of India, the President of India or such other person as he may direct, has been vested with the power to recruit officers for the Indian Police Service. Appointment to the said service may be direct by competitive examination or by promotion from the State Police Service cadre. Detailed particulars regulating recruitment, constitution of cadre, etc. can be found in the Indian Police Service (recruitment) Rules, 1954, Indian Police Service (appointment by promotion) Regulations, 1955, and Indian Police Service (appointment by competitive examinations) Regulations, 1955, Indian Police Service (Special Recruitment) Regulations, 1957 and Indian Police Service (Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Regulations, 1966, vide All India Services Manual issued by the Government of India, Ministry of Home Affairs.

(2) All rules applicable to Indian Police Service officers are published in the hand book of Rules and Regulations for the All India Services Manual issued by the Government of India, Ministry of Home Affairs.

After appointment as I.P.S. they have to undergo training for ONE YEAR at Sardar Vallabhbhai Patel National Police Academy, Hyderabad for training of ONE YEAR. Then after they are assigned the different states by the Central Government with the consultation of State Government.

1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India. P.22 to 25.

In the field job they have to work as an **ADDITIONAL SUPDT. OF POLICE** for one year and then after they are appointed as **SUPDT. OF POLICE IN ANY DISTRICT**.

After appointment in Gujarat State as **I.P.S.OFFICER** he has to undergo training for State Laws, State Police Rules etc. for at least **ONE MONTH**. During this training they have to study particularly Bombay Police Act, Bombay Prohibition Act, Prevention of Gambling Act, **PASA** etc. most important state laws. They are district officers and it becomes very necessary for them to be familiar with state laws. They have to keep close contacts with other departments of State and Union in the State. One month training in Gujarat Police Academy Karai becomes more important for them to become familiar with State administration. This experience becomes useful to them at the time of working as Supdt. Of Police of the District.

Superintendent of Police Wireless:-

Appointment to the post of Superintendent of Police Wireless, State of Gujarat, shall be made either by promotion of a suitable officer from the Gujarat Police Force or by nomination.

B) RECRUITMENT OF Dy.S.P., RELATIVE SENIORITY OF AN ASSISTANT AND A DEPUTY SUPERINTENDENT OF POLICE FOR THE PURPOSES OF COMMAND.—

When an Assistant and a Deputy Superintendent of Police are both attached to a district, their comparative rank of seniority for the purposes of Command, in the temporary absence of the Superintendent of Police either away from the district, or from Head-quarters when on tour, etc. should be determined as follows:-

- (i) If both or neither has been confirmed in their or his appointment, the Assistant Superintendent of Police should be considered superior in rank to the Deputy Superintendent of Police irrespective of the dates of their appointments.
- (ii) If one officer has been confirmed and the other has not, the former should be considered superior in rank to the latter, irrespective of the service to which he may belong.

(iii) The post of Deputy Superintendent of Police shall be filled up by Gujarat Public Service Commission only.

An appointment to any serviced or post, included in the State Service, shall be made by the State Government or by an authority duly empowered in that behalf by the State Government either-

On the result of the competitive examination held for the purpose, or

By direct selection, or

By promotion, or

By transfer,

From amongst the persons satisfying the conditions prescribed in the Gujarat Civil Services Classification and Recruitment (General) Rules, 1967, and other rules, if any, relating to the recruitment to such service or post.

Every such appointment shall be made after consultation with the Gujarat Public Service Commission, unless under a regulation made under proviso to clause (3) of Article 320 of the Constitution of India, such consultation is not necessary/

After selection of Deputy Superintendent of Police by the Gujarat State Public Service Commission, the State Government after completing all the legal formalities recruit them as a Dy.S.P. Class-I post and they have to undergo training for at least ONE YEAR at Gujarat Police Academy, KARAI for Indoor as well as Outdoor training. After training of One Year they have to success in the final examination held by the training institute. Then after they have to join field duties in Police Force. They have to work from lower level, i.e. duty with head-constable, Police Sub-Inspector and Police Inspector. Then after they have to work with Sub-division Office of Police department and than they can take charge in the individual capacity in the department as Deputy Supdt. Of Police in Sub-divisional Police Office.

C) POLICE INSPECTORS, WIRELESS.—

(1) Appointment to the post of Inspector of Police (Wireless Section) shall be made by promotion of suitable officer on the select list prepared for this purpose or by nomination.

(2) To be eligible for appointment by nomination a candidate must,--

(i) Be not less than 21 years and; unless already in the service of the Government of Gujarat, be not more than 35 years of age;

(ii) (a) hold a degree in science with physics as one of the subjects and must have successfully completed postgraduate course in Radio Engineering, or possess other additional qualifications in Radio Engineering or (b) hold a degree in Telecommunication or Radio Engineering of a recognized University or an equivalent qualification ;

(iii) Possess certificate of competency for Wireless Operators issued by Government of India or an equivalent qualification;

(iv) Possess experience for not less than three years in the maintenance of wireless equipment;

(v) Have a minimum height of 168 centimeters and a minimum chest of 79 centimeters deflated:

Provided that the educational qualifications may be relaxed in the case of candidates who have served in Defence Department and possess First or Second class Army Education Certificate or are able to read and write English with facility and are also able to read sketches and blue prints and are otherwise qualified for the post :

Provided further that the upper age limit may be relaxed in the case of candidates with exceptionally good qualifications and/or experience.

(3) A candidate appointed by nomination will be on probation for a period of two years and will be required to pass such departmental and/or language examinations as may be prescribed by Government.

(4) Appointments by promotion will be made by the Director General of Police by selection in accordance with the principles and procedure prescribed by the rules.

(5) Confirmation.—Officers appointed as Inspectors will, if found fit, be confirmed by the Inspector General of Police.

(6) Seniority.—Seniority will ordinarily be determined by the dates of continuous appointment as such subject to the condition that fortuitous, local and temporary appointments do not entitle a person to gain any seniority. A gradation list for the whole State showing the seniority will be prepared by the Director General of Police and published every six months in the Police Gazette.

D) ARMED POLICE INSPECTORS.—

(1) Appointment of Police Inspectors (Armed) shall be made either:--

(i) By promotion of meritorious officers from the lower ranks of the Police Force in order of merit on Select List; or

(ii) By direct recruitment, in exceptional cases when suitable candidates in the Department are not available for promotion.

(2) To be eligible for appointment as Inspectors in the Armed Branch by direct recruitment candidates must possess the minimum qualifications, height, weight, etc. as prescribed by rules.¹

E) UNARMED POLICE SUB-INSPECTORS.—

The recruitment of Police Sub-Inspector arranged by the Selection Committee of the State Police Authority. Earlier they were appointed through “Gujarat Gaun Seva Pasandagi Mandal”. Recently within three years 1000 or more Police Sub-Inspectors have been selected in Gujarat Police Force and they are selected by the Board.

The Minimum qualification for the post of P.S.I. is Graduation. Physical skill and height are also compulsory like constables. After selection and all the formalities of recruitment they have to undergo training for at least 1 year to Gujarat Police Academy and Police Training College, Junagadh for their Basic training of Indoor as well as outdoor training. After completion the training they have to pass the examination in the training institute successfully. Then after they can go and work in the field.

1. Gujarat Police Manual Part-I Chapter II.

(1) Sub-Inspectors are recruited direct by competitive examination and by promotion of officers from the lower ranks. 50 per cent of the appointments on the sanctioned cadre of Sub-Inspectors are filled by direct recruitment. Half of the remaining 50 percent posts are filled by promotion of officers from the lower ranks and the other half by promotion of Head Constables on passing the Sub-Inspectors' course at the Police Training School/College.

(2) The selection of candidates for direct recruitment of Sub-Inspectors is made by a selection committee consisting of the following officers, viz.:-

- (1) The Director General of Police,
- (2) The Director of the Anti-Corruption Bureau.
- (3) The Commissioner of Police, Ahmedabad.
- (4) The Senior most Deputy Inspector General of Police.
- (5) The Principal, Police Training College, Junagadh or a Joint Director, Gujarat Police Academy, KARAI (Gandhinagar).

(3) The method of applying for selection is notified in the Gujarat Government Gazette, the Gujarat Police Gazette, and in important news-papers well in advance of each selection.

(4) The power to appoint Sub-Inspectors from amongst candidates selected by the Selection Committee has been delegated to the Deputy Inspector General of Police under Article 309 of the Constitution of India.

(5) For probation and confirmation of Sub-Inspectors recruited direct and Head Constables put through the Sub-Inspectors' course at the Police Training College. Head Constables promoted without taking such a course are appointed substantively after they have been tried sufficiently long in an officiating capacity and are, therefore, appointed without any period of probation.

(6) The Seniority of Sub-Inspectors recruited direct and Head Constables passing the Sub-Inspectors course is determined by the order of merit in which they pass out from the Police Training College. Head Constables promoted without taking such a course are, on confirmation placed below those Sub-Inspectors who were confirmed

on the same or earlier date. A Sub-Inspector student who has failed in his Final Examination at the Police Training College and is given an extension will, provided he passes at the next examination, be held to have passed out of the Police Training College, below all who joined after him but passed the Final Examination at the same examination. In cases where the probationary period is extended, the position of the officer concerned on the gradation list of Sub-Inspectors will be below that of any Sub-Inspector who passed out at the same time as himself. In cases where probationary period is extended for any reasons including leave or sickness, the position of the officer concerned on the gradation list of Sub-Inspectors should be determined by the order of merit in which they pass out from the Police Training College.¹

(7) A gradation list showing the seniority of all Sub-Inspectors in his range is prepared and published in the Gujarat Police Gazette by each Range Deputy Inspector General every six months.

F) RECRUITMENT OF CONSTABLES:

A constable is not empowered to investigate offences but being a police officer, he can make an arrest without a warrant u/s. 41 Cr.P.C. He can seize any property suspected to be stolen u/s. 102 Cr.P.C. Some other duties which Constables attached to a police station are required to perform may be briefly stated as follows:-

Patrolling beat duty (picket duty, nakabandi), watching and shadowing suspects, undercover operations, collection of intelligence in relation to crime and criminals, specific enquiries such as ascertaining the whereabouts or occupation of persons under surveillance or relating to particular bad characters and suspicious persons and traffic duty.

Assisting an investigating officer in making searches, seizures and arrests and conducting raids, serving summons and executing warrants, escorting arrested persons, and preserving scenes of crime.

1. Gujarat Police Manual Part-I Rule-61(10) and 63(3).

Attending bazaars, fairs, festivals, etc., for the purposes of maintaining order, performing V.I.P., and other security duties and handling mobs.

Maintenance of police station records.

It is obvious that a Constable's duties are not limited to mechanical tasks, but include duties which have to be performed with understanding, tact, sympathy and firmness. He has, at times, to deal with situations by himself until the arrival of superior officers, apprise and report incidents to his superiors, deal with juvenile offenders and victims of social crimes and protect the rights of the non-affluent sections of society. With the introduction of Panchayati Raj, he has to deal with elected representatives of the people, village headmen and other officials appointed by the Government at the village level.

The importance of the constabulary lies in the fact that they constitute the major part of the force, are the first to come into contact with the general public and the impressions of the people regarding the conduct of the constabulary contribute greatly to the image of the police.

EDUCATIONAL QUALIFICATION:

The educational standards prescribed at present vary from bare literacy to the High School or an equivalent examination.

The educational qualification prescribed, at present, for recruitment to the armed police is Matriculation. The duties of Constables in the armed police also involve contacts with the public e.g. during law and order arrangements, fairs and festivals, elections, VIP duties etc., and extend to dealing with extremists and dacoits. Therefore, armed policemen should not only be tough, but also intelligent and should have the capacity to discriminate between situations.

PHYSICAL QUALIFICATION OF CONSTABLES:

A policeman performing law enforcement functions works among the people all the time, especially while maintaining order. His build and appearance have, therefore, a direct impact on his effectiveness. A policeman standing in a crowd has a better view if he is taller than the average citizen. He is also likely, in that case, to be

more effective. A minimum height of 165 to 170 cms. was recommended by the Police commission.

The deflated chest measurement varies from 32” in the state. The minimum chest measurement recommended by the Police commissions varies from 30” to 32” as per recruitment basis.

PHYSICAL EFFICIENTY TESTS:

The aim should be to provide physical efficiency tests which are easy to administer to large numbers of candidates and which do not require specialized equipment or previous specialized training.

Selection Procedure:

Constables are recruited at present on a district/battalion basis or Range level or Recruitment Board of State Level.

Recently 8400 Constables now known as Lok Rakshak Dal has been selected by the Recruitment Board of Police Department and they have undergone training for atleast 8 months.

Constable is a Backbone in Police Force. Their strength is very large in comparison with Officers Cadre. He is the person to come into direct contact to the victim people. So his job is very much important.

CHAPTER-V

(5) TRAINING OF POLICE FORCE:

5.1 INTRODUCTION:

Training is a conscious effort to impart, improve or increase knowledge and skills and to develop attitudes and values of an individual in a desired direction. It is thus, a process of developing a person's effectiveness through carefully selected methods by competent trainers in a suitable learning climate. It should be directed not only towards preparing him for the efficient and effective performance of his duties in the assigned job, but also towards developing his capacity for greater responsibilities and, where appropriate, fitting him for other duties.

Traditionally, a great deal of emphasis has been laid on the inculcation of knowledge and professional skill as the twin objectives of training. While these two are important, they do not make training complete and there is a third one that needs to be recognized. This is the objective of developing in the trainees appropriate attitudes of mind towards their work and the people they come into contact with in the discharge of their duties. This third objective requires that training should relate not only to the cognitive and the co native abilities of an individual but also to his effective responses. Training should aim at developing a trainee's total personality for the effective performance of his task.

The need for the training of police personnel has been recognized but developments during the recent past have underlined particularly the urgency of inculcating in them attitudes appropriate to their profession. The rapidly increasing political consciousness among the people and their rising expectations and the accelerating rate of change in our society have resulted in an increase in the complexity and variety of the tasks and responsibilities undertaken by Government. The technological explosion has raised standards of living, increased the life span and the pace and speed of communications and thus led to problems of social and economic adjustment. The rate of change has increased to the point where the process of assimilating the implications must be accomplished in an incredibly short time, and the individual is faced with major changes in his thinking and his attitudes not once but perhaps more than once during his life time. This, coupled with the increasing size and complexity of the administration, calls for a new type of leadership.

In-service training affords an opportunity to an individual to spend some time in retrospection and study, to keep abreast of the most recent developments in matters relating to his profession in a changing world and to share his experiences with his colleagues. It also helps him to develop a broader and more understanding outlook towards his own work and that of his colleagues and to attain a higher standard of performance and efficiency.□

Training has been described as a conscious effort to improve and increase knowledge, skill and aptitude of an individual in a desired direction. The object of training is not only to develop the professional skill of an individual for the performance of duties in the assigned job, but also to improve his capacity for shouldering greater responsibilities. There is paramount need and importance of training at different levels in the police organization for improving the quality of the police service.

The need for systematic training is now recognized by every major police force in the world, and not one of them is without its training schools and colleges. The best extensive arrangements to meet the need are found in England, the United States, France, Canada, Germany, Australia and Japan. The training of policeman at all stages is now receiving increasing attention in all countries. It has, in fact, become a subject of high importance, not only for police authorities, but for governments also. How thoroughly and for how long a recruit should be trained before being let loose on the public has been a difficult question to settle.

The committee on Police Training set up by the Government of India under the Chairmanship of M.S.Gore (1971) reviewed the existing training facilities in different police training institutions and came to the conclusion that police training has been neglected over the years and training arrangements, except in some Central Organizations, are unsatisfactory qualitatively as well as quantitatively. According to the Committee the most important reason for this unhappy situation, is the lack of conviction about the value of training on the part of police authorities as well as by the government at the Centre and in States.

It is important to understand what the purpose of police training should be. There are three objectives; to teach the recruit the legal, technical and practical sides of police work, to encourage personal qualities which go to make a good policeman

and to give the recruit a frame or reference in which to fit his career as a policeman. What should the personal qualities of a good policeman be? The most important qualities which a policeman needs are tact; a wide knowledge of human nature; a cool and unprejudiced mind; courage, incorruptibility, keen observation, ready to act on his own initiative. Given adequate knowledge of the practical side of his policeman will be able to discharge his duties fairly well to his own satisfaction as well as to the satisfaction of the public he serves.

For training purpose The Government of India constituted a Committee and they have submitted the report to the Union Government. The committee was as under:-

The Government of India constituted the following Committee, under the Ministry of Home Affairs Resolution No. 9/72/71-Pers.II dated the 10th November, 1971.

Hony. Chairman: Prof. M.S.GORE.

Permanent Vice-Chairman: Shri M.M.L. Hooja.

Hony. Members:-

- 1. Shri G. Parthasarathi, Vice-Chancellor, Jawaharlal Nehru University, New Delhi.**
- 2. Shri B. B. Lall, Advocate, Supreme Court, New Delhi.**
- 3. Prof. N.S. Ramaswamy, Director, National Institute for Training in Industrial Engineering, Bombay.**
- 4. Shri Asoka Sen, Joint Secretary, Ministry of Home Affairs, New Delhi.**
- 5. Shri K.F.Rustamji, Director-General, Border Security Force, New Delhi.**
- 6. Shri A.K.Ghosh, Director Enforcement, and Director-General of Revenue Intelligence and Investigation, New Delhi.**
- 7. Shri R. Srinivasan, Deputy Commissioner, Delhi.**
- 8. Shri M. Gopalan, I.G.P. Kerala.**
- 9. Shri N.S.Saksena, Ex-I.G.P. Uttar Pradesh.**

Hony. Member-Secretary:

Dr. A. Gupta, Director, Bureau of Police Research & Development, New Delhi.

Terms of Reference.

The terms of reference of the Committee are as follows:

- (1) The objectives which should govern all arrangements for the training of Police Officers in the socio-economic background of the country and our value systems and the continuing impact of science and technology not only on social norms and behavior but also on the methodology of Government and its functionaries;
- (2) Basic short-comings in the arrangement for training of Police Officers under the Centre and in the States;
- (3) Measures to be taken to bring about the desired improvement in the existing state of affairs and in particular in respect of the following points:--
 - (a) Whether it is necessary to set up any more institutions for this purpose either under the Centre or in the States;
 - (b) Whether it is necessary to start any new refresher/specialist courses for any one or more categories of Police Officers.
 - (c) In what manner the curricula of the existing courses may be revised.
 - (d) What modern aids to and methods of instruction can be usefully employed in the training of Police Officers.
 - (e) What steps are necessary to improve the quality of instructors in Police Training Institutions;
 - (f) What means are necessary to produce the educative literature that is necessary for this purpose; and
 - (g) Improvement in the relations between the police force and the public based on mutual trust, confidence and co-operation.
- (4) Educational and other qualifications prescribed for and methods of recruitment of Police officers of various ranks so that they may be able to benefit from improvement of training arrangements.
- (5) Any other matter considered relevant to this subject.¹

1.Report of the Committee on Police Training Chapter-I, p.1-3.

5.2 REPORT OF THE GORE COMMITTEE:

The Gore Committee in a very able report made a compact set of recommendations for improving the training format and syllabi of the various ranks of the police hierarchy. The committee also made well-thought-out recommendations on other complementary factors like existing personnel, organization of training, instructional methods and the instructional staff, etc. In this report an attempt is being made to review the existing training arrangements of the Sub-Inspectors and Constables who constitute the cutting edge of the police administration, and to suggest some suitable improvements and modifications.

5.3 Constables' Training as per report of Gore Committee:

Constables' Training as per Report:

Constables who constitute about eighty per cent of the total police force of the country are the most frequently visible police officers and generally the first to come in contact with the people. Members of the public form their impression of the police by the manner in which a street constable performs his duties. It is said that the British Police is popular not because the Commissioner of Police is capable and the detectives are efficient, but the constables on patrol duty are alert, active and competent and know their legal and constitutional position in society. Unfortunately in our country majority of the constables are illiterates. They constitute, as William H. Parker, an American Police Expert, put it "the Achilles' heel" of the police administration. A sample survey of the work currently done by the constables in a few States has shown that 49 per cent of their time is spent on duties which require initiative, exercise of discretion and judgment and also inter-action with the public; 37 per cent of time is spent on duties which are of similar nature but do not involve inter-action with the public and only 14 per cent on duties which are mostly mechanical in nature. The Gore committee had recommended High School examination or its equivalent as the minimum educational qualifications for recruitment of the constables both in the armed and unarmed branches. The Gore Committee's recommendation on the educational qualifications of the constables is now being accepted in most of the States of the country.

5.4 Training of the Sub-Inspectors recommended by Committee:

Like the training of the constabulary proper training of the Sub-Inspectors also is of great importance because the Sub-Inspector of Police occupies a pivotal position in the police organization. As the Officer-in-charge of the police station, he is the kingpin of all police action, preventive, detective and regulatory in his own jurisdiction. The work of a Sub-Inspector of Police is difficult and daunting and demands from the officer physical courage and stamina as well as a high degree of mental alertness. Very often in tense and fast-moving situations he has to take quick and on-the-spot decisions. In the words of Warren E. Burger, Chief Justice of the American Supreme Court, "Law Officers on the firing line often have only minutes, even seconds to make decisions that perplex experienced judges for weeks... Training of the Sub-Inspectors of Police must be intensive and thorough. The old view that in the police profession requisite experience could be gained by merely being on the job is not only fallacious but dangerous because failure of an officer to display correct initiative and discretion at a crucial stage can have far-reaching consequences.

During the cadet Sub-Inspectors should be taught the techniques of thorough and systematic investigation of cases with the assistance of scientific aids so that they develop a genuine faith in the application of scientific aids and abhorrence for extra-legal methods. Though it is gratifying to note that young officers are seeking the help of the scientific experts in an ever-increasing number of cases, some still resort to rough-and-ready methods. There are instances of young probationary S.Is. at the prodding of veteran Office-in-charge taking part in worst form of third degree methods, resulting in the death of the suspects at police stations.

In the matter of recruitment of Sub-Inspectors most of the States have accepted the recommendation of the Gore Committee that a graduate degree should be the minimum educational qualification for recruitment in the rank of Sub-Inspector in both the armed and unarmed branches of the police.

5.5 Police Instructors as per report of the Committee:

In States, the quality of instructors posted to the training centre's, by a large, is extremely poor. They have become the dumping grounds of unwilling, unteachable

and even corrupt officers. In some places, they do not get any special allowance and suffer from acute accommodation problems.

Since the success of a training centre depends almost entirely on the quality of the instructors, well-qualified in the art of teaching and motivated police officers should be posted to training centres. Before posting they should be given a potential instructor's course at the National Police Academy before they begin instructing the recruits.

Gore Committee has put it, "a ritual where unwilling and ill-equipped instructors are performing the rites of training and drilling to the unwilling trainees". No worth-while improvement in the training of the officers will be possible and training will continue to be a ritual unless capable and conscientious officers are brought in the training institutions.

5.6 Practical Training as per report of the Committee:

On completion of their basic training in the Police Training College) the duration of the training is one year in the majority of the States) the Sub-Inspectors are attached for practical training in policed stations and the offices of the Circle Inspectors that during this phase many young officers degenerate and are gradually sucked into the vortex of the Police Sub-Culture. They are advised by the police veterans to come to grips with brass tacks and follow questionable practices like keeping previous figures in view in registering cases, staging bogus encounters in dacoity infested areas, catching hold of eye-witnesses who were nowhere near the scene of crime, etc. if they want to succeed on the job. To stem this rot it is imperative for the Superintendents and Deputy Inspector-General of Police to ensure that the young probationary Sub-Inspectors (P.S.I.) are posted during this period under competent and carefully selected Sub-Inspectors and Inspectors. Those officers who take keen interest in imparting good training to the P.S.Is. Should be given proper recognition and credit. The Range Deputy Inspector General (D.I.G.) should carefully monitor the practical training programmes of the probationary Sub-Inspectors and ensure through personal meetings that the field training of the P.S.Is. Is not neglected. The range D.I.G. must meet the P.S.Is. Once in two months to test their knowledge, make enquiries relating to their personal problems and offer

necessary guidance. On such problem is the tendency of the Inspectors to use the P.S.Is frequently on law and order duties to the detriment of their training.

The basic training usually prepared an officer for the first few years of his service, but the policeman works in a changing society and to quote the words of the Royal Commission on the Police “there is nothing constant about the range and variety of police duties just as there is noting constant about the pattern of crime or the hidden trends in society that dispose men to crime.” It is seen that field officers on completion of six to eight years of service tend to get narrow and cynical and require a break from departmental routine and an opportunity of reflection and readjustment of values. Refresher courses for six to eight weeks duration should be held in Police Training Colleges for S.Is. Who have completed seven to ten years of service? In the refresher courses the field officers should be acquainted with new Court rulings, new legislation and new techniques of crime investigation and the paramount need for obtaining people’s co-operation in dealing with police problems.

5.7 Training in Stress Management:

The police officers in the field require another kind of training—training in stress management. It is noticed that many police officers, particularly those operating at the police station level, are not able to cope with the tremendous stress and strain and hectic pace of the police work. The stressful nature of the police work shatteringly affects the health and family lives of many officers and encourages alcoholism among them. Scores of police officers in their forties suffer from cardiac and other nervous ailments. It is necessary to impart some sort of training to our officers to familiarize them with the problems of job-related stress and techniques of stress-management.

Thus for effecting any real improvement in the police work on the ground there should be utmost stress on the training of the police personnel, particularly of the ranks which come frequently in contact with the public. However, the cardinal fact has to be borne in mind by the senior police administrators that training is an essential input, but not the only input for improving and optimizing work-performance and effecting attitudinal transformation of the officers and men. Training can be effective provided the organization has faith in it and the

organizational climate encourage the observance of precepts taught during the training. Big responsibility rests on the senior officers to build up the congenial organizational, climate.

5.8 Training Centers:

There is a central training institution known as the National Police Academy located at Hyderabad. It functions under the control of the Central Government, Ministry of Home Affairs, and Government of India. Here Indian Police Service (IPS) officers receive their initial training and advance courses. In States, there are police training colleges for officer's class and schools for the training of constabulary. In addition, there are Central detective training schools located at Calcutta, Hyderabad and Chandigarh under the control of the Bureau of Police Research and Development (BPR & D), Ministry of Home Affairs, Government of India for the training of Sub-Inspectors who come here, periodically, from all States and Union Territories.

5.9 Recruitment as per report of the Committee:

All posts from the Director General to the Assistant Superintendent of Police are held by the Indian Police Service Officers (IPS). Recruitment in the Indian Police Service (IPS) is done through the Union Public Service Commission (UPSC) and appointments regulated according to the available vacancies in the State Police Cadres and Central Police Organizations. Examinations to the IPS are held annually on all-India basis and regulated under the provisions of the All India Services Act of 1951 (Act LXI of 1951) and Rules framed regulating the recruitment, appointment, training and conditions of service.

On appointment, an IPS officer is designated as Assistant Superintendent of Police and posted to the National Police Academy (NPA) for undergoing the basic course for a period of 12 months. After passing out from the NPA they are posted to different States and Central Police Organizations where they undergo practical field training in the various functional areas of the district police administration. They remain under probation for a period of two years. The Gore Committee Report (1972) recommended the extension of the period of training of the IPS probationers from 12 months to 15 months in the NPA.

5.10 State Services:

Recruitment and appointment to the other ranks, namely, Deputy Superintendents of Police and below are State Police services regulated by the State Governments, and the rules of recruitment and appointment vary from State to State. The largest number of recruitment takes place in the rank of the constabulary which constitutes a large majority of the staff and form the foundation and base for the entire police structure. Any attempt at meaningful police efficiency has necessarily to start at this level only.

The National Police Commission recommended that much attention is needed in the recruitment of this rank, free from communal, caste and political prejudices so that they can render impartial and efficient serviced to the public.

The problem of recruitment is by no means confined to police department since virtually all professions, occupations, trades, business industries and government and semi-government agencies, at all levels, are competing for competent personnel. Police administration must engage in aggressive, responsible recruitment programme in order to meet the competition from other fields.

The police leadership should be vitally concerned with: recruiting suitable people in the first instance, providing these people sufficient indoctrination and training in ways to perform their job; providing adequate supervision during job performance, and setting up a system of spot checks and controls to ensure that the personnel are performing their tasks in accordance with the polices and directives of the police leadership. The quality of the raw material used has a direct relationship to the quality of the finished product. In the police, the caliber of persons entering the profession has the greatest influence on the quality of our end product “Service to citizens”. Every police administration, whether at the Centre or in States has laid down standards for recruitment of different ranks? It has however, been noticed that the standards and rules of recruitment are frequently ignored due to various factors, the most important of them are political pressure and corruption in the process of recruitment.

We would like to point out that there is deliberate strategy of political parties injecting into the police system through channels of recruitment at different levels,

young men who are strongly committed to the ideologies of the political parties and could be expected to influence from within, the functioning of the police system to conform to these ideologies. The weeding out of such persons should receive special attention; and recourse may be taken of the provisions of Article 311(2)(b) or (c) of the Constitution, if necessary.

The Gore Committee on Police Training (1972) had given an exhaustive report with several recommendations regarding recruitment and training of different ranks in the police. To quote the report of the Committee:

“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 influence. The need for objectivity in selection cannot but be over-emphasized.”

Training is a conscious effort to impart improve or increase knowledge and skills and to develop attitudes and values of an individual in a desired direction. It is, thus, a process of developing a person’s effectiveness through carefully selected methods by competent trainers in a suitable learning climate. It should be directed not only towards preparing him for the efficient and effective performance of his duties in the assigned job but also towards developing his capacity for shouldering responsibilities and were appropriate fitting him for other duties.

5.11 Objective of Training as per report of the Committee:

Traditionally, a great deal of emphasis has been laid on the isolation of knowledge and professional skill as the twin objectives of training. While these are two are important, they do not make training complete and there is a third one that needs to be recognized. This is the objective of developing in the trainees appropriate attitudes of mind towards their work and the people they come into contact with in the discharge of their duties. This third objective required that training should relate not only to the cognitive and the combative abilities of an individual but also to his

effective responses. Training should aim at developing a trainee's total personality for the effective performance of his task.

The need for the training of police personnel has been recognized but developments during the recent past have underlined particularly the urgency of inculcating in them attitudes appropriate to their profession. The rigidly increasing political consciousness among the people and their rising expectations and the accelerating rate of change in our society have resulted in an increase in the complexity and variety of the tasks and responsibilities undertaken by Government. The technological explosion has raised standards of living, increased the life span and pace and speed of communications and thus led to problems of social and economic adjustment. The rate of change has increased to the point where the pressure of assimilating the implications must be accomplished in an incredibly short time and the individual is faced with major changes in his thinking and his attitudes not once but perhaps more than once during his life time. This coupled with the increasing size and complexity of the administration, calls for a new type of leadership. The technique of administration has moved beyond the purely pragmatic one of trial and error into a scientific discipline and a practice with an organized, ever increasing body of knowledge which has its roots in science and technology and in the remarkable progress in the field of behavioral science.

5.12 Relationship between the Trainee, the Trainer and the Organization.

Learning is a complex function influenced by many factors such as the individual's motivation and capacity to learn, the norms of the training group, the training methods, the skills and ability of the trainers, the general climate of the institution, the relationship between the men and the officers in the organization and the environment in which the trainee will have to function on the job. Therefore, the effectiveness of training is determined by a combination of (a) the trainee, (b) the training system, in which the trainer plays the most important role, and (c) the organization to which the trainee will return. Any imbalance in this would offset the additional inputs given to the individual in terms of specific knowledge, skills and attitudes.

Limitations:

The expectation that training can cure all the problems of an organization is unrealistic as there are many factors that training cannot remedy. Training cannot neutralize unwise promotions or ineffective methods of work; nor can it replace intelligent supervision, favorable environmental conditions, individual willingness to accept responsibility, etc. Effectiveness of training also depends on other organizational factors such as motivation, morale in the organization, opportunities for growth and fulfillment of aspirations, recognition of merit, etc.

Time is an important factor governing the effectiveness of any training programme. There is a tendency to cover too much ground in a limited time. While a training programme whose primary object is to impart knowledge or skills can be handled in a short time, programmes which include attitudinal development in adult trainees need comprehensive planning, adequate time and intensive effort both by the instructors and the students in order to achieve a positive and lasting effect.

5.13 Training – an Investment in Human Resources.

Training does take resources but it also reproduces them manifold as it helps to improve human potential and equip the persons trained with necessary skills and attitudes to perform their functions in a more effective manner. Training should thus be considered as an investment in human resources.¹

Training is the most important aspect for preparing efficient persons for any profession. Training has a greater importance and deeper meaning for the police force. Its importance and meaning is not restricted only to training recruits for fighting crime, it also means reorientation of the entire police force so as to enable them to meet the challenge created by the change in the nature of the Government's governance. It means the creation of peaceful atmosphere to enable economic development. The training programme has to be so designed as to bring about a basic change in the attitude of policemen. They, along with those in authority, must have a greater awareness of the socio-economic background in which they have to function.

1. Police Manual Part-I Chapter-I.

They must also have an understanding of the tensions and problems which our value systems, and technology and its uses, are creating in our society and also all over the world.

The present training programme for police in our country is deficient and outdated in this respect. Just as no change has been brought in the organizational structure of the police force since a long time, no major improvement has been conceived for the training programme, keeping in view the need for reorientation.¹

5.14 Existing Training in Gujarat State:

There are two types of training for the Police Force: (1) At the time of Recruitment and (2) After some period of service, that is called refresher training. The Cadre wise training provisions are as under:-

I.P.S. Cadre: After passing U.P.S.C. and before taking charge in the field they have a training of ONE YEAR at National Police Academy, Hyderabad and after passing the post-training examination I.P.S. officers are allotted the State as per Norms of Union Home Ministry. They are employees of Indian Police Service and under control of Union Government. To take actions against them the permission of Union Government is necessary.

Present Arrangement for Training for I.P.S.

Direct entrants to the I.P.S. attend a four months foundational course with the probationers of the Indian Administrative Service, the Indian Foreign Service and the Class I Central Services at the Lal Bahadur Shastri Academy of Administration (L.B.S.A.A.), Mussoorie. This is followed by a fifteen days course at the National Civil Defence College and a five days course in the detection and handling of explosives in the Chief Inspectorate of Explosives at Nagpur. Thereafter, the probationers undergo one year's training at the National Police Academy (N.P.A.) Hyderabad. This is followed by a fortnight's attachment with Army units. The probationers then report to their respective States of allotment.

1 Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi.

The institutional training is followed by practical training in the State for one month.

There is no doubt that the best system for the training of IPS officers at the N.P.A., is the method of integrated teaching linked with concurrent field exposure to be followed by practical training in the States for one month and a final rounding off at the Academy for one month. However, if concurrent field exposure cannot be arranged because of such factors as the non-availability of facilities for the same in the vicinity of the Academy on account of its location, then the alternative would be a sandwich pattern of training. Outdoor training will have to go on during both periods at the Academy and the institutional and post-institutional training will have to be split up and inter-woven as follows:

First Leg of Training at the N.P.A.-Eight Months.

Modern India and the Role of the Police.

Police Organization.

Law.

Crime Prevention.

Crime Investigation.

Languages.

First Leg of Practical Training—Two Months One week.

Training in Police Stations (Rural and Urban).—One Month.

Attachment to the Circle Inspector/Sub Divisional Police Officer—One week.

Attachment to Prosecution Branch—One Month.

Second Leg of the Training at the N.P.A.—Seven Months.

General Administrative set up at the Centre and in the States.

Management Concepts and Techniques.

Human Behavior and Police Attitudes.

Criminology.

Enforcement of Social Legislation.

Maintenance of Order.

Traffic Control.

Security and Foreigners.

Map Reading and Plan Drawing.

First Aid and Ambulance Drill.

Motor Transport.

Wireless Communication.

Second Leg of Practical Training—Eight Months Three weeks.

State Police Training College or I.G.P.'s office to learn local laws and language—Two months.

Station House Officer—One Month.

Attachment to Circle Inspector/Sub Divisional Police Officer—Three Weeks.

Attachment to District Police Office and District Headquarters—Three months.

Attachment to Crime Branch, State C.I.D./Intelligence Branch—One Month.

Attachment to Headquarters of Armed Police Battalion—Two weeks.

Attachment to miscellaneous non-police officers—Two weeks.

Third Leg of Training at the N.P.A.—One Month.

The sandwich pattern of training will be attended by another complication. In the case of officers posted in the Border States, the period involved in journeys will be substantial and will also entail considerable expenditure. To accommodate the journey period, it will be necessary to extend the total period of training.

Many new developments are taking place in the field of police training in foreign countries and I suggest that police officers of appropriate seniorities should be sent to advanced training institutions abroad also on a well-planned basis. Many police problems are common to all countries, though there may be differences in laws and procedures. Attending courses in academic and training institutions abroad will increase the professional knowledge and skills and widen the horizons of Indian police officers.¹

Dy.S.P.'s – Class I officers of Sub-divisions:

After passing G.P.S.C. and appointment at the District they have a training at least ONE YEAR in Gujarat Police Academy at KARAI. On 1-5-2001 the Gujarat government has established the Gujarat Police Academy at KARAI (Gandhinagar)

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- 1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter-II. & III.**

and for Dy.S.P.s and other officers training Centre is KARAI. After some period of service they have refresher training also for 4 to 6 weeks. After training there they have to pass Annual examination.

The objective of the probationers' course is to equip them with all such professional knowledge, skills and attitudes as will not only prepare them for the effective performance of their tasks but also for higher responsibilities. In order to enable them to guide and supervise the work of their subordinates, these officers must be thoroughly trained in the latest techniques of police work and, above all, they should be helped to develop a proper sense of values, faith in the rule of law and a spirit of public service. They should have an understanding of the socio-economic changes facing place in the State and their thinking should be in tune with the national goals and value systems and the urges and aspirations of the people.

The powers, functions and responsibilities of Deputy Superintendents being the same as those of Assistant Superintendents, the content of their basic training should be of an equally high standard and equally comprehensive. For this reason, the question of having them trained at the N.P.A. along with the I.P.S. probationers was discussed by me with the Inspector General of Police when we met them in a conference. They were not in favor of this suggestion as they felt that training Deputy Superintendents along with Assistant Superintendents at the N.P.A. would create problems and accentuate the sense of frustration already prevailing in the former because of the substantial disparities in their pay and promotion prospects. There would also be difficulties in synchronizing the training of Deputy Superintendents with that of the I.P.S. probationers since recruitment to this rank in the State is not regular. A number of witnesses also expressed the view that Deputy Superintendents should be trained at the State police training colleges as this would help in developing as spirit-de-corps among officers who have to work in the State throughout their service. I agree with this view, but would recommend that the syllabus for their training should be the same as for the I.P.S., probationers with the difference that the items relating to language training and the three weeks study-cum-cultural tour may be omitted and equitation may be included only in the State in which quest may be confined to the following items subject of management concepts and techniques may be confined to the following items to be covered in about 60 periods—

The role of a Deputy Superintendent as a supervisor and a leader; styles of supervision; the supervisory skill—its understanding, appreciation and development,

The dynamics of relationship—inter departmental, senior-subordinate and inter-personal; road blocks and gateway to communication; engineering of an agreement; techniques of communication; understanding human behavior; human needs; motivation; attitudes and self-development; recent trends in techniques of control and supervision.

I recommend further that the programme of the practical training of Deputy Superintendents should be the same as for I.P.S., officers.

A refresher course for Deputy Superintendents has been prescribed only in some States of duration of 42 days. The importance of refresher training for this rank is obvious because these officers, whether promoted or directly appointed, have to mark time in this rank for a number of years before they are promoted. Besides, their functions and responsibilities require that they should be up-to-date in their knowledge and their attitudes should be re-oriented in the light of the developing social situation. I recommend that, after an officer has put in five years service as a Deputy Superintendent after his initial training, he should attend a refresher course of eight weeks duration to be conducted at the police training academy.

Syllabus:

The N.P.A. programme for the probationers lays considerable stress on law, police science, and the use of weapons, drill and other outdoor activities. But it does not make adequate provision for sensitizing them to the changing social situation in the country and its implications for the role of the police. The growing awareness among the people of the concept of a Welfare State and their rising expectations demand that public servants should be sensitive to the people's aspirations and skilled in human relations. It is only then that they can play a promotional role. At the same time, the probationers, who are potential leaders of the force, should develop positive attitudes in police work to face the new and complex challenges of a fast changing society. In the years to come, they will be increasingly faced with the problems of legitimacy in conflict situations and required to determine the points at which public protests should be controlled. This requires familiarization with the concepts of

psychology so that situations which pose a threat to public order may be handled with understanding. They should be conscious not only of their own attitudes, problems and compulsions, but also those of others individually and collectively. In this context, the application of research in the behavioral sciences acquires a special significance in their training. A sensitive awareness of social developments and their likely repercussions on the law and order situation can help in taking timely preventive action. The officers can make an assessment of a developing situation and anticipate events if they have a probing, alert and analytical mind. Equally important for this purpose is good intelligence. They must, therefore, be so trained that, apart from what they receive from specialized agencies, they can themselves actively collect intelligence and encourage their subordinates to do so.

Another shortcoming of the present syllabus is the absence of true management concepts and techniques. Senior police officers have to look after men, money and materials. They should, therefore, have a proper understanding of the basic principles and techniques of management and decision-making. The correctness and maturity of their decisions would, in turn, depend on their analytical and conceptual skills and inter-personal understanding. The gazetted officers of class-I post equipped with such knowledge and skills will be able to take decisions and manage the force under them more effectively than they can do at present.

There is need for greater emphasis in the syllabus of the Gazetted Officers' course on the preventive aspects of police work and on social defence through knowledge of the modern concepts of criminology, penology and crime prevention than is provided for at present, so that they may develop faith in the usefulness of preventive police work.

The central function of the police is 'law enforcement'. And the law is but an instrument of justice—social, economic and political. Democracy will not succeed and social justice will not become a reality unless the law reigns supreme. The Rule of Law envisages that all powers must be exercised in accordance with the law and that the law must be placed above all—even above the executive. A police officer should clearly appreciate the fact that he is an agent of the law and of the law alone. In the larger interests of the state and nation and its people, he must develop this attitude firmly.

Although efficient law enforcement by itself, is no mean achievement, yet the method of enforcement should also be such as would best serve the demand of justice and demonstrate that discretion has been exercised judiciously. While exercising this discretion or any authority conferred by the law, police officers must be conscious of their role of service to society and the need for an attitude of sympathy and consideration, particularly towards the weaker sections. The enforcement of social legislation should be made as humane and ameliorative as is possible within the bounds of the law. A constant effort should be made in the training of the probationers during their stay at the Academy to endow them with this broad and liberal perspective of law and justice.

The present physical training programme has been a failure from the point of view of creating in officers a lasting interest in physical fitness. A physical fitness programme should be such as would ensure that the trainees maintain their interest in keeping fit throughout their service. This can be accomplished only if the programme lays emphasis on individual activity and development both through theoretical and practical work. Such a programme should be integrated with outdoor life and should include toughening exercises such as route marches, obstacle courses, cross-country runs, swimming and rock climbing. The entire programme should be so designed as to be both interesting and capable of progressively building up physical toughness and stamina.

The curriculum of the probationers' course has been divided under the following broad heads:-¹

INDOOR WORK:

Modern India and the Role of the Police.

General Administrative set up and Police Organization.

Management concepts and Techniques.

Human behavior and Police Attitudes.

Law.

1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi, Chapter VII and Bombay Police Manual Part-I. Chapter I & II.

Criminology.
Police Science.
Map Reading and Plan Drawing.
First Aid and Ambulance.
Motor Transport.
Wireless Communication.
Languages.

OUTDOOR WORK:

Physical Fitness Programme.
Drill.
Weapon Training.
Crowd Control.
Field craft and Tactics.
Equation.
Unarmed Combat.
Games.
Driving.
Swimming.
Horse Riding.

FIELD TRAINING:

It is an accepted fact that in professional training of any kind, institutional training has to be supplemented by practice and experience. This raised the question of field training for all direct recruits. It is only practical training which enables the trainees to understand the theoretical training in its proper perspective. The overall effectiveness of training further depends on the extent to which training in the institution and the fields are integrated. While practical training should be related to the formal instruction received in the institution, the latter should take note of the field conditions and seek to provide practical answers to real life problems.

A shortcoming of the present system of field training is that its success or failure depends on the availability of competent senior officers who have the knowledge, skill and ability to communicate with and motivate the trainees, besides

giving them a deeper awareness of the finer techniques of police work and the higher purposes of the administration. There is always a danger that impressionable trainees might come into contact with indifferent superiors and develop wrong attitudes and work habits. In any case, the district officer of today, unlike the district officer of yesterday, has his hands too full and responsibilities too many with the result that he cannot take an adequately deep and sustained interest in the training of probationers who are thus generally left to themselves and do not get adequate guidance or supervision. These shortcomings can be got over by involving the N.P.A., in the field training programme. This arrangement will also provide an effective mechanism of feed back with a view to bridging the gap between theory and reality and evaluating and revising the contents and methods of the training programme.

P.S.I. – Class III officers.

After due process of selection the candidates who succeed in the written and oral examination appointed as Cadet P.S.I. and they have to undergo training for at least ONE YEAR in Gujarat Police Academy at KARAI. They have a provision of refresher training also. After training of one year there is a provision of annual examination and it is compulsory to succeed in the examination.

Previously the training of Sub-Inspectors was conducted at The Police Training College, Junagadh. But from 1-5-2001 The Gujarat Government has established new Training Centre named **Gujarat Police Academy at KARAI Dist. Gandhinagar**. Now the training of Sub-Inspectors is conducted most probably at **KARAI ACADEMY** and if the strength of trainees is larger than at Police Training College, Junagadh also. The training of Sub-Inspectors at the training centre is followed by practical training in the field for 3 months. There is a course of six to eight months for Head Constables selected for promotion to the rank of Sub-Inspector.

The Sub-Inspector can exercise his powers and authority for the benefit or to the detriment of the citizen. In the matter of attitude formation, a Sub-Inspector needs the utmost attention so that all his actions may be for the larger good of the society which he serves. He should be able to identify himself with the people, appreciate their urges and expectations and develop sympathy for the weaker sections. He

should be very alert and sensitive to happenings in his area to be able to take timely action and keep the higher authorities informed of developments. He must realize that his effectiveness depends on the extent of co-operation he can win from the people. And above all, he should be honest and impartial in the discharge of his duties. Field duties in the police involve very strenuous and sustained hard work and the Sub-Inspector has to bear the major brunt of it. His training will have to keep in view the development of both mental and physical qualities to enable him to meet the very responsible tasks that lie ahead of him. Since a successful Sub-Inspector should ultimately rise to gazette rank, it is desirable that his training should also lay emphasis on developing qualities of leadership and a constructive outlook in law enforcement.

Syllabus:

The syllabus is focused on imparting knowledge and developing skills for work relating to the investigation of crime and the maintenance of law and order, including the study of laws and legal procedures, the fundamentals of social defence, and building the physical stamina required for the strenuous and hazardous nature of police work. During my visit to police training institutions I found that the stress on imparting knowledge and professional skills was unaccompanied by any systematic programme to develop the attitudes desirable for the performance of tasks in a spirit of public service in the context of the changing situation. There is urgent need to remove this shortcoming.

A Sub-Inspector has to detail the staff under him for the performance of various duties at the police station and also control and supervise their work to ensure that they perform their duties effectively within the limits of the law and to the satisfaction of the people. This is not an easy task when viewed in the context of the strenuous nature of the work, the handicaps and the working conditions of the service and the growing feelings of disrespect for the law and hostility to the authority enforcing them in various sections of the people. A Sub-Inspector has to take important decisions on the spot and, therefore, he must be given training not only in directing and supervising his subordinates but also in analyzing situations and forestalling events. Thus adequate training in supervision and leadership and certain concepts of management is essential.

The most important function of the police will always be law enforcement. To enable a Sub-Inspector to discharge this function, he must not only have a thorough knowledge of the laws but also of his legal obligations. All the same, the subject of law is so vast that it is not possible to teach the whole of it with equal emphasis within a limited period of training. The best course, it appears to me, would be to divide it into three parts:--

Laws most frequently required in police work:

While a Sub-Inspector must know the various sections which define offences and make them penal in actual practice, he has to apply only a limited number frequently. A study at a few policed stations in Gujarat with over 1,000 as the annual crime figure showed that of the 511 sections of the I.P.C. only about 90 had been applied in a year. Offences against property and person alone accounted for more than 60 per cent of the cases. There are some offences which have greater significance for the police, because of the impact they make on the people's mind, such as promoting enmity or hatred between different groups or castes or communities on grounds of religion, race, language etc. Such substantive laws and sections should be included in the first course. The examination in this course may be without books.

General and Procedural laws:

A Sub-Inspector can refer to such laws at the police station and also obtain advice from an expert where necessary. They can be included in the second course. The examination in this course may be with books.

The Indian Constitution:

A Sub-Inspector should be fully aware of the fundamental rights and freedoms guaranteed to the citizen and also of the Directive Principles of the Constitution which indicate the way society should develop and advance. In all his law enforcement functions, a Sub-Inspector has to keep these constitutional provisions upper-most in his mind and, in fact, they need to be reflected in his attitudes. He should not only know the laws relating to social reconstruction, but should also have a complete understanding of their implications for the progress of society towards its goals. The

relevant legal provisions can be included in the third course. The examination in this course may also be with books.

The need for thorough training in the techniques of investigation cannot be over-emphasized in the case of Sub-Inspectors. An adequate knowledge of forensic science and forensic medicine is important in this context. Much of the criticism against the police can be overcome if investigations are conducted quickly, systematically, thoroughly and also scientific lines. The application of scientific aids to the investigation of crime helps the investigating officer to identify the suspect and establish his connection with the crime; to clear an innocent person of crime; to discover one or more missing links or strengthen a weak link in the chain of evidence; and to verify the accuracy or otherwise of a statement made by a suspect or a witness. It may not be possible to avail the aid of science in every investigation, but it is necessary to ensure that any clues which permit the application of science are not overlooked and are carefully collected and referred to an expert. While a Sub-Inspector's knowledge and skills in this area need not be of the same order as that of an expert, he should be aware of all the aids which science can provide in the investigation of crime. He should also develop a genuine faith in forensic science as a valuable aid to investigation.

Some forms of crime are important because they are heinous or because their consequences to society are grave. He should know the ways in which these crimes are committed, how the moves of such criminals can be countered and what special methods or techniques can be adopted for detecting them.

The maintenance of order is another important subject which requires very thorough attention. This should include training in crowd control; regulation of fairs, festivals, meetings and processions; and dealing with communal, agrarian, labour, student and other agitations and the commonly used forms of protest, such as hunger strikes and gheraos. It is now an every day affair for the police to face not only peaceful mass demonstrations but also violent and politically motivated mobs. It is the handling of these situations that make or mar the reputation of the police. They call for prompt and effective action. Communal disturbances, in particular, call for very firm and determined action from the beginning. Timely preventive action can often avert a serious situation.

Timely information of incidents or developments which can take a serious turn, and of their reactions in the public, is necessary in order to assess situations and to anticipate events. This makes the task of intelligence collection very important, particularly at the ground level. Intelligence is not collected through covert sources only and this task should not be left entirely to the specialized agencies. It is essential that their efforts should be supplemented by those of the field officers. A Sub-Inspector is expected to have wide contacts. Training should develop in him intelligence consciousness of lasting nature.

A police officer is often required to face gravely provocative situations in which an ordinary individual will tend to lose his equanimity and sense of proportion. Such situations have to be handled by the Sub-Inspector personally, often without any guidance from senior officers. He should have, therefore, a good insight into the behavioral patterns of various groups in society, e.g. students, labour, landlords, industrialists, communal elements, etc., and the mental equipment required to deal with law and order problems with foresight, presence of mind and patience.

Equally delicate are the problems of security relating to VIPs, vital installations, the railways and industrial establishments, hijacking/sabotage of aircraft and subversion and espionage by foreign agents. An important feature of Democracy is the conduct of elections in a free and fair manner and a police officer has to discharge his duties in such a way that he may not be accused of any political involvement. Added to these, are the responsibilities of the police in natural calamities and serious accidents involving large numbers of people. A Sub-Inspector has to be given sufficient training to deal with such situations efficiently.

For the proper performance of his functions, a Sub-Inspector must know his place in the total scheme of the administration and how the apparatus of the State functions. If he is ignorant of the total picture, he may work in a narrow groove and, at times, at cross purposes. For proper co-operation and co-ordination, he must have a good understanding of the functioning of the various departments of Government, the central police organizations and his own organization.

Training programmes for the police, and especially that for the Sub-Inspector, must take note of the special features of urban policing. An urban population is characterized by a high degree of assertion of their civic rights and the ability to give

an articulated and even vociferous expression to its demands for economic equality and social justice. In this age of protest against any form of authority, the urbanites are more sensitive to the slowness of the bureaucratic machinery. The police have to work under the critical gaze of a community which is by and large more educated and sensitive than the rural community. Large crowds gather in no time and a threat to law and order can develop and spread like wild fire at very short notice. The existence of groups—communal, linguistic, youth and labour—has by itself a law and order potential and the presence of a large number of educated unemployed in the cities makes the situation more volatile. Professionalization and the use of ingenious devices and methods in the commission of traditional and white-collar crime, social vices, juvenile delinquency and traffic regulation are other important problems for the police in an urban situation. We have kept these special features of urban policing in mind while proposing the basic and specialized courses for police officers. Urban policing also calls for qualities such as greater alertness and quicker response. These should be developed during practical training under guided supervision.

It is a part of the duty of a Sub-Inspector to deal with dangerous criminals and situations where he runs the risk of being attacked. Therefore, training should be included in unarmed combat in the outdoor syllabus of this course.

Integrated Teaching:

Integrated teaching requires to be introduced in the Sub-Inspectors course also in order that attitude formation becomes part and parcel of the entire learning process. Increased use of various methods of instruction and audio visual aids will help to make integrated teaching effective and purposeful.

Duration and Daily Schedule:

The total period of the training of Sub-Inspectors at the police training college should be twelve months. During my visit to police training colleges, I found that there was too much emphasis on outdoor work and that conducting it in the morning fatigued the trainees to such an extent that they were unable to pay adequate attention to the indoor classes held later in the day. I suggest, therefore, that the daily schedule at the police training college should be modified on the lines of the schedule drawn up like the I.P.S. probationers' course. One period of the physical fitness programme in

the morning is necessary to freshen up the trainees and develop the habit of early rising; all other outdoor training should be conducted in the afternoon. Five periods of 40 minutes each in the forenoon may be devoted to indoor subjects. In the afternoon a period of one hour may be provided for programmes like tutorials, guest lectures and study in the library. Tutorials may be organized on alternate days. The entire training programme scheduled for a particular day may be gone through at night once a month in view of the importance of night work for the police.

In the case of Sub-Inspectors the process of evaluation should be continuous, comprehensive and objective. It is expected that when the police training instructors are better qualified and have undergone the training course for instructors suggested later on in this chapter, it will be possible for them to conduct the written and practical examinations with these objects in view. For the assessment of attitudes, every instructor should maintain a separate file for each trainee in which he should record all relevant incidents relating to the trainee's day to day behaviour in the classroom and outside which come under his personal observation. Towards the close of the session, all the instructors should meet in a conference, to be presided over by the Principal, who should ascertain the views of each instructor make his assessment and award his marks.¹

5.15 THE INSTRUCTIONAL STAFF:

Modernized training institutions and sophisticated teaching aids are important, but the success of all training programmes hinges on the instructors. The picture which has emerged from the discussions that I have had with various officers at different levels and my visits to some of the police training institutions is very discouraging. Most of the witnesses, also, have referred to the poor quality of the instructors in these institutions at present. The majority of the instructors are serving police officers without any training or experience in the art of teaching. At many places, they are not adequately educated, are either unwilling themselves or are unwanted elsewhere, and have no commitment to training. It has also been pointed to me that not infrequently older people, who are neither responsive nor willing to accept

1. Bombay Police Manual Part-I Chapter III.

change, are posted to training institutions. Sometimes instructors stay on for an indefinite period and lose touch with police practice. In other cases, there is too rapid a turn-over of instructors, which militates against the building up of expertise in the training institutions. Frequent changes of the head of the institution, in particular, affect its prestige and character that most of the instructors only mark time and remain impervious to the advances made in the field of instructional technology. We thus have a situation in which the men who are to motivate and guide the new entrants to the service are themselves devoid of any motivating spirit or initiative or derive.

Some advocates are also working at the training institutions as Guest Lecturers in Law classes. I have observed their quality is very poor. They have no practical knowledge of law enforcement. They are not aware by the practical problems of police force which they facing in the field. They have no filling for the hardships of police force. Most of them are selected by the favour of some police officers or politicians.

Factors Responsible:

It is possible to identify and analyze the factors responsible for the present state of affairs. One of the major reasons is, to my mind, a lack of adequate interest in training matters on the part of the authorities. The Government and senior police officers in the States are generally pre-occupied with immediate problems and the training programmes derive little inspiration from them. The problems of law and order are considered to be so demanding that the most suitable or talented officers are rarely spared for the training institutions. The attitude is non uncommon among senior officers that officers who are not likely to deliver the goods in the field should be sent to the training institutions. A posting to the training institution is also sometimes decided upon as a matter of convenience and is considered as a measure of punishment by the officer affected. Needless to say, such practices cause great damage to the entire training programme. Even if some officers adjust themselves to such postings, it is difficult to ignore the stigma or the loss of face.

The other general complaint voiced by many instructors is that once an officer is posted to a training institution, he is generally forgotten for being considered for any other attractive or suitable posting or even promotion. Last but not least, the post

of instructor holds no attraction per se. On the contrary, the officer coming from the field suddenly loses the privileges which go with executive posts. No compensation is given to him either in the form a substantial material incentive or gain in status.¹

5.16 ROLE OF INSTRUCTORS:

A change in this situation appears to us to be most urgent and pressing. The general opinion reflected by our witnesses is that instructors for the police training institutions should be selected from the best talent available in the force. The importance of the role of the instructor is underlined by the fact that he is the first person to take charge of a new entrant and it is from him that the recruit learns the ideals, principles and practices which he will have to adopt during his life in the force. Apart from imparting vocational knowledge and skills, the instructor sets the model for the trainees, trains their minds and shapes their character and attitudes.

The instructor plays the role of a change-agent in the organization. If training is to serve the primary purpose of preparing an individual to meet the challenges of today and the complexities of the future, if training is to heap in heralding suitable changes in the organization so that it may remain a living organism, the role of the instructor as a change-agent is crucial.

The new responsibilities imposed on administrative organizations in the present age of exponential changes have had their impact on the role of the instructor. It is now widely acknowledged that the trainers in an organization have to learn to identify the training needs of the various categories of employees and to locate teaching materials and processes and prepare them for fruitful use. As a part of the research wing of the organization, the trainer has to be involved in a continuous search for better ways of teaching and for the most recent advances in his particular branch of knowledge.

1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter-VIII.

MERITS AND SEPERATE CADRE OF INSTRUCTORS:

The need of good instructors has been met in the armed forces by two-fold action. Firstly, there is a whole branch, designated as the Education Corps, which provides all the non-professional teachers required by their training establishments. This Corps consists of scholars, including scientists, who are recruited and trained for instructional duties and devote their whole service to this work. The pay scales and other conditions of service are so designed as to attract and retain talented persons. Secondly, those posts of instructors, which have to be filled by serving officers, are considered to be prestige appointments and a successful tenure as an instructor is a feather in the cap of a serving officer and is taken into consideration in selection for promotion.

For training purpose it is recommended that indoor instructors in the police training colleges and academy should not be below the rank of a Deputy Superintendent and Inspector respectively. In order to attract the best talent for the instructional staff, it is necessary to ensure that postings to the training institutions are not made a matter of convenience. Suitable officers properly selected, should be kept in view for such postings; only then will these postings be considered a matter of pride. The actual postings should be so arranged that there is at least a month's overlap between the arrival of a new instructor and his predecessor's departure.¹

5.17 INCENTIVES AND FACILITIES:

In addition, steps should be taken to provide adequate incentives so that posting to a training institution is desired and not shunned as at present. All the witnesses and respondents have been unanimous on this point. Having considered the various suggestions made to me, I recommend that the instructional staff should be entitled to rent free accommodation, special pay and/or rank promotion, schooling facilities for children and recognition by way of promotion, good postings and rewards. I have been told that rank promotion would be more attractive to the

1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter XIII and XIV.

subordinate ranks than special pay. Officers who are in the approved lists for promotion could, therefore, be given accelerated promotion and posted to training institutions.

An exchange of ideas between colleagues is always conducive to better understanding and advancement of knowledge and skills. The instructional staff of the training institutions should, therefore, be encouraged to visit similar institutions in other States.

The Instructor; Essential Qualifications:

The first and most essential requirement of a good instructor is that he should have adequate professional knowledge and experience of the subject which he is to teach along with sincerity and enthusiasm for the job. He has to deal with the most sensitive material in existence, namely, human personality. For the young and impressionable trainees, the instructor's devotion to duty and enthusiasm should be catching. A good teacher must have a well-balanced personality and an even disposition. His bearing and appearance should display abundant self confidence and vitality. Only then will he have the force of character sufficient to mould the character and attitudes of the trainees who come to the training institution as adults.

5.18 SELECTION OF INSTRUCTORS:

In order to get the right kind of persons, it is necessary to select the prospective instructors with great care. One method of selection would be 'talent spotting'. The heads of the police training institutions should be on the look out in every course for officers with instructional aptitude and potential and suitable entries should be made in the annual confidential rolls of officers considered likely to make good instructors. Simultaneously, applications should be invited from officers for posts on the instructional staff and the best persons should be selected through interviews out of those who volunteer.

5.19 TRAINING OF TRAINERS:

The officers so selected will have to be given a strong theoretical grounding in the philosophy of education, the various sociological factors which have a bearing on the educational attainment of individuals and the psychological elements which

determine an individual's perception and motivation towards learning before they are assigned to instructional work. They will also have to develop effective leadership abilities and skills essential in the art of teaching. They must know the mechanism of the various processes of instruction such as preparation, presentation, discussion and review. Preparing a detailed lesson-plan will have to be an article of faith with them. In order that their knowledge and skills can be transmitted to the trainees, they will have to develop the necessary communication skills, which implies that they should be conversant with the various methods of instruction and those most appropriate for particular subject. It would also be necessary for them to know the integrated or concentric method of teaching. In order to enable them to make effective use of the various methods of instruction and audio-visual aids, they should be provided with opportunities to become proficient in their use.

It is essential for instructors to learn to evaluate the performance of their trainees, which will also enable them to know how effective or otherwise their instruction has proved to be. In this process, it will be necessary for them not only to assess the acquisition of knowledge by the trainees, but also to evolve techniques for assessing attitudes and values.

Evaluation of Instructors:

All training programmes must have a system of evaluation of instructors. The trainer must evolve a method of receiving feed-back from his trainees and, wherever possible, an assessment from his colleagues. The trainer should also have the capacity to evaluate his own performance by judging the reactions of his trainees and through the results of the various tests held by him from time to time. The responsibility for evaluating the effectiveness of an individual instructor should, however, mainly be that of the head of the training institution. It would be necessary for the latter to discuss with each instructor the subject to be taught by him, the preparation he has made, the methodology he proposes to adopt in the teaching process that he has planned. It would also be useful if he occasionally visits the class rooms to feel for himself the reactions of the trainees to different instructors.¹

1. Police Training by Giriraj Shah, IPS (Retd.) Ex-Inspector General of Police (U.P.) Volume-I.

5.20 IMPORTANT CRIMINAL LAWS TO TEACH:

A police officer has to deal with so many criminal laws. Following are the main important criminal laws:

- (1) INDIAN PENAL CODE, 1860.
- (2) CRIMINAL PROCEDURE CODE, 1973.
- (3) BOMBAY POLICE ACT, 1951.
- (4) BOMBAY PROHIBITION ACT, 1949.
- (5) THE ARMS ACT, 1959.
- (6) THE PREVENTION OF GAMBLING ACT, 1887.
- (7) THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE ACT, 1985.
- (8) BOMBAY ANIMAL PRESERVATION ACT, 1954.
- (9) ANIMALS AND BIRDS SACRIFICES (PROHIBITION) ACT, 1972. (GUJARAT)
- (10) AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.
- (11) ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958.
- (12) ANCIENT MONUMENTS PRESERVATION ACT, 1904.
- (13) ANTIQUITIES AND ART TREASURES ACT, 1972.
- (14) ANTI-HIJACKING ACT, 1982.
- (15) ARMY ACT, 1950.
- (16) BENAMI TRANSACTION (PROHIBITION) ACT, 1988.
- (17) BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976.
- (18) CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995.
- (19) CENTRAL VIGILANCE COMMISSION ACT, 2003.
- (20) CHITS FUNDS ACT, 1982.
- (21) CATTLE TRESSPASS ACT, 1871.
- (22) CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003.

- (23) CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) RULES, 2004.
- (24) PROHIBITION ON SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS AROUND EDUCATIONAL INSTITUTION RULES, 2004.
- (25) CIGARETTES AND OTHER TOBACCO PRODUCTS (PACKAGING AND LABELING) RULES, 2008.
- (26) CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986.
- (27) CHILD LABOUR (PROHIBITION AND REGULATION) (GUJARAT) RULES, 1994.
- (28) CINEMATOGRAPH ACT, 1952.
- (29) CITIZENSHIP ACT, 1955.
- (30) COMMISSIONS OF INQUIRY ACT, 1952.
- (31) COMMISSION OF SATI (PREVENTION) ACT, 1987.
- (32) COMMISSION OF SATI (PREVENTION) RULES, 1988.
- (33) CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES ACT, 1974.
- (34) CONTEMPT OF COURTS ACT, 1971.
- (35) COPYRIGHT ACT, 1957.
- (36) CREDIT INFORMATION COMPANIES (REGULATION) ACT 2005.
- (37) CRIMINAL LAW AMENDMENT ACT, 1908.
- (38) CRIMINAL LAW AMENDMENT ACT, 1932.
- (39) CRIMINAL LAW AMENDMENT ACT, 1938.
- (40) CRIMINAL LAW AMENDMENT ACT, 1961.
- (41) CRIMINAL LAW AMENDMENT (AMENDING) ACT, 1966.
- (42) CRIMINAL LAW AMENDMENT ORDINANCE, 1944.
- (43) CRIMINAL LAW AMENDMENT ORDINANCE, 1946.
- (44) CUSTOMS ACT, 1962.
- (45) DANGEROUS MACHINES (REGULATION) ACT, 1983.

- (46) DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1972.
- (47) DEPOSITORIES ACT, 1996.
- (48) DOWRY PROHIBITION ACT, 1961.
- (49) DOWRY PROHIBITION (MAINTENANCE OF LISTS OF PRESENT TO BRIDE AND BRIDEGROOM) RULES, 1985.
- (50) DRAMATIC PERFORMANCES ACT, 1876.
- (51) DRUGS AND COSMETICS ACT, 1940.
- (52) DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954.
- (54) DRUGS (CONTROL) ACT, 1950.
- (55) ELECTRICITY ACT, 2003.
- (56) EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950.
- (57) EMIGRATION ACT, 1983.
- (58) ENVIRONMENT (PROTECTION) ACT, 1986.
- (59) ESSENTIAL COMMODITIES ACT, 1955.
- (60) ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) ACT, 1981.
- (61) ESSENTIAL SERVICES MAINTENANCE ACT, 1981.
- (62) EXPLOSIVES ACT, 1884.
- (63) EXPLOSIVE SUBSTANCES ACT, 1908.
- (64) EXTRADITION ACT, 1962.
- (65) FATAL ACCIDENTS ACT 1855.
- (66) FOOD SAFETY AND STANDARDS ACT, 2006.
- (67) FOREIGNERS ACT, 1946.
- (68) FOREIGNERS ORDER, 1948.
- (69) FOREIGN EXCHANGE MANAGEMENT ACT, 1999.
- (70) FOREST ACT, 1927.
- (71) FOREST (CONSERVATION) ACT, 1980.
- (72) FORWARD CONTRACTS (REGULATION) ACT, 1952.
- (73) FREEDOM OF RELIGION ACT, 2003 (GUJARAT)
- (74) FREEDOM OF RELIGION RULES, 2008 (GUJARAT)

- (75) GENERAL CLAUSES ACT, 1897.
- (76) HABITUAL OFFENDERS ACT, 1959 (BOMBAY)
- (77) IDENTIFICATION OF PRISONERS ACT, 1920.
- (78) IMMORAL TRAFFIC (PREVENTION) ACT, 1956.
- (79) INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986.
- (80) THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) RULES, 1986.
- (81) INFANT MILK SUBSTITUTES, FEEDING BOTTLES AND INFANT FOODS (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 1992.
- (82) INFLAMMABLE SUBSTANCES ACT, 1952.
- (83) INFORMATION TECHNOLOGY ACT, 2000.
- (84) THE INFORMATION TECHNOLOGY (AMENDMENT) ACT, 2008 (W.E.F.27-10-2009).
- (85) JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.
- (86) LOTTERIES (REGULATION) ACT, 1998.
- (87) MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007.
- (88) MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN RULES, 2009 (GUJARAT).
- (89) MEDICAL COUNCIL ACT, 1967 (GUJARAT).
- (90) MEDICAL PRACTITIONERS ACT, 1963 (GUJARAT).
- (91) MEDICAL TERMINATION OF PREGNANCY ACT, 1971.
- (92) MEDICAL TERMINATION OF PREGNANCY RULES, 2003.
- (93) MENTAL HEALTH ACT, 1987.
- (94) MONEY-LENDERS ACT, 1946 (BOMBAY).
- (95) MOTOR VEHICLES ACT, 1988.
- (96) MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT, 1986.
- (97) NATIONAL SECURITY, 1980.
- (98) NEGOTIABLE INSTRUMENT ACT, 1881.
- (99) OATHS ACT, 1969.

- (100) OFFICIAL SECRET ACT, 1923.
- (101) PASSPORT (ENTRY INTO INDIA) ACT, 1920.
- (102) PASSPORT ACT, 1967.
- (103) PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991.
- (104) POISONS ACT, 1919.
- (105) POLICE FORCES (RESTRICTION OF RIGHTS) ACT, 1966.
- (106) POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922.
- (107) PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994.
- (108) PRESS AND REGISTRATION OF BOOKS ACT, 1867.
- (109) PREVENTION OF ANTI-SOCIAL ACTIVITIES ACT, 1985 (PASA).
- (110) PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980.
- (111) PREVENTION OF CORRUPTION ACT, 1988.
- (112) PREVENTION TO CRUELTY TO ANIMALS ACT, 1960.
- (113) PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984.
- (114) THE PREVENTION OF FOOD ADULTERATION ACT, 1954.
- (115) PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988.
- (116) PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971.
- (117) PREVENTION OF SEDITIOUS MEETINGS ACT, 1911.
- (118) PREVENTION OF TERRORISM ACT 2002.
- (119) PREVENTION OF TERRORISM (REPEAL) ACT, 2004.
- (120) PRISONERS ACT, 1910.
- (121) PRISONERS (ATTENDANCE IN COURTS) ACT, 1955.
- (122) PRISONS ACT, 1894.
- (123) PRIVATE SECURITY AGENCY (REGULATION) ACT, 2005.
- (124) PRIZE CHITS AND MONEY CIRCULATION SCHEMES (BANNING) ACT, 1978.
- (125) PROBATION OF OFFENDERS ACT, 1958.
- (126) PROHIBITION OF CHILD MARRIAGE ACT, 2006.
- (127) PROHIBITION OF CHILD MARRIAGE RULES, 2008 (GUJARAT).
- (128) PROTECTION OF CIVIL RIGHTS ACT, 1955.

- (129) PROTECTION OF HUMAN RIGHTS ACT, 1993.
- (130) PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.
- (131) PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE RULES, 2006.
- (132) PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1971.
- (133) PUBLIC SERVANTS (INQUIRIES) ACT, 1850.
- (134) RAILWAYS ACT, 1989.
- (135) RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT, 1966.
- (136) RAILWAY PROTECTION FORCE ACT, 1957.
- (137) REGISTRATION OF FOREIGNERS ACT, 1939.
- (138) RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988.
- (139) REPATRIATION OF PRISONERS ACT, 2003.
- (140) REGISTRATION OF MARRIAGE ACT. 2006 (GUJARAT).
- (141) REGISTRATION OF MARRIAGE RULES, 2006 (GUJARAT).
- (142) REPRESENTATION OF THE PEOPLE ACT, 1951.
- (143) RIGHT TO INFORMATION ACT, 2005.
- (144) SAURASHTRA FELLING OF TREES (INFLICTION OF PUNISHMENT) ACT, 1951.
- (145) SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989.
- (146) SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITIES INTEREST ACT, 2002.
- (147) SMALL COINS (OFFENCES) ACT, 1971.
- (148) SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976.
- (149) SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (RECEIPT, MANAGEMENT AND DISPOSAL OF FORFEITED PROPERTY) RULES, 2006.
- (150) SPECIAL COURTS ACT, 1979.
- (151) SPECIAL PROTECTION GROUP ACT, 1988.

- (152) STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1985.
- (153) STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT, 2005.
- (154) SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002.
- (155) TELEGRAPH ACT, 1885.
- (156) TELEGRAPH WIRE (UNLAWFUL POSSESSION) ACT, 1950.
- (157) TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1984.
- (158) TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987.
- (159) TRADEMARKS ACT, 1999.
- (160) TRANSFER OF PRISONERS ACT, 1950.
- (161) TRANSPLANTATION OF HUMAN ORGANS ACT, 1994.
- (162) TREASURE-TROVE ACT, 1878.
- (163) UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967.
- (164) THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2008.
- (165) WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.
- (166) WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) ACT, 2005.
- (167) WILD LIFE PROTECTION ACT, 1972.
- (168) WIRELESS TELEGRAPHY ACT, 1933.
- (169) VILLAGE POLICE ACT, 1867. (BOMBAY)
- (170) YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956.

5.21 BOOKS:

As mentioned in Bombay Police Manual Part-I the provision of Rule-97 is as under:-

Rule-97. Books:

- (1) Probationary Deputy Superintendents of Police and Assistant Superintendents of Police will provide themselves with all books required for their training.
- (2) Directly appointed Inspectors must provide themselves with all the books required for their training at their own expense.
- (3) Sub-Inspector students will be provided at Government expense with the necessary books either in English or in regional language required for their training. Books supplied at Government expense must be returned by every student before leaving the school.
- (4) Head Constable students will take with them to the School the Police Guide supplied to them in their districts.

As mentioned in above said Rule 97(3) it is the duty of Government to provide the books to Sub-Inspector students but sorry to say that the books are not provided from the training institute library to all the students because all the books in sufficient quantity are not available at the training institute and it is the duty of government to fulfill this requirement.

5.22 Courses arranged in State Training Institutions:

The police training institutions in the State shall run the following courses:--

- (1) Basic course for directly recruited Sub-Inspector--one year.
- (2) Refresher courses for Sub-Inspectors and Inspectors—eight to ten weeks.
- (3) Courses on crowd control for Sub-Inspectors, Inspectors and Deputy Superintendents—six to eight weeks.
- (4) Courses on the investigation of fraud, embezzlement, organized rackets and economic offences for Sub-Inspectors, Inspectors and Deputy Superintendents—six to eight weeks.

- (5) Courses on the role of the police in dealing with juvenile delinquency for Sub-Inspectors, Inspectors and Deputy Superintendents—four weeks.
- (6) Courses on police—community relations for Sub-Inspectors, Inspectors and Deputy Superintendents—two weeks.
- (7) Courses for Constables-eight months.
- (8) Courses for Head Constables/Assistant Sub Inspectors selected for promotion to the rank of Sub-Inspector—six months for Head Constables and three months for Assistant Sub-Inspectors.
- (9) Course for Sub-Inspectors selected for promotion to the rank of Inspector—six to eight weeks.
- (10) Basic course for Assistant Police Prosecutors—six months.
- (11) Refresher course for Assistant Police Prosecutors—six to eight weeks.
- (12) Basic course for directly recruited Deputy Superintendents—one year.
- (13) Refresher course for Deputy Superintendents—eight weeks.
- (14) Course for Inspectors selected for promotion to the rank of Deputy Superintendent—ten weeks.

The exact workload of each police training institution will have to be worked out by the State on the basis of the present sanctioned strength of its police force and the plans, if any, for expansion in the near future; but it is obvious that it will be considerably heavier than the present workload and it will be necessary to expand the existing facilities and staff in practically all the police training institutions.

Organizational Climate:

The instructor's contribution to the organization is by its very nature not overtly seen and is intangible. However proficient he may be in his techniques, the development of the trainees as a result of his sincere and hard labour will ultimately depend on the organizational climate. The comparative absence of training consciousness in the police organization can prove to be a major inhibiting factor in the effectiveness of the instructional staff. It is necessary, therefore that the senior officers should display faith and belief in and extend their whole-hearted support to

the process of training so that the job of the instructor may not remain as unrewarding as it tends to be.¹

LOCATION:

I believe that the location of a training institution is of great consequence. The evidence laid before me suggests that a police training institution should be located in or near a city with a university and well connected by rail, road and air communications to facilitate external contacts. Such a location alone can ensure that the trainees are exposed to real life problems relating to crime, crowd and traffic control and law and order during their training, that there is a ready availability of scholars for imparting instruction in subjects like sociology, psychology, current affairs etc. and that there is no difficulty in getting eminent persons to the institution as guest lecturers. Not many of our existing police training institutions meet this criterion. Particularly Gujarat Police Academy do not meet this criterion.

Army Campus, Campus of Home-guards is located in the middle of State Capital at Gandhinagar. Previously the Gujarat Police Training College, Junagadh was the biggest training institute for Police Officers in the State. But from 2001 State Government started Sardar Patel Police Academy at Gandhinagar. 10 years has been passed but even today there is no approach road to reach at the Academy. Infrastructure is very poor. Government has not developed this institute as it must be. No sufficient boarding facilities for officers. The space is 60% less than the space situated at Junagadh Training Centre.

Physical facilities:

A major shortcoming of several of the existing police training institutions is insufficient accommodation. Many institutions do not have regular class-room facilities for the trainees. I have seen classes being held in the open air under the trees for want of any other alternative. Most of them do not have an auditorium or a meeting hall. All these deficiencies are due to the fact that many of the training institutions have been accommodated in and hoc fashion in buildings constructed for

1. Police Manual Part-I Chapter III.

altogether different purposes e.g. old forts or temporary army lines etc. A few institutions do not have adequate playgrounds. Swimming pools have been provided in all training institutions. The furniture provided in the class-rooms, barracks, hostels and recreation rooms is generally inadequate and unsuitable. Library facilities are meager, where provided and are often accommodated in make-shift arrangements. The annual budget grant for the library is very less. Most police training institutions have no hospital facilities. Where a separate hospital is not available for a training institution, patients are treated in the nearby city hospitals. A few of the institutions engaged doctors. In all the institutions the trainees bear either wholly or partly the cost of the cooking utensils of their messes. In a majority of these institutions, the trainees have to pay for the services of washer men and cobblers as also for electricity.

Need of Research Cell:

I have been struck by the total absence of any research facilities in our police training institutions. The inadequacy of educative literature. The inevitable result has been that all police training is based on old ideas and practices and the limited experiences of individual members of the instructional staff even while conditions relating to and around police work have been changing fast. In order that the police training institutions remain intellectually vibrant and up-to-date in their knowledge of police problems, research should be considered to be one of their basis functions. While fundamental research may be undertaken mostly by the State police research units, the training institution should also undertake a certain amount of applied research through its instructional staff so that the hiatus between theoretical training and practical police work may be eliminated as far as possible. Research is a vehicle through which the trainers take note of the administrative reality and attempt to provide answers to real life problems. I recommend, therefore, that every police training institution should have a separate cell under a competent instructor for this purpose. In taking up research work along with training assignments, the trainers improve both their competence and credibility. They improvise and adapt techniques and practices which lead to improvement in training. Realistic programmes and competent trainers will together ensure greater trainee participation and effectiveness of the training process.

While the field research is vast, it involves considerable commitment of resources and is a time-consuming process. It would suffice, therefore, for the present, if these research cells confine themselves to problems in the training field for which satisfactory answers have yet to be found, such as the identification of training needs; the proportion between theoretical and practical periods of instruction in a training programme and the proper sequence in which they should be arranged; determining the suitability and effectiveness of various training methods for different instructional purposes, keeping in view the knowledge to be conveyed, the level of the students, the capability of the trainer and the relative costs and benefits of various training methods; development of training material, since the lack of this is a major limiting factor in the qualitative improvement of training programmes; and evaluation of the results of training to determine the extent to which the desired objectives have been fulfilled and the areas in which there is room for further improvement. This research work could be undertaken under the guidance of the Inspector General/Deputy Inspector General, Training.

Training Reserves:

I have been told that it is not always possible to fill up all the seats in even the limited number of courses that are available either because officers are generally unwilling to be deputed to such courses or because the administrative authorities feel that they cannot be spread. This question is connected with the consciousness of the importance of training at all levels. If the system established is such that the administrative officers concerned as well as the officers selected to attend courses of different kinds feel that the training proposed has a useful purpose to serve, there should be no difficulty of this kind.

I recommend further as follows:-

An officer deputed to a course, the duration of which does not exceed three months, should not be liable to transfer from the post from which he is deputed to the course. The availability of the training reserve should help to provide a temporary substitute to look after his work during his absence. This, of course, would not apply to officers deputed to courses, the successful conclusion of which is accompanied by rank promotion.

Officers deputed to courses should be entitled to a compensatory allowance to enable them to meet their incidental and other expenses.

The course that an officer has attended and his performance therein should be taken fully into account in all selections and promotion.

The selection of officers for attending courses should not be a mere casual exercise and should be related to considerations of career planning, the merits of the various officers in the field of selection and their qualifications and experience from the point of view of their capacity to benefit from the proposed course.

PRACTICAL TRAINING:

The practical training programmes of Sub-Inspectors included attachment to a police station, to learn the duties performed by police officers of different ranks, and the prosecution branch. The probationers are attached to the district police office and the reserve police lines also in some places. The responsibility for the practical training of Sub-Inspectors during their attachment to a police station should vest in the officer in charge and the Circle Inspector concerned, who should be carefully selected for this purpose. Officers who have imparted good training should be given due credit and an entry should be made in their service rolls stating the names of the probationers trained.

I recommend that there should be an Inspector General/Deputy Inspector General of Police, Training, along with a certain number of Deputy Superintendents of Police, Training, in each institution in order to ensure that the training of police officers receives adequate attention. The probationary Sub-Inspectors should submit a weekly work diary to the Deputy Superintendent, Training, through the officer under whom they are posted indicating the work on which they were engaged, what they learnt during the course of each day of the week and the difficulties experienced by them. While scrutinizing the weekly diary, the officers concerned should see whether the probationers have mentioned all the items of work which they were expected to learn during any particular period of attachment. The items of work not mentioned should be pointed out and the probationers asked to cover them in their subsequent reports. The Deputy Superintendent, Training, should meet the probationers once a month and test their knowledge make enquiries relating to their

personal life, accommodation and other problems and give necessary guidance. He should also ensure that the probationers are introduced into circles where they can widen their public contacts and develop an outlook of service to the people. He should submit monthly progress reports on the probationers to the Superintendent of Police with a copy to the Inspector General/Deputy Inspector General, Training. The later should visit the districts once a year and make an assessment on the basis of the progress reports and interviews of the probationers. In the case of probationers found below standard, he should recommend the termination of services or the extension of the period of probation as merited. The evaluation report of the Inspector General/Deputy Inspector General, Training, should be filed in the probationer's personal record.

Inspecting officers, including the range Deputy Inspector General, should meet the probationers as frequently as possible to assess their progress. The remarks of these officers about the progress of the probationers should be communicated to the Inspector General/Deputy Inspector General, Training.

Refresher Training:

Basic training prepares an officer for the performance of his job during the first five years or so. The environment in which a police officer has to function undergoes changes with the passage of time and there are usually corresponding changes in the nature of the job to be performed by him. This calls for refresher training. The need for such training is enhanced by the progress in science and technology which makes newer methods and techniques available for application to police work. Moreover, because of its very nature, police work results in the development of narrow and cynical outlook over a period of time. Refresher training provides a break from departmental routine and an opportunity for study, reflection and a readjustment of attitudes and values. A refresher course of six to eight weeks duration in the police training college which should lay emphasis on investigation, with particular reference to specialized or organized crime, his role in the prevailing context, the attitudes desirable, leadership and supervision. The course will have to acquaint the trainees with new legislation, important rulings and new techniques and methods of crime prevention and investigation promulgated/developed since their basic training. It will emphasize the need for obtaining the people's cooperation in

dealing with police problems and draw attention to the new dimensions given to police work in the context of the social defence programmes of the state and country.

Specialized Courses:

It is necessary to organize the following courses for Sub-Inspectors in the police training colleges to provide intensive orientation in certain important areas and functional aspects of police work:--

A six to eight weeks course on crowd control:

Instructions would be given on preventive measures, including the collection of intelligence to forestall a law and order situation; measures for countering rumors and panic; utilizing voluntary agencies and citizens' bodies; use of the latest methods and equipment for crowd control; human psychology and behavior with particular reference to various groups such as students, labour, etc; importance of the control room, communications, transport and the internal security schemes; deployment of manpower; arrangements for dealing with specific situations; arrest of ring leaders and known bad characters; identification of accused persons; investigation of riot cases and the role of the Home Guards, the Magistracy and the Army in aid of the civil power.

A six to eight weeks course on the investigation of fraud, embezzlement, organized rackets and economic offences. Such offences are rapidly on the increase and have a great impact on the socio-economic conditions in the present context and would require more and more attention by the State police in future. A detailed syllabus for this course may be prepared by the Central Bureau of Investigation.

A two weeks course in police community relations. The object of this course would be to enable police officers to assess their role in an increasingly complex society; to create a better recognition of the presence of other agencies interested in the welfare of the community and to encourage their co-operation in police work; to enable a better appreciation and assessment of the causes and factors that lead to the peoples' dissatisfaction with police; to explore ways and means of promoting a closer relationship between the police and the people and obtaining public support in police work; and, above all, to acquire a clear understanding of the need and importance of

the functioning of the police within the legal framework and in keeping with the growing aspirations and expectations of the people.

A course of fourteen weeks duration in Advanced Scientific Methods of Crime Investigation is run at the Central Detective Training School (C.D.T.S.) at Calcutta and Hyderabad for Sub-Inspectors and Inspectors. This is a well designed course to improve the standards and methods of investigation. The States should take the fullest advantage of this course. I recommend the opening of a few more C.D.T.Ss. to facilitate this.

These courses will be useful for Inspectors and Deputy Superintendents also.

Constables:

The appointment of this cadre is at range level. After appointment they have a training of at least EIGHT MONTHS at Police Training College, Junagadh OR Police Training School, Vadodara. They have a provision of refresher training also.

State Reserve Police Force:

There is a provision of State Reserve Police Force and they have a training period of like time as State Police in several cadres. S.R.P.Training Centre, CHOWKI (Junagadh) is the main centre for their training.

Training of Constables:

Present Arrangement:

Constables are trained in the police training schools in the State. Gujarat State has their own training schools for Constables. The duration of this basic training is eight months.

A constable is the most frequently seen police officer and generally the first to come in contact with the public. Though turn out and smartness impress, the people, by and large, judge a Constable by his behavior and the extent to which his attitude is helpful or otherwise. This applies in particular to the non-affluent sections to whom the Constable is the visible symbol of authority and who expect him to use it for safeguarding their rights and rendering them assistance in the solution of their problems. The Constable's powers of arrest, even though limited, give him large

scope for the use of his authority. His training should, therefore, concentrate on imparting professional skills and developing his abilities and attitudes in a manner which will enable him to discharge his functions effectively. It will also be necessary to make him physically fit to cope with the rigors of the service.

The syllabi of the basic courses for Constables show that, by and large, they lay stress on crime prevention, assistance in the investigation of crime and maintenance of law and order, drill, discipline and smartness, and building physical stamina. First aid, general knowledge and the principles of police conduct are included in all these syllabi. Elementary knowledge of the Constitution is imparted in the course.

Maximum attention should be paid in the training of a Constable to his behavior and attitude towards the common man. The need for courtesy, humour and impartiality, a constant awareness of the rights of the citizen and of the constraints under which a Constable has to function, and a high sense of duty and service to the people have to be emphasized.

A constable is required to deal with individuals as well as groups of people. He has to face large crowds, with different affiliations and motivations, which may be angry, frustrated, peaceful or violent. He should, therefore, have some understanding of human behavior and the attitudes appropriate for dealing with different types of people and situations. Students and organized labour, in particular, need to be handled with maximum patience and tact.

There is need to develop in a Constable the attitude that, instead of looking at his work as a task to be performed mechanically, he should have a feeling of involvement in the larger purpose of police work. He must, therefore, know the “why and how” of his duties as related to different situations he may have to face and the laws he has to enforce. Only then can he derive greater job satisfaction. It would be useful to bring out the purpose behind various legal provisions, and social legislation in particular, in order to impart a better understanding of the attitudes that are required in a Constable while exercising his legal powers. Greater use of audio-visual aids, demonstrations, practical exercises, discussions and role plays would facilitate the attainment of this objective. What has been stated with respect to the training of Sub-Inspectors applies equally to Constables.

The physical fitness programme recommended by us for the higher ranks should be introduced in the police training schools as well. Training in unarmed combat is even more essential for Constables. They should also be able to ride a motor-cycle and know how to use the electronic devices. Based on the above considerations, a revised syllabus for a nine months basic course for Constables has been framed and is attached at the end of this topic.

Daily Schedule:

As for senior ranks, the daily programme of training of Constables should begin with a period devoted to physical fitness. All other outdoor training and tutorials should be conducted in the afternoon. Sometime should be made available in the evening for study in the library. In view of the importance of night work for the police the entire training programme for a particular day may be conducted at night once each month.

Evaluation:

In order to assess what the trainees have learnt, examination and/or tests should be conducted from time to time throughout the course. The first examination may be held three months after the beginning of the course in order to grade the class into homogeneous groups and final examination at the end of the course. In addition, periodical tests during the course would ensure assimilation of the instructions by the trainees, assist the instructors to measure the extent of revision necessary, keep the tempo of the course high and the interest of the trainees alive and make sure that they study the subjects from day to day instead of postponing it to the time of the last examination. Apart from these examinations and periodical tests, which could be either oral or written, there should be practical exercises to test the trainees' skills.

Practical Training:

There is no system of imparting practical training to Constables. There should be a practical training to Constables for six months at a police station under the supervision of the officer in charge. A constable should be on practical training for a period of six months in a police station where he should first be given duties which can be performed in the company of other trained Constables, such as patrols, sentry,

escorts etc. Later, he should accompany them on duties which are performed individually like process serving, fixed post or nakabandi etc. This period of attachment to senior constables should last for four months and thereafter he should be required to do every phase of his work independently for the remaining two months. He should allot beat work, arrest and wireless service of processes, accompanying investigating officers, preservation of scene of crime, day and night patrolling and surveillance, should be sufficient. The trainee should, in the first phase, accompany experienced and selected men and thereafter he should perform these duties independently. A Constable should be taken along by investigating officers when witnesses are put up in court so that he may get a practical idea of how evidence is given.

The object of practical training is to enable the recruits to apply the instructions they have imbibed at the school. The Constables are the eyes and ears of the officer in charge and his main working instruments. They have often to act independently as law enforcement officers, particularly in matters relating to suspicious characters or property, and to develop the capacity to observe and judge men not only in the prevention and detection of crime but even while dealing with crowds or law and order problems. Training the senses to spot suspects or suspicious property during beat or bazaar duty or night patrolling by itself takes a long time. Practical training has, therefore, to be very thorough and should be so arranged that from the very beginning of their service, the recruits learn to apply their minds and use initiative. There should be emphasis on night work and the training should include an attachment to social service institutions, wherever they exist, for about two hours a week.

A system of maintaining observation note books, in which a Constable records all the observations made by him daily at the close of the day, is in vogue in some places. Much can be achieved in training a Constable to apply his mind to his work intelligently by encouraging and guiding him to make meaningful entries in his note book. This should be a part of practical training so that it becomes a regular habit with every Constable.

To cover all these items of practical work, we have suggested a six months field training programme as detailed as under:-

PRACTICAL TRAINING OF CONSTABLES—(6 months)

First Month—Attachment to a police station to learn routine duties, such as sentry, escort and picket, Special attention should be given to the maintenance of the duty roster, the general diary and other police station records and returns, the accounts work of the police station, including the preparation of T.A.BILLS and the use of the Police and Criminal Intelligence Gazettes. The Constables should attend the morning parades and kit inspection and acquire knowledge about local criminals.

Second and Third Months—Special attention should be given to preventive work, such as patrolling, beat duty, surveillance and Naka Bandi by day and night. The need for developing police-public relations, helping persons in need and dealing with juveniles with sympathy should be emphasized. Training should be given in developing contacts in haunts of bad characters, gambling dens and brothels for the collection of criminal intelligence. Memory and observation training should be given in order to develop the capacity to detect wanted or habitual criminals from their descriptive rolls or photographs.

Fourth Month—The constables should be required to accompany investigating officers to learn duties relating to the preservation of scenes of crimes, searches, seizures, arrests and raids. They should be told how criminal records at the police station and in the M.O.B. are used for the detection of crime and the location of criminals.

Fifth and Sixth Months—Attachment to an urban police station for being made familiar with problems of urban policing with particular stress on duties relating to beat, and law and order. The Constables should be acquainted, under close supervision, with the management of different types of peaceful crowds first and thereafter with the handling of mobs and unlawful assemblies requiring the use of force. The need for tact, courtesy, patience and restraining should be stressed.

This training can be best conducted at medium-sized police stations, which combine some urban and some rural areas and are also the headquarters of the Circle Inspector. Its supervision should be made the responsibility of a specially selected and well-motivated Sub-Inspector known for his integrity and efficiency who might if necessary, be an additional officer depending on the number of Constables to be

trained. Specially selected senior Constables/Head Constables, to whom the trainee Constables would be attached to learn the work, should be posted to this police station. The Sub-Inspector in-charge of the training should submit monthly progress reports on each trainee Constable to the Deputy Superintendent, Training. At the end of the practical training the Deputy Superintendent, Training, should personally examine each Constable to ascertain if he has made satisfactory progress and developed the correct attitudes, and submit a report to the Inspector General/Deputy Inspector General, Training, pointing out the favourable characteristics and the defects to enable the latter to decide whether the services of any Constable should be dispensed with or whether his period of probation should be extended in the cases of those reported upon adversely. The report would eventually be filed with the service record of the Constable concerned.

It is desirable that during the first few years of their service, Constables of the civil police should not be posted to the reserve lines where they would either form part of the reserve or perform mechanical duties. They should spend the first three years in police stations so that they can acquire proficiency through experience of field work. In order to give them an incentive to learn their work intelligently and to perform it efficiently, they should be allowed to take the examination for promotion to the rank of Head Constable during this period. Career planning should make it possible for a deserving Constable to earn promotion by the time he has put in about five years service.

Promotion Courses:

Constables selected for promotion to the rank of Head Constable are put through a course lasting three months course and a three months course for Head Constables selected for promotion to the rank of Assistant Sub-Inspector is to be conducted.

Head Constables selected for promotion to the rank of Assistant Sub-Inspector should undergo a three months course. As Assistant Sub-Inspectors, the officers will have to share the responsibility of supervision with the officer in charge and also investigate comparatively more complicated cases. Subjects relating to the prevention and detection of crime will need brushing up. In addition, the course should include

training in supervision and leadership and in handling specialized forms of crime; the role of the police, human behavior and police attitudes; methods of crowd control and the handling of different types of situations, particularly those relating to students and industrial workers. Motor cycle riding and maintenance should also be included.

Thus, by and large, the only training that Constables receive throughout their service is the basic training on recruitment. A vast majority of them mark time as Constables without any hope of promotion and they perform their duties in a mechanical way. The lac of any further training coupled with a lack of promotional opportunities seriously affects their efficiency and has an adverse effect on the image of the police. I consider a refresher course for Constables essential to maintain their professional efficiency and to ensure that they maintain the attitudes desirable in police officers. A refresher course of four weeks duration should be compulsory for Constables at intervals of seven years. The human relations content of this training programme will have to be substantial with emphasis on the development of correct attitudes and the preventive and social defence aspect of police work. To be purposeful and effective this training should be imparted in the police training schools. The refresher courses should also be utilized to identify Constables of a promising type for being encouraged to work their way up.

We would like all Constables to attend the refresher course but since their number is very large, the course should be restricted to those Constables who are capable of deriving the most benefit from it. Constables who have completed 25 years of service or 50 years of age, those who have a persistently unsatisfactory record of serviced and Constables who have done a promotion course or have been approved for promotion need not be sent for refresher training.

The post of Head Constables and Assistant Sub-Inspectors are filled by promotion in Gujarat State. Thus all Head Constables and Assistant Sub-Inspectors will have done either a promotion course or an induction course. I feel that all Head Constables and Assistant Sub-Inspectors, who have put in seven years service in their respective ranks, should be required to undergo at intervals of seven years a refresher course of eight weeks duration with a bias on scientific methods of crime detection. It should include an attachment to the State Forensic Science Laboratory for a week. Their knowledge of law and procedure with regard to investigation should be

refreshed and they should be acquainted with new laws and court rulings and the preventive and social defence aspects of police work. Police-citizen relations should form a part of the course.

REFRESHER COURSE FOR HEAD-CONSTABLES AND ASSISTANT SUB-INSPECTORS—CIVIL POLICE—(8 WEEKS)

Modern State and the Role of the Police.

Fundamental Rights and Directive Principles.

1. Political, social and economic changes in State and their implications for the police.
2. Major social problems—uplift of weaker sections of the people.
3. National integration.

Current Affairs.

Human Behavior:

Understanding Human Behavior—individual, group and crowd.

Police Behavior towards the public.

Principles of police conduct—selected cases to emphasize the importance of courtesy, impartiality and integrity.

Criminology:

Modern concepts in Criminology.

Criminogenic Factors.

Psychological.

Sociological.

Economic.

Political.

Deviance.

Individual deviance—juvenile delinquency.

Collective deviance—organized crime.

White collar crime.

Vice (gambling, alcoholism, prostitution and drug addiction).

Penology :

Punishment—prisons.

Correction and reformation—probation, parole and corrective institutions.

Racidity.

Crime Prevention:

Prevention of Crime.

Collection of criminal intelligence.

Prevention of special types of crime like dacoity and burglary.

Application of Science and Technology to Police Work:

The course should include attachment to State forensic science laboratory for one week.

Self-Development:

There are a large number of Constables whose educational qualifications are matriculate or Std. XIth pass. Since it is otherwise also desirable to raise the educational standards of the police, opportunities should be provided to Constables for self-education. As regular classes may not be feasible for the constabulary, whose hours of duty are irregular because emergencies requiring the deployment of men in large numbers are frequent, the solution lies in encouraging them to avail of correspondence courses and/or evening classes for improving their educational qualifications to the extent this can be done without detriment to their duties. It would facilitate this process if Government bears the charges on account of the fees for these courses. Suitable allowances may be sanctioned to Constables who pass the higher examinations in the form of advance increments. This will provide the necessary motivation.

TRAINING OF ARMED POLICE:

Functions:

The armed police, consisting of a well trained body of personnel, provide a reserve force to aid the civil police whenever required. The functions of an armed police battalion are, mainly, to assist the civil police in the maintenance of law and order and in the management of large crowds at fairs, festivals, public meetings, elections and visits of **VIPs**; quell riots and communal disturbances, conduct anti-dacoity operations and perform counter-insurgency duties and tasks connected with border security; help the civil population during natural calamities; guard **VIPs** and

vulnerable points; escort prisoners, treasure, etc; assist the Army during peace and hostilities; and guard prisoners of war, control and protect refugees and assist civil defence units wherever necessary.

A State armed police battalion usually consists of six active companies, each comprising of three platoons, each of which is in turn divided into many sections. The Commandant of a battalion is an officer of the rank of Superintendent of Police and is assisted by two or more Assistant Commandants of the rank of Deputy Superintendent. The Company, Platoon and Section Commanders are of the rank of Inspector, Sub-Inspector and Head Constable respectively.

There are fifteen to Sixteen Groups of S.R.P. in Gujarat.

Each Group shall consist of the following:-

Two Battalions consisting of four Active companies each.

One Technical and Reserve Company.

One Administration Comp any.

Motor Transport Section.

Wireless Section.

Hospital Section.

Office Establishment.

Followers.

A Battalion shall be commanded by an officer called “Battalion Commander”, who shall be of a rank equivalent to that of an Inspector of Police.

Each of the Active Companies shall be commanded by an officer called “Company Commander” of a rank equivalent to that of a Sub-Inspector of Police. Each such Active Company shall consist of three Platoons, each commanded by an officer called “Platoon Commander” of a rank equivalent to that of an Armed Police Jamadar, plus a Company Head Quarters Wing.

BASIC TRAINING COURSES:

Constable recruit is given preliminary training in the unit for a couple of months before he is sent to the training centre/battalion to help him to find his feet and prepare him for the strict discipline of a training centre. The duration of the basic

course for constables varies from eight months. The subjects included in the basic course are physical training, drill, discipline, sentry duty, weapon training, bayonet fighting, lathi drill, crowd control, tactics, fieldcraft and unarmed combat. Instruction is also imparted in law, general knowledge, first aid, hygiene and sanitation, and map reading.

Basic training in the armed policed has the objective not only of training the personnel to a high degree of efficiency in the use of weapons and equipment and the performance of their duties but also of making them physically tough, disciplined and capable of working in a team for the successful achievement of a common aim or task. An examination of the training programme of armed police personnel indicates that there is considerable stress on the teaching of professional subjects with little, if any, attention to an understanding of the role of the armed police in relation to the people or on inculcating proper attitudes in dealing with the latter. A large number of witnesses told us that the armed police were being increasingly deployed on duties such as controlling large crowds at fairs and festivals and in connection with elections, political meetings and processions, and they urged that the training programme should be enlarged to impart to the armed police personnel a proper understanding of the purpose behind their tasks. An armed policeman needs to be courteous, helpful, kind and yet firm while dealing with the public. These requirements have been kept in view in preparing the syllabi of the various courses for the armed police. Since a lot of their work is performed at night, there should be due stress on night work during their training.

CONSTABLES:

A Constable of an armed policed battalion has to perform sentry, patrol and picket duties; guard and escort prisoners; deal with large crowds during melas, processions, VIP visits and disturbances; take part in operations against dacoits, insurgents and extremists; and help the civil population during natural calamities. He must be made fully conversant with these duties and the laws which give him powers to act or which require his intervention and with the organization and working of the police department, other departments of the Government in the State and at the Centre, and of the armed forces and other auxiliary units. A syllabus for a nine months basic course for Constables of the armed police is arranged.

Sub-Inspector (Platoon Commander):

A Platoon commander is in charge of the administration, training and discipline of a platoon and, should an occasion arise, of a company. He has also to know the administrative duties of a Subedar Adjutant, a Subedar Quarter Master, etc. He must be proficient in all the duties which his subordinates may be called upon to perform. The men look up to him for guidance and expect him to lead and look after them in all situations. He should be able to motivate them and be capable of acting swiftly and decisively with boldness and courage and with a proper understanding and appreciation of the situation to be faced. His subordinates, colleagues and superiors should find in him a loyal and dependable person. The syllabus for a nine months basic course for Sub-Inspectors of the armed police is arranged.

Orientation Course:

The duties which the armed police perform are different in many respects from those of the civic police. Therefore, it is essential that officers of the rank of Sub-Inspector, Inspector and Deputy Superintendent transferred from the civil to the armed police should attend an orientation course with emphasis on unarmed combat, weapon training, fieldcraft, tactics, map reading, emergency relief operations and the functions of the armed police. This course need not be a regular feature and can be conducted once a year, or whenever necessary depending on the number of personnel required to be trained. The syllabus for a four months orientation course is arranged.

Promotion Courses:

It is necessary that promotion courses should be arranged for the various ranks of the armed police, in which, besides refreshing the knowledge and skills already acquired, inputs are provided to assist the officers to cope with their new duties and responsibilities. I recommend the following promotion courses :--A course for Constables selected for promotion as Head Constables. As a Section Commander, a Head Constable has to lead his men and be responsible for their training, discipline and administration. He should be able to handle a platoon, should such an occasion arise. The course should include instruction in all these duties.

A course for Head Constables selected for promotion as Sub-Inspectors. Instruction should be given in the duties and responsibilities of a Platoon Commander. The additional subjects to be taught are maintenance of registers, documents etc. of a platoon; duties of the Subedar Adjutant and the Subedar Quarter Master; platoon and company drill; and leadership and supervision.

A course for Sub-Inspectors selected for promotion as Inspectors. An Inspector in an armed police battalion is required to administer, train and command a company. In addition to teaching these duties the course should include instruction in holding departmental enquiries and in leadership and supervision.

Refresher Course:

In the armed police, the scope for promotion depends on the number of armed police battalions and one may have to wait for several years in the same rank before promotion. Refreshed training is, therefore of special significance in the armed police since the professional knowledge and performance of every single individual in the field has to be kept up-to-date and of the required standard. There should be stress in refresher courses on weapon training and musketry, tactics, fieldcraft, security duties and crowd control. Topics under the heads 'General' and 'Human Behaviour' in the basic course should also be included. All officers should undergo refresher courses every seven years, except those who have done a promotion course or are approved for one. I recommend the following refresher courses:--

A three months refresher course for NCOs (Head Constables and Naiks) to be conducted in the units.

A fourteen weeks refresher course for Sub-Inspectors (Platoon Commanders) to be conducted at the State armed police training centre.

A fifteen weeks refresher course for Inspectors to be conducted at the State armed police training centre.

Instructors Course:

The training of outdoor instructors is of special importance in the armed police. Outdoor instructors are required for the following branches of specialization :-

Drill.
Physical fitness.
Unarmed combat.
Weapons.
Tear-smoke.
Anti-dacoity operations.
Counter-insurgency and anti-extremist operations.

The integrated method of teaching should be used wherever possible. While dealing with subjects like crowd control, communal disturbances, rioting, counter insurgency etc., the relevant legal provisions should be explained along with an exposition of the attitudes required for dealing with different situations. The maximum possible use should be made of audio-visual aids, including sand model discussions, tactical exercises without troops and outdoor exercises.

Daily Schedule:

The nature of their work and living conditions ensure that armed police personnel have the opportunity for physical training throughout their service, except during emergencies. The physical fitness programme recommended for the civil police need not, therefore, be adopted in the armed police. Instead, there should be a regular physical training programme intended to make the personnel tough. Their daily schedule of training should begin with physical training in the morning and the indoor classes should be held when the trainees are least fatigued, i.e. in the forenoon. Outdoor work like weapon training, tactical exercises and other practical work can be done during any time of the day.

Training of Traffic Police:

Traffic problems are becoming more and more complex and difficult not only in the metropolitan cities but also in several other big cities whose number itself is increasing at a fast pace. These problems have increased in the rural areas also all over the state due to increases in road mileage, number and variety of vehicles and road traffic of passengers as well as goods. With economic progress, these problems would continue to become more and more acute. This would necessitate a rapid increase in the strength of the traffic police in the country and would call for

specialized training of the higher ranks in the latest techniques of traffic policing. The subject has not received due attention and has remained neglected. Apart from reducing traffic hazards, this aspect of police work has a very important bearing on the image of the police. During my visits, I have found that, in cities where the traffic police are efficient, the people by and large have a good opinion about the police. The subject of imparting basic and specialized training in traffic policing not only to the rank and file of the traffic police but also to officers of the higher ranks, therefore, requires urgent attention.

There is Traffic Institute in Bombay and a Traffic School in Calcutta but there is no Traffic Institute in the State of Gujarat. Gujarat State should establish an institution for imparting training to officers, preferably with experience of traffic work from the rank of Sub-Inspector or Sergeant to that of Superintendent of Police. Basic and specialized training to the rank and file of the traffic police should be arranged in this institution.

5.23 INSTRUCTIONAL METHODS AND AIDS

Teaching Methods:

Training is fundamentally a problem of communication. The trainer must constantly interest, motivate, challenge and instruct efficiently. The longer the session, the more difficult is his task in putting his points across. The most common instructional method being followed in police training institutions, at present, is the lecture method, supplemented by demonstrations and written and oral instructions. It is quite apparent that this method, particularly in the hands of inexperienced instructors and without the assistance of any visual aids, is not achieving the desired results. Each faculty member will have to work out a plan of handling his subjects with a view to achieving the following objectives:--

To impart the necessary knowledge regarding the subject.

To assist the participants to develop the necessary skills for translating the knowledge into action.

To enable the participants to identify and understand the attitudes which would be desirable in handling different police situations.

Integrated Method of Teaching:

During my visit to various policed institutions, I found further that different aspects of the same topic were covered one by one and at different times, thus depriving the participants of a total understanding of various aspects relating to the totality of a situation. I recommend, therefore, that the integrated or concentric method of teaching should be adopted in all training programmes. This will involve close co-operation between the various staff members lecturing on different aspects of the same theme and also require a relatively higher ratio of staff to trainees than is the case at present.

The effectiveness of integrated teaching can be enhanced by supplementing the lectures with other teaching methods and using modern teaching aids so as to ensure the maximum possible trainee participation in the training process.

Lecture:

The lecture method is simple and inexpensive. An experienced speaker can make a lecture interesting, thought-provoking and even challenging. A lecture can speed up the learning process as it enables the instructor to offer in a concentrated form the benefits of his knowledge and experience. But, since the participants have only a passive role, this method ignores the principle that learning to be effective must involve participant activity on the part of the trainees. Thus, it tends to add to information rather than increasing understanding.

Demonstration:

A demonstration is the simulated performance of an actual operation. It is a more effective form of teaching than the lecture when the subject matter calls for instruction in procedures or manual skills or the use of mechanical devices. It is particularly useful if the trainees have limited educational qualifications or practical experience. Demonstrations can also be used to set up or define standards of performance, by serving as patterns or models. This method can form an important aid in teaching subjects.

Observation Method:

The underlying principle of the observation method is that direct experiences are more effective in the process of learning than lectures. They are retained in the mind for a longer period of time than things learnt in the class-rooms. First-hand information is also a strong motivating force for further inquiry. This method, however, necessitates a well-planned and well-directed procedure in order to employ it to the best advantage for integrated teaching. Trainees are taken to observe incidents or situations either during the actual development of an incident or a situation or after it is over, to observe things for themselves, draw their own conclusions and plan their own approach when they may be called upon to solve similar problems. The instructor acts as a guide. This method can be widely used in police training programmes at all levels since police officers have to deal with practical situations directly all the time.

Discussion Method:

The discussion method can be utilized as an alternative to lectures to develop critical thinking among the trainees. Because of the active participation of the trainees, absorption is much greater. The success of this method depends on the involvement of the maximum number of students, but for deriving the optimum advantage, it is desirable to limit the size of the class to about 50 trainees.

In this method, the teacher sets a topic on which the students have to come prepared for a discussion. They raise various points and a discussion follows. This method helps to foster healthy rapport between the teacher and the trainees because it provides the latter with an opportunity to participate and stimulates enquiry and understanding.

Group Discussion:

A group discussion is held under the supervision of a leader selected from the group itself on a subject which may have either come up in the class-room or may have been selected by the instructor. It affords close and intimate contact between the teacher and the student and an opportunity for questions and clarifications. The aim is to facilitate a planned and purposeful interchange of ideas and reactions, help the

trainees to acquire new knowledge and develop appropriate attitudes through a process of direct involvement.

The variations of this method which could well be utilized for police training are:

Tutorials—individual guidance given to small groups of pupils by an instructor.

Workshop—a group effort to work out the details of a task, as distinct from a discussion of general principles.

Symposium—a presentation of views by different speakers on a common theme.

Panel Discussion—a symposium supplemented by inter-action among speakers.

Brains Trust—a number of senior officers, preferably not more than five, form a group to answer questions put by the trainees.

Case Study:

The case study method has special relevance to police training because the police have to deal with cases and a trainee's accrued in the past or with some hypothetical, but realistic, examples is likely to lead to a proper understanding of the situations which he may have to face in his future professional career. This method places the greatest emphasis on participation by the trainees.

T-Group of Sensitivity Training:

One of the newest methods for developing skills in human relations, leadership and supervision, all of which are essential for the effectiveness of a police officer, is the T-Group or L Group discussion or sensitivity training. The basic objective of this training is to help the participant to improve his effectiveness through the process of developing insight into his own behavior, enhancing his ability to communicate with others and increasing sensitivity to inter-personal relationship. This is in effect a laboratory approach where the learning takes place on the data generated

through a series of experiences, which are unstructured and based on instrumented exercises depending on the growth of the group, in a 'here and now' situation.

Syndicate:

A syndicate generally consists of a small group of persons, with one member acting as the chairman and another as the secretary, for examining a specified topic. Each syndicate is briefed in detail on the topic assigned to it, indicating clearly its nature and scope and is provided with a reading list and specially prepared background material in the form of papers, exercises and cases. The chairman, with the guidance of the instructor, plans the work, conducts the discussion and study and helps the syndicate to prepare a report. This method calls for sustained effort by every member and develops co-operative, thinking and the powers of expression, judgments and decision.

Incident Method:

The Instructor sketches an incident; the trainees study the brief sketch and obtain more facts the instructor to complete the case. In the process, they learn how to obtain relevant data for studying an event or an incident. In the next phase, each trainee diagnoses the incident and writes down the solution individually. The trainees are then divided into like-minded groups and each group formulates its reasoning and elects a spokesman. In the subsequent phase, each spokesman outlines the position of his group. The groups then test the strength of their positions by obtaining more facts from the instructor. The instructor next tells the trainees what was actually decided and how it worked out. The trainees think over the entire problem and discuss such aspects thereof as promote a full understanding of the case.

The incidents are taken from actual life situations. This is an excellent method for developing understanding of how to obtain the right data for studying a situation, how to use data effectively and what the weaknesses are in the trainee's own approach to the solution of the problem.

Films:

Films, especially sound films which combine action, dialogue and sound effects, absorb attention particularly if the presentation is of a professional standard.

Unconsciously, the viewers tend towards an emotional identification with the characters to an extent which few, if any, other learning aids can match. Since 90 per cent of knowledge is learnt through the sensory organs of hearing and sight, it is evident that the training value of films cannot be over-emphasized. The result of research indicate that films speed up training without loss of effectiveness; make training sessions more interesting; are more effective than verbal instruction or other visual aids in assisting the trainee to retain knowledge; and help to modify set or pre-conceived beliefs in desirable directions.

Slides:

The slide is one of the oldest and perhaps the most popular of training aids. It is easy to handle and can be put to a large number of uses. An instructor can use slides to illustrate his points and thus remain in complete control of the situation. Unlike film strips, slides can be shown in any order. A number of slides can be shown and each one analyzed thoroughly or a larger number can be projected in order to present a survey of the topic.

Projectors:

The projector can simultaneously project and enlarge any desired object from the size of a postage stamp to the page of a book so that every trainee in the room can see it clearly and without distortion. Maps, charts, diagrams, pictures, drawings, photographs, slides etc. can all be displayed effectively through projectors. The projectors required for film strips and slides are inexpensive and simple to operate. The over-head projector enables the instructor to face the group while demonstrating what he is trying to put across.

5.24 CYBER LAW:

The most challengeable task for police force in the current affairs is to detect the offences of **CYBER LAW**. But there is no special provision during the training or in the field to become police officers familiar with this law. The State Government has not formed a special branch to meet with **CYBER CRIME**. It requires badly need in now-a-days for Police Force.

How badly do we need the Cyber Law?

The apt answer of this question lies in all pervasive threat perception which is looming large in the cyber space. The threat or menace to the cyber space is no more a virtual one but a practical one which makes its mark palpable in every aspect of cyber space blurring the geographical boundaries of this planet. Such menace has now crystallized into various kinds of a specific crime which is in broader sense called **CYBER CRIME**.

The Cyber Crime is now no more limited to few sporadic incidents of unauthorized access to a particular computer or a particular cyber space with a view to damaging its data or sabotaging the system which few years were called the Computer Espionage. The Cyber crime has spread to such proportion that a formal categorization of its crime is no more possible. Every single day gives birth to a new kind of cyber crime making every single effort to stop it almost a futile exercise. Some of the current cyber crimes are – Cyber stalking, Tapering with Digital Signature Certificate, Cyber harassment, Cyber fraud, Cyber defamation, Spam, Hacking, Trafficking, Distribution, Posting and Dissemination of obscene material including pornography, Indecent exposure and child pornography etc. The rise in the variety of cyber crime as a natural corollary increases the rate of cyber crime all over the globe. Going by the data of National Crimes Records Bureau the number of pending cases relating to cyber crime in India has witness's early 300% growth from the year 2002 to 2007 as in the year 2002 there was merely 70 cases pending whereas the same is 217 in the year 2007. This rapid growth of crime has left no room for doubt that this country indeed requires a dedicated Statute which would deal with all the possible aspects of cyber space and crime involving it which spread its tentacles in every corner of the global arena.

The habitat of more than a billion people in this country has no doubt makes the legal issues more complex to watch and implement. The augment of internet and rapid growth of MNCs has made it inevitable that the commercial transactions are regularly taking place from a remote corner to another far away corner of this country and the Corporate Field having taken resort to electronic mode of communication primarily internet makes it imperative to give legal recognition to not only the agreements executed through internet but even communications made through the

medium of internet. The Cyber Law is hence no doubt the right step in the right direction.

Before the enactment of Cyber Law i.e. Information Technology Act there was great vacuum in the law of evidence, the guidelines of proof of a case irrespective of its civil or criminal nature to cover various issues which encompasses the disputes or offence in cyber space. The enactment of Cyber Law has paved with its stride the necessary amendments in the Indian Evidence Act, Indian Penal Code, and The Bankers Book Evidence Act etc to give effect of the IT Act to its fullest.

The enormity with which the Cyber Crime has occupied the cyber space, the threat perception of the people has also undergone a sea change. Nowadays the people started getting more fearful about the cyber crime than even the burglary or the theft. The growing dependence on cyber space has made it inevitable that a specialized Law gives protection to the activities which the people indulge in through the media of internet. The dependence on cyber space with the each passing day would be on the rise and not be on the wane making it imperative that at least a sense of security prevails in the mind of the people while sharing cyber space.

Scope of Cyber Law in India?

The scope of Cyber Law in India is enormous to say the least. Before delving into the scope of Cyber Law we must understand that the octopus grip of Cyber Crime has spread to unavoidable presence of person, property and most importantly the Government in the Cyber Space. The terrorism against the Government popularly called Cyber Terrorism has the potent of causing far reaching and most deadly mark in the lives of people and the State Machinery. So most of the abuses or crimes done through the internet have been tried to be covered by the Information Technology (Amendment) Act 2008 which has been in force from 27.10.2009 bridging most of the loopholes which were found in the original Act.

- (i) **Section 65 to section 67 B of the IT Act** have prescribed for punishment by way of imprisonment up to 3 years or fine up to 10 lakhs of Rupees depending upon the nature of offence.

- (ii) Even the Intermediaries are not spared by way of **section 67C of the Act**. The Controller has been given enough power to give directions by virtue of section 68 of the Act. **Section 69 to 70 of the Act** has authorized the Central Government to monitor, intercept or even block for public access any particular information for the purpose of cyber security, to collect traffic data or to declare any computer resource a Protected System.
- (iii) **Section 71 to 74** has given necessary security in the domain of privacy and for acts of misrepresentation, fraudulent publication or forged electronic signature by prescribing punishment by way imprisonment or fine up to 3 years and Rs. 5 lac respectively.
- (iv) The Act has also made liable the Company or a Firm for the acts of Contravention or offence by its Director or the Partner.
- (v) The application of other Penal laws like Indian Penal Code, Arms Act, Copyrights Act, Narcotics Drugs and Psychotropic Act etc. parallel for the offence done in the Cyber Space has made the IT Act more relevant with the advent of progressive means of communications through cyberspace. That is why cyber laws do not mean IT Act alone.

In a nutshell the amendments made in the year 2008 has almost covered the gaps or lacuna which was found to be palpable when this Act first came into force. The term 'electronic signature' replaced the previous 'digital signature' to make this Act more applicable. The Cyber Law now has been made to apply in the case of 'communication device' as well to bring the high end mobile phones within its ambit. Section 10 A has been added to legally recognize agreements executed through e-mails. Section 43A has made the Body Corporate which is in charge of computer resource liable for not maintaining proper security. Most importantly section 81 of the Act has given this statute an overriding effect. The I T Act has been made enforceable against the abettor or the person who took attempt to commit the crime as well.

When the internet is the global tool of communication, how does cyber laws regulate activities of a website hosted or managed from another country?

This question deals with the aspect of extra territorial jurisdiction for an offence under Cyber Law. The primary penal law in India i.e. Indian Penal Code which also covers many forms of crimes including criminal intimidation, defamation, forgery, cheating, extortion which are widely committed by the cyber offenders by using cyber space has also covered this issue where by section 4 of the Code prescribes for punishment for any Indian citizen who has committed any offence outside India but found in India if such offence done by that person is punishable in India as well. The IT Act has also facilitated such applicability further by making such similar provision. The section 75 of the IT Act after its amendment in the year 2008 has made this Act applicable for commission of offence or contravention outside India as well. This section is even broader in its sense and applicability as even the citizens other than this country guilty of cyber crime has also been taken within its fold. Only small condition for its applicability is that such person must use any computer system or network located in India. So such accursed person can be prosecuted in India by bringing that person through International Treaties after undergoing procedural compliance called Extradition. Though India is not a member of any of the Cyber Crime Treaties like Hague Convention but it has extradition treaties with most of the countries and it is a signatory to TRIPS (Trade Related Aspects of Intellectual Property Rights) under the aegis of WTO thereby making it amenable to global jurisdiction on copyright, patent or trademarks disputes.

How does Cyber Laws define ethical netizen activities?

The ethical activities of the netizens mostly involve the activities which are called by the Cyber society as ethical hacker. Hacking means unethical access to a computer system. Now those persons who through unauthorized access to a computer system but do that with the view to find out the fissure in the security system but do not make any attempt to steal or damage any data or the network are largely called ethical hacker. Like the crackers they are not the outlaw in the society and the sole purpose of their activity is to highlight the shortcomings in the security of system so that the same may be repaired to restrain any such future unauthorized access. However section 66 of the IT Act in India has made it clear that before counting hacking as crime such unauthorized access must be made with the intention or knowledge so as to cause wrongful loss or damage to the public or the person and

must result in alteration, deletion or destruction of any information in the computer source. So by virtue of section 43 of the IT Act if any such activities do not fulfill the criteria as mentioned herein the same would not be counted as a crime and hence would not be liable to pay any compensation.

What is the difference between Hacking and Cracking?

Nowadays this hacking and cracking occupies the major portion of cyber crime worldwide. Still there is a fine line between hacking and cracking. Hackers are mostly perceived to be respected member of the technocrats who finds the loopholes in system for its betterment whereas the crackers are those who make the same thing but for the purpose of criminal activities with criminal intent.

A hacker may be a person who is expert with computers and/or programming to such extent where they know all of the in's and out's of a system. There is largely not much illegality involved with being a hacker if he indulges in ethical activities. He mostly does this to find out the security flaws so that the owner or the administrator of the system or the source comes to know about this for sealing the breach.

A cracker is also a hacker but he uses his expertise for personal gains outside of the law. EX: stealing data, changing bank accounts, distributing viruses etc.

What the hacker does with their knowledge of systems within the definition of the law is what defines them as hacker versus a cracker. We can hence safely say that all crackers are hackers, but not all hackers are crackers.

Hackers regard crackers as a less educated group of individuals that cannot truly create their own work, and simply steal other people's work to cause mischief, or for personal gain. However people often due to lack of proper understanding uses these words interchangeably.

How can a regular user protect his/her online identity from unethical activities?

In the face of progressive Cyber Crime often out pacing the means to check it, it has become more important to take some various preventive measures for a regular online user to protect both his identity and the content of his communication.

<!--[if !support Lists]--> (a) <!--[end if]--> Since transmission of electronic documents occupies the major chunk of cyber space in today's emerging global market, if the authenticity of such documents are not maintained the very foundation of global trade would come to standstill. Hence application of electronic signature, Cryptography, Hash Function, Split Key Architecture or Digital Time Stamping goes a long way to save the transmission of electronic documents from the clutches of Cyber Crime offender.

<!--[if !support Lists]--> (b) <!--[end if]--> Storing the electronic document in removable storage device behind the Firewall also helps to keep the document in safe custody. The person using internet should be watchful to check the Digital Certificate given by the Certifying Authority while sharing information with any website.

<!--[if !support Lists]--> (c) <!--[end if]--> Use of Platform for Privacy Preferences by the member of cyber society also helps to create a sense of security in the online activities.. Moreover if the netizens worldwide apply the UN Guidelines to follow while using cyber space then no doubt the cyber space could be freed from the clutches of cyber crime to a large extent. Some of the guidelines are- purpose specification, lawfulness and fairness, interested person access, non discrimination, super vision and sanction and keeping of personal data by International Government Organization etc.

<!--[if !support Lists]--> (d) <!--[end if]--> Avoidance of using the same e-mail id which is used in social networking sites or given in any public profile while dealing with the banking activities including online transfer of money also helps to protect the user's identity from falling in the hands of eavesdropper. Little caution while sharing the password with any website, how secured it may be, only protect the user in his online activities. Adopting some precious little like installing up-to-date anti-virus software, using security programme to have control over the cookies do wonders for the benefit of the online users.

In the context of the Pakistani Cyber Army's hacking the official website of CBI how is the Indian Government equipped with essential technology to protect sensitive information from malicious attacks?

The hacking of CBI website along with other alleged 270 government websites in India has caused a lot of stir in the both private and public domain. Such rampant hacking of Government websites has no doubt exposed how ill equipped our mainstay of the Investigating Agency and loopholes in the filtering controls of National Informatics Centre, the Organisation which manages the servers across the country.

Even the sources in the IB admit that the expertise of government machinery is not sufficient. And the only way to counter such future attacks seems to make it urgent to create a team of dedicated hackers or cyber army who with the permission of security agency would keep a watch on the important websites of the Government to prevent recurrence of such ignominy to our nation. The Government is also heard to be thinking on that line. However in Kerala the Computer Emergency Response Team prevented similar attempts of threat to government websites which only proves that if the Government agencies want it can indeed take appropriate preventive measures against such attacks in future.

The Indian Cyber Army in the meantime retaliated by attacking and defacing the official website of Oil and Gas Regulatory Authority, one of the most secured government website in Pakistan.

Are these the new face of terrorism- cyber terrorism?

Yes these types of organized cyber attacks against the civilians or the government's cyber property could indeed be termed as cyber terrorism. The cyber terrorism like a commonplace terrorism has been successful to create a panic in the minds of the people who often are found to be unawares when attacks are made causing a fear psychosis in their mind about the next possible attack. It is nothing but a proxy war creating as much of damages as could be possible in the property of the enemy of the cyber attackers. The defacement of a website may not be the only casualty. Cyber terrorism may soon target the Information System which control some basic civic services, banking systems or even the Stock Market or private sectors.

So the government with a view to protect its civilians or its property from the cyber terrorism should install the Protective Security Blanket over the important

Information System and Installations. Adopting counter measures against such attacks should also be productive. Creation of a Cyber Army with legal recognition only for the protection of the cyber space and property is the need of the hour. Creation of Computer Emergency Response Team is the right step in the right direction by the Government. The Government should also take a pro active measure by identifying the IP address and the website, if any, of the cyber terrorists and should destroy the source and those who harbors' of such crime for which no doubt a global consensus needs to be in place.

Another important measure for protection against cyber terrorism and war could be taken if the Corporate World where undoubtedly the online activities are at wide scale is made to understand its threat and the actions to be taken for its protection. Mere negligence and or apathy to take such counter or protective measures sometimes compromise the security of the people or its customers at large and the only means to stem it is to implement a comprehensive Cyber Law Compliancy like the Governments in Europe and America do. India is yet to do on this aspect and the same can be implemented only if the government enforces some kind of issuing Compliance Certificate in default of imposition of heavy penalty may be levied. The Certifying Authority should be made more vigilant while discharging its functions.

A Data Protection Laws for ensuring that no Data Confidentiality is lost resulting from the Transcription Centers which have seen phenomenal growth in India once the Foreign Firms found India as its favorite place for outsourcing.

The Government could also seriously think to raise a dedicated Cyber Inspector on the line of other countries like South Africa. A Special Task Force for the purpose of Cyber Crime only can be set up so that ill effects of wide spread computer illiteracy in the existing Police Force in India could be mitigated.

How much the Indian netizens are aware of the laws governing their online activities?

The answer is a mixture of both yes and no. It would be false to state if we call that the Indian netizens are unaware of the Cyber Laws in this country. The problem is only 10% of the total offences committed gets reported making us believe

that the computer users are not versed with the Cyber Laws in India. But the fact is the computer users or netizens are averse to lodge the complaint due to the fact that once such case is registered they have been subjected to the grueling stages of tardy prosecution. The ill equipped law enforcing agency and the not so trained judiciary only add the further woes to the crippling Cyber Laws. It is not the lack of awareness but the apathy of the netizens to bring the culprits to book which is responsible to the small amount of cases pending under Cyber Laws compared to the regular criminal or civil cases. Moreover making the case under IT Act as a quasi civil nature does not help either. So the victim or the law enforcing agency is more eager to register a case for defamation or intimidation under the provision of Indian Penal Code than that under the IT Act.

Moreover keeping certain all important Acts or provisions of law like Negotiable Instrument Act, Will, Trust, intellectual Property Rights, Power of Attorney or Conveyance of immovable property outside the jurisdiction of IT Act does not render any help. The issues of chat room abuse, domain name or theft of internet hours are also kept outside the purview of IT Act. The lack of parameter to implement the IT Act further compounds the problem.

Still we can neither lose any hope nor ignore that the registration of cases under the Cyber Laws for the last few years only increased rather than getting decreased.

Ways the Indian Government promote literacy about Cyber Laws?

The government no doubt can play a pivotal role in spreading awareness and the best result in this respect could be yielded not by mere publicity through advertisement in both print and electronic media but by means of e- governance and imparting IT training to its staff. The launching of e-courts in most of the states even including the lower judiciary literates a large chunk of people who mostly go to the court very often. However, the main hurdle in spreading the literacy which plagues the whole system is the ill trained lawyers, law enforcing agents and the judges. Unless the infrastructure which enforce, execute and adjudicate the issues involving cyber laws gets improved with well trained members the people at large would refuse to get literate with the Cyber Laws. The legislation of Communication Convergence

Bill is another measure by which the Cyber Laws could be spread to more people by way of its wide stretch of application.

5.25 TRAINING OF INFORMATION & COMMUNICATIONS TECHNOLOGY: (ICT)

Now-a-days it is essential for a State Police force to establish an ICT wing and there should be a provision for practical training for this wing. But even today the State Police department has not established ICT wing nor there a provision for special training.

(1) GENERAL:

(1) Police being a department of significant proportions, spread throughout the length and breadth of the State, with deployment at numerous remote locations, both within and outside the State, requires effective, secure, readily available, fast and reliable information management and communication amongst various wings and units. Information & Communications Technology (ICT) Wing, is dedicated to providing technical and manpower support to enhance the operational efficiency of various wings and units in this regard. Overall control and responsibility as regards administration, internal economy, discipline, welfare, recruitment and training in ICT Wing shall vest in the Director General of Police who shall be competent to issue directions, frame regulations and issue standing orders and standard operating procedures consistent with the Act and these rules in pursuance of the same.

(2) Information & Communications Technology (ICT) Wing shall be administered, under the general control of the Director General of Police, by an officer of the rank of Additional Director General of Police or above. He shall advise the Director General of Police in matters relating to modernization of management of information system and telecommunications, adoption of advanced technology, training methodologies, procurement and management of new equipment, use of cryptographic tools, manpower planning & management, coordination with outside agencies of Government of India and other states/Union Territories. He shall be responsible for gearing up the related systems of technology meant for information and communications towards providing reliable, fast, efficient and secure police service under all circumstances.

(3) It shall be the duty of the Information & Communications Technology (ICT) Wing to get a comprehensive technology audit of the organization conducted every two years, outlining the current level of technologies available in the organization, its strengths and weaknesses, new technological developments in the field of telecommunications and Information Technology, and a forecast of future requirements over a period of next ten years. The whole exercise is aimed at generating a long-term perspective plan for the Information & Communications Technology (ICT) Wing and its regular updation.

(4) The Additional Director General of Police, Information & Communications Technology (ICT) Wing shall, under the authority of the Director General of Police and with his approval, issue standing orders laying down clear norms regarding access to information communication equipment in the State, handling and prioritization of information communications, functioning of Police Control Rooms, Network stations and courier service.

(2) AIMS:

Primary role of ICT Wing shall be to plan, Objectives, organize and provide efficient and secure communication and solutions based on Information & Communications Technology to all the wings of the Gujarat Police.

(3) FUNCTIONS:

The functions of ICT Wing shall include:-

a) Operational:- The ICT Wing shall be primarily responsible for providing reliable, secure and efficient voice and data communication for clearance of the messages concerning law & order, on the VHF/UHF/HF, POLNET as provided in the Police Radio procedure Book issued by DCPW from time to time. The other mode of communication for Voice, Data and Video Communication will be through LAN/WAN, WI-Max, E-mail, E-Mobile, GPS based and other latest available technologies. The communication shall be static as well as mobile as required from time to time and shall extend from the State Headquarter to District Headquarter, down to the Police Stations/Police Chowkis, other field units, vulnerable areas and mobile patrolling parties etc. Provided such ICT based solutions shall be available to

all the units, wings and branches of the service, subject to the administrative and financial sanction of the State Government issued from time to time. In the eventuality of any crisis or emergency, when normal facilities of communication provided to the public, such as Post & Telegraph or Telephone are affected due to interruption like strikes/ sabotage/ natural calamities etc. the Police ICT infrastructure shall be used for purposes other than policing, till the systems disrupted are restored to normalcy.

b) *Equipment Management:-* Management of equipment, including procurement of computer hardware, software and allied items for different Units, Wings and Branches of Police.

c) *Repair & Maintenance:-* Providing repair and maintenance to the entire ICT infrastructure and equipments held by the Police service to ensure effective, uninterrupted and fool-proof communications service at all places round the clock, throughout the State and places relevant in Gandhinagar and Delhi.

d) *Training Management:-* The ICT Wing shall conduct training programmes for Operators and Technicians of all levels responsible for operation of radio, and information technological machinery. The ICT Wing shall also be responsible for organizing preliminary training, for police personnel, to acquaint them with latest facilities available and enable them to use such advanced technology.

e) *Personnel Management:-* The ICT Wing, while maintaining its distinct identity as a separate cadre, shall organize recruitment and training of the personnel as well as maintain their separate seniority, for the process of promotions. On completion of prescribed training, the overall administration and control over postings, and general discipline, shall also be the responsibility of the Wing. The rules of appointment, training, seniority, promotions, rewards, punishments, overall discipline and conduct, applicable to the personnel in other cadres, viz., District Police Cadre and Gujarat Armed Police Cadre, shall mutatis mutandis apply to the personnel of the ICT Wing.

f) *Modernization:-* It shall be an added responsibility of the ICT Wing to strive for the continuous development and modernization of Computer & Telecom system in

vogue vis-à-vis its emerging requirements in changing scenario with the latest technique and trends in the field of Information Technology.

(4) ADMINISTRATION:

(1) The Information & Communications Technology Wing of Police shall be administered through a Superintendent of Police (Communications), who shall be an officer of the Indian Police Service of the rank of Superintendent of Police or above, preferably having some academic/formal exposure to technology. He shall have the duties, functions, powers and responsibilities of the Superintendent of Police under the Act and these rules in all matters relating to administration, appointment, training, promotion and punishment.

(2) There may be more such number of officers of different ranks as the State Government may prescribe. In case when there are more than one Superintendent posted in the Police Communications, work shall be suitably distributed amongst them by the In charge, ICT Wing with the approval of the Director General of Police.

(3) The Incharge, ICT Wing shall, with the approval Officer of the Director General of Police, designate either one of the Superintendents of Police as the Police Radio Officer (PRO) for the purpose of coordinating with various external agencies such as the Ministry of Home Affairs (MHA), Government of India, Directorate of Coordination of Police Wireless (DCPW), other Central and State agencies in matters related to training, cipher codes, procurement, technical standards, allocation of spectrum, granting site & clearances for installation of wireless networks etc. The PRO shall exercise these responsibilities under the supervision of the Incharge, ICT Wing and under the general control of the Director General of Police and in accordance with the policies of the State Government.

(5) TRAINING:

1. Directly appointed enrolled police officers shall be deputed for basic training for six months in the Gujarat Police Academy. On successful completion of basic training, they shall undergo six months' training in professional skills in the Communications Training School. The schedule and content of the basic and professional training shall be prescribed by the Director, Gujarat Police Academy and

the Incharge, ICT wing respectively, with the approval of the Director General of Police. After successful completion of the training, members of the service shall undergo practical on-the-job training for 12 months.

2. Promotion:- Appointments by promotion shall be made on the basis of seniority and fitness to the post, and no person shall be entitled to claim promotion as a matter of right, promotion to such post on the basis of seniority alone. Efficiency and honesty shall be the main factors governing selection. Specific qualifications whether in the nature of training courses attended, professional courses passed and practical experience shall be carefully considered in each case overall performance as revealed by annual performance.

The scholar is discussing with the Additional Director General of Police (Training) & (Director, Gujarat Police Academy, Karai)

The scholar is discussing with the Additional Director General of Police (Training) & Director, Gujarat Police Academy Karai, with Joint Director, Gujarat Police Academy, KARAI (Gandhinagar).

The scholar is discussing with the Inspector General of Police and Principal, Police Traing College, Junagadh.

5.26 POLICE TRAINING: PROBLEM-BASED LEARNING PERSPECTIVE.

Police is often being criticized for inefficiency and incompetence. Though the criticism is always not fair; there is a genuine perception amongst the people that police organizations are not able to manage changes as fast as it is expected from them. There is also a perception that police lacks professional competence. Thus, for developing professional competence training is the most effective intervention strategy and in this process **Problem-Based Learning** seems to be better approach for developing competence. The PBL is a participatory approach and makes the learning not only direct and interesting but also very effective one. It is a method which presents learner with real life problem and encourages the learners to critically analyze the situation and come up with appropriate solution. Thus, learning occurs through problem solving. The PBL also deliberates what does not work; therefore, the probable failures are already discussed and discarded which is very important for police profession. There is an urgent need to introduce problem-based learning approach in our police training institutions in guidance of competent facilitators. The police training methodologies need drastic review to cope up with the present demand from the profession.

Police profession is facing the most challenging time these days. Amidst the changing society and growing prosperity, the informed and aware citizens are very assertive about their rights and responsibilities of Police. At the same time, developed society causes new types of problem domains for policing for which Police are either not trained, or say, lacks professional excellence. This is just obvious because of tons of load on already scarce resource of the “Police” in our administrative set up. To a certain extent, the performance of Police can be enhanced through better training. For this, the problem domain of profession should be the “Need perspective” of Police training and find the best method to train the Policeman. Problem-based learning could be one of the methods in conjunction with various other methodologies, to train the Policeman for policing in modern days.

Further, the philosophy of training the Police in new techniques also gets reemphasized in the light of “core values” of all organizations to develop their men. That is to focus on developing human resources to tackle bad performance.

Need perspective:

The evaluation and feedback of performance of Police is coming from various sources, whether it is media, public or any other body-every institution has something to say about how best Police can perform their duties or where they are slack in performance. One of the biggest benefits of these feedback and evaluation is that it helps in identifying the training needs. On the basis of these needs, suitable training module can be designed to give professional inputs to make the Police competent and capable.

To design professional inputs for services like Police becomes very difficult as most of the personnel develops an attitude of – “I know all” and also feel unhappy about being tutored after so many years of service. They also behave arrogantly and have scant regard for training, and mostly they take it is punishment or paid holiday. Therefore, the need perspective must take cognizance of such behavioural resistance while designing training module. Problem, based learning may be one of the solutions as the people resisting training may be asked to resolve a problem/situation, and upon performing dissatisfactory may be convinced to enter “learning programme / training”. In the process, people should be assured of privacy of their incompetence/weakness on the condition that they must utilize future training programmes, to develop confidence and competence. Setting a performance standard or failure standards will motivate everyone to learn and grow.

Before attempting the relevance of “Problem-based learning” for Police personnel, it is imperative to understand what is the concept of Problem-Based Learning (PBL), how flexible it is to tailor make this concept for training the Policeman and how this scheme can be monitored.

Characteristics:

- Using stimulus material to help discussion and brainstorming of an important problem.
- Presenting the problem as a simulation of professional practice or a real life situation.

- Appropriately guiding learner's critical thinking and providing limited resources to help them learn from defining and attempting to resolve the given problem.
- Having worked co-operatively as a group, exploring information in and out and access to a facilitator who understands problems can help learning.
- Helping learners to identify their own learning needs and appropriate use of available resources.
- Reapplying this new knowledge to the original problem, and evaluating their learning process.

The best part of problem-based learning is that the learners are actively involved and learn in the context in which knowledge is to be used. This learning instills confidence in professionals; it enthuses, encourages and motivates to take up challenges. These virtues, which are accrued to PBL learners, make this concept relevant for Police. The increasing threat of Terrorism and Naxalism along with the new challenges in routine policing jobs leaves a Policeman confused, directionless and clueless regarding how to respond. Often, Police is not confident of proper response or at least people are never sure about the professional competence of Police in critical situations. This lack of trust ultimately damages the social causes and threatens public security. Therefore, the need of learning focusing on the problems will certainly be of great assistance in competence development.

Cognitive advantages:

Conceptually, the PBL supports the rational learning process and response is that of change and achieving objective. It, first of all, stimulates the need to learn, analyze the response and inculcate change in behavior and professional approach. Advantages which may be expected from PBL:

- ❖ It involves learners by explaining the rationality of learning a particular thing, thus, learners become an active partner in the learning process.
- ❖ It enhances the perceived relevance of what is being learned.

- ❖ Focuses more on understanding the subject and original thinking, thus, differs substantially from the traditional learning approach. Thereby professional growth is sound.
- ❖ Since the learners are active partner and strive to have understanding of the subjects in depth, learning processes are less time-consuming and more productive. Thus, it saves time.
- ❖ Adult learning concept be also considered in this perspective.

Intervention strategy:

The PBL is also an effective intervention strategy to effect behavioral and attitudinal changes in Police personnel. To work on training strategies, a few proven empirical findings should also be taken into consideration like:

- ❖ Learner in a practical situation responds better.
- ❖ Learning is optimum in demonstrative and visual depiction.
- ❖ Participatory approach has deeper impact.
- ❖ Direct learning has advantage of better communication.
- ❖ The above findings further reinforce the hypothesis of problem-based learning as an effective tool for training Police.

For effective training intervention strategy in PBL, problems or situations should be presented in such a form as to be in reality. A background study of such situation should be undertaken by learner. In case, there is no time for formal study, background study materials should be made available. The learner should be given freedom to apply his reason and knowledge, which may be rationally evaluated and counter argument should be well responded as well as the training needs are identified. The further input will depend on the fact that how deeply the knowledge and skill of learners have been challenged. After imparting training, the learners will again be evaluated to judge the effectiveness of training as well as the efficiency of learner to learn. This method must have a “personal meaning” to every learner and any grey matter be addressed critically. Thus, the steps involved may be like this:

- ❖ Learner is given a real life professional problem.
- ❖ He or she analysis's the problem and comes up with initial ideas.
- ❖ The PBL creates ideas and further information requirement is deliberated in detail by fellow learners and facilitators.
- ❖ Learner develops his ideas further towards solving the problem.
- ❖ Facilitator intervenes and best approach is discovered.
- ❖ Practical observation of problem, if feasible, are closely studied and such incidents are analyzed.
- ❖ Knowledge transfer for future is also ensured.

Evaluation process also requires that learner should be given an opportunity to articulate and demonstrate his required knowledge in further simulated situation. 'Problem package' of conceivable situation will broaden the outlook of learner. Interaction with such situation handler will be a good idea for exposure and confidence of the learners.

Indicators of learning will be reflected in competence building amongst learners such as competence to analyze complex problems as they appear in profession. The learners are judged about their understanding in policing to command situation in conflict resolution, negotiation skills, mob-control, safety and security of life and property, use of force, investigation, legal action, ect. Police often deals with mob and violent situations. Leadership quality is, thus, also one of key areas which are to be evaluated.

An example of PBL:

These days, a lot of riotous situations arise due to vehicle accidents, resulting into violent protests by people and often leading to deaths and destruction of properties worth crores.

Situation:

The problem is that a truck in Rajkot at 0800 Hrs. has rammed into a Public School bus at a busy crossing and reportedly a few children are seriously injured.

Facts:

In some of such accidents, that has recently happened, caused large scale violence, rioting and damage to property. This is also a fact that sometime it led to 'bandh' of the whole city, and violence to such scale that curfew was imposed to control the situation, and also communal riots broke out in a few pockets. The police and other agencies have to face the burnt of the ire of the people.

Problem domains:

- ❖ Police to reach the spot immediately and assess the situation.
- ❖ Alert hospital/health care services and call for ambulance.
- ❖ Evacuation of injured to hospital.
- ❖ Safe evacuation of truck staffs and their security.
- ❖ Control the mob at the spot for any reaction.
- ❖ Ensure safety and security at hospital.
- ❖ Make arrangements to provide information and facilitating parents.
- ❖ Opening traffic after critical spot investigation immediately.
- ❖ Keep ready the emergency services, extra troops, etc. if situation turns violent.

Conflict resolution

- What sort of conflicts may come out of this incident?
- Who will be in conflict with whom?
- What will be the issues of conflict?
- Who can engage them in conflict resolution talks/negotiations?
- What would be probable demand/compensation, etc and who can accept such demands.

- How to involve the other agency of Government who can play crucial role in conflict resolution?

Learning issues:

- What is the situation and what are the legal powers of police?
- What would be the consequences of each and every decision the police officer at the spot will take?
- What will the breaking point for use of Force and to what extent?
- What competence, knowledge, skill and communication skills are required to solve this type of problems?
- What new competence learned during PBL in course of solving this situation?
- What all are the new techniques such as use of emotional intelligence, skills, etc. that have evolved? How to share/transfer this knowledge with colleagues?

COMMANDO TRAINING COURSE:

There is a facility of commando training course but no separate Commando Training School or College governed by army officials. Though Gujarat State is a very sensitive state and Land and Sea boarder is connected with neighbor country like Pakistan. Gujarat State having the largest Sea boarder about 1600 Kms. with Pakistan. Moreover Gujarat State is a very sensitive State like Bombay. Businedss hub and Large Ports and Refinery is also located with the Boarder area of Gujarat State. Gujarat State having badly needed of Cammando Training School separately located in nearby the Airport area. Now-a-days Commando Training facilities is at Gujarat Police Academy Karai. But it is only of Preliminary Stage. State Government officials are very idle and have not centralized their attention for better facilities of Training School for Commando Training. RAJASTHAN STATE has established a Commando Training School. Undermentioned brochure is of Rajasthan State Commando Training School, JODHPUR.

Commando Training School Jodhpur



Rajasthan Police Training Centre Campus
Mandore Road, Jodhpur (Rajasthan) – 342026

Core Team

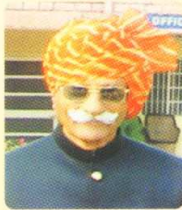
Chief Instructor



Major General (Retd.) Dalveer Singh AVSM, VrC, VSM

- Group Commander NSG Training Centre (Commando Faculty) and 52 Special Action Group (Anti Hijack Force)
- CO, 10 Para Special Forces in Sri Lanka (Operation PAWAN)
- Brigade and Division Commander in J & K involved in counter terrorist operations
- Dy Director General Military Ops. (Special Forces) AHQ
- IG, Cab. Sectt., New Delhi

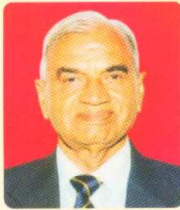
Firing Coach



Brig. (Retd.) J. S. Rathore, VrC, VSM

- Served in various appointments both in command and staff and has experience of counter insurgency in North East, Kashmir valley and Ladakh.
- Authored a book "Ek Goli Ek Dushman" on principles of firing and how to improve firing in a unit. This book is widely used in army units.

Visiting Faculty



Padamshree Narayan Singh Bhati, DIG, SSB (Retd.)

- Started his career as Dy. SP in IB in 1962, during raising of SSB post 1962 war. Trained in guerilla warfare and involved in operations related to irregular and unconventional warfare.
- After retirement, was invited by Andhra Pradesh Police to organize and train special anti naxal force (Greyhounds) which has successfully neutralized the naxals in AP.



Ajeet Singh Shekhawat, IG CISF (Retd.)

- A high ranking and top rated security risk management professional with dynamic leadership career of 37 years in the CISF
- Controlled operational matters of 272 Units including Airports, Dept. of Atomic Energy, Dept. of Space, Delhi Metro, etc
- Started VIP security training and responsible for creation of 'Special Security Group' in CISF. Oversaw the Fire Fighting Wing and Disaster Management Training

ALL INDIA POLICE COMMANDO CHAMPIONS 2011

TRAINED CHETAK COMMANDOS OF GUJARAT POLICE

CHAPTER-VI

(6) DUTIES:

There are several types of duties of Police Force. Looking to the other Government organizations there are fixed or limited duties but in police force there are varieties of work in the duties even though they are having less salary/remuneration in comparison of other employments.

6.1 General duties of Police Forces are as under:-

GENERAL DUTIES OF THE POLICE:¹

Execution of orders and processes.

Prevention and Investigation of crime.

Prevention of public nuisances.

Arrest.

Assistance to another Police officer.

Co-operation between police of adjacent territories in the matter of pursuing cases of abducted persons.

Co-operation between the Railway and District Police in the Investigation of crime.

Conferences of Police officers.

Co-operation between the Railway police and Railway officials.

Co-operation between Railway Protection Force and Government Railway Police.

Assistance to disabled persons.

Health and comfort of persons in custody.

Damage by fire, animals, etc.

Control of traffic.

Barriers on streets for checking vehicles and their drivers.

1. BOMBAY POLICE ACT, POLICE MANUAL AND STANDING ORDERS FOR POLICE FORCES.

Maintenance of order in streets and public places.

Duties of the Police in the matter of enforcing regulations in connection with Epidemic Diseases.

Enforcement of Police regulations for preventing breach of peace.

Stray cattle and unclaimed property.

Hydrophobia and Stray Dogs.

Duties under special or local laws.¹

Duties of the Inspector-General of Police.

Duties of the Commissioner of Police.

Duties of Deputy Inspector-General of Police.

Duties of Superintendent of Police.

Duties of the Deputy Commissioners of Police.

Duties of Sub-Divisional Police Officers.

Duties of the Supdt. of Police in the commissionerate area.

Duties of Circle Police Inspectors.

Duties of Inspector of Police in the commissionerate.

Duties of Home Inspectors.

Duties of Sub-Inspectors.

Duties of Sub-Inspectors of Police in the commissionerate.

Duties of second Sub-Inspectors.

Duties of Head constables.

Duties of the Police Armourers and Assistant Armourers.

Duties of constables.

Superiors competent to perform duties of subordinates.

Investigations by ordinary Police in the spheres of special branches of the Police.

MAINTENANCE OF ORDER:

District Magistrate's responsibility.

Prompt reports to Govt. relating to riots.

Special reports of important events.

Strikes and lockouts.

Reports regarding hunger-strikes of prisoners.

Police action during industrial unrest.
Police action during railway strike and other eventualities on railway.
Maintenance of law & order during general elections.
Preventive measures in case of threatened communal trouble.
Principles to be observed in opposing troops or armed police to hostile mobs.
Type of ammunition to be used for Law and Order duties.
Use of fire arms in dispersing an unlawful assembly.

PREVENTIVE ACTIONS.

Record of crime and criminals.
Village crime register and village conviction register.
Confidential note on the village.
History sheets.
Register of suspects visiting village.
Police Station conviction registers.
Known criminals register.
Identification of Habitual offenders.
Village patrolling.
Road patrolling.
Travelling Police Guard on Night Passenger Trains.
Wandering gangs.
Action against Gangs of Foreigners.

Preventive Actions to be taken by Police Officers:

According to **CrPC-149** Police to prevent cognizable offences.—Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

According to **CrPC-150** Information of design to commit cognizable offences.—Every police officer receiving information of a design to commit any cognizable offence shall communicate, such information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

According to **CrPC-151** Arrest to prevent the commission of cognizable offences.—

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

(2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention, required or authorized under any other provisions of this Code or of any other law for the time being in force.

According to **Cr PC-152** Prevention of injury to public property.—

A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal or injury of any public landmark or buoy or other mark used for navigation.

In other cases of prevention of crime the police has powers to make report to the Executive Magistrate u/s, **107 of CrPC**. Security for keeping the peace:-

(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, [with or without sureties,] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act as aforesaid beyond such jurisdiction.

6.2 INVESTIGATION OF CRIME :

Free use of telegrams by the Police in matters relating to crime. Now it is upgraded and FAX, WIRELESS and COMPUTER messages are conveyed by the police authorities.

Stoppage of Railway trains at non-stop stations and detachment of a railway carriage in a case of serious crime.

Identity of Police officers proceeding outside jurisdiction.

Investigation in military lines.

Treatment of certain offences for Police purposes.

Complaints referred to Police by Magistrates.

Cases referred to Police by Magistrates otherwise than on complaint.

First information of a cognizable offence.

Kidnapping, abduction or missing person's cases.

Procedure when jurisdiction doubtful.

Prosecution and Court Proceedings.¹

DUTIES OF THE POLICE UNDER CERTAIN SPECIAL OR LOCAL ACTS AND AID TO OTHER DEPARTMENTS.

Archeological Remains.

Details to be noted and reported in connection with Aircraft.

Checking of baggage on receipt of warning regarding bomb scare.

Registration etc. of private firearms of Police officers.

**1. REPORT OF THE COMMITTEE ON POLICE TRAINING,
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, P.315-317.**

GUARDS, ESCORTS AND ORDERLIES DUTIES OF POLICE FORCE: ¹

The crime problem has proven to be resistant to a multitude of social control strategies. One of the strategies most frequently advocated by politicians, police, and others in the effort to control crime is the expansion of police employment. However, the empirical relationship between crime rates and police employment has seldom been the subject of systematic analysis by social scientists. That relationship constitutes the primary focus of this topic. Our structural models of violent and property crime incorporate several determinants of crime rates identified in earlier ecological studies (density, racial composition, and poverty population composition), in addition to measures of age composition, population size, and police employment.

A number of possible casual relationships may exist between crime rates and police employment; (1) increased crime rates may cause increased police employment; (2) increased police employment may cause increased crimes rates; and (3) crime rates and police employment may be relationships may be spurious. Just as there are a number of possible causal relationships between these two variables, there are also alternative theoretical perspectives which might help explain these relationships. First, the relationship between crime and police employment may be viewed from a labeling, or societal reaction, perspective. Specifically, high-crime rates may be interpreted by citizens as indicating a break-down in, or threat to, social control. Societal reaction may then take the form of increased demand for social control—i.e., police services. From this perspective, then, it is reasonable to hypothesize that crime rates should be positively related to police employment. Moreover, when crime is viewed as the dependent variable, the labeling perspective would still suggest a positive relationship. That is, from a societal reaction perspective, an expansion in the “labeling system” should, theoretically, increase the number of people labeled (or potentially labeled). Therefore, as the number of police per capita increases, so should the amount of crime which can be processed. From this perspective, police employment data are an organizational variable and provide as estimate of the system’s “processing capability.” From a societal reaction perspective, then, one would hypothesize a “spiral effect,” with high crime rates leading to

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- 1. Report of the committee on Police Training, Ministry of Home Affairs, Govt. of India, P. 321**

increased police employment which, in turn, leads to higher crime rates. An alternative theoretical perspective that of deterrence, would suggest a different kind of reciprocal relationship between crime rates and police employment. To the extent that expanded police employment is perceived as increasing the probability of punishment, there should theoretically, be a corresponding reduction in crime rates.¹

POLICE INVESTIGATIONS:

A person was presumed, to be innocent, until proved guilty in accordance with the procedure, laid down by the law. The State was almost put in the same position, as the accused. It had to prove its case, in reasonably independent tribunals, or the courts, before the guilt of a person could be proven and the punishment awarded.

In fact, the State was and is, still at a disadvantage, because neither the statements recorded by its investigating agency nor the confession, made before it, are admissible in law. Thus, theoretically and even actually, if an accused person committed a murder and confessed the same to the highest police functionary in the State, that is the Director General of Police, this confession, will not be admissible in law courts. The evidence of a top police officer is even worse than useless. But if such confession is made, before a criminal or a person, wanted by the law, this will be admissible and creditworthy, so far as our legal system is concerned. Apart from this, the State provides legal aid to the criminals, who cannot afford a lawyer of their own. This bounty is, against and at the expense of the taxpayer. Thus, the taxpayer not only has to pay for nabbing and prosecuting the criminal, but also for helping him to get out any legal harm, that may come his way. One can understand the citizen paying to get the guilty punished. But it appears a bit too thin for the citizen, paying for the accused to evade the punishment for crime committed by him. Thus, the double sufferer is the innocent citizen who has to pay twice for no fault of his own. The courts in the country are cluttered with the cases and due to the sheer larger volume of numbers, it is not possible to dispose off the present work load, for decades to come, even assuming, that no case is added, for the next ten years. If the cases are allowed to drag on, as is happening now, a stage is bound to come when the people

1. **POLICE WORK, Strategies and Outcomes in Law Enforcement, Edited by DAVID M. PETERSEN, Page No. 79.**

Will take the law in their own hands. There is a limit, to which the patience of the people can be stretched. The case of patience, being exhausted, happened in Bhagalpur in Bihar, when the entire town, went on strike, in favour of the policemen, who had allegedly been suspended, for committing atrocities on the dacoits. This was a case, where people had exhausted their patience, with the criminal justice system. They were in favour of a summary public trial, even though in the eyes of law, such a proposition has no place. This only highlights the need of law, to keep pace with the social changes.

Manning the Police Outpost:

Police outpost is a curious institution. It generally consists of a Sub Inspector or Head Constable and some Constables. It has no legal authority to register a case. It is a poor substitute of a police station. It only communicates the offences which take place, in its jurisdiction. The Head Constable cannot investigate a case unless specially empowered or acting as the officer in charge of the police station. The outpost does not even have the strength to maintain the law and order, because one or two of the constables are used for sentry duty. This is one of the old practice continued, every where in Gujarat State.

The Sentry on Duty: A Wasteful Practice:

A person complained to a police constable on duty at an outpost about a quarrel. He requested his intervention in resolving the dispute. The police constable replied that as he was all alone, on sentry duty he could not leave the post. The complainant pleaded for immediate intervention, as the quarrel otherwise would assume serious proportion. The Constable true to the sentry duty, thought otherwise. He considered it more important, to stick to the outpost office, rather than to save a life. The complainant in desperation after having failed to persuade him to act, stabbed the Constable. The Constable survived the attack, after a dozen stitches, and three weeks of agonizing stay in the hospital. The point to be observed here is that the police is bogged down in routine duties laid down, by the antiquated orders, which nobody has thought fit to amend.

There is no reason, as to why the vast manpower used, just for standing for sentry duty, cannot be diverted to real and effective policing, or for updating the

police records, for effective control on crime and criminals. It is time for police to muster enough grit to dump some of the wasteful practices. Such practices should have been discarded long ago. Policing is becoming more and more difficult day by day, not only for the policemen, but for the public as well. The expectation of the people has been aroused, after the literacy. They expect much more, from their democratically elected representatives, than from the civil servants. The civil servants have many times, to perform the work, of brakes. Nobody ordinarily wants to be stopped and least of all the public representatives, because it is likely to give an impression of dependence, as well as leaning on the bureaucracy. Policemen get caught, in the whirlpool of the state policies, which they neither frame, nor have been consulted before they were framed. The responsibility of the implementation lies elsewhere, other than in the police department in this case.

Cyber Crime: Prevention & Investigation:

Cyber crime has become a reality in India. Airlines are defrauded to lakhs of rupees by tampering with the computerized booking records. In the arms drop case of Purulia, the main players used Internet for the International Communication. Computer hackers got into the Bhabha Atomic Research Centre and stolen data. Many other cases are being investigated. Law enforcement officials throughout the World are severely handicapped in tackling the new wave of Cyber Crimes. The biggest impediment they face is total anonymity which the Internet provides to an intelligent hacker. In this article, the challenges that law enforcement agencies are facing vis-à-vis cyber crime and methods of prevention have been highlighted.

1. The Scenario:

Cyber Crimes have become a reality in India, too. Indian Airlines was defrauded to the tune of several lakhs of rupees, by tampering with the computerized booking records. In the arms drop case of Purulia, the main players used Internet for the International Communication, planning and logistics. Computer hackers have also got into the Bhabha Atomic Research Centre [BARC], Computer professionals, who prepared the Software for M.B.B.S. Examination, altered the data and gave an upward revision to some students in return for a hefty fee.

A few other cases being investigated in India include loss of 1.39 crores to a nationalized bank where the Computer records were manipulated to create false debts and credits; loss of 2.5 lakhs due to computerized creation of false bank accounts in another nationalized bank, a MTNL official manipulated computer terminals by reversing the electronic telephone meter systems, thereby allowing some companies to make overseas calls without paying.

2. Challenges for Law Enforcement Officers in Investigation of Cyber Crime:

Law enforcement officials throughout the World are severely handicapped in tackling the new wave of Cyber Crimes. The biggest impediment they face is total anonymity which the Internet provides to an intelligent hacker. Getting Internet account in fake names is easy. Moreover accounts can be used and discarded even before the authorities know that a criminal activity has taken place. This renders the problem more intractable for the law enforcement agencies.

Furthermore, there is an International connotation to Computer Crime. The hackers are not hampered by borders and geographical limitations. Traditional jurisdiction doesn't mean anything any more.

3. Technical, Legal, & Operational Challenges to The Law Enforcement Agencies in Investigation of Cyber Crime:

The Challenges that law enforcement agencies face today to battle with Cyber Crime can be divided into three categories:

- (a) **Technical Challenges** that hinder law enforcement's ability to find and prosecute criminals operating On-line.
- (b) **Legal Challenges** resulting from laws and legal tools needed to investigate Cyber Crime; and
- (c) **Operational Challenges** to ensure that a net work of well-trained, well-equipped investigators and prosecutors who work together even across national borders.

All three types of challenges require significant resources and a sound legal and policy framework in which to address them. The needs and challenges

confronting law enforcement “are neither trivial nor theoretical.” The law enforcement agencies have to prepare themselves to meet these challenges.

(a) Technical Challenges:

When a hacker disrupts air traffic control at a local airport, or when a child pornographer sends computer files over the Internet, or when a cyber talker sends a threatening e-mail to a school or a local church, or when credit card numbers are stolen from a company engaged in e-commerce, investigators must locate the source of the communication. Everything on the Internet is communication, from an e-mail to an electronic heist. Finding an electronic criminal means that law enforcement must determine who is responsible for sending an electronic threat or initiating an electronic robbery. To accomplish this, law enforcement must, in nearly every case, trace the “electronic trail” leading from the victim back to the perpetrator. Tracing a criminal in the electronic age, however, can be difficult, especially if we require international cooperation if the perpetrator attempts to hide his identity, or if technology otherwise hinders our investigation.

Earlier law enforcement rarely needed to be concerned about fighting crime across international borders. This is no longer the case. We know too well the daily challenges we face when combating criminals who do not respect national borders. As networked communications and e-commerce expand around the globe, businesses and consumers become more and more vulnerable to the reach of criminals. The global nature of the internet enables criminals to hide their identity, commit crimes remotely from anywhere in the world, and to communicate with their confederates internationally. This can happen in nearly any type of crime, from violent crime, terrorism, and drug-trafficking, to the distribution of child pornography and stolen intellectual property, and attacks on e-commerce merchants.

Criminals can choose to weave their communications through Internet service providers in a number of different countries to hide their tracks. As a result, even crimes that seem local in nature might require international assistance and cooperation. For example, a computer hacker in Oslo might attack the computers of a corporation located only a few miles away. Yet, it is very possible that the OKOKRIM might have to go to American, French, or Danish law enforcement

officials for help in finding this criminal. This would happen if the hacker routes his communications through service providers in New York, Paris, and Copenhagen before accessing his victim's computer.

Naturally, criminals like these, who weave communications through multiple countries, present added complexities to governments trying to find criminals. Mutual legal assistance regimes between governments anticipate sharing evidence between only two countries, that is, the victim's country and the offender's country. But when a criminal sends his communications through a third, or fourth, or fifth country, the processes for international assistance involve successive periods of time before law enforcement can reach data in those countries, increasing the chances the data will be unavailable or lost, and the criminal will remain free to attack again.

At the same time, the global nature of the Internet makes it easy for a criminal armed with nothing more than a Computer and modem, to victimize individuals and businesses anywhere in the world without ever setting foot outside his or her home. The recent denial of service attacks serve as a good example of how easy it can be for cyber criminals to commit crimes across borders, as well as how technical and infrastructure challenges have made international cooperation a necessity.

Electronic Fingerprint:

While less sophisticated cyber criminals may leave electronic "fingerprints," more experienced criminals know how to conceal their tracks in cyberspace. With the deployment of anonymous software, it is increasingly difficult and sometimes impossible to trace cyber criminals. At the same time, other services available in some countries, such as pre-paid calling cards, lend themselves to anonymous communications. All of these technologies make identifying criminals more difficult, even though they have other benefits.

(b) Legal Challenges:

The second type of challenge we face as investigators and prosecutors is in the legal arena. Deterring and punishing computer criminals requires a legal structure that will support detection and successful prosecution of offenders. Yet the laws defining computer offences, and the legal tools needed to investigate criminals using

the internet, often lag behind technological and social changes, creating legal challenges to law enforcement agencies. In addition, some countries have not yet adopted computer crime status.

Hacking and virus-writing and proliferation are not simple pranks, but injuries that have significant security and financial consequences. At a time when the number of crimes carried out through the use of computer technology is increasing at an alarming rate, it is especially important that law enforcement officials around the world demonstrate that such crimes will be punished swiftly and with an appropriate degree of severity. When one country's laws criminalize high-tech and computer-related crime and another country's laws do not, cooperation to solve a crime may not be possible. Inadequate regimes for international legal assistance and extradition can therefore, in effect, shield criminals from law enforcement.

(c) Operational Challenges:

In addition to technical and legal challenges, law enforcement agencies around the world face significant operational challenges. The complex technical and legal issues raised by computer-related crime require that each jurisdiction have individuals who are dedicated to high-tech crime and who have a firm understanding of computers and telecommunications. The complexity of these technologies, and their constant and rapid change, mean that investigating and prosecuting offices must designate investigators and prosecutors to work these cases on a full-time basis, immersing themselves in computer-related investigations and prosecutions.

We also should have dedicated high-tech crime units that can and will respond to a fast-breaking investigation and assist other law enforcement authorities faced with computer crimes.

In addition, because of the speed at which communication technologies and computers evolve, prompting rapid evolution in criminal tradecraft, experts must receive regular and frequent training in the investigation and prosecution of high-tech cases.

4. Create A Cyber-Sensitive Police Force:

The focal point of any crime investigation, including Cyber Crime, rests with the law enforcers. The strategy to comb at these crimes lies in creating a Cyber Police Force for which adequate empowerment in terms of training, infrastructure, motivation and other logistics are required. A beginning should be made in Police Training Colleges, throughout India, where Computer Training should be included as a part of the curriculum. This computer Training should, apart from teaching Data Entry and Computerizing Police Records, should also teach investigation of crimes in Cyberspace.

5. Awareness Education to Specific Target Groups:

The Internet is a totally new and unique form of communication and is full anonymity. There is no signature or photos Ids on the Internet. Therefore, it is very difficult to identify the Cyber-Criminals. Hence, it is always better to create awareness and educate specific target groups like parents, teachers and Internet users on the darker side of the Internet so that it is easy to monitor the users.

6. Police Training in Cyber Crime and Need for A Knowledge Management Cell:

(i) The exponentially increasing number of PC users and Internet users, coupled with an army of Computer literate unemployed/underemployed youth would inevitably give rise to Computer Crime in couple of years in our own cities. Police Stations in our country should be equipped sufficiently to properly investigate such a case. We should propose laws on Cyber Terrorism and Cyber Pornography to be passed by the legislature. While the biggest source of knowledge for this agency would be the knowledge residing in the minds of employees of the organizational database [including all the reports, documents, registers etc.], the agency would have other sources of information as well, like primary data collection from the field the secondary data collection from the books/magazines, libraries, publications, training reports, and the Internet.

(ii) The knowledge would range from that required for policy making (e.g. suggesting a new Cyber Code for prevention and investigation of Computer Crimes)

to simple operational matters of day-to-day importance (e.g. how to hold effective meetings in community Policing programmes).

(iii) The agency mostly would work proactively. It would also cater to specific issues referred to it.

(iv) This agency would neither be a policy formulating and performance evaluator body, nor would it be an implementing body. It would only be a knowledge support system for both of the above named functions.

7. Need for An Expert Group: Computer Investigation Support Group:

The growing number of cases in CBI and State Police where computers ranging from digital diaries and notebooks to computer networks are encountered, would perhaps underline the need for setting up in the Central Bureau of Investigation (CBI) and in State Police Hqs and CID and Detective Department a COMPUTER INVESTIGATION SUPPORT GROUP consisting of Police Officers who are trained and experienced in computer hardware software technology, electronics and telecommunications. Such a unit could also be a Computer Crime or Technological Crime Investigation Unit, on the lines of similar units existing elsewhere in the world, such as in the RCMP (Canada) or the FBI (USA). The Group should be equipped with the required Computer Forensic analysis tools including Hardware and Software. While CBI has already made a beginning, the State Police have yet to gear up their resources on this issue. It may be surprising that Computer forensics, which is a growing and specialized area in Forensic Science and Technology, the world over, is yet to catch the attention of Forensic Experts in India. The BPR&D has developed a programme.

8. Investigation of Computer Crime: Special Considerations:

- ❖ Investigation calls for knowledge beyond the usual expertise of most IOs.
- ❖ Involvement of experts with specialized knowledge and skills, useful as well as important.
- ❖ Special-purpose evidence collection kit.

O Diskettes for storage of files

- Cassette tape drives/hard disks
- Set of utility software
- Operating manuals & instructions for different OSs and Programming languages
- Modem
- Camera & Videography equipment
- Anti-virus softwares
- Seals, packing materials etc.

9. Conducting Search:

A person conducting a computer search should have high-level technical skills for success. A well meaning investigator with amateur skills could inadvertently, but irretrievably, damage the data. When in doubt, rely only on experts. It may be a useful advice to associate and get the cooperation of the computer experts from the victim organization, or target computer system group even if belonging to the suspects or accused, because they will be more conversant with the systems they use than even the experts. Such cooperation could also save valuable time of the experts.

10. Computer Forensics for Investigation:

- Use of computer science for investigation and judicial purposes in handling computer crime.
- Concerned with:
 - Making the computer equipment in question operate properly
 - Retrieval of information
 - Unblocking 'deleted' or 'erased' data storage devices
 - Bypassing or defeating password
 - Deciphering encrypted data
 - Detecting the presence of known virus

11. Some Important Steps in Forensic Examination:

- Printing out the directory which gives valuable information about the files
 - Examination of contents of each file
 - Reading the file in 'read only' mode, to avoid allegations of tampering
 - Documentation of each step thoroughly
 - Authentication of data, photographs and images printed out, for use as evidence in a court.

12. Computer Forensics:

Computer Forensics, a new branch of Forensic Science, is the scientific collection, examination, analysis and presentation of information held on or retrieved from storage media in such a way that it can be used as a potential legal evidence. The evidence sought might be from a wide range of Computer Crime or misuse, including violations of intellectual property rights and fraud. To discover data that resides in a Computer System, or recover deleted, encrypted or damaged file information, the Computer Forensic Scientist can draw on an array of methods. The information generated during the course of the examination would be of help in the investigation of crime and deposition in the courts of law. Computer Forensic approach should include well defined procedures to address various tasks involved in the investigation of digital evidence and the ability to repeat tests to arrive at the same conclusion by any other competent authority. The expectations from Computer forensics are divergent from the more traditional forensic science branch like Forensic Physics, Toxicology etc.

13. Forensic Investigation of Digital Evidence:

Forensic investigation of digital evidence can be divided into three main areas, which are: 1. Embedded system, 2. Open System & 3. Communication system. In Information Technology, modernization and obsolescence is the norm and not an exception. The reasons for the difference in perception is the very high rate at which the Computer Technology changes. In about 18 months time, the processing speed doubles and a system is totally obsolete in a few years. New forms and techniques of data storage are continuously being developed. Similar changes have also taken place

in Computer applications, which affected the type of information being stored in Computers. The frequent changes in technology and protocols provide opportunity to both hi-tech criminals as well as to forensic investigators. Therefore, Computer Forensic methods would not have the time to establish themselves like the traditional forensic methods. Further, the speed with which Information Technology changes cannot be maintained in Computer security matters, thereby providing undue advantage to a criminal, compared to a Computer Forensic Scientist.

14. Investigation of Computer Crime:

Investigators are required to be conversant with the basics of computer and information technology, including telecommunications, for an effective inspection of the computer systems in site, for retrieval of data from the computer system, and in making seizures of the storage media such as floppies, magnetic tapes or hard disks and in the seizure of computer systems.

As technology develops, so the capacity for abuse and misuse increases. The Computers can be associated with almost any crime, from theft and fraud to paedophilia and murder. Electronic data found on Computers can provide the key to successful investigation and prosecution. Investigation of crime and forensic analysis thereafter is an extremely complicated affair, if the crime is committed by unauthorized access to the computer Network, since the number of places where the evidence could be searched is unlimited. For example when a cheque is forged, that would be the only disputed instrument or crime exhibit. On the other hand, in Computer related white-collar crimes, the same evidence could be found in different formats. Take the case of investigation of distribution of pornographic material, where the evidence, in the form of images, can be stored in different formats. A document could be stored in a Computer in different types of files. The probable sources of obtaining the paper-based evidence were few in numbers, which in case of Computer based evidence have increased manifold. A small Floppy Disk could contain such huge amount of evidence that was unthinkable a few years ago. With the rapid increase in capacity of storage media, the work of forensic scientists has grown disproportionately. There would be a spurt of white-collar crimes where Computers are used rather than paper and ink. This would be the future challenge for forensic scientists and they have to quickly gear up to face these challenges.

15. The Computer Crime Evidence:

15.1 Preserving Electronic Evidence:

Before a computer expert is called in, the investigator has to preserve the electronic evidence and protect it from tampering and destruction. Even after the seizures are made, the data will have to be retrieved from the computers and analysed to convert the data into information or evidence, which can be made admissible in a Court of Law. The enormous storage capacity of the Computer, and the fact that electronic data is easily perishable, makes computer search and seizure operations extremely sophisticated and complicated. Major problems arise when the data is encrypted or access to the systems or files is prevented through passwords, or when the storage media gets damaged or corrupted with the introduction of viruses.

15.2 In white-collar crime investigations, the evidence would often be paper based, which cannot exist in many forms. It is, therefore, not a very tedious job to look into a number of documents and verify the authenticity of the writing to fix their authorship. Unlike paper evidence, the digital evidence can exist in many forms on a Computer Disk, which can be discovered either in the earlier versions or in alternate forms, or at different places in different formats. For example, an image can be scanned and stored in different formats and converted from one to another, with the knowledge that an image files could be subjected to a thorough examination and evidence discovered. Digital evidence could also be found in more than one places like on a single Computer or on a Local Area Network or on the internet. Computers provide large storage space for a person to hide the information and make it difficult for others to search. The facility to store the same data in different formats makes the task more difficult. It is like searching a needle in a haystack. Most of the software vendors have incorporated many security features that enable the user to hide or protect their files. These features, if not disabled properly, would lead to loss of information that could be vital for investigation. A Computer Forensic Scientist is aware of the different types of Hardware and Software that may be in use in the suspect environment. Though they may appear to be different, the architecture of many of the systems are similar and an expert is in position to quickly come to terms with the new surrounding and help in the investigation.

16. Recovery & Protection of Computer Crime Evidence:

Unlike paper evidence, Computer evidence can often exist in many forms, with earlier versions still accessible on a Computer disk. Knowing the possibility of their existence, even alternate format of the same data can be discovered. The discovery process can be served well by a knowledgeable expert identifying more possibilities that can be requested as possibly relevant evidence. In addition, during on-site premises inspections, for cases where Computer disks are not actually seized or forensically copied, the forensic expert can quickly identify places and signs to look for, and additional information sources for relevant evidence. These may take the form of earlier versions of data files (e.g. memos, spreadsheets) that still exist on the Computer's Disk or on back-up media, or differently formatted versions of data, either created or treated by other application programmes (e.g. word processing, spreadsheet, e-mail, timeline, scheduling, or graphic).

17. The Process of Investigation and Consistency of Evidence:

Investigation is the first step in finding out truth. A complaint made to the police, of a cognizable offence, under the Indian Penal Code, can only lead to the investigation. During the investigation and in an effort to find out the truth, some angularities slip in, or are slipped in, to help the accused person. It brings a bad name to the police. The lapses of a few tarnish the entire department. Sometimes, the complainants exaggerate the gravity of the offences and falsely implicate individuals. This tendency finds pronounced expression, in mass participation offences, like riot cases. In such cases, the complainants try to involve all the male members of a family, including children of tender age, and old and infirm people. Different parts are attributed to the small children, and old people to implicate them in the criminal investigation and the cases. Often, the number of injuries, in an occurrence indicates the participation of a much smaller number of persons, than what are said, to have jointly taken part, in an attack. Another feature is, that investigating officer, almost invariably adheres to the version of the occurrence, as given in the First Information Report (**FIR**). This is irrespective of, his actual findings, in the investigation. The investigation officer is afraid of departing, in any manner, from the story set out in the First Information Report, however, false or improbable it may be. He is apprehensive, of failure of the case, in the court, on this account. He feels that it is

more important for evidence to be consistent, than to be probable, and in accordance with the human nature.

The investigator fears the complainant. If the story of the complainant is not accepted in entirety and the investigator starts finding out what the truth in regard to an occurrence, and collect evidence in support of it, regardless of the desire of the complainant, the complainant might start a campaign of vilification against the investigator. There is a likelihood, of a spate of complaints against him to the superior officers. The higher authorities prefer the safe, conventional and time tested method of going to the court, with a case in accord, with the First Information Report and produce such evidence as supports it entirely, leaving the discovery of the truth to the court.

Determining the Criminality or Innocence of the Act:

The Court has to depend, on the investigating agency, to lay bare the truth. Passing on the buck, is a wrong approach. It is an abandonment of the task of the investigator. It needs courage of conviction; in the initial stages to put the matters right and insist on the truth, being brought out. The other defects are, the false implication, or the use of weapon, more dangerous than the accused carried. It is generally noticed that when the medical report, negates use of such a weapon, or the part played by the person, carrying it, are put before court the guilty are let off, because of the use of wrong weapon, attributed to him, or the wrong parts assigned to him. Occasionally, this kind of defect, recoils on the whole case. Doubts are cast, whether the occurrence was witnessed, by the persons claiming to have witnessed it, or that it happened under conditions, when the assailants were visible, or could be recognized. Other type of cases in which the accused too have been injured, though they themselves may have been aggressors and injuries may have been caused by the complainant and his men also are likely to have no prospects of success. This is so, as initially no effort is made, at the time of recording of the First Information Report, whether the other parties also received injuries at the relevant time.

It is also a fact, that the complainant will, rarely mention the fact, of the accused, having been injured. Even if he does so, the investigating officer seldom, makes an effort, to find the truth, as he himself wants to prove the guilt of the accused. Even if the informant divulges this fact, to the investigation officer, the

investigator omits to mention the fact in the records, leaving it to be denied, or explained according to the needs of the situation. The investigator seldom realizes that where both the parties in the fight have received injuries, the circumstance in which each party is injured is of vital importance. The criminality or the innocence of an act, has to be determined, not by the act itself, but mainly by the circumstances in which it was done. It is best to have, a fairly complete picture, of the entire occurrence in the First Information Report (FIR) itself. This is in order to allay any criticism that there was not only an omission to explain the injuries of the accused, but a studied attempt to conceal any fact. It has been observed, even during investigation, instead of frankly coming out with the case, that the accused persons also received injuries at the hand of the deceased or the complainant and their helpers, grossly improbable stories like the injuries having been accidentally received at the hands of their own party are introduced. In some cases, the fact of their having received injuries is concealed and when the injuries are proved, by the entries made in the jail records, it becomes, too late, to explain. The investigating officer need remember that if the accused are really aggressors and the prosecution really admits it and also the fact that the accused were also injured in the fighting, it would inspire more confidence in the mind of the courts. The case would have better chances of success.¹

CHEMICAL, PHYSICAL & BIOLOGICAL MICROTRACES:

UNNOTICED VITAL EVIDENTIARY CLUES IN CRIME INVESTIGATIONS.

In the present day's society, the main forte of the judicial proof – oral evidence – has been rendered not only rare but also highly undependable and unreliable. Quite a few of them jump the fence for money, fear of retaliation by the accused, self-interest and moral values on individual level. In the present trend of committing crime, the accused is very much aware about the usual incriminating evidence like finger print, foot print, blood stain, hair, etc. that he is likely, to pick up or leave at crime scene. He, therefore, while committing a crime, takes care of not leaving the usual evidence, which could be used against him. Occurrence of such

1. Criminal Trail and Investigation by Orient Publicing Company, New Delhi, by P.C.Benerjee, 5th Edition.

gross evidentiary clues is now dwindling. Micro traces involve in all types of biological, chemical and physical entities, the only thing which is common between them being their minute size and amount. Their nature and constitution varies from one place to another or one case to other. According to the French Scientist, Sir Edmond-Locard, "Whenever two entities come into contact, there is an exchange of traces mutually". This is known as the 'Principle of exchange'. In other words, it means that when a culprit and his object of crime come into contact with the victim or the object surrounding him, they leave traces. Similarly, the criminal and his object pick up traces from the same contact. Therefore, an exchange of trace matrix always takes place between the culprit and the victim or deceased, weapon of offence and the crime scene. These micro traces need to be identified to the original source i.e. the criminal and weapon of offence, and if linked with the victim or deceased and objects surrounding him at the crime scene, then involvement of the culprit in the crime could be established without reasonable doubt.

These days, criminals commit crimes in a sophisticated matter. Hence, they are likely to leave and carry minute traces. It is high time for investigation officers to shift their focus on a thorough search of these minute traces and connect the criminal with the crime as effectively as the gross evidences, perhaps more subtly. Since micro traces are exchanged in all the crimes and often remain unnoticed by the accused, hence these are to be vital clues in the identification of the accused and his associates with the deceased and the crime scene. Micro trace evidence can have as high evidentiary potential as any other piece of evidence. The smallest clue material can be identified and matched with the possible source of origin, with the help of the latest science and technology.

Types of micro traces:

There is a large variety of micro traces. However, these involve all types of chemical, physical and biological entities, the common denominator being their small size. These have to be minute particles in traces, which are figured in crime investigation. In general these can be microorganisms, organic and inorganic, plant materials or from animal origin, in the solid, liquid and gaseous states. During crime investigation, these micro traces are found in the following types more frequently:

Dust:

Dust is the minute particle residue of the universe that is crumbling under the forces of nature and human beings. Since these particles are characteristics of their source, easily transferred between objects and persons, and as transfer is difficult to prevent, dust has special significance in forensic science. It is a general name for all types of substances in extremely small size particles. Therefore, it represents the environment of a place, nature of soil, mineral, weather condition, its fauna and flora. Study of dust indicates the activities of the accused, the victim, movement of objects of the accused and the victim, like vehicle, clothing, and weapon of offence, stolen property through various places, climes and terrain. It is the most variable micro trace, which changes from place to place and person to person. It is a result of environment of a place, geographical feature of the land and activities of man on it.

Generally, dust consists of traces from the animal origin like tiny particles of feathers, hair, skin, bone, flesh, and blood, other body fluids, excreta, etc. Nature of dust depends upon profession or business of the person; hence it is very much significant for the identification of culprit and victim. Accordingly, their surrounding objects and dead bodies for example of a miller, textile mill worker, farmer, carpenter, safe breaker and coal miller may carry flour of various grains, fibrous fluff, soil or plant materials, wood dust, saw dust and coal dust respectively. Dust is a heterogeneous mixture; it may contain anything and everything in traces, therefore, source of these traces could be as the followings:

- ❖ ***Human origin materials:*** Such as hair, skin, flesh, bone fragments, nail, blood and other body fluids, etc.
- ❖ ***Animal origin materials:*** Like blood, excreta, bones, insect fragments, feathers, hairs, skin, furs, horny parts, flesh, etc.
- ❖ ***Plant origin materials:*** Such as bark, twinges, leaves, flowers, pollen, seeds, starches, woods, hairs, fibers, etc.
- ❖ ***Earth Materials:*** Like rust, diatoms, soil, sand, pieces of stone, minerals, metals, etc.

- ❖ *Artificial substances*: Like glass, mortar, paint, enamel, paper, sawdust, dyes, chemicals, plastic material, food materials, synthetic fibers and materials, salts, polythene, etc.
- ❖ *Other Materials*: Such as microorganism, sub-life materials, etc.

Soils:

Soils are frequently available in most of the outdoor crimes. These are earth materials and have great significance as evidence in forensic investigations. Since the natural constituents of soil differ from place to place, its individuality can easily be established. Further change in its constitution also takes place as wind may take away or bring fine soil particles, plant, animal or even human materials. Appropriate examination of soil can provide a linkage of the culprit and his objects to the victim or deceased and his object and also the crime scene.

Fibers:

Exchange of fibers frequently takes place between the culprit, the victim or deceased and the scene of crime. Every one in the world is surrounded by fibers and therefore, transfer and pick-up of fibers take place even in his routine functioning. Possibility of such transference and cross transference is much more during criminal activities. Mutual exchange, once established, clinches the crime against the accused, as it provides the necessary corroboration, especially in cases of offences against person, to the main evidence of the victim and the eyewitnesses. Fibrous evidence remain unnoticed, hence, the culprit does not destroy it and also remains unhampered. They can provide excellent evidence against the culprit even after long period of time. Although fibrous evidence has been considered to offer no individualized features, but due to their chemical composition, their manufacturing process, optical properties, presence of dyes, dimensions and presence of impurities, these can be highly individualistic.

Glass:

Glass is said to be supper-cooled liquid, consisting of a variety of oxides. It is one of the commonest micro traces, found in most of the criminal activities with unlimited variety. Its evidentiary value has great importance due to the following factors:

- ***Found in various crimes*** Minute particles of glass are always occur at crime scenes of hit and run, house breaking, theft from the vehicles, show-rooms, shooting through glass window or door, rape cases where bangles are broken, brawls where glass bottles have been used as weapons.
- ***Highly individualistic nature*** Glass has almost unlimited compositions, hence a single manufacture can produce more than one lac formulations. Raw materials used for its manufacture also create large variations, therefore, the compositional variations are found even in one batch to another.
- ***Durability and inertness:*** If it is not taken away, the evidence remains undestroyed and uncontaminated for a long period. Consequently, it can be collected and examined even at a later day if found at the crime scene, on the accused or deceased and their objects.
- ***Remain unnoticed:*** Minute glass particles often remain unnoticed by the accused as pickup on his clothing, shoe-soles, vehicle, hair or other objects. Carpet and floor of the room, sofa-cover, and bed-sheet may also contain these particles and remain unnoticed.

LOCATION OF MICRO TRACES:

The most common denominator of various micro traces is their small size and amount. Often they remain unnoticed not only by the culprit, but sometimes by the investigating officer also. Therefore, a different kind of approach is required to locate these traces. Investigating officer should know their possible locations during investigation process. The main sources for the micro traces are as the followings:

Crime Scene:

It is the richest source of trace evidence because both the culprit and the victim come into contact with the crime scene almost in all the criminal activities. Blood stains, semen, other body fluids like saliva on cups, glasses, cigarette stubs, ash from cigarette or bidi, dust, fibers, leftover garments, shoes, weapon of crime, vehicle or other objects always carry trace evidence. These are vital evidences to link the culprit with the crime scene as well as the victim. Apart from trace evidence left at the scene, the culprit carried away some traces from the scene also, which provides

matching evidence. The culprit may carry tiny glass fragments, dust leaves, seeds, pollen, fibers, and sand for a long time in his shoes, clothing, and hair, on vehicle or on his body. These pieces of trace evidence can be matched with the similar samples preserved from crime scene.

Victim:

The victim or deceased may carry trace evidence transferred from the culprit and crime scene as well as his own body or objects. In a close range shooting case, he may contain gunpowder residues at and around the entry wound or on his working hand in a suicide case. Dust, soil, hair, fibers, oil, grease, paint and glass fragments may be found on the body or clothing in a hit and run case. In case of killing by poisoning, middle marks or even traces of poison at the point of administration may also be found. The victim may also provide matching evidence such as thread or wool fibers, feather fragments which can be matched to the traces that the culprit has picked up from the victim.

Culprit:

The most important task for the investigating officer is to locate trace evidence on the culprit and his objects. The culprit may carry tiny evidence on his clothing, hair, shoes, underneath of nails, private parts in case of sexual offence, vehicle, weapon of offence, and pocket of clothing, etc. Traces may be in the form of stains of blood, semen or other body fluid material and dust particles sticking on his body or clothing. Sometimes he may carry the traces of drug or liquor even in his breath, blood or body. The culprit definitely comes into contact with the victim and crime scene; consequently, he carries matching evidence to the traces left at the crime scene or with the victim or his objects.

Weapon of offence:

Tell-tale micro traces are often on the weapon with which crime is committed. In the gunshot case, firearm may contain gunshot trace; it may contain blood, skin, hair, flesh or even tiny bone particles sticking at the muzzle end or inside the barrel. Besides blood stain, the sharp edged weapons such as knife, razor, and axe may

contain tiny hair on them. In many⁷ cases, traces left by the weapon in the form of marks and injuries on the victim or deceased may provide the trace evidence.

Vehicle involved:

In the today's crime, most of the criminals use vehicle to escape from the crime scene as early as possible. Sometimes transportation of dead body, stolen properties, contraband goods, or even kidnapped person is carried out by the vehicle. The vehicle involved in the crime often carry traces of blood, other body fluids like saliva, dust, hair, fibers, cigarette stubs, cigarette ash, perspiration, etc. Soil, mud, dust or sand picked up by the vehicle from the crime scene provides a useful link between the vehicle, crime scene, the victim and thereafter with the criminal.

Significance of micro traces:

Micro traces like any other piece of evidence has high evidentiary value and can help the criminal investigation as described below:

- ❖ Identification of vehicle, weapon of offence, the victim and object surrounding him and the crime scene.
- ❖ On the basis of examination results, the suspect and his objects linked or de-linked with the victim or the crime scene.
- ❖ Statements made by the accused, the victim or the eyewitness can be verified.
- ❖ Provides leads to investigation, such as homicidal, suicidal or accidental nature of the incident can be decided at the initial stages.
- ❖ Helps in the reconstruction of the crime scene, especially in hit and run, suspicious death cases.
- ❖ Modus operandi and sequence of events can be decided on the basis of micro trace examination.
- ❖ Provides guidelines for further investigation and collection of evidences.

18. Duties of a Sub-Inspector Investigator:

Investigation is a laborious process. The amount of time spent is directly proportionate to his total workload. Beyond a humanly possible workload, the quality of the work is bound to suffer. The number of investigations which can reasonably be handled by an investigating officer should be fixed with reference to the capacity and quality of cases. At the present the duties of the Sub-Inspector or officer incharge of a police post, are generally, as under:--

Patrolling and surveillance over the bad characters.

To make law and order arrangements for various religious festivals and fairs, and political parties meetings and VIP visits.

To conduct enquiries into the numerous complaints and representations of the public.

To make enquiries in respect of firearms licenses applications.

To serve court processes and execute warrants.

To make arrangements for elections to Parliament, State Assembly, Local bodies and panchayats.

To make security arrangements during the visit of the VIPs.

To handle communal or civil disturbances or other agitations as well as the students agitations and agitation of Government employees, and other section of the community.

To conduct morning parade for the staff and allocate duties to them and to ensure that the same are performed efficiently and well by the staff and to keep the staff under control and discipline.

To make preparation and maintenance, of various crime records, of the Police Station, as laid down in various orders and the police manual.

To deal with law and order situations, which may arise from time to time, on various issues, not necessarily concerned with the police or policing directly.

To look after, the court cases of the Police Station.

To conduct inquest into the cases of natural or suspicious deaths reported in his Police Station. He also has to look into those cases, which may give an impression of foul play, as the margin between the unnatural death and murder is very thin.

To maintain liaison with the local officers like the medical officer, the executive magistrate, the local respectable citizens of the locality.

To have the identification parades of the suspects and the accused conducted.

He also has to have the stolen property identified.

To ensure the safe custody of the arms and ammunition, government property and records.

To maintain all the records in the police station.

To appear before the Court of Law at the time of the trial of the cases investigated by him even though at the time of trial he may be transferred at a very far away i.e. 800 kms. Away from his previous police station.

The above list of the duties is only illustrative and not exhaustive. This indicates the heavy workload of the investigator, hardly leaving him any time, for sustained investigating work.

The Police Commission also noted as it was urged by the investigators themselves as well as senior police officers and others that even the norms of 40 to 50 investigations recommended by the Police Commission in 1970-71 was on the high side and that even these norms have now been stretched almost to a breaking point. Against the heavy workload, heaped on the Sub-inspector of Police, the Second Police Commission analyzed the time available for the Sub-Inspector to collect evidence which is the *raison d'etre* of the investigation. It observed: "In a year, a Sub-Inspector can get 30 days earned leave and 24 days casual leave. I feel that this leave should be given to a sub-inspector, in view of the difficult and exciting nature, of his duties, which he has to perform, round the clock, but is not being given freely, as it should be owing to increasing pressure of duties and shortage of manpower."¹

Norms of Cases Inspected per Investigator:

A sub-inspector is thus left with 311 (365-30+24) days in a year. During this period he has mainly:

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To attend the monthly staff meeting at the District headquarters this takes another 12 days in a year.

To make security and other law and order arrangements during fairs, festivals, VIP visits, agitations, flood, processions, to maintain law and order during Board and university examinations etc, which occupy at least 120 days in a year at an average rate of 10 days per month.

To attend for deposition in old court cases in various courts of states at least 48 days in a year at an average rate of 4 days per month.

An actual period of $311 - (52+12+120+48) = 79$ days is only thus available to an investigator for completing 40 to 50 cases per year, as the case may be. The availability of the Investigating Officer, on working days, for attending the court and the headquarters, assuming that he is not taking any holidays for his personal and family work an average time of 2 to 3 days, is in effect available, to an investigator for completing the investigation. During this period of 3 days, per case for investigation, the investigating officer, has to visit the scene of crime, at least once, if not more, organize raids and searches, collect and pursue clues, prepare case diaries and other relevant documents, contact witnesses and comply with other procedural requirements of the investigation. Each of these steps, of investigation, is time consuming. It requires concentrated attention. Only then the quality of investigation can be improved. Obviously, this average period of 3 days per case, for investigation, is grossly inadequate, for a thorough and proper investigation.

One solution in big cities, with a population of over one lakh, where functional separation exists, between 'law and order' and investigation, the norms should be reduced to 24 cases for investigations per year per investigating officer. And in the urban and rural police stations, the norms should be 30 cases for investigations, per year per investigator. The strength of the investigators at each police station should be fixed in accordance with the norms suggested above or any other norm, which the Department or the Government may fix. The numerical strength, of investigators, at each police station should be, reviewed every year, by the government in consultation, with the State Police Chief so that the cases are investigated efficiently.

It should be ordered, that at least one important or complicated case, per year, would be investigated by each Superintendent of Police, himself. This is to ensure,

that the Superintendent of Police, is in touch with the ground reality and the pitfalls in the investigation. This considerably improved the quality of investigation. With the expanding scope of police investigations growing complexity of crime, and the continuous advances, in the methods of tackling them, there is a need for scientific and constant evaluation and up-gradation of the police procedures, practices and operations followed in the fields of investigation, prosecution and prevention of crime. The amount of time spent is directly based on the seriousness of each case.¹

19. PROCEDURE FOR INVESTIGATION:

If, from information received or otherwise, an officer-in-charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and if necessary to take measures for the discovery and arrest of the offender :

Provided that --

when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer-in-charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

if it appears to the officer-in-charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in clauses (a) and (b), the officer-in-charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section and, in the case mentioned in clause (b) of the said

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proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.

Commencement of investigation by Police Officer.—the commencement of investigation by a police officer is subject to two conditions, firstly, the police officer should have reason to suspect the commission of a cognizable offence as required by Section 157 of Cr PC. The Police Officer should subjectively satisfy himself as to whether there is sufficient ground for entering on an investigation even before he starts an investigation into the facts and circumstances of the case as contemplated under clause (b) of the proviso to Section 157(1) of Cr PC.

Investigation by Police—Sub-section (1) of Section 157 of Cr PC indicates the basis on which investigation may be commenced. The words clearly indicate that before the Police Station Officer of the Police Station commences an investigation he must be satisfied whether from the information received by him or otherwise there is reason to suspect that a cognizable offence has been committed. This shows that he has to apply his mind independently in order to find out whether he should or should not commence investigation and in order that he may form an opinion independently under sub-section (1) of Section 157 of Cr PC, there must be facts necessary for raising a suspicion that one or more cognizable offence or offences have been committed. If such facts are not available to the P.S.O. of the Police Station and what is communicated to him is mere allegation devoid of facts constituting the offence he would not be in a position to independently apply his mind for the purpose of taking action under sub-section (1) of Section 157 of the Cr PC. It is not as if on a vague allegation which is not accompanied by a statement of facts showing the commission of a cognizable offence can be a sufficient basis of commencing the investigation.

Investigation—Factious rioting—I.O. guilty of offence punishable under section 192, IPC.—Accused was assaulted by deceased. Immediately in retaliation accused assaulted deceased and caused his death. Case and counter case was made out. Both the incidents took place at the same time and at the same place. Investigation should be conducted by one and the same I.O. I.O. had misused powers of recording the statement of witness under Section 161(3), Cr PC and deliberately manipulated the statements to benefit the accused at the time of trial. I.O. was guilty

of committing offence punishable under Section 192, IPC. (**Babu v. State of Karnataka, 2007 Cri LJ 3802 (Kant).**)

PROCEDURE WHEN INVESTIGATION CANNOT BE COMPLETED IN TWENTY-FOUR HOURS.

Whenever any person is arrested and detained in any custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 57, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has no jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole, and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that-

The Magistrate may authorize the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused in custody under this paragraph for a total period exceeding—

ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

sixty days, where the investigation relates to any other offence and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed

to be so released under the provisions of Chapter XXXIII of Cr PC for the purposes of that Chapter,

No Magistrate shall authorize detention in any custody under this section unless the accused is produced before him;

No Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorize detention in the custody of the police.

Notwithstanding anything contained in sub-section (1) or sub-section (2), of section 167 of Cr PC, the officer-in-charge of the police station or the police officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate may, for reasons to be recorded in writing, authorize that detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorized, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for, such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2).

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in-charge of the police station or the police officer making the investigation, as the case may be.

Alteration of remand order from Section 167(2) to Section 309 not proper.—If challan is filed before the expiry of the maximum period for which an accused be detained in custody under section 157 further remand to custody can be ordered under Section 309. No maximum period of remand is provided for under Section 309. The

Magistrate, however, cannot postpone the release of an accused under Proviso (a) to Section 167(2) after the expiry of 90 days or 60 days, as the case may be, just to enable the police to file the challan and to alter the detention under Section 167 to one under Section 309. If the accused of his own or on being told of his right by the Magistrate is prepared to furnish bail, the Magistrate must order the accused to be released on bail, without waiting for the challan and must release him when bail is furnished. (**Umashankar v. State of Madhya Pradesh, 1982 Cri LJ 1186 at 1189 (MP).**)

MEDICAL EXAMINATION OF THE VICTIM OF RAPE:

Under Section 164-A of Cr.PC Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with woman rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely—

The name and address of the woman and of the person by whom she was brought;

The age of the woman;

The description of material taken from the person of the woman for DNA profiling;

Marks of injury, if any, on the person of the woman;

General mental condition of the woman; and

Other material particulars in reasonable detail.

The report shall state precisely the reasons for each conclusion arrived at.

The report shall specifically record that the consent of the person competent to give such consent on her behalf to such examination had been obtained.

The exact time of commencement and completion of the examination shall also be noted in the report.

The registered medical practitioner shall, without delay forward the report to the investigation officer who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.

Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Objects and Reasons of 2005 Amendment.—This clause seeks to insert new Section 164-A in the Code to provide for a medical examination of the victim of a rape by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner by any other registered medical practitioner.

EXAMINATION OF ACCUSED BY MEDICAL PRACTITIONER AT THE REQUEST OF POLICE OFFICER.

According to Section 53 of Cr PC the investigating agency has powers to Examine the accused by medical practitioner under the following circumstances:-

1. When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of Sub-Inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

2. Wherever the person of a female is to be examined, under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner.
3. "examination" shall include the examination of blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

EXAMINATION OF PERSON ACCUSED OF RAPE BY MEDICAL PRACTITIONER:

The Section 53-A in Cr P C is amended by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005). This clause assigns vide powers to the I.O. The Section 53-A reads as under :- [53-A. Examination of person accused of rape by medical practitioner :--(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometers from the place where the offence has been committed by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

EXAMINATION OF ARRESTED PERSON BY MEDICAL PRACTITIONER AT THE REQUEST OF THE ARRESTED PERSON.

According to Section-54 of Cr PC the arrested person has a right to request for his Medical Examination.

- (1) When a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the

period of his detention in custody that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any offence against his body, the Magistrate shall, if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice.

- (2) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the registered medical practitioner to the arrested person or the person nominated by such arrested person.

IDENTIFICATION OF PERSON ARRESTED:

Section 54-A is amended in Cr P C by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) for Identification of person arrested.—Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction, may on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit.

OBLIGATION OF PERSON MAKING ARREST TO INFORM ABOUT THE ARREST, ETC. TO A NOMINATED PERSON.

One important section is also inserted by Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) as [Section 50-A. Obligation of person making arrest to inform about the arrest, etc. to a nominated person.—(1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information. (2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station. (3) An entry to the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government. (4)

It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub section (2) and sub-section (3) have been complied with in respect of such arrested person.]

RECORDING OF CONFESSIONS AND STATEMENTS:

Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under S.164 of Cr PC or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

RELEASE OF ACCUSED WHEN EVIDENCE DEFICIENT:

If, upon an investigation, it appears to the officer-in-charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial. (Cr PC 169).

If the police has submitted a report (final) under Section 169, certainly the Magistrate cannot take cognizance on a police report. But he can take cognizance under Section 190(1) (c) sue motto. He can take cognizance on a complaint filed by the person concerned. (Abhinandan Jha v. Dinesh Misra, AIR 1968 SC 117).

Acceptance of final report judicial act.--When a final report is submitted, and the Magistrate accepts it he acts a Court. The acceptance of the final report is a judicial act.

Action by Magistrate at final report.—When a final report is submitted the Magistrate can either direct that further investigation be made under Section 156(3) of the Code or take cognizance of the offence under Section 190(1)(b) of Criminal

Procedure Code or accept the final report. (*H.S.Bains v. State/Union Territory of Chandigarh*, AIR 1980 SC 1883).

Final report submitted by police.—The Magistrate has no power to call upon the police to submit a charge-sheet, if the police have submitted final report under Section 169, Cr PC that no case was made out for sending up an accused for trial. (*Abhinandan Jha v. Dinesh Mishra*, AIR 1968 SC 117).

The provisions of Sections 169 and 170 Cr PC do not apply to investigation under some other law.

Magistrate cannot order for charge-sheet.—the opinion of the officer-in-charge of the police station whether the accused should or should not be sent for trial is final. On the submission of a report under this Section, a Magistrate has no power to call for a charge-sheet from the police officer concerned. (***Abhinandan Jha v. Dinesh Misra*, AIR 1968 SC 117**). But he can order the police to continue the investigation. (***Nirmal Singh v. State of U.P.*, 1979 Cri LJ 226**.)

Under Cr PC 168 when any subordinate police officer has made any investigation, he shall report the result of such investigation to the officer in charge of the police station. The Section puts the responsibility of an investigation on the officer-in-charge of the police station. If an investigation is made by some subordinate police officer he shall submit the result of his investigation to the officer-in-charge of the police station, and he will forward the report to higher authority. (***H.N.Rishbud v. State of Delhi*, AIR 1955 SC 196**).

REPORT OF POLICE OFFICER ON COMPLETION OF INVESTIGATION:

Every investigation under Cr P C shall be completed without unnecessary delay.

As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government stating,---

The names of the parties;

The nature of the information;

The names of the persons who appear to be acquainted with the circumstances of the case;

Whether any offence appears as to have been committed and, if so, by whom;

Whether the accused has been arrested;

Whether he has been released on his bond and, if so, whether with or without sureties;

Whether he has been forwarded in custody under Section 170.

The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

Where a superior officer of police has been appointed under Section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

When such report is in respect of a case to which Section 170 applies, the police officer shall forward to the Magistrate along with the report,--

All documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

The statements recorded under Section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

If the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

Where the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies of all or any of the documents inferred as above.

Nothing in Section 173 of Cr PC shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

It is a well settled law that when the report is filed under Section 173(2)(1), Cr PC by the Police after investigation before the Magistrate, two different situations may arise. The report may be a charge-sheet (positive report) or may be a referred report (negative report). In the case of charge-sheet, the Magistrate may do one of the following three things:

- he may accept the charge-sheet and take cognizance of the offence and issue process, or
- he may disagree with the report and drop the proceeding, or
- he may direct further investigation under Section 156(3) and require the police to make a further report.

In the case of referred report, the Magistrate again has an option to adopt one of the three courses as mentioned below:

- he may accept the report and drop the proceedings; or
- he may disagree with the report by taking the view that there is sufficient ground for proceeding further, take cognizance of the offence and issue process, or
- he may direct further investigation to be made by the police under Section 156(3), Cr PC.

DIARY OF PROCEEDINGS IN INVESTIGATION:

Every police officer making an investigation under Cr PC shall day-by-day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any criminal court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the police officer, who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of Section 161 or Section 145, as the case may be, of the Indian Evidence Act, 1872, shall apply.

Failure to keep police diary—Evidence of police officer not admissible.—Section 172 of Cr PC does not deal with any recording of statements made by witnesses and what is intended to be recorded is what the police officer did, namely, the places where he went, the people he visited and what he saw, etc. It is Section 161, Cr PC which provides for recording of such statements. Assuming that there is failure to keep a diary as required by Section 172, Cr PC, the same cannot have the effect of making the evidence of such police officer inadmissible and what inference should be drawn in such a situation depends upon the facts of each case.

Non-examination of investigation officer—Not **per se** vitiate criminal trial.—FIR was lodged almost within half an hour of the incident by the injured witness who apart from discomfort on account of injury sustained by him was likely to be completely upset at the unfortunate incident of killing of his close relation before his eyes. In such circumstances, omission to mention of the fact of leaving the arms of the deceased by the accused just at the time of firing is understandable. (**Behari Prasad V. State of Bihar, AIR 1966 SC 2905**).

Use of diary by the Court.—A Court can send for a police diary of a case and can look into it for aid in such enquiry and trial. He is not to be influenced by the case diary in the decision of the case. (**Jyoti Jivan v. State, AIR 1964 Cal. 59**).

STATEMENT OF POLICE NOT TO BE SIGNED: USE OF STATEMENTS IN EVIDENCE: Cr PC 162.

No statement made by any person to a police officer in the course of an investigation under Cr PC, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided, at inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved may be used by the accused and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act 1872 and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of Section 32 of the Indian Evidence Act, 1872, or to affect the provisions of Section 27 of that Act.

SEARCH BY POLICE OFFICER:

Whenever an officer-in-charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to what he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of the belief and specifying in such writing, so far as possible, under S.165 Cr PC, the thing for which search is to be made, search, or cause search to be

made, for such thing in any place within the limits of such station. A Police Officer proceeding, shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be made and such subordinate officer may thereupon search for such thing in such place.

The provisions of Cr PC as to search-warrants and the general provisions as to searches contained in Section 100 shall, so far as may be, apply to a search made under this section. Copies of any record made shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.

SEARCH OF ARRESTED PERSON:

Wherever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by private person, the police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him and where any article is seized from the arrested person, a receipt showing the articles taken in possession by the police officer shall be given to such person.

Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Whenever during the Investigation is the officer is of the opinion that the evidence is available outside India, then to collect this evidence for the purpose of the

case the two new sections are inserted in the Cr P C vide Criminal Amendment Act 2005 as under :-

[Section 166-A. Letter of request to competent authority for investigation in a country or place outside India.—

(1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation.]

[Section 166-B. Letter of request from a country or place outside India to a Court or an authority for investigation in India.—

(1) Upon receipt of a letter of request from a court or an authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit—

- i. forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person

before him and record his statement or cause the document or thing to be produced; or

- ii. send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government for transmission to the Court or the authority issuing the letter of request, in such manner as the Central Government may deem fit.]

A new Chapter in Criminal Procedure Code is inserted by CHAPTER VII-A in 2005 for RECIPROCAL ARRANGEMENTS FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND FORFEITURE OF PROPERTY.

In this Chapter there are certain provisions for the person to produce the documents and transfer of persons alleged. The heading of the sections are as under:-

Section 105-A. Definitions. Section 105-B. Assistance in securing transfer of persons. Section 105-C. Assistance in relation to orders of attachment or forfeiture of property. 105-D. Identifying unlawfully acquired property. 105-E. Seizure or attachment of property. 105-E. Seizure or attachment of property. 105-F. Management of properties seized or forfeited under this Chapter. 105-G. Notice of forfeiture of property. 105-H. Forfeiture of property in certain cases. N 105-I. Fine in lieu of forfeiture. 105-J. Certain transfers to be null and void. 105-K. Procedure in respect of letter of request. 105-L. Application of this chapter.¹

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20. INTERROGATION: TORTURE TECHNIQUES AND TECHNOLOGIES:

BRIAN HOYLE.

Interrogation seeks to acquire information from a person. Since the person being interrogated is often not comfortable with the process or even willing to divulge information, the interrogation process is different from a conversation. Conversationally, information is freely exchanged and offered. However, interrogation is a less compliant process. Interrogation can take different forms, but these all have a similar aim: to control the subject in such a way that he or she yields to pressure and provides the information being asked for.

Information can be obtained by the use of pain. Torture is centuries old. In medieval times, as a few examples, victims were stretched on a rack, burned with hot branding irons, stoned, or uncomfortably shackled. But over the past century, techniques and technologies of physical and psychological torture have been “refined”. Information can now be obtained without leaving a physical trace of the trauma of torture.

Newer methods of torture have been driven by the need for speed in obtaining the information, and, in the case of governments, in disguising the torture from organizations like Amnesty International that can hinder the information-gathering process.

Torture Components.

The techniques and technologies of torture can be grouped into three categories: hardware, software, and live ware. The term “hardware” refers to the equipment used; software refers to the techniques of torture that are taught to interrogators. Torture live ware refers to the human element of torture, typically the interrogator.

Torture hardware.

Examples of torture hardware include shackles for the arms, legs, and even thumbs, whips, canes, beating devices (i.e., clubs, rubber hoses), water, electrical

generators to administer electroshocks, and devices that suspend someone painfully above the ground. In fact, the list of physical harm that can be inflicted is long. Any possible route to inflict pain that can be conceived of has been used.

Machines that generate intolerable noise (“white noise”) or bright pulses of ultraviolet light are sometimes used. Hardware can also have a chemical nature. Some drugs can cause physical discomfort, pain, and disruptions to the body’s biochemistry. Examples include curare, insulin, and apomorphine. Drugs such as these differ from psychoactive drugs that alter thought processes or biochemical activity in the brain. Food and water deprivation, or maintaining an uncomfortable position for a long time, can also induce biochemical changes.

Electromagnetic radiation can also be a means of torture. Studies in animals have shown that electromagnetic waves of certain wavelengths can destroy lung and brain cells. While not necessarily lethal, these effects are debilitating and can be painful. Electromagnetic stimulation can have other nonlethal effects on humans. Extreme emotions of rage, lust, and fatigue can be caused.

The most widely used torture hardware is electro-shock. Pulses of energy, which are therapeutically useful in some medical treatments, have been adapted as a torture technique. The application of electricity stimulates muscle activity to such an extent that involuntary and painful muscular contractions occur. Longer pulses of electricity produce successively greater debilitation. For example, a five-second discharge from a cattle prod can completely immobilize someone for up to 15 minutes.

Torture software.

The use of intimidation, threats, harsh and comforting language, and even silence are all techniques that, when combined with the hardware of torture can extract information from a victim. Such interrogation techniques have become standard operating procedures for interrogators. Indeed, manuals have been written for interrogators.

Technical and technological orchestration of torture.

Interrogation techniques are intended to “soften up” the victim, depleting the physical and mental resources that can be used to resist the pressure to reveal

information. This is also known as breaking of the spirit. Depriving someone of sleep and sensory stimulation (by keeping them in a dark and soundless environment, akin to solitary confinement) can cause extreme anxiety, intense fear, and paranoia.

The behavior of the interrogator is an important part of the process. For example, a comforting word or supplying water and food can make a victim grateful enough to yield to a request for information. Conversely, degrading or demeaning behavior can cause the victim to give up.

Torture as practiced by terrorist organizations, military and paramilitary forces, and by other government agencies is seldom a haphazard affair. The task of breaking someone's spirit involves the coordination of activities and the use of certain techniques and technologies at certain times.

The torture process can begin at the moment of arrest or kidnapping. Taking someone by surprise is more jarring than if someone has time to physically and mentally prepare him or herself for arrest. The majority of people are at their lowest ebb both physiologically and psychologically in the early morning or near bedtime. A surprise detainment at those times is especially jarring.

The feeling of disorientation and fear can be heightened during transport to wherever the victim is to be detained. For example, the use of blindfold or a hood deprives someone of visual cues that can help them maintain a sense of control.

The next phase is usually detention. Time spent along in unfamiliar surroundings, deprived of familiar and comfortable clothing, wondering about what is to come can be disorienting and terrifying. Also the detainee is forced to rely on his or her own mental resources, which can lead to self-doubt and fear.

Removing the stimuli for senses like sight and sound can be used during this and other phases of torture. Human physiology and behavior is largely governed by the input of information. If sensory stimulation is lacking, physical and mental deterioration often occurs. For example, a study was done where subjects were immersed in body-temperature water up to their necks. Their heads were hooded to blind them. After just a few hours, sensations of tension gave way to hallucinations.

Conversely, stimulating senses such as smell—by, for example, the lack of toilet facilities—can prove overwhelming.

The threat of torture can be as effective as the actual pain in destroying resistance. This is because many people are able to tolerate pain more so than they believe they can. Once the reality occurs, victims may even draw strength from their ability to withstand the torture. Once physical torture has begun, the threat of death can also help the victim. Indeed, death can be a welcome relief from the pain. If however, the torture is perceived as unending, information can be volunteered in the hopes of ending the suffering.

Pain is an inherent part of torture. Because people have different tolerances to pain, or are more sensitive to some forms of pain than to others, torture can be tailored to exploit the sensitivities of the victim.

The techniques and technologies of torture are pervasive and widespread. As newer technologies are developed for other humane purposes, it is likely that these will be adapted for the inhumane purpose of torture.

Electronic Surveillance: A Matter of Necessity?

Criminal investigations are becoming increasingly more difficult as criminal targets become even more sophisticated. The challenge for criminal investigators is to keep pace by using increasingly sophisticated investigative techniques. One extremely successful technique has been electronic surveillance, both silent video **electronic surveillance** and interception of wire, oral, or electronic communications. No jury can ignore watching defendants commit crimes before their very eyes or hearing the defendants talk about their crimes in their own voices. This article focuses on investigators' obligation to demonstrate the necessity for **electronic surveillance** before the court will authorize its use.

POLICE OFFICERS POWERS TO ARREST THE PERSON WITHOUT WARRANT:

According to Cr PC 41, Police may arrest without warrant in under mentioned circumstances:-

- (1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person—
- (a) who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or
 - (b) Who has in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking; or
 - (c) Who has been proclaimed as an offender either under Cr PC or by order of the State Government; or
 - (d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or
 - (e) Who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or
 - (f) Who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or
 - (g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India, which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or
 - (h) who, being a released convict, commits a breach of any rule, made under subsection (5) of section 356, or
 - (i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Any officer-in-charge of a police station may, in like manner, arrest or cause to be arrested any person, belonging to one or more of the categories of persons specified in Section 109 or Section 110.

According to Section-42 of Cr PC **Arrest on refusal to give name and residence:--**

(1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence, refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

6.3 DUTIES IN COMMUNAL RIOTS:

Dealing with Religious Fracas:

Parliamentary democracy is sought to be derailed by mixing politics with religion. As a result, the communalism has moved to the centre stage of national and state politics. Whether it is Ram-Janam-Bhoomi, Babari Masjid, Muslim personal law or cow-protection, religious conversions with or without foreign influences, all these issues, have the potential of sparking off communal riots. The fissiparous and divisive forces are out to weaken the national and state solidarity and sovereignty of the country. The most convenient tool with these forces is to whip up communal feelings, during a festival. These trends do not auger well, for the unity and integrity

of our country. Past experiences suggest, that the communal riots have erupted, mostly coinciding with religious processions. It is of paramount importance, to lay down some guidelines, which could be useful to the District Superintendents of Police, their Circle Officers and others concerned. However, the guidelines can never cater, to all kinds of situations or contingencies. Therefore, these will vary from place to place, time to time and situation to situation.¹

Policing the Religious Processions:

In the past, provocative gestures have led to serious communal riots. The genesis of the trouble could be the religious processions, taken out by members of different communities. Policing of religious processions is of great importance for the maintenance of communal harmony, peace and law and order. The object of policing processions should be (i) to give a sense of security to the percussionists, as well as to the general public; (ii) to ensure proper observance of schedules and movement by processionists; (iii) to ensure safe and secure passage of the procession.

These objectives can be achieved, provided police arrangements, are formulated methodically and executed in a planned manner. The police officers and men, should not only be impartial, but should also appear, to be impartial, in their attitudes and actions. This will enable them, to win the confidence, of the members of different communities. A body of men, comprising more than five persons, moving through a public thoroughfare in observance with any religious rite/ritual can be termed as a religious procession. There are various classifications of religious processions.²

Classification of Processions:

Many processions of Hindus, Muslims, Sikhs, Christians, Jains and Buddhists, are taken out on fixed dates and routes. They are pre-arranged according to the prevalent traditions and customs. These are organized by religious bodies and have

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.134.
 2. INSIDE INDIAN POLICE BY JOGINDERSINGH p.135.

more or less fixed timings. These have a definite destination. Prominent examples of religious processions are:

Processions taken out during Dussehra by Hindus,
Ramnavmi processions,
Janmashtami processions,
Durga Pooja idol immersion processions
Kali Pooja idol immersion processions
Saraswati Pooja Idol immersion processions
Ganesh Chaturthi processions
Holi processions
Ravidas Jayanti processions

Dr. Ambedkar Jayanti processions though it commemorates one of the recent political leaders, but it has acquired a religious nature.

Processions of Sikh in honors of their Gurus
Sobha Yatra, Rath Yatra, Jal Yatra, etc.
Eid-Milad-un-Nabi procession
Moharram processions and their various variations,

Occasional Religious Processions:

These are not regular annual features. These processions are taken out to commemorate special events for example:

Installation of new idols in a temple.

To commemorate centenary of any saint or any religious event;

Processions taken out during periodical occurrences like Kumbha Mela, etc.

Protest Processions on Religious Issues:

Recently a number of processions have been taken out either in protest against alleged atrocities on coreligionists or in support of the cause of their faith, for example : (i) The processions taken out against alleged atrocities on Christians (ii) Processions taken out on the issues of Ram-Janam-Bhumi/Babari Masjid (iii) Processions taken out on the issues of Godhara incident in Gujarat (iv) Funeral

processions of assassinated religious leaders, taken out by the deceased co-religionists
(v) The processions to protest against the arrest of Political Leaders.¹

Reasons for Processions Turning into Riots:

These processions require special police arrangements because of their nature. As the elements of animus already exist, these processions can easily turn, into a violent agitation, leading to riots. They call for, well though out police arrangements, as otherwise, they can snowball into any law and order situation.

This can take place due to the following reasons:

Irresponsible and emotionally surcharged leadership may direct the procession, against persons of other faiths, in order to seek revenge, for real or imaginary wrongs.

Any provocation either caused by persons within the procession, to persons of other communities, or caused to the processionists, by members of the other communities, like music before the mosques, reciting or singing, throwing of unclean articles like pork, beef that may hurt the religious sentiments of a community, on the procession.

Change in routes and timings, causing trouble to other communities.

Coinciding of two processions, of different faiths, or different factions, of the same faith, on the same route.

Passing of the procession, by the side of any Pandal or platform, where rituals of other faiths, are being carried out.

Violation of sanctity of any religious place before the procession is taken out, or during the procession.

Use of offensive placards, or rising of offensive slogans during the procession.

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Police Arrangement to Counter any Eventualities during Processions:

The police arrangements should cover; (a) Pre-procession preparations; (b) Arrangements during the processions; and (c) Post procession analysis and appraisal.¹

Pre-Procession Arrangement.

The in charge of the area, should prepare a calendar, which will consist of, all regular, organized traditional religious processions. However, no calendar of occasional or protest processions can be made. These will have to be dealt with, as and when they are taken out. The police officers should prepare calendars, for their own areas. Religious processions vary from place to place and hence no uniform calendar can be prepared for the entire state. This calendar, should be kept under the table top, and displayed prominently in the police station, so that every day, the staff including the official incharge, are able to glance it. This way no procession will be lost sight off. They should be entered in a register, to be called festival register. Before any procession is due, the register should be studied, well in advance, to find out various implications. After perusing the festival register, the routes of procession, should be physically checked by officers, and in cases of important processions, personally by Superintendent of Police, it would be desirable if the concerned Magistrate is also taken along.

The inspection of route should take place, a few days in advance, so that in case any obstruction has come up, the same could be removed. The removal of any obstruction, in close proximity, to the event, is well-nigh impossible. However, if it is done sufficiently in advance, then generally there is least opposition. For example, if a 'Peepal' tree branch which has come up on the route fixed for TAZIA procession is cut, during Moharram days, it can create protest from the Hindus. Contrarily, if a MAHAVAT is directed, discreetly to take his elephant, two months in advance, on the spot and get the branch eaten up, by the elephant, it would not create any opposition, and the purpose would be served.

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The organizers of processions should be contacted, in advance, so that their plans and programmes are known for better planning. Personal contact with the organizers, creates a personal rapport between them and the police. It helps in tiding over many delicate situations. Sometimes, especially during Dussehra and Moharram, Akharas participate in the procession, and carry blunt and sharp-edged weapons, without licence. Their licences should be checked. Most of the Akharas do not possess any licence. Sometimes they resist the idea of licence. However, if the organizers are contacted a month in advance, this can be straightened out. Some permanent marking should be affixed to these weapons, so that these are not replaced, at the time of procession.

Valuable assistance can be obtained from voluntary bodies. They should be contacted in advance. Generally Peace Committee meetings, should be held, a few days in advance, of the event. The help of voluntary bodies like Mohalla Defence Committees, Peace Committees or Civil Defence Committees should be enlisted. Details of volunteers, for various sections of processions, should be prepared. There should be an attempt, to create a group of influential and well meaning persons, who can act, as intermediaries, between police and processionists. Any direct intervention of police, can lead to confrontations. Influential persons of the area, especially those belonging, to the same faith, will prove to be very useful.

Many a time, there are elements, which are not directly concerned with the processions but have an important bearing on it for example, idol makers of Durga, Kali, Ganesh, Saraswati, Rathyatra or Tazia-makers. There is a growing tendency of increasing the size of idols or Tazia, every year, by the organizers of the processions, to beat their rivals taking out similar processions. If these people are contacted before the event, they can be briefed, about the clear specifications based on previous year's measurements. They could be requested, to adhere to the same. A fortnight before the installation of the idols, Bazaar Band Masters, shop-keepers hiring out loud speakers, float-makers, etc. should be contacted, and told about their expected conduct and role, during the procession.

The police staff duty charts, with clear assignments, of each person, at a specific area or route procession, should be prepared. The staff should be briefed in advance. A site plan prepared to a scale, on a hard board, showing sensitive points on

the route, tall buildings, traffic intersections, etc. would be very useful and should be prepared for every police station. If possible, sand models, should be prepared. This will be useful for briefing of the men. Video graphing the route will be more helpful. It will make things very clear. Arrangements for traffic diversion should be well thought out and necessary publicity given through newspapers or posters, TV, Radio about the programme. It will help avoiding congestion and inconvenience to the public. The possibility of disturbance, during the procession should be accepted, as a likely risk. Contingency plans must be made to tackle it by; (i) diversion of procession, on to a safer route, in case of major breakout of trouble; (ii) rushing of fire brigade, in case of acts or arson; (iii) abandoning of, the route of processionists, to prevent their committing arson or looting. It has been observed, that many a time, if a just or unjust demand, of the processionists, is not met by the administration, they leave the idols/Tazias on the route, as protest and leave the procession. This creates a very delicate situation, as any direct attempt by police, to remove them, would invite allegations of sacrilege. In such cases, help of the intermediary and voluntary bodies, should be sought.

The contingency plan should also cater for scotching rumors, isolations, or segregation of troubled areas, taking possession of a large number of cycles, or other vehicles, and other articles left behind, at the time of panic or policed action. The method for their disposal can also be planned in advance. Similarly the place of interception of the procession, if required, should also be decided earlier. In the pre-procession stage it should be ensured, that provision of fire brigade and ambulance for medical cover is made. Similarly weapons to be carried, along with ammunition; tear smoke shells, should be circulated in advance. It would be desirable, to have a public address system for directing the procession, or scotching communal rumours, etc. Some policemen could be provided with loud hailers, while accompanying the procession. Action plan should include rouding up, in advance of anti-social elements. The complacent attitude of the officers should be discouraged. All developments of interest must be reported to the senior officers, through the fastest means available. Any attempts of suppression of information should be viewed seriously. Rehearsal, for dealing with any possible riot, should be don't, atleast a fortnight in advance. Any rehearsal close to the event might create panic. The riot equipment boxes should be checked up and brought up to-date. Some help-centers

may be set up, on the route of processions, to render medical help, to the old and infirm persons, or those sustaining injuries during the procession. Wherever curfew is proposed, the service of orders U/s.144 Cr.P.C. should be given at least a week in advance and signatures of organizers must be obtained. Special vigil should be exercised on the anti-social, anti-national and communal elements. Preventive arrests wherever necessary should be made in advance.

The police should become more visible, tone up the routine duties, like checking up hotels, dharamshalas, railway stations, bus stations, arms and ammunition dealers, and cinemahalls, etc. However, it should be done very carefully and tactfully. Any highhandedness, during these checking, can prove counter-productive. It may create trouble during the processions. Senior officers must brief the policemen; not to nurse, any bias or prejudice, against any community. This will help, in rebutting the allegation, that policemen of one community have shown vengeance, or are guilty of inaction, against another community. The following points must be made known to every policeman on duty:

The background of the procession legends and traditions associated with it.

Time Schedule:

Route and sensitive points on the routes,

Organizers and other personalities connected with the procession;

Elements and developments to be watched carefully;

Communication available to them, if any telephone is available near their duty points, the same should be known by them, apart from the wireless or cellular phones; and

Emergency Plans.

Arrangements during the Procession:

The posting of men should be done, at least one hour in advance, so that they become familiar with the spot. In this way, they can keep a watch, on the movements of people, who form the procession. While checking up-to-date information, should be given to men on the spot. During these hours, the policemen and the volunteers

would be able to know each other by face and name. This would ensure better cooperation between them. At the head of the procession, besides the regular force, small squads of policemen either with motor vehicles, motor cycles or cycles or mounted police should be kept. They should function as the alerting teams and precede the procession. They should go, five to seven minutes in advance, alerting all the policemen on duty, to stop or divert the traffic and sharpen their vigilance. Special attention should be given to the tail end, of the procession. Generally trouble starts, after the main body of the procession, has passed the sensitive spot. Hence proper control, over the last portion of procession, needs to be maintained. Wherever feasible, a police officer and magistrate in a vehicle should be in the front, and rear of the procession. During processions there is a tendency among policemen to speak up simultaneously. This jams up the Radio traffic and urgent messages get blocked. Hence, all persons handling Radio equipment should be trained to maintain proper Radio discipline. Roof top duty should be assigned in pairs. The force posted there should be provided binoculars and wireless sets after training in the use of simple code, or walkie-talkies or flag signaling. For these duties, the best men should be selected. They would be working, as watchmen for the entire force. Use of video cameras, placed strategically, will deter miscreants and also faithfully record the conduct of procession. It would also be useful subsequently, for training, briefing purposes and evidentiary purposes. These Video Cameras should be located, in such a manner, that various portions of processions, as well as locality, are filmed simultaneously. For large processions, four to six Video Cameras would suffice. Close Circuit TV, would enable the senior officers, at the control room, to monitor the procession. Open and concealed, use of tape-recorders would also help in deterring irresponsible elements, from indulging in provocative slogan shouting.

The Reserve Force with full proper equipment should be positioned beforehand. The officer's in charge of various sections of procession should be fully aware, of their positions and strength. Along with this reserve force, some local leaders of various communities should also be collected. In case it is necessary, their services may be utilized, on need basis to control the procession without resorting to the use of force. Otherwise at the time of emergency, precious time would be wasted in searching and locating them. Response time of the reserve force should be fixed. The response time, should also take into account, the likely time to be taken, if the

movement is to be done on foot. It would be useful, to carry out mock exercises, for summoning the Reserve Force, to check their efficiency, in arriving at the allocated place.¹

Arrangements after Dispersal of Procession:

Generally after a procession has reached its destination, the policemen think, that their task has been completed. They leave their duty posts, or slacken their vigilance. This has to be guarded against. In fact greater vigilance is required, as persons returning individually, or in small groups, after dispersal of the procession, become more vulnerable, to mischief-mongers. Atleast for one hour after the dispersal, the staff on duty should be alert. If procession is to start or continue in night-time, then proper lighting arrangements should be ensured. Throughout the route, alternate supply of electricity, should be provided to meet the exigency in case of any sabotage or break down of regular electric supply.²

6.4 CRIMES AND DEVELOPMENT:

Every developing nation has to pay the price of development and one price tag is the increase in crime. Industrialization also gives rise to new economic and political conflicts. Unless there is an anticipation and preparation to meet this kind of situation in a developing society, the tensions are bound to increase leading to a serious situation affecting all sections of society.

The process of change in socio-economic and political order sometimes can give a psychological shock. The price of development has been paid by the state all over the country and the process of social and economic transformation gets complicated depending upon the period in which it takes place. Change is the immutable law of life and all nations whether they are capitalists or socialists, experience it.

1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.138-143.

2. INSIDE INDIAN POLICE BY JOGINDERSINGH p.145□

In Gujarat State Industrialization in recent times has affected the social structure. One effect of the transformation has been that the principle of institutional legitimacy has been considerably diluted. Expectations of the people have been aroused as a result of change, which is coming over the Gujarat Polity. Crime faithfully follows the development, though development by itself is not criminogenic. Development leads to the migration of people from the rural to the urban areas and increase in literacy rates. Mass education makes the common man aware of his rights and an educated man can approach the higher officers for the redress of his grievances effectively.

Another effect of the phenomenon of the urbanization is the growing impersonalisation in the day to day conduct of human affairs too. Whenever there are riots, the shops and cars are damaged, though their owners have nothing to do with the issue in dispute. Poverty breeds crime and accentuates in the situation. It is the impersonalisation, which helps the crime. Anything which is the symbol of prosperity becomes the target of attack. Crime is the product of: (1) motivation, and (2) opportunity. Unless these factors aid, no criminal can indulge in any crime. Generally speaking, the crimes are committed in the awareness area of the criminal. For dealing with the crime and criminal and riots situations, the police presence at the flag marches has a limited role, at the best having the effect of a sedative. Any Police Crime Prevention strategy will have to lay a great stress, on strengthening the police stations both quantitatively and qualitatively.

Criminals and gangsters are not born over-night. They start by committing marginal crimes, like bootlegging and prostitution, unlike serious crimes like murder. In such cases, the prima facie victimless nature of the crimes, of marginal category, tends to reduce the involvement of the society. Most of these marginal crimes are aimed at meeting economic ends. Such criminal acts (the marginal crimes like smuggling, bootlegging, and prostitution) provide services and goods which though illegitimate, have a demand. A section of the society has a vested interest, in such crimes. Enormous discretion is available to the police functionaries at grassroots level in handling such crimes and the senior officers of the police department also do not regard the occurrence of such crime as a threat to the existing set-up and at the best they have only a mildly intolerant attitude of such crimes. Sometimes even the policies behind marginal crimes are not clear. For instance if gambling is immoral,

then why there are state run lotteries or race courses which provide a good deal of revenue to the government. Similarly if the consumption of liquor is a health hazard, then why do we have state liquor selling shops?

Thus concepts of social or marginal crime undergo changes due to societal friction, caste considerations and religious frictions.

Reforming the Inadequacies of Police:

There can not be prevalence of peace, stability and development in society without proper law and order. Jawaharlal Nehru observed: “A strong army and efficient police are likely to do more for Indian self esteem and Independence than any result that could possibly come from planning. The major problem in India is that of development, we must never lose sight of that objective. The army and the police only provide the background, because they create the conditions in which that development is possible.....In India there is hangover of old days when the police was distrusted and considered, as something apart from the citizen. This may be the attitude of suspicion, which has influenced the pattern of national planning, in which the police does not fit in. All the countries hold strong and efficient police service, which is necessary for the well being of the community, to a greater degree, than any other public service in peace time”.

Is the police coming upto the expectations of the people? Do common people perceive, as to what policemen expect from them and of them? Are the two parties satisfied with each others' performance and whether something more can be done?

No other executive wing of the government has come in for so much criticism as police. Despite the fact that the present police system was given its shape by the colonial rulers, its inadequacies and shortcomings had been the subject matter of intensive debates even then. In fact, the police is only a part of the criminal justice system in the country. It can only take the suspect/accused before the court of the law and it is for the courts to judge the guilt and award punishment. The gathering of evidence depends only on the cooperation and assistance given by the people.

Non-cooperation by Citizens:

Now the question arises why people do not cooperate with the criminal justice system in providing the necessary assistance. The police alone cannot deliver the goods unless reforms in all the wings of the criminal justice system, like the Judicial and Prosecution system are affected. The drawbacks in the existing criminal justice system are best explained by a letter written by a District and Sessions Judge, to the National Police Commission who said:

“The biggest single hurdle which inhibits the citizen from coming forward to help the police is the deplorable conditions prevailing in the courts of law. The lot of witnesses appearing on behalf of the State against a criminal is certainly pitiable. More often than not the case in which he is to appear is adjourned on one pretext or the other. This is invariably done at the end of the day after keeping the witness waiting for the whole day. While fixing the next date the convenience of all concerned, except the witness is kept in view. If the witness fails to turn up on the next date, coercive steps are taken against him. If he appears on the adjourned date, the chances are that the case will be adjourned again.”

“When ultimately the evidence is recorded, the witness is browbeaten by an overzealous defence counsel or declared hostile or unreliable by the prosecution. After undergoing this agonizing experience, the witness is not compensated for the loss of the earning of the day. Even the out of pocket expenses incurred by him are seldom reimbursed.”

“The most difficult problem faced by a witness in our courts is the complete lack of any amenity or facility to make the long wait bearable. What to talk of drinking water, and urinals, etc. in most courts, there is no place where a man can sit unless he forgets all about his dignity and squats on the floor of the verandah or under a tree. The sight of people sitting under the blazing sun or in torrential rain is also not so uncommon, as it may seem to be. Chairs and benches for the conveniences of the witnesses are nowhere available.

“It is small wonder then that disinterested persons fight shy of extending a helping hand to the police and only those persons agree to come to its aid who have an axe to grind. A man going to the railway station or a bus stand to catch a train or

to board a bus has to spend an hour or so. Yet he demands and gets basic amenities like drinking water, and a place to sit, but a man who has to wait for 5 to 6 hours in a court of law is not provided with any of these facilities.

“The plight of a witness is further aggravated by the fact that he is required to prick up his ears so as not to miss his name being called in a most unceremonious manner by the court usher. A prisoner suffers for some acts of commission but a witness suffers for no fault of his own. All his troubles arise because he was unfortunate enough to be on the spot when the crime was being committed and at the same time “foolish” enough to remain there till the arrival of the police. It is for these reasons that people do not take the victim of a road accident to hospital or come to the help of a lady, whose purse or gold chain is being snatched in front of their eyes. If some person offers help in such cases, he is to appear as a witness in a court and has to suffer not only indignities and inconveniences but also has to spend time and money for doing so. Sometimes the witnesses incur the wrath of hardened criminals and are deprived of their lives or limbs.”

Thus, unless reforms are brought about in all the limbs of the criminal justice system, the improvement in one will not be of much consequence. It is for the reformers to take up the challenge and unshackle the system from the past burden of laws, traditions and customs which have outlived their utility in the present age.¹

6.5 TERRORISM AND ORGANISED CRIME:

Organization is a fact of life. Every crime has some kind of planning and organization, behind it, though it may be the handiwork of one man. Terror means extreme fear or governance by intimidation. Among the universally accepted features, are governing, by terror of capital punishment, and the law of private defence, which gives all citizens the right to kill to defend life and property. Dictionary, however, defines terrorism as an organized system of intimidation, especially for narrow political ends. Bank robberies, bombings, kidnappings and hijackings of aircrafts, are all categorized as terrorist acts. Most of these activities are unrelated to any

1. INSIDE INDIAN POLICE BY JOGINDERSINGH Ch.6 p.149-154.

Philosophy of revolutionary action. The use of force is legally and morally justified. However, according to provisions of general international law, in the legitimate resistance to oppression and tyranny, acts of terror both governmental and private are prohibited by international human rights documents. The terrorist may be often willing to sacrifice his own life. The terrorist anticipates retaliation from the government forces. Very rarely, he may be naïve enough, to think that the government will not strike back.

But a civilized government feels, that they have a responsibility to ensure that both over-reaction and under reaction are avoided in dealing with the terrorist. It is essential that both the officials and public, at large are educated, with the ideas relevant to the positive approach. The Human Rights Activists feel that no one be encouraged to take a blindly authoritarian view, even while using force against force. The answer to the question, whether terrorism at all poses, a threat to India's body politic, is positively yes, without giving in to any fear psychosis. My intention here is not to justify terrorism, but to try to understand the phenomenon.

Definitions:

T.P.Thornation distinguishes between 'enforcement terror' and 'agitational terror'. Enforcement terror is used by those in power and wish to suppress challenges to their authority. The agitation terror is used by the terrorists who wish to disrupt the existing order and ascend to political power themselves. It is the same as 'the regime of terror' and 'the siege of terror'. Terrorism, in short is designed to influence political behavior by extra-normal means, entailing the use or threat of violence.

Terrorism may achieve political ends by, either mobilizing sympathy or by immobilizing the forces, of the authorities. But the authorities have the initial advantage because of the inertia, which characterizes the normal political relationship between authority and citizenry. There is a distinction between four types of terrorism: criminal, psychic, war, and political terrorism. Political terror isolated acts, which are neither systematic nor organized. They are often difficult to prevent. Therefore, neither an isolated act, nor a series of random acts, is terrorism. On the other hand, political terrorism is a sustained policy of organized terror, either on the part of the state, or a movement or faction entailing some organizational structure.

There is some kind of theory or ideology of terror, however rudimentary or preposterous, behind the actions. Political terrorism can be revolutionary terrorism, sub-revolutionary terrorism, and repressive terrorism.

Political Philosophy of Violence:

Since the dawn of history man has used violence against his own kind. During the past fifty years, mankind has survived about 1500 armed conflicts all over the world. Theoretical justification for all this violence can be seen in socialism-communalism; radical nationalism-fascism; and anarchism-syndicalism.

Karl Marx declared that the purposes of society are essentially economic. Economic and technological relationships define social and political structures and determine the patterns of change. The dominant class in any society is that, which controls the means of production. The rest of the population is dependent upon the controlling group for survival. They can be organized, manipulated, and exploited by the dominant class. The state is an integral part of the political and legal order. Its class character can be changed, through class struggles, peaceful where possible, violent where not, before the forces of production, can be liberated from the quest, for more and more profit and utilized for the benefit of the entire community, in which the economic exploitation, of man by man is no longer possible. Marx believed that the movement towards socialism is a movement towards democracy. Political democracy must be strongly defended, against all detractors and enemies but from the point of view of democracy as a way of life, it is necessary but not sufficient. Political democracy must be used, to achieve complete democracy, by extending democratic values of the principles, into economic and social life.

Religious Philosophy of Violence:

Since the purpose to discuss the phenomenon of terrorism and not to justify it, we should also briefly examine the attitude of the various religions to violence and terror. Jehovah the God of the Hebrews was a God of holiness, love, power and wisdom as well as great dread and wrath who inflicted terrible punishments on those who ignored the way of life he set before them.

In the Gita Lord Krishna reveals to Arjuna, “it (the soul) is not born and it does not die. It is birthless, constant eternal and ancient; it is not slain when the body is slain – there is no greater good fortune for a Kshatriya than a righteous battle” Thiru Valluvar says in the Kural, “It is a soldier’s virtue to be pitiless in battle. But when an enemy is in distress, to render him help, is the edge of the soldier’s sword” (i.e. kindness to a foe in distress cuts him to the quick). Again, “of what use is it, to die amidst weeping relatives, and of age or sickness? One should eagerly seek a death. This is followed by a different kind of tears, tears of grateful admiration from the eyes of the kind whom one served.” Thus, all religions approve of killings, executed in obedience to law or God’s direct command. Some terrorists believe, that failing God’s direct command, the next best thing is, the command of priests, or some other charismatic fascist, who may be called a saint. If every terrorist had the benefit of personal counsel, from a Sri Krishna, then there will be no danger, at all, to society.

Philosophy of the Constitution:

It is best to remember that terrorism in India and Gujarat State today, has passed through the various phases, from the use of crude weapons to RDX and AK-47 rifles and tactics like mass killings by bomb blasts and hijacking of the National Airlines’ Aircrafts. We have a Constitution based on principles of justice, social, economic and political, liberty of thought, expression, belief and worship; equality of status and of opportunity; and fraternity assuring the dignity of the individual and the unity of the nation. Protection of interest of minorities has received specific attention to the constitution. Universal adult franchise has been established. The Directive Principles of State Policy aim at social and economic development with political democracy as the base. The Constitution of India provides safeguards, for expression of criticism, dissent and protest. But it is as a matter of concern that it also appears to have enabled fascist elements, to organize themselves. This speaks of deficiencies in understanding and implementing of the Constitutional provisions. The Constitution itself needs a review, to meet the challenge of the times. It is essential to have a look very briefly at the different movements resorting to violence and terrorism, in the country in recent times. There are the insurgencies in greater Assam that is to say in the present day Assam, Nagaland and Mizoram as well as in Manipur and Tripura (and also the movement in Jharkhand) the Naxalite activities in Bihar, Madhya

Pradesh and Andhra Pradesh and Jammu and Kashmir. The Punjab had extremism eating into its vitals for over a decade. It ended, when it found, that the State had broken its back.

As for the Naxalites their ideological predicament is well-known. They are alienated from the main Marxist movement, by their rigid adherence to the sole efficacy of violent means, to achieve their objectives. The different Naxalites groups are engaged in peddling their own interpretations, of Marxism-Leninism-Maoism. It may become possible, to harness their idealism, by sufficiently well informed action, education, and motivation. A combined approach only can help.

Suggestions to Counter Terrorism:

We should attempt to find long-term solutions to the underlying causes of terrorism by boldly acknowledging the inequities in society providing the objective causes of terrorism. Some suggestions are as follows:

Increase the size and powers of the security forces.

Introduce capital punishment for terrorist activities.

Enact legislations limiting rights of assembly and increasing controls over the public by means of identification cards, etc.

Establish a third force to cope with terrorist attacks. This involves policy decisions about the role of the police in anti-terrorist operations; about how early to commit military forces and civil military relations.

Announce a policy of “no negotiations” with terrorists.

Increase physical and peripheral security.

Introduce press censorship to control sensationalism.

Introduce pros internment without trials.

Special legislation authorizing the above or other measures.

Make it illegal for individuals or private organizations to pay ransom to terrorists.

Promote international treaties providing for extradition or trial of captured hijackers, etc.

Research and develop alternatives to hostage negotiations.

Involve the so called Human Rights Activists to ensure that terrorist group be encouraged to adhere to the norms of Human Rights.

Develop and deploy highly intrusive technologies as pre-emptive moves, e.g. monitoring and surveillance.

Since we are dealing with human behavior, the policy makers must assess the contribution that can be made by the behavioral sciences. Effective measures need to be taken for stopping the flow of external aid to the terrorist. This will include all forms of diplomatic efforts designed to preclude the terrorists gaining further foreign support.¹

6.6 POLICE DISCRETION:

Social Responsibilities of the Police:

Duties of the Police Officers: “It shall be the duty of every police officer promptly to obey and execute all orders and warranty lawfully issued by him by any competent authority: to collect and communicate intelligence affecting the public nuisance; to detect and bring offenders to justice and 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, gambling house or other place of resort, for loose and disorderly character.” Thus, it may be seen that specific duties are assigned to the police, under the law of the land, and the scope of the discretion is rather limited as the word “shall” in the language of Section 23 of the Police Act, of 1861 it reflects. However, the social responsibility, cast on the police, has added a new dimension, to the police work and relationship with the society. The organized police is defined “as a response to the problems of social science in modern societies” by David J Bordua in the International Encyclopedia of Social Science. The expectations of the society, from the police are infinite, including in their social sphere, with which the Police

1. INSIDE INDIAN POLICE BY JOGINDERSINGH ch.7 p.155-166.

Ordinarily, have nothing to do. The people requisition the services of the police for all kinds of jobs, like rescue of people's cats and other pets from the wells or the removal of a dead dog or dead body from the roadside, or to trace the missing child or elopement of the girl with her boy friend, or complaints against the neighbors for throwing rubbish or hanging clothes at their place earmarked for somebody else, for preventing cruelty to the animals, or practice of untouchability, or prevention of publication of harmful publications. It is worthwhile to mention, that the police are called upon to enforce, amongst other works the acts mentioned in previous chapter.

The Use of Discretion by Police:

It is also true that in present day, society there is no respite, from dangers emanating from various quarters, in unpredictable situations. At the face of it, there appears to be justification for widening the field of police activities. This is, how it should be, to ensure enjoyment, of the fundamental rights, as enshrined in the Constitution. The police have to be careful, in balancing the rights of the people, so that, the rights of some individuals, do not violate the rights of others. In some matters, the police tend to use their discretion, to assess whether the breach of the law is only technical. However, use of discretion, can lead to the misuse of responsibility. In any case, the atmosphere in the state is such, that it does not inspire the police to use their discretion, lest they be misunderstood. Like the rest of the administration, the police also tend, to play safe and not take chances for inviting allegations. More often than not, they do not use their discretion, and let the cases, even weak and unsubstantiated ones, to be taken to the courts, so that the blame for not punishing the wrong doers does not stick to them.

To serve democracy, the police system has to contribute, to the upholding of the principles of liberty, equality and freedom of expression. They have a paramount ethical and moral responsibility to ensure that enforcement and non-enforcement of the laws is done impartially and equally, without regard to the social standing, religion, caste, creed or class. This is the only way, in which the police can earn the respect of all sections of the society.

The police is required to function under the Rules of Law. Supreme Court observed: "Crime is contagious. If the Government servant becomes a law breaker, it

breeds contempt for the law. To declare that in the administration of criminal law, the ends justify the means,--is to declare, that the Government servant may commit crime, in order to secure the conviction of a private criminal---would bring terrible retribution. Against this pernicious doctrine, the court must resolutely set its face. It is better that some criminals should escape the law than that the government officer should play an ignoble part. This however, should not be interpreted, to mean that the police are being told to fold up their hands and remain passive, when anti-social elements, suddenly grow in wealth. Instead they should be active and intelligent enough to track down those, who hold the nation's wealth, peace and security in jeopardy. The only insistence is that means must also be as good as ends.” (Prem Chand vs. Union of India, 1981, Cr. L J 5 (SC). The above landmark judgments of the Supreme Court is a clear indication of the direction on which the police should function and exercise its discretion, that is in conformity with the laws and spirit of liberal understanding of the issues.

The television, radio, and press have added a new dimension to the activities of the police. They are constantly under watch. The policeman more often than not is called upon to take decisions on the spot, and is liable to be exposed to public criticism. He is damned either way for taking a decision or for not taking a decision. This is the predicament he faces. In his job he has to do tight rope walking and strike a balance between the demands of the citizens and the often vexatious political interference. To some, he appears to be taking too drastic an action, in some situations and to some he appears not to be taking action at all, for the same situation. He has to do all this within the four corners of law and still exercise his discretion for the betterment of society and still come upto the expectations of the people. The role of the policeman is basically coercive in the enforcement of the laws. Yet it is expected of him, not to enforce it, in some situations. With a vigilant press and ever active citizen's groups, the work of the police is under constant close examination. His failures to come up to the people's expectations, can no longer be hidden under the carpet.¹

1. INSIDE INDIAN POLICE BY JOGINDERSINGH CH.8 P.167-178.

6.7 TREATMENT OF JUVENILE DELINQUENTS:

Juveniles, if not prevented from committing crimes, only graduate to serious crimes, and to that extent, it is essential that the Juvenile Justice Act 1986 and Juvenile Justice (Care & Protection) Children Act, 2000, should be enforced effectively. This is an Act, to provide for the care, protection treatment, development and rehabilitation of neglected and delinquents and for the adjudication of matters, relating to juveniles. It was enacted by the Parliament in 1986 and replaced Acts like Children's Act of 1960 and similar Acts of Madras, Bombay and Calcutta promulgated in 1920s. Recently Juvenile Justice (Care & Protection) Children Act, 2000 imposed in the country. The justice system as available for adults was unsuitable, for being applied to juveniles. It was also felt, that it was necessary that a uniform juvenile justice system should be available throughout the country, which should make adequate provision, for dealing with all aspects, in the changing social, cultural and economic situation, in the country.

Under this Act any police officer, organization or any other person, may take charge of a neglected child, and produce him before the board, or if information is placed before the police, about the neglected child, the PSO will enter it in a register, and if he does not propose to take charge, he shall forward the copy of the entry, to the board. If there are parents or guardian, of the neglected child, the police officer may report to the board, which will issue notice to the parents, why the child should not be dealt with as a neglected child, who has been neglected. The board may make orders, directing the juveniles, to be sent to juvenile homes, or they may make an order, to keep the child under the care of a parent, or a guardian or a fit person after demanding a bond.

If the juvenile, is accused of bailable or non bailable offence, he should be released, on bail, with or without surety but, he shall not be so released, if there appears reasonable ground, for believing that he is likely to be associated with any known criminal, or be exposed to moral danger, or that his release would defeat ends of justice.

The police officer, on arresting a juvenile shall, as soon as after the arrest inform: i) the parent or guardian and direct him to appear in the court where the

juvenile is to be produced; ii) the probation officer, of such arrest will collect information history background on the juvenile, so as to help the court.

Difficulties Faced in Implementing the Act:

The implementation of this Act shows the following difficulties:

The policemen, who are supposed to take charge, of these neglected children, do not have time, to look after these offences, as seriously as the Act would warrant. The Policeman is more worried, about terrorism, VIP Security, airport, railway security and order duties rather than implementing this Act. Nor is he mentally equipped, to treat the children, in a soft manner given the present training methods, in the State. Perhaps women police would suit the job, but even they are reported to be tough and aggressive, and hence, not suitable for the job of handling the children with compassion, and softness they deserve. Further are in meager number.

The number of destitute and neglected children, in our country, is so large that, it is impossible to effectively bring them, to juvenile homes. Even if some of them, undergo training and discipline of training institutions, it would be well nigh impossible, for probation officers to move around, and keep track of these youngsters. The value of probation officers is generally not appreciated by the District Magistrates and Superintendents of Police, for whom this is a low priority work. The result is that nobody in practice, takes the work done by them, seriously. It is performed very ineffectively, as nobody is there to supervise and show interest in their job.

The higher ups in the State Administration, viz. the Political Executives, Administrative Executives and Police Executives, need to be conscientised about this Act. Otherwise, the power that is vested in them, to form juvenile courts, special homes, will remain a dream for a long time to come. Without this conscientisation, top executives of the State, are likely to brush aside, the importance of this social legislation. It is seen, that even where a few institutions are established by the State, they are being run, perfunctorily and shabbily.

The Act contemplates, that members of the board and magistrates, of the juvenile court should have special knowledge, of child psychology and child welfare. Such qualified persons, are not so easily available, and so to that extent it may not be

possible for the government, to form the courts and boards, as fully expected in the Act. The Act is self defeating in this aspect. There is possibility for circumventing of the scheme demanding establishment of juvenile board or court by sheltering under the provision Section 7(2) where Divisional Magistrates, Sub-Divisional Magistrates and J.M.F.C.s are permitted to exercise powers of court and board. Even where such boards have been formed, there is no evidence to show, that they have complied with, the expectations anywhere in the State.

At times, due to lack of guarding these juveniles, lodged in various homes, the juveniles tend to run away, from the homes. It is very difficult to get these juveniles back once again and placed in the homes by the police. Further, the authorities in various homes do not report the desertion of children, from homes.

Heartless Homes:

Whereas the Act contemplates, such institutions as special homes, juvenile courts, juvenile homes, observation homes and after care organizations, to be constituted by the State Government, what in practice, is found, is given in an article in the Indian Express under the heading “Heartless Homes”. It is mentioned, that the State of orphanages and destitute homes would shock the most hardened of humans. Destitute and orphaned children are kept in government, semi-government and non government’s homes.¹

6.8 Cases Ending in Acquittals:

In case of Baldeo vs. State (1969 AIR pages 756) the Court observed:

“In a case, relating to a fight in which both the parties are proved to have received injuries and the injuries of either party cannot be regarded as negligible in number and nature, ascertainment of the manner, in which the fight began and developed, is essential for deciding the guilt or innocence of a party. In such a case, the acts done by a party, would not by themselves, show their criminality or justification, and they would take their legal complexion entirely from the

1. INSIDE INDIAN POLICE BY JOGINDERSINGH CH.11 P. 237-248.

Circumstances, in which they are proved to have been done. Determination of the true sequence of events, therefore, becomes a matter of vital importance in a case of this kind and if the court, on consideration of all relevant matter, is in the end, left in a state of reasonable doubt and uncertainty as to the origin of the fight, and as to whether a situation had arisen in which the acts, with which a party is charged, became justified in law, the court cannot hold that party guilty.”

Another type of case, which normally ends in acquittal, is the one, in which there is a “free fight”, between the parties, equally determined on their rights. They meet only for settling their avowed rights. When both the cross cases, are sent up for trial by the court, such cases end in acquittal. The reason is obvious, for the acquittals. The prosecution witnesses, in one case, are the accused in the other and vice versa. The witnesses in cross cases, tend not only to exaggerate but also indulge in falsehoods. They keep their safety in the cross cases in view. They attribute aggression to the other party and assume the role of injured innocence.

The Benefit of Doubt:

Vary rarely does an investigator, in such a case examine, or succeed in getting, an impartial witness. The result is, that such cases, end in unmerited and undeserved acquittals. There is no definite evidence, produced, before the court to reach any conclusion, regarding the truth of the matter. The result is, that benefit of doubt is given to the parties and the cases end in acquittal. The proper course for handling such cases would be to find out independent witnesses. Such witnesses would be in a position to give the true version, of the incidents to the court. They can be produced as common eye-witnesses, even though their version, may conflict with the partisan witnesses in the court. This is the only way, in which the court can be assisted, to find out the truth. Cases relating to the quarrels and fights over the land and other properties, are very common. The acquittal in such cases is common due to the inadequate attention paid to the revenue records to establish the frights of the parties. False records also lead to the benefit of doubt, being given by the court to the accused. Investigation in such cases requires knowledge, of the village and other revenue or municipal records. Copies of the same by the competent authority are the best evidence. The deficiencies in the investigation have to be made good, before the case is filed before the Court.

Essentials for a Post-Mortem Report:

A witness before a Commission indicated the imperfections in the medico-legal work in the following words: "In my opinion, the present forms prescribed, for the post-mortem examination and preparation, of injury report, are defective in some ways. Strangely enough, in the injury report, there is a column for mentioning the probable weapons, by which the injury was caused, but there is no such column in the post-mortem report form. Such a column is essential, for the post-mortem examination form as well. The data on which the information, regarding the age of the injured and the weapon, with which they are caused, are not mentioned, either in the post-mortem report, or in the injury report with the result, that it leads to useless cross examination and to the employment, of more conjectures, by the doctors. In my opinion, the data on which, all those matters are formed, should be mentioned. The data regarding the features of the dead body, on the basis of which, time since death, is determined, is not properly given in the post-mortem report. I think, it should give this data. A detailed description, of the contents, of the stomach, the small intestine and the large intestines and the bladder, seems to be absolutely necessary, and these details are entirely excluded in the post-mortem reports, that usually go to the court. The parts in which faecal matter is found and the estimated quantity of the matter, should be invariably given. It should also be indicated, in which part, of the small intestine, his food had been found. The urine found in the bladder should be weighed and its quantity mentioned in the report.

The time since death, in my opinion, should be described in terms of hours, upto 36 hours and thereafter in terms of days or parts thereof. Post-mortem examination reports, in regard to firearm injuries, are of a most unsatisfactory nature, and they often lead to wholly unmerited acquittals. The reports do not show any proper appreciation, of the distinction between scorching, blackening and penciling. No proper light, is thrown, in the post-mortem reports on the shape, direction of the injury and the track of the bullet. Doctors performing the post-mortem examination, and doing medico-legal work, have very inadequate idea, of dispersal and distances, or anything pertaining to ballistics.¹

1. AIR VOLUME 1969 page 756-762.

Sometimes the cases ending in acquittals due to negligency of Public Prosecutors. In the cases tried by Court of Sessions the Public Prosecutor appears on behalf of the State government appointed under Section 24 of Cr P C but there is no criteria or written examination for selection of such public prosecutors. This post is purely political post. For the wider interest of the society the appointment should be made by the written examination as well as oral examination for public prosecutors of Sessions Court. To secure the proper presentation of the cases of the State a new Section 25-A is inserted by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) but the implementation has not been made in the Gujarat State. The Section is as under:-

[25-A. Director of Prosecution.—

- (1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.
- (2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.
- (3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.
- (4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.
- (5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of Section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.
- (6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-sections (8), of Section 24 to conduct cases in District Courts and every

Assistant Public Prosecutor appointed under sub-section (1) of Section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and function of the Director of Prosecution and the Deputy Director of Prosecution and the areas for which each of the Deputy Director of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.]

Objects and Reasons of 2005 Amendment—This clause seeks to insert a new Section 25A empowering the State Government to establish the Directorate of Prosecution, the Director of Prosecution shall function under the administrative control of the Head of the Home Department in the State.

Now-a-days the Public Prosecutors in the Judicial Magistrate Court, in the Court of Sessions and in the High Court are working under the control of legal department of the state. The police force is working under the control of the Home Department. So for better transmission and control both the agencies should be under the control of the same department.

6.9 Information in Cognizable Cases:

Every information relating to the commission of a cognizable offence, if given orally to an officer-in-charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

A copy of the information as recorded under sub-section (1) of S.154 of Cr.P.C. shall be given forthwith, free of cost, to the informant.

Any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) of S.154 of Cr.P.C. may send the substance of such information, in writing and by post, to the Superintendent of Police concerned, who, if satisfied that such information discloses

the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by the Cr.P.C., and such officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

FIR—Inaction of police officials in registering FIR.—Whenever any information is received by the police about the alleged commission of offence which is a cognizable one there is a duty to register the FIR. There can be no dispute on that score. The correct position in law, therefore, is that the police officials ought to register the FIR whenever facts brought to its notice show that cognizable offence has been made out. In case the police officials fail to do so, the modalities to be adopted are as set in Section 190 read with Section 200 of the Criminal Procedure Code.

Any telephonic information about commission of a cognizable offence, if any, irrespective of the nature and details of such information cannot be treated as first information report. If the telephonic message is cryptic in nature and the officer-in-charge, proceeds to the place of occurrence on the basis of that information to find out the details of the nature of the offence if any, then it cannot be said that the information which had been received by him a telephone shall be deemed to be a FIR. The object and purpose of giving such telephonic message is not to lodge the first information report but to make the officer-in-charge of the police station to reach the place of occurrence.

Section 157 of Cr.PC requires that FIR should be forwarded to the Magistrate “forthwith”, what is the consequence if it is not forwarded forthwith? Non-compliance with that direction need not necessarily provide room for an inference that FIR was concocted. On the ground of delay it is not permissible to quash the FIR unless the delay is intentional and can be assigned to the prosecution. The delay in communicating the FIR to the Magistrate does not minimize the importance of FIR. FIR is not a substantive piece of evidence. It could be used for contradiction and corroboration to the statement of the author of FIR in Court. Information under S.154 must not be vague but definite enough to enable the police to start investigation.

It is evident that after lodging the FIR, the informant’s right to pursue investigation or to know the result of such investigation is not lost. He has right and locus to pursue the investigation by the Police upon his information given under

Section 154 of Cr.P.C., so that the offence is lawfully investigated and the culprit is brought to book for being tried and punished by the competent court.¹

Police Officers Powers to Investigate Cognizable Cases:

Any officer in-charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII of the Code. The police officer has a power to investigate the case u/s., 156(1) of the Code. No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Any Magistrate empowered under Section 190 of the code may order such an investigation as above-mentioned u/s.156 (3) of the Code. If there are indications that some cognizable offence has been committed, the Magistrate can direct police to investigate without examination the complainant or his witnesses' u/s.156 (3) of the Code.

Cognizance of "Police Report".—under the circumstances, the Police was required to submit its report under Section 173 of Cr.P.C. It is only on receipt of "Police Report" that the Magistrate could take cognizance of the offence under Section 190(1)(b) of Cr.P.C.

Court's Supervisory power over police investigation and prosecution.--In India too the investigation police have to work under the supervision of the Magisterial Court even though they do not get the Court's protection if there is any undue obstruction or interference, political or otherwise, with their work of investigation. As a matter of fact the scheme of Chapter XII, of the Cr.P.C. too shows that while investigating a case the investigating officer acts under the control and supervision of the Magistrate. Under Section 156, Cr.P.C. the Magistrate can ask him to investigate a case. Under Section 157, Cr.P.C. the investigating officer is required to send an intimation to the Magistrate when a cognizable case is reported, under Sections 158 and 159, Cr.P.C. the Magistrate can direct him to investigate a case

1. CRIMINAL TRIAL AND INVESTIGATION by P.C.BANERJEE, Orient Publishing Company, New Delhi & Allahabad, page No. 130 to 140.

which he has refused to investigate, under Section 164 Cr.P.C. he is required to get a statement or confession recorded by Magistrate, under section 165, Cr.P.C. he is required to send to the Magistrate the grounds for conducting a search without a warrant, under section 167, Cr.P.C. he is required to forward the accused to the Magistrate and apply to him not only for time but also for remanding of the accused to judicial or police custody, under Section 169, 170 and 173, Cr.P.C. the investigating officer is required to report the result of the investigation to the Magistrate under different circumstances and also to forward the exhibits of the case to him, and under Section 174, Cr.P.C. he has to send an intimation and an inquiry report to the Magistrate in all cases of unnatural deaths.

Now, it is moot point as to why the investigating police who have been so squarely placed under the supervision and control of the Magistrate should not also get the benefit of protection of the law of contempt of courts in case there is an attempt to interfere with their statutory duties; for, an investigation is nothing but a preliminary step to help the ultimate judicial process before a court of law. Prior to the enactment of the new Contempt of Courts Act, 1971, publication of a statement which had a tendency to prejudice the mankind in favour or against a party in a case under investigation amounted to contempt of Court if the accused had been arrested or his arrest was imminent. The same position holds good in regard to withdrawal of cases **en masse** on political grounds; for, the power to withdraw a case has been given under Section 321, Cr.P.C. to the Public Prosecutor and not to any political boss or to the District Magistrate.

The duty of an investigating officer is not only to bolster up the prosecution case with such evidence as may enable the Court to convict the accused, but to bring out the real and unvarnished case so that justice may be done. The primary duty of the police, thus is to collect and sift the evidence of the commission of the offence to find whether the accused committed the offence or has reason to believe to have committed the offence and the evidence available is sufficient to prove the offence and to submit his report to the competent Magistrate to take cognizance of the offence. It is the duty of the investigating agency to collect all materials relatable to the case and counter-case and ultimately form an opinion on the materials so collected and the opinion so formed may result in filing of a positive or negative report. It is the duty of the Court, on the materials so placed to frame charges against the accused.

Investigation conducted by police who is himself complainant and witness to crime would not vitiate automatically.

Since police officer, on whose report crime is registered is not **de facto** complainant, hence he is competent to carry out investigation.

Even if there is irregularity in investigation, the trial cannot be held to be illegal unless it is shown that miscarriage of justice has been caused to the accused on account of the illegal investigation.

Power of an officer-in-charge of police station to investigate a cognizable case.—An officer-in-charge of a police station can investigate a cognizable case without any order from any Magistrate. He can investigate whether all the offences are cognizable or one of them is cognizable. Accused has no right to interfere into matter as to who should investigate the offence he is charged with.

Investigation of cognizable offence by police—Magistrate cannot stop investigation.—The power of police to investigate any cognizable offence is uncontrolled by the Magistrate, but it is only in cases where the police decided not to investigate the case that the Magistrate, can intervene either direct an investigation, or, in alternative himself proceed or depute a Magistrate subordinate to him to proceed to enquire into the case. The power of police to investigate has been made independent of any control by the Magistrate.¹

6.10 EXAMINATIONS OF WITNESSES BY POLICE:

Any police officer making an investigation under Cr.P.C. or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

1. CRIMINAL TRIAL AND INVESTIGATION BY banerjee Page 198 to210.

The police officer may reduce any statement made to him in the course of an examination and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.

In Balakrishan V. State of Rajasthan, it was observed as under:-

“The words ‘at any enquiry or trial in respect of any offence under investigation’ imply that such a statement cannot be used during any enquiry or trial for the offence. But the use of such a statement recorded under Section 161, Cr PC is not prohibited for any other purpose or in a subsequent stage of the same case after when the trial is concluded...”

The witness, whose statement was not recorded under Section 161 of CrPC, can be permitted to be produced before the Court. Such witness is competent witness. An Investigating Officer is not bound to record the statements of witnesses that seems clear from sub-section (3) of Section 161 of Cr.PC. But, if he does reduce the statements into writing he must make a separate record of the statement of each of the person whose statement he records. In other words, if a police officer examines a number of witnesses, he cannot record a condensed version of the examination of all of them or a précis of what the witnesses are supposed to have said. He must record what each witness says. He cannot, for example, record the witnesses ‘A’, ‘B’, and ‘C’ said so and so. Neither can he lawfully do what police officers frequently do that is, record the statement of ‘A’ and then add that witnesses ‘B’ and ‘C’ corroborate what ‘A’ says. Now, the settled law is that failure to comply with the provisions of Section 161(3) might affect the weight to be attached to the evidence of the witnesses.

The right of examining orally ‘any person supposed to be acquainted with the facts and circumstances of the case’ is conferred on any police officer making an investigation under Section 161(1) OF Cr.PC, ‘any person’ in the Section includes an accused person consequently an accused also can be examined. But, the accused cannot be compelled to answer questions that materially incriminate him or her in the pending or imminent investigations or prosecutions.

If an accused wants the presence of a lawyer at the time of his interrogation the police should allow him to engage a counsel for that purpose. (Ram Lal Wani v. State, 1981 Cri LJ 97; Gian Singh v. State, 1981 Cri LJ 100.)

The FIR as well as the statement given by the injured to the Investigating Officer is not admissible as dying-declaration under Section 32 of the Evidence Act and in Court's view, the said conclusion is unassailable.

A person summoned to answer under this section shall not be compelled to answer those questions the answer of which would make him or her liable to criminal charge, penalty or forfeiture.

Investigation in the case being completed within the statutory period of 90 days and a further report being filed by the Investigating Officer after further material was available to him, it cannot be said that he submitted charge-sheet in installments and the accused does not become entitled to get bail as a matter of right.

POLICE OFFICER'S POWER TO REQUIRE ATTENDANCE OF WITNESSES:

Any Police Officer making an investigation under the CrPC may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

The State Government may, by rules made in this behalf, provide for the payment by the public officer of the reasonable expenses every person, attending at any place other than his residence.

An investigating officer can summon a person only by an order in writing. The absence of an order in writing as required by this Section is no doubt an irregularity. It would certainly justify the failure or refusal of the suspect to obey the order, but if the person summoned complies with the order the irregularity is waived.

Investigating machinery could require even a witness to appear at different places where investigation is required to be carried out. Person called upon to assist

investigation machinery could not refuse to go to such place on ground that it amounted to denial of his personal liberty.

It is not essential for an investigating officer to summon a witness before examining him. Any person present at the time of investigation may be examined. Section 160 of Cr PC does not authorize the requisitioning of production of document. The person on whom legal requisition has been served under this Section must appear at the place and time given by the investigation officer. Disobedience of such order is punishable under Section 174, I.P.C. If the requisition order is not valid in the sense that it does not give the date, place and time of appearance, the disobedience would not be punishable.

‘Any person’ mentioned in Section 160(1) Cr PC means and includes ‘any accused person’ and they could be summoned to appear as witnesses since such a summons issued to an accused in a case under investigation by the Investigating Officer is not at all vocative of the Article 30(3) of the Constitution of India. (Pulavar B.M. Senguttuvan v. State, 2004 Cri LJ 558 at 562 (Mad.))

POLICE TO ENQUIRE AND REPORTS ON SUICIDE, ETC.

When the officer-in-charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal, or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighborhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. (Under section 174 of Cr P C).

The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When,--

The case involves suicide by a woman within seven years of her marriage; or the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or

The case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or

There is any doubt regarding the cause of death; or

The police officer for any other reason considers it expedient so to do,

he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

Dowry death—Police how to investigate.—It would be of a considerable assistance if an appropriately high priority was given to the investigation of dowry cases, if a special magisterial machinery was created for the purpose of the prompt investigation of such incidents and efficient investigative techniques and procedures were adopted taking into account the peculiar features of such cases. A female police officer of sufficient rank and status in the police force should be associated with the investigation from its very inception.

If the inquest report is not sent with the dead body to the doctor it may be inferred that the police prepared it afterwards. If the inquest report is unreasonably delayed the genuineness of FIR becomes doubtful.¹

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6.11 INFORMATION AS TO NON-COGNIZABLE CASES AND INVESTIGATION OF SUCH CASES:

When information is given to an officer-in-charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.

No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

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

Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable. (Cr PC 155).

Complaint was filed alleging criminal intimidation under Section 506, IPC which was non-cognizable offence. Police had investigated into case without having any order from competent Magistrate. Based on report of such an investigation order taking cognizance of offence was without jurisdiction and liable to be set aside.

Which police officer to investigate.—the investigation of a non-cognizable offence is limited in its application to a police officer receiving such order. No other police officer can investigate. Any police officer may be ordered to investigate. He may or may not be an officer-in-charge of the police station. It means Court can order to investigate into the matter to Dy.S.P. Also by his designation or by name.

Who can order investigation.—Sub-section (2) of S.155 Cr PC requires a Magistrate to have both territorial jurisdiction and a power to try or to commit before he can make an order to investigate.

Who could file application for investigation into non-cognizable case.— Application for investigation into non-cognizable case could be filed by complainant. Section 155(2), Cr PC does not provide that but for the Police Officer no other person could approach Magistrate for seeking his direction under aforesaid section. (**Kunwar Singh v. State of UP 2007 Cri LJ 1364 (All)**).

6.12 DUTIES OF POLICE OFFICERS UNDER BOMBAY POLICE ACT 1951.

ACCORDING TO SECTION-28. POLICE OFFICERS TO BE DEEMED TO BE ALWAYS ON DUTY AND TO BE LIABLE TO EMPLOYMENT IN ANY PART OF THE STATE.(1) Every Police Officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police Officer or any number or body of Police Officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time, be employed on Police duty in any other part of the State for so long as the services of the same may be required there.

Chapter-vi.(B.P.Act 1951) EXECUTIVE POWERS AND DUTIES OF THE POLICE.

According to **Section 64 DUTIES OF A POLICE OFFICER:-**It shall be the duty of every Police Officer-

promptly to serve every summons and obey and execute every warrant or and other order lawfully issued to him by competent authority, and to Endeavour by all lawful means to give effect to the lawful commands of his superior;

to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences;

To prevent to the best of his ability the commission of public nuisances;

To apprehend without unreasonable delay all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;
To aid another Police Officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;
To discharge such duties as are imposed upon him by any law for the time being in force.

According to **Section-65. Power to enter places of public resort.-**

(1) Every Police Officer may, subject to the rules and others made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

(2) Power to search suspected persons in a street.—When in a street or a place of public resort a person has possession or apparent possession of any article which a Police Officer in good faith suspects to be stolen property, such Police Officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Cr PC or other law in force.

According to **Section-66. DUTIES OF POLICE OFFICERS TOWARDS THE PUBLIC.-**It shall be the duty of every Police Officer,--

to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appears dangerous or incapable of taking care of themselves;
to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person, to have due regard to his condition;
to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

In conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

In dealing with women and children to act with strict regard to decency and with reasonable gentleness;

To use his best endeavors to prevent any loss or damage by fire;

To use his best endeavors to avert any accident or danger to the public.

According to Section-67. Police to regulate traffic, etc. in streets.—it shall be the duty of a Police Officer—

to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighborhood of places of public worship during the time of public worship;

to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

According to Section-68. Persons bound to conform to reasonable orders of Police:--All persons shall be bounded to conform to the reasonable directions of a Police Officer given in fulfillment of any of his duties under this Act.

According to Section-69. Power of Police Officer to restrain, remove, etc:- A Police Officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in Section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

According to Section 70. Enforcement of orders issued under Sections 37, 38, or 39:-Whenever a notification has been duly issued under Section 37 or an order has been made under sections 38 or 39, it shall be lawful for any Magistrate in a District or Police Officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and in case of refusal, or disobedience, to arrest

the person offending. Such Magistrate or Police Officer of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

According to **Section-71. Duty of Police to see orders issued under sections 43, 55, 56, 57 or 63AA are carried out:**-It shall be the duty of the Police to see that every regulation and direction made by any authority under sections 43, 55, 56, 57, or 63AA are duly obeyed to warn persons who from ignorance fail to obey the same and to arrest any person who willfully disobeys the same.

According to **Section-72. When Police Officer may arrest without warrant:**-Any Police Officer may, without any order from a Magistrate and without a warrant, arrest-

Any person who has been concerned in an offence punishable under section 121 or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

Any person who contravenes a rule or order under clause (x) of sub-section (1) of section 33 or an order or notification under sections 36, 37, 56, 57, or 63AA.

(2A) any person who contravenes any order made under sub-section (1) of section 63A;

Any person who commits an offence punishable under section 122 or section 136.

NOTES.

Guidelines for arrest:--To check the abuse of police power, transparency and accountability are possible safeguards to be insisted upon. Training needs to be restructured, attitude and approach of police also need a change. Presence of counsel of arrestee during interrogation may deter the police from using third degree methods for interrogation. It is, therefore, appropriate to issue necessary requirements to be followed in all bases of arrest or detention till legal provisions are made in that behalf

as preventive measures (List of 11 points). **D.K.Basu v. State of W.B, AIR 1997 SC 610; 1997 (1) SCC 416; 1997 SCC (Cri) 92.**

According to **Section-78. Power of Police Officer to unsaddle the animal or unload:--**When a Police Officer in good faith suspects that any animal being employed in any work or labour is, by reason any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if any person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

According to **Section-79. Power of Police to arrest without warrant when certain offences committed in his presence:--**Any Police Officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117 or section 125 or section 130 or sub-clause (i), (iv) or (v) of section 131 or clause (i) of section 135 in respect of contravention of any order made under section 39 or 40.

According to **Section-80. Other power of arrest:--**

- (1) Any Police Officer specially employed in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.
- (2) Any Police Officer may, on the information of any person in possession, or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

According to **Section-81. Refusal to obey warning or to accompany Police:--** A Police Officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule there under and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

after being warned by a Police Officer persists in committing such offence, or Refuses to accompany the Police Officer to a Police Station on being required so to do.

According to Section-82. Police to take charge of unclaimed property :--

(1) The Police shall take temporary charge—

of all unclaimed property found by, or made over to them, and also

Of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(2) [In any area for which a Commissioner has been appointed] the property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner.

A Police Officer has to discharge his duties for the **provisions of following sections of Bombay Police Act 1951** also.

According to **Section-83. Police has to take possession of Intestate property over four hundred rupees in value:--**

(1) [In any area under the charge of a Commissioner] if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator-General with a view to its being dealt with under the provisions of the Administrator-General's Act, 1913 or other law for the time being in force.

(2) [In areas outside the charge of a Commissioner] the property shall be delivered to the police-Patel, if any, of the town or village in which the same was found, and a receipt therefore taken from the police-Patel, who shall forward such property to the Magistrate to whom such police-Patel is subordinate. If in any such case there be no police-Patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

According to **Section-84. Intestate property over four hundred rupees in value:-**If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such

Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

According to **Section-85. Procedure in other cases:--**

(1) In any case not covered by section 83 or 84, the Commissioner, or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto [to appear before himself or some other officer whom he appoints in this behalf within three months from the date of such proclamation and establish his claim within a period not exceeding three months after such appearance:

Provided that the Commissioner, the Magistrate or the concerned officer, may, in any appropriate case, for reasons to be recorded in writing, extend the said period of three months for establishment of the claim by such further period and subject to such conditions as he may deem fit.]

(2) **Power to sell perishable property at once:-** If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than [fifty rupees], it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt within the same manner as is hereinafter provided for the disposal of the said property.

According to **Section-86. Delivery of property to person entitled: -**

(1) The Commissioner, or, the Magistrate concerned, as the case may be, shall on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of Section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(2) **Power to take security:** - The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), to take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinabove contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

According to **Section-89. Police officer may take charge of stray cattle:-**[In any area outside the charge of a Commissioner] a Police Officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871 which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of [that Act].

According to **Section-90. Power to establish cattle-pounds and appoint pound-keepers:-**

(1) [In any area under the charge of a Commissioner], the Commissioner shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner.

According to **Section-90A. Penalty for allowing cattle to stray in street or trespass upon private or public property:-**

(1) Whoever in [any area under the charge of a Commissioner] allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished-

for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both;
For the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2) The Magistrate trying the offence under sub-section (1) may order:--

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land; and also

(b) That the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognizable).

According to **Section-91. Impounding of cattle:-**It shall be the duty of every Police Officer, and it shall be lawful for any other person, to seize, and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in [any area under the charge of a Commissioner].

According to **Section-92. Delivery of cattle claimed:-** If the owner of the cattle impounded under Section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

According to **Section-95. Powers as to inspection, search and seizure of false weights and measures:-**

(1) Notwithstanding anything contained in Cr PC, any Police Officer generally or specially deputed, in [any area under the charge of a Commissioner], by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighting or measuring used or kept therein.

(2) If he finds in such shop or premises weights, measures or instruments, for weighing or measuring which he has reason to believe are false, he may seize the

same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

According to **Section-97. A superior Police Officer may himself perform duties imposed on the inferior; etc:**--A Police Officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding as infringement thereof.

According to **Section-98. Emergency duties of Police** :--

(1) The State Government may, by notification in the Official Gazette, declare any specified service to be an essential service to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every Police Officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

According to Section-159. No Magistrate or Police Officer to be liable to penalty or damage for act done in good faith in pursuance of duty:--No Magistrate or Police Officer shall be liable to any penalty or to payment of damages on account of an act done on good faith, in pursuance or intended pursuance of any duty imposed or

any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.¹

6.13 Establishment of National Investigating Agency:

After the grievous attack on Bombay City by Pakistani Terrorists in 2008 it was a badly need to make more powerful the agencies of investigation. The Central Government established a new agency named NATIONAL INVESTIGATING AGENCY. NOW-A-DAYS in the cases of terrorism or in the cases of SEDITION registered under section 124-A of Indian Penal Code 1860, the N.I.A. investigates the cases.

1. BOMBAY POLICE ACT 1951.

CHAPTER-VII

(7) POLICE CITIZEN RELATIONSHIP:

PROMOTING POLICE—Public Cooperation through Politeness and Good Manners.¹

(1) We have received abundant evidence to prove, what is also axiomatic, that the willing co-operation of the people is indispensable to the success of police work. Whether it be preventive work or the detection of crime or the maintenance of order, the success of the police is, in great measure, dependent on the voluntary co-operation available from the community. It is only with the sanction of support from the people that the police can successfully maintain peace and order to enable the un-interrupted success and growth of all developmental programmes.

These are the main points for Police Citizen Relationship:

Principles of Police conduct:

Police Image.

Reorientation of Attitudes.

Participation in community life.

Integrity.

Professional efficiency.

Facilities at Police Stations.

Workload.

Response Time.

Attention to complaints.²

Use of Statistics.

Effect of certain offences being Non-cognizable.

Enforcement of Social Legislation.

Police and agitations.

Communication with the community, Press and other Public Media.

1. INSIDE INDIAN POLICE BY JOGINDEDRSINGH CH.8 p.173 to 177.

2. Report on the committee of Police Training. Govt. of India P.103.

Before discussing the Police Citizen Relationship it is essential to know the Human Values and Police Behaviour first.

7.1 HUMAN VALUES: what is it? F.N.

HUMAN VALUES AND POLICE BEHAVIOUR BY DR. JAMES VADACKUMCHERY. BUREAU OF POLICE RESEARCH AND DEVELOPMENT, MINISTRY OF HOME AFFAIRS, GOVT.OF INDIA, NEW DELHI. P.3.

Every society has certain norms of behavior and everybody who is a member in that society has his own values. This is called the human values in the society. People living in a particular society have their common values and they are called the social values. E.g.

You shall not use filthy expressions to other fellow beings in society.

You shall not accept bribe for the services you render.

You shall respect other people – their time, convenience and hardships.

These are the social norms which are also the human values. The society accepts these human values as desirable for, it is necessary for the well-being and harmonious co-existence of people. The violation of these norms- social and human values- is resented against by the members of the society. This is called the dominant culture existing in a society.

7.2 VIOLATION OF HUMAN VALUES AND FEELINGS OF GUILT.¹

If the human values entertained by the society are violated by the police, then they should have guilt feelings. Do the police have the guilt feelings when they-

Make informal arrests of people?

Detain people in illegal custody?

1. Human Values and Police Behaviour, p.5.

Refuse the detained to be produced before the court? If they do not have guilt feelings when they do so, then the society will surely criticize the police activities and misbehavior. And that is what we are hearing from the public.

NATIONAL POLICE COMMISSION AND POLICE SUB-CULTURAL VALUES: ¹

Do the police sub-cultural values go in harmony with the dominant cultural values of the society? The National Police Commission enumerates any number of instances to show that the sub- cultural values get social disapproval. Some of such instances noticed by the Commission are:

Deliberate handcuffing of a person in police custody merely to humiliate him;
Non- release of bail after the arrest even in **cases** where bail can be granted.
This is calculated to put the man in more trouble and mental agony.

Discretionary enforcement of law while dealing with public order situations with emphasis on severity and ruthlessness in regard to persons opposed to the ruling party.

THE EGO OF THE POLICE MAN / OFFICER.²

Nobody is a born police man / officer. Everybody becomes so or is made to be so. When a person wears the police uniform and assumes the responsibilities of a policeman / officer, it goes without saying that he should behave not in the manner in which he likes to behave, but in the way he is expected to behave. His role as a police officer/man is specific as he is not supposed to take up a role which he is not expected to. But, it is often seen that he behaves in an unbecoming way. Why? In order to answer this question, one may look, into the working of the police officer's ego.

Just like any individual every police officer/man has his own ideas, concepts and feelings about who he is. Such ideas, concepts and feeling are not developed one

1. **Human Values and Police Behaviour, p.5.**

2. **Human Values and Police Behaviour, Series-2. P.1**

day, too soon. Even before a person joins the police department, he forms ideas and concepts about a policeman/officer in his. For some, the role is glamorous, for others the uniform is attractive; yet for others the role, uniform, authority and power which the police enjoy may be enviable. All these may form the ego- concepts in an individual who joins the service.

EGO FORMATION AFTER JOINING THE POLICE SERVICE.¹

After a person has joined the service as a police officer/man, he starts thinking that-

“I am a police officers/man holding the rank of and have a lot of power and authority. I can do this or that thing and there is nobody to question me.”

“I am doing the executive functions of the government and my uniform gives a lot of pseudo authority as well. People are afraid of me as they think that I am a terror in the services”.

These and similar feelings which one entertains to himself constitutes what is called the ego in him. These feelings and ideas one may form about himself may be real or imaginary yet for everyone his ego is really important. It makes him to think, speak and act in a particular way. And his ways of thinking, speaking or acting may be acceptable or unacceptable to the dominant culture in society.

CASE EXAMPLES: ²

A constable enters into a privately owned and operated transport bus. As a passenger, he is expected to purchase ticket. But he does not; rather he gets angry with the conductor when he is requested to purchase a ticket for the journey he performs. Here the constable thinks that people should allow him travel in bus as he is a policeman.

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- 1. Human Values and Police Behaviour Series.-2 p.2.**
 - 2. Human Values and Police Behaviour Series.-2 p.2.**

A Sub-Inspector gets into a movie theatre with his family members without purchasing tickets. He thinks that he can afford to do things in the way he likes in his jurisdiction, for according to him people should honor his authority and power as a police sub-Inspector by giving him and his family free access into theatres.

A Circle Inspector sends a constable to get a privately owned car from a person doing business in his jurisdiction. The car is intended for him to go to his wife's house without paying the rent. The owner of the car refused to give the car and the Inspector openly says: "I will see you later" and instructs his sub-Inspector to harass the owner of the car.

A constable sees that a boy aged 9 is wandering in the city. He goes to the boy, calls him to his side, talks to him and collect details about his parents, native places etc., Afterwards, he sends information to the boy's parents and he sends many more things other than strict law enforcement in letters.

Police officers/men behave in this way because they have developed an ego which is bloated and unrealistic. People having such imaginary and inflated ego concepts assume pseudo- authority and cause great havoc in this area of jurisdiction.

The Ego of a police officer has got a conscious part and an unconscious part. It is seen working in the conscious part of his ego that he has the feeling that he is a police officer/ man with a lot of authority vested in him and should be used only in the proper way. It is also seen that he entertains in the conscious part of his ego, the feeling that he should not misuse his authority for personal advantage or monetary benefits. Do there take place a conflict between these two diametrically opposed feelings in his ego?

How do these pervert ideas get into the ego of a police officer/ men? It is found that these prevent conceptions of ego is a learned response. He sees such misuse of authority being employed by his colleagues and he understands that the sub- culture existing in police approve of these practices. Though the dominant culture in the society frowns at these exercises of pseudo- authority; the police sub-culture does not take serious note of it. It ignores it so much so that the public

criticize the police of their misbehavior. Researches conducted in the area of pervert expressions of police officer/ man show that there are many such mal practices in the operative sphere of police functioning. Some such misbehaviours are-

Obtaining petrol for police vehicles – for the police think that they can ask the people to do so and threaten them if they do not.

Using taxi- cars etc. without making any payment or sufficient payment- for, the police think that the taxi- drivers are helpless before the police authority as the police can harass them in several ways.

Taking drinks from bars etc. without effecting payment for, the bar owners know the after effects if the police are not provided with liquor freely.

Taking loans from businessmen in their jurisdiction without any intention to repay them-for they know that for the profitable conduct of their business even in an illegal illegitimate way, police need to be humoured.

The ego the police can also contain correct perceptions of human values.

Examples are :

Duty first and then only relaxation for the police.

Obey the superiors as a responsible member of the service.

Uniform means justice. Nothing less than just and fair action in police work can do justice to the uniform one wears.

7.3 POLICISATION AND EGO FORMATION:¹

Policisation is the process by which a person is made to become a professional policemen/ officer with desirable personality traits. During the induction training course, there is a likelihood of inadequate development of correct ego-concepts. The ego concepts formed in some trainees may be contaminated or destroyed during the post- induction injection by the operational staff in police department or by the people who centre around the police to get many things done through the police. About this change in the behavioural patterns, the National Police Commission observes:

1. Human Values and Police Behaviour Series-2 p.5.

At the Police Training College, the trainees are taught to register all crimes as soon as they are 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.

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

In the districts, they were told that bogus cases under section 190 Cr PC were essential for a record for a good statistical record although they had been warned against this in the Police Training College. There goes the list of malpractices to which the new entrants are introduced.

The police do all these things thinking rightly or wrongly that they can do it under the pretext of their authority or under the colour of their uniform. They do not seem to have developed any guilt feelings when they torture people or when they frame bogus cases against fellow citizens in the country.

HUMAN BEHAVIOUR: WHY DO THE POLICE BEHAVE THE WAY THEY DO? ¹

Why do the police behave the way they do? In a study conducted on police behavior, it has been observed as under:--

1. According to 82.96% the police behave courteously only 'at times'.
2. 69.49% stated that sub-inspectors behaved discourteously, 94.40% reported that the constables too, behaved discourteously, 78.12% said that the assistant sub-inspectors misbehaved discourteously to the public.

The reasons for the misbehavior on the part of the police are found to be many and various and they are—

1. .Human Values and Police Behaviour Series-3 p.1

The police think that they can afford to behave in the way they do to the people. The police enjoy vast powers under the law. They have authority and strength so much so that the general public are not prepared to react against the police misbehavior of discourteous behavior.

The police have a uniform which they wear after undergoing sufficient physical training which gives to them some confidence that they can handle people who are not similarly trained. The training, the weapons, the lathies, which the policeman has with him give added courage to him. He has a feeling that he is a legion and behind him there is a force of man power coupled with the authority of law.

3. People approve of police misbehavior towards criminals, hooligans, goondas, eve-teasers, rowdies etc. for, they think that such people do not deserve a better treatment than what they receive now. The public visibility is taken for granted by the police as a licence to behave discourteously with all kinds of people in society.

There are instances in which the police behavior rated to be eviable. For example-

I. During bundh, the police remove the road-blocks and make the roads usable for vehicular traffic. They carry sick people to hospitals and take up risks to face any law and order situations that may be created by the people who try to make bundh a success. In so doing, the policemen are attacked.

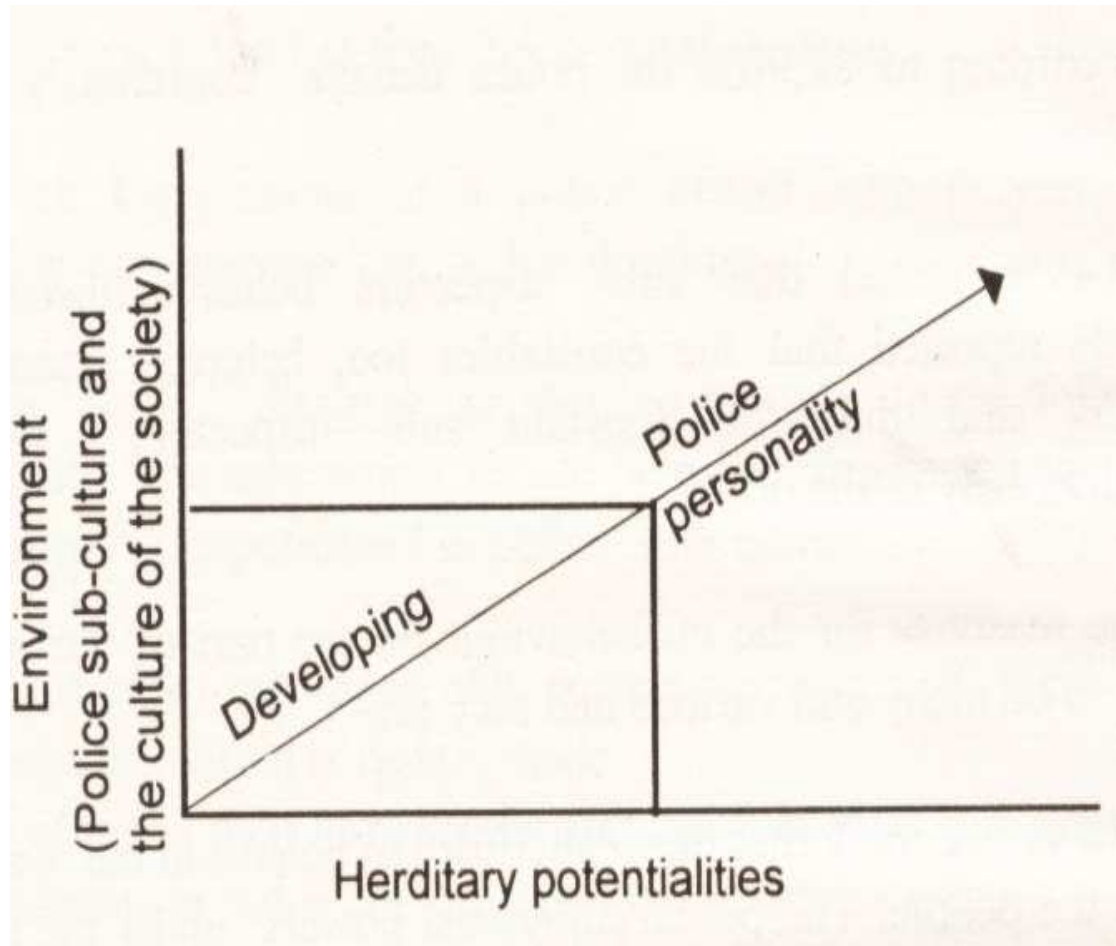
II. During a natural calamity, the services rendered by the police receive wide public acceptance and recognition. The policemen involve in such social activities as a result of their conviction that they are primarily a service and not a force. The social commitment of the service is so much seen in police that they work for the welfare of the society even when people in other walks of life show indifference to such issues.

7.4 FORMATION OF POLICE PERSONALITY.¹

A new entrant to the police department starts developing his self-concept as a police officer by associating himself with other police officers. A realistic self-

1. Human Values and Police Behaviour Series-3 p.2-7

concept that is congruent with the social aspirations and expectations can be given only if adequate opportunities are provided to him for the proper personality development with desirable personality traits. But, what is seen today is the lack of environments for the development of desirable personality traits. This can be graphically drawn.



A new entrant to the police service has heredity potentialities to develop in a proper way. For this, he needs conducive environments for the proper development of personality traits in a desirable fashion. The more is the conducive environment for the development, the better it is for the developing person of the police.

CHARACTERISTIC OF POLICE SUB-CULTURE:

As it is, there is an allegation that the police sub-culture is pregnant with—

Informal arrest and illegal detentions;

Torture coercion and use of third degree;

Corruption and susceptibility to influence;
Political interference;
Concoction of evidence and production of false witnesses;
Harassing of public and causing troubles to them;
Treat people with disrespect and in a degrading way;
Use of vulgar language and epithets;
Deal with people without consideration and sympathy;
Show partiality and unjust approaches.

The police sub-culture also consists of desirable personality characteristics and they are seen in many areas of police work, namely--

The doors of police stations are never closed. They work round the clock. They risk their lives when they face violent agitation and aggressive tactics of an angry crowd. They devote a lot of time in patrolling the jurisdiction and in preventing crimes. They work in adverse social milieu which does not offer security to their lives and property.

If this is true, then developing police personality will consist of all or many of such undesirable personality traits. In such a sub-culture, it may be difficult for the police to behave courteously to the public especially when the society's culture approves of the police sub-culture without questioning.

FORMATION OF DEFECTIVE SUPER-EGO:

Super-ego consists of the totality of the do's and don'ts in police activities. The code of conduct for the police teaches the do's and don'ts in police functioning. The National Police commission and also the Ministry of Home Affairs have clearly put down the code of conducts for the police in India. A police sub-culture where the super-ego is not properly formed, it becomes difficult and sometimes impossible for the proper development of the right super-ego formation. The judgements from the courts of law amply prove to show that the police are not keen to observe the super-ego concepts in them. The observations of the courts sometimes show that the police are dirtying the law by their dirty methods and dirtier strategies of action. The police

sub-culture which is formed by defective super-ego concepts will make a service which does not feel guilty if at all the super-ego principles are violated.

HOW DOES THE DEFECTIVE SUPER-EGO IS FORMED IN POLICED SUB-CULTURE?

The defective super-ego concepts in police sub-culture are formed by accepting any or all of the under mentioned strategies adopted in police work. They are—

Unacceptable traits are some times encouraged more than acceptable traits;

Undesirable traits are sometimes tolerated even when desirable traits are warranted by the situation.

Abnormal traits are sometimes favoured more than normal traits in police sub-culture;

Negative traits are nurtured better than positive traits in police functioning;

Inhuman traits are treated as human traits;

Unethical traits are regarded as ethical traits in police work.

Of course, the socialization and attitude formation of the new entrants to the police profession are decided by several factors like norms of the organization, the values and attitudes of the senior police officers in the department, the general climate of the discipline prevailing in the department, inculcation of finer points in behavior and human contacts etc. The desirable personality traits and behavioural patterns are affected in individual police officers through the process of learning, communication and observation of what is going on in the police sub-culture and therefore the atmosphere prevailing in police stations and the organization should be such to develop further socialization and correct attitude formation in police officers.

7.5 HUMAN BEHAVIOUR: AN INSIGHT INTO PEOPLE'S BEHAVIOUR TO THE POLICE: ¹

Why do people behave the way they do with the police?

- 1. Human Values and Police Behaviour Series-4 .p.1-3.**

In a public opinion survey about the public's expressive behavior towards the police, the following facts were brought out- i.e. 22.19% said that people were not cooperating with the police; 36.08% opined that the public were having an avoiding attitude. 13.27% told that the people did hate the police, 3.30% subscribed to the view that the people had contempt towards the police. If the views brought out by the above survey are true, then it is necessary that the reasons for such behavior patterns are studied. The reasons are—

People in general have an acquired fear, however little it may be, towards the police. The children are frightened by the parents by telling that they would call the police if they do not eat food; do not obey them. They read the news in the media that policemen beat people in public or while they investigate crimes. The policemen are pictured as cruel people by the films and some of them are really so. Some of them develop a tune of voice, body language, and eye- contacts moustaches etc. which frighten people. Why to go near to such people who threaten and frighten ordinary people- this is the attitude the general publics have towards the police.

People do not want to get themselves involved in police work and procedures. The people know that the police may harass them and cause troubles to them when they become closer to the police. Policemen enjoy a lot of authority and if they have decided to harass the common man, then there is no option left with the people other than suffers the harassment.

Police have developed an impressikon that the people can be made to cooperate with them by coercion threat, harassment and show of authority.

People go to the police stations with petitions and numbers of petitions received by police are found to be on increase. This shows the people have got confidence in police and they think that they must get instant justice if police are requested to interfere in their problems. The studies conducted on police performance in the area of petition inquiry show that the police are capable of administering justice to people by using their good offices in setting disputes. It is the poor people who make use of the police to settle their issues stated in the petitions. This would further show that the people have trust in police sense of justice and the sincerity with which the police handle petitions.

CONDITIONING OF THE PUBLIC BY THE POLICE:

Man, animals and birds can be conditioned to behave in a particular way by conditioning them. Conditioning is a procedure in which an adequate stimulus (e.g., visit of a VIP causing curiosity in the public) is paired with an inadequate stimulus (calling up epithets or filthy language to repel the curious public from proceeding further. This itself has no effect in causing curiosity in public) until the previously inadequate stimulus is by itself able to evoke the response. The original, adequate stimulus is by itself able to evoke the response. The original, adequate stimulus (visit of the VIP in the above example) is termed unconditional stimulus (US) and the response to the US is termed as the unconditional reasons (UR). The other stimulus- i.e. calling epithets or filthy language – is termed the conditional stimulus (CS) and the response to it once conditioning is established is termed the conditioned or conditional response (CR). Here the people are conditioned in such a way that they get away from the police as they know that a close linkage established with the police would result in troubles and difficulties for them. For example, in order to repel a man who advances forward to see a V.I.P., if a sober expression (gentleman) is used by the police he may not go back? He may wait for sometime until he hears the expression- bastard- being used by the police. The going back and the use of bastard are related and the people are conditioned.

CONSCIOUS AND SUB-CONSCIOUS MIND OF THE PEOPLE:

Whatever may the police speak about public relations or police-public interactions, the conscious mind of the people tell them to keep away from the police. People are well aware that.

The police employ unfair methods to elicit confessions;
Are not ashamed of stealing things from the scene of crime;
Tell lies in court;
Resort to unfair means to elicit money from the people;
Refuse the arrested persons to get in touch with a legal practitioner of their choice;
Detain the arrested beyond the statutorily permiktted twenty four hours in their custody;

Hush up complaints made against them etc. And these feelings in public's conscious mind repel them from becoming close with the police.

The conscious mind of the people also tells them that-

There can be no law and order maintenance without the police;

The police can prevent crimes and control criminal tendencies among people;

There can be no substitute for police services. The service is essential and necessary for human happiness and social welfare.

What about the sub-conscious mind of the public ?

The sub-conscious of an individual contain past experiences which are at present forgotten, but can be brought out by the help of memory. People have seen, heard or read many things about, police behavior and misbehavior. Some have experienced the police also. All these form the 'sub-conscious', of the public's mind.

The police have a history of behavior from the British regime and it is considered by the historians that the British police in India had been oppressive in nature. Even after India became independent, the democracy's police did not deviate very much from the colonial police so much so that they behaved to the public with objectionable behavioural patterns and undesirable tactics. This approach of the pre-independent and post-independent police too have formed the sub-conscious of the people in society and controlled their interactions with the police at the cutting edge-level.

A study conducted on the behavior of the people to police shows; "people have yet to measure up courage to go alone to a police station. Recommendations and introductions are sought after when people want to go to the police stations. This indeed is a disheartening state of affairs; if it exists, and therefore it is desirable to devise means and methods by which people get the required trust and confidence in police to see that their grievances are heard and action taken without introductions and recommendations. The forbidding atmosphere of police stations is no longer desirable in a democratic set-up."

In a survey organized by the Bureau of police Research and Development, Ministry of Home Affairs, it has been brought out that the people are reluctant to go

to a police station because the police are not in general, inclined to record reports against persons of high status and those having good relations with them. Again, the study is indicative of the fact that the police action on information or evidence furnished is not prompt. The study finds corruption in police service rampant and also the police to be ineffective in their actions. Again, the attitude of the police towards the weaker sections of the society is quite unsatisfactory. The police behave with discourtesy to the complainants and the reactions of the police, more often than not, are determined by the income and educational qualifications of the complaints.

These experiences and the impressions which the people form about the police and their behaviour decide how the public should behave to the police. “Any impression among the public that the police can be made to act according to one’s wishes if the necessary pressures are applied shakes public confidence in the police and the whole administrative set-up”- says Gore Committee on the Police Training. Hence, a total change in the people’s sub-conscious and the impressions formed therein should take place if one desired to effect betterment in public; behavior towards the police. People have developed suspicious, hostile and run-away, attitude to the police. This is partly because the people were not informed about the role of police in a democracy and partly because the police did not want the people to come closer to them. Authoritarianism, suspicion, defensiveness, cruelty, vengeance, aggression, hostility, insecurity, cynicism and inflated ego-concepts which were found to dominate the police culture really kept the people away from the police. In their talk, walk, look and dress, the ordinary man in street saw these traits. The police officer/ men were found to be secretive and sensitive to everything and to everybody. This is what Kona Rama Chandra Reddy commission means when he writes that the police culture appears to suffer from an excessive dose of secrecy that surrounds its function. This secrecy too kept the public to maintain some distance from the police.

The police uniform is the visible sign of government authority on the people. Each policeman represents the government and therefore the sub-conscious of the society makes people to show respect and obey the commands of police in several occasions.

7.6 INDIVIDUAL BEHAVIOUR OF POLICE: ¹

The policeman evaluates individual behaviours and responds to them in a way he likes to or he is expected to. If he behaves in the way he likes to, then it may receive social disapproval. On the contrary, if he deals with it in the way, he is expected to do, and then he way receives social acceptance, approval and recognition. There should not be a conflict between the individual behavior of policeman as he does and as he expected to. The Central Committee on Police Training give clear cut directions as to how a policeman should behave as he is expected by the Society.

They are:

Loyalty to the Constitution, commitment to the goals of the nation and the concepts of an egalitarian society and the need for national integration.

Awareness of the problems that arise in the wake of the development of the development process, including conflicts, social disorganization, regional imbalances etc.

A deep social awareness for comprehending and reacting to complex situations.

Development of analytical and innovative skills, since situations will continue to change and no ready made solutions can be prescribed.

A new orientation in dealing with the masses, who come from various strata of society, divided among many contours such as religious, caste, region and income as may lead to the correct resplonse in individual cases.

The need for the application of scientific, techniques, management concepts and skills and constructive attitudes and values in police work.

There are the golden rules by the help of which each police officer should try to appreciate the behavior not only of the police officers themselves but also of the people with whom they come into contact.

1. Human Values and Police Behaviour Series-6 p.4-6

A fair assessment of human behavior basing on the principles set for the above will surely guarantee better police – public relations. The people should understand that the police are evaluating human behavior in the way they should.

Indiscriminate use of force basing on false assessment of human behavior, excessive use of police authority to quell violence, unsympathetic attitude to the public especially to the members of the weaker sections, unwillingness or half hearted attempts to implement legitimate things etc. show that the policemen lack capacity to appreciate human behavior in the way they should.

POLICE BEHAVIOUR

1	Quick response to public Complaints	delayed response to public complaints
2	Sympathetic attitude to the Poor and the needy	Indifferent attitude to the poor and the
3	Considerate outlook	Hostile outlook
4	Courteous behavior	Aggressive behavior
5	Polite dealings	indecent language
6	Just and fair treatment	Discourteous treatment
7	Responsible actions	unjust dealings
8	Industrious activities	unjustifiable activities
9	Selfless services	partisan services
10	Honest transactions	Irresponsible actions
11	Firm decisions	corrupt practices
12	Courteous dealings	Timid approaches
13	Noble looks	Illegal transactions
14	Tolerant interactions	Coercive tactics
15	Helping nature	Discriminatory treatment
16	Service orientation	Selfish procedure
17	Respectful dealings	contemptuous expressions
18	Pleading manners	Susceptibility to considerations
19	Welcoming approaches	Misuse of authority
20	Sincere advice	Brutal activities
21	Dignified countenance	Dishonest and dreadful eyes

INDIVIDUAL BEHAVIOUR: MOTIVES, DRIVES, INSTINCTS AND EMOTIONS.¹

Police ask the question: what motivates a man to behave in a particular manner? Unless the motives are said or made clear, they are inferred, Motives cannot be observed directly. We may even at times fail to understand or to discern our own motives. Yet motives determine what we do, how we feel about others and things in general. They influence the ideas we develop, the opinions we express and the beliefs we hold. A motive is a hypothetical internal process that provides the energy for behavior and directs in towards a specific goal. Hence a motive may be anything which energises us towards an activity. It satisfies some need drive or goal objective. The motives of murder as seen in Crime in India published by the National Crime Records Bureau, Government of India are the following – namely

Personal Vendetta or enmity.

Property dispute.

Gain.

Love intrigues and

Dowary etc.

MOTIVES IN POLICE BEHAVIOUR:

Policeman do a lot of work and their motive are understood by seeing how they express their needs. The needs can be -1 basic physical needs – they are called primary needs and 2- social and psychological needs- they are called secondary needs. The physical need include food, water, air, sleep, sex etc. They are very essential for the survival of man and thus the primary needs are universal and eternal.

Social and psychological needs- secondary needs- are often more vague than the primary needs. For example, a man may be motivated by a desire to feel important or for self- assertion or take vengeance etc.

1. Human Values and Police Behaviour: Series-8 p.1-3

Primary needs do rarely motivate a police officer/ man because they are reasonably satisfied with them. Occasionally they may be dissatisfied, situations may be too much work without taking rest or sex- starvation owing to the inability to visit home as they want.

It is the secondary needs which often motivate the police in the way they behave. They want to get quick results in investigation and therefore they employ third degree methods. They want recognition and acceptance in the case they investigate and towards this end, they may concoct evidence.

MOTIVES AND HUMAN BEHAVIOUR:

Except in certain instances where people want to achieve their primary needs, in every human actgivity people are motivated by the secondary motives. Or better, there may be primary and secondary needs, which together motivate people to do a particular thing in a particular way.

Examples:

Being motivated to quench the thirst, the detainee in police lock-up requested a cup of water (physical need, primary need).

Being motivated to show the authority, the police officer refused to give him water. He said further that he would be given water only if he confessed his guilt. (Secondary need).

When the need is not satisfied, the organism becomes restless. As a result, the organism gets activated. “The deprivation of needs leads to the arousal of drives which in turn activates man animals to behave in a particular fashion”.

INSTINCTS AND HUMAN BEHAVIOUR:

Instincts caused human behavior. An instinct is an innate or inherited psychophysical disposition which (determines its) makes the organism to attend to certain kind of objects rather than others, to experience an emotional excitement of a particular quality upon perceiving such an object, and to act in regard to it in a particular manner or at least to experience on impulse to such an action. There are 14 instincts such as sex, combat, parental, acquisitiveness etc. and each instinct is

accompanied by certain emotions. For examples sex is accompanied by lust and combat (pugnacity) is accompanied by anger.

Examples:

While interrogating a suspect in a crime, the investigator gets angry. This is an instinctual behavior, the instinct being pugnacity. Here the investigating officer is not behaving in an intelligent way.

Seeing a good looking girl coming alone, a teenager attempts at eve-teasing. The instinct here is sex and the accompanying enaction is lust.

EMOTIONS AND HUMAN BEHAVIOUR:

Emotion is a complex feeling state accompanied by characteristic motor and glandular activities.

CASE EXAMPLES:

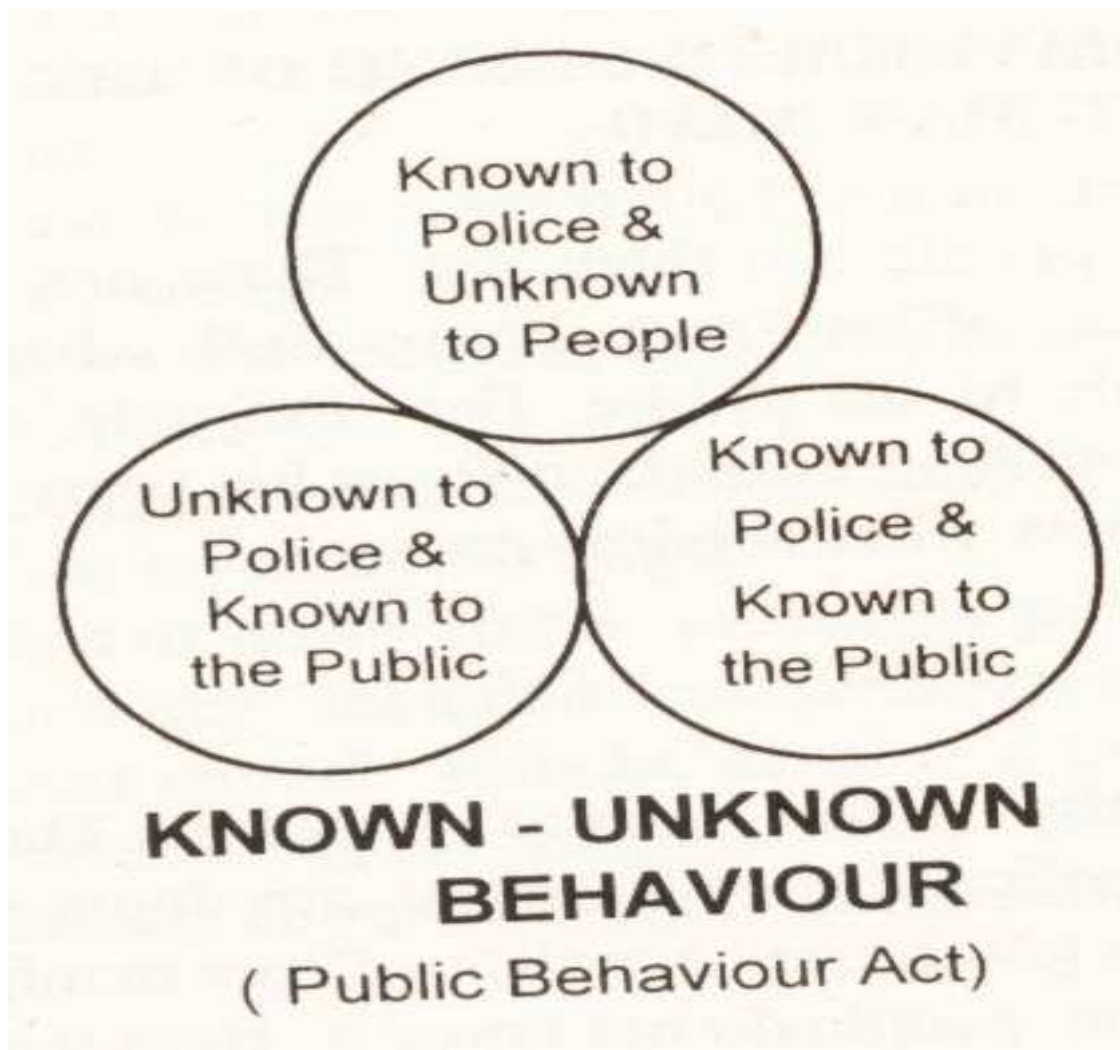
A man sees that his son is beaten. He becomes emotional.

A man on the street calls epithets to a police officer to which the police officer becomes emotional. A superintendent of police was called an owl by an associate and the police officer became angry at it. Education cannot stop a man becoming emotional, but can control the expressions of emotions.

How to understand that a man become emotional? They are expressed in the form of anger, fear, range, disgust, etc. Emotions may be positive and negative.

7.7 INDIVIDUAL BEHAVIOUR: WORKING OF THE HUMAN MIND. ¹

The police acts and the people see them act. There are several acts about which a police officer/man knows well what he acts and his acts are fully visible to the public. For example, a police officer conducts patrolling and here the officer/ his party and the people in his jurisdiction know what is going on.

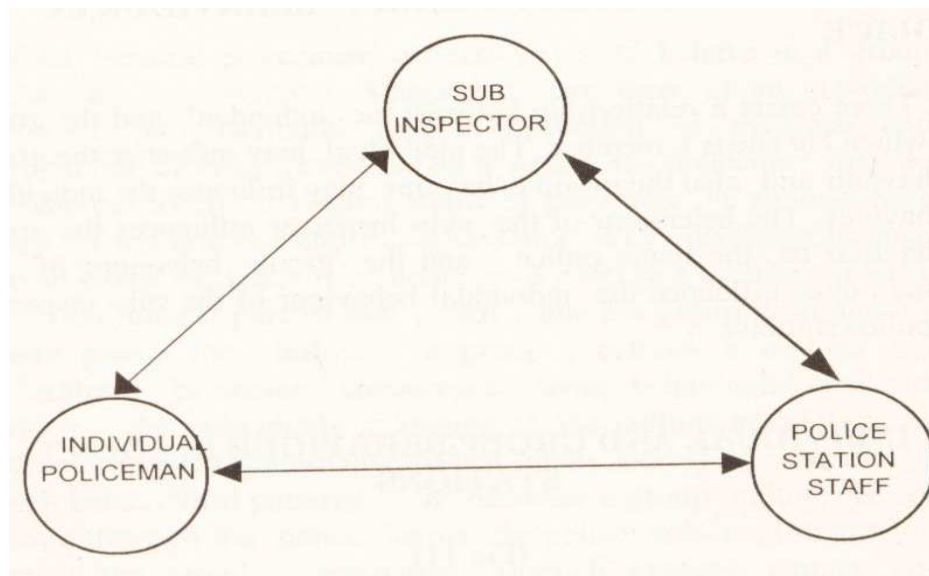


1. *Human Values and Police Behaviour Series-11 p.1-*

The police behavior is fully visible here to the public. There are behaviors about which the police know what they are doing and the public do not know what is going on. A police officer manipulates some records secretly and the people do not know it. Here the act of the police is not visible to the public. Another example is that the police giving false promises to illiterate people. Instances are there that the police do not know what they are doing and at the same time, the people know what they do. Examples are some of the facial expressions, body language, ways of talking and finger language etc. And all these do affect the police- community interactions.

It may be born in mind that there are conscious and unconscious aspects for one's behavior. The conscious aspects of a man behavior means those aspects about which a man is fully aware of what he is doing. The sex, caste, community, rank, powers and authority etc. should form the conscious part of a police officer's/ man's ego so much so that his behaviour should be guided by such awareness. Yet, there are instances that some police officers/ men forget about the conscious part of their ego. A custodial rape is an example in point why do they behave so?

7.8 INDIVIDUAL AND GROUP BEHAVIOUR IN POLICE STATIONS: ¹



1. *HUMAN VALUES AND POLICE BEHAVIOUR SERIES-12 p.5-9.*

ILLUSTRATION:

The sub-inspector is very punctual in his duties and he insists punctuality among his staff who were not punctual. After a few days, it can be seen that the group-behaviour in police station is changed into 'punctuality' as a projected characteristics in thana police. Likewise, the behavior of the superintendent of police may influence the entire police functionaries in the district. The same process becomes true in the case of the behavior of the director general of police and its impact on the entire police strength in the state. For effecting a change in the already existing sub-culture, the leader of the group may have to swim across the current and it may be resented against by the group who wants to go along with the current. Here, the individual interacting with the group changes the group- attitude, outlook and behavioral patterns to issues, individuals and events.

GROUP BEHAVIOUR – POLICE AND OTHER GROUPS IN SOCIETY – INTERACTION:

No doubt, police is a powerful group in society and it is rightly called the coercive group or the weapon of the government. Nevertheless, the police is not the only coercive group. There is any number of such pressure groups or coercive groups in the society so much so that a compromise, adjustment and accommodation with such groups become necessary and inevitable for the police to function smoothly in a democratic set-up. How to accommodate other groups by the police becomes a matter of serious concern and this lecture is all about the police strategies in adjusting with other pressure groups in society. The pressure groups are-

1. STUDENTS:

A great deal of tact and judgments becomes necessary in dealing with situations involving student communities. The observations of the National Police Commission with regard to police interaction with student communities are worth considering. We begin by recognizing the fact that the primary responsibility for resolving and mitigating campus problems of indiscipline involving students shall be that of the academic authorities. We are also of the view that the police should not be unnecessarily brought into situations which do not involve problems of crime or

problems of law and order. Such involvement not only affects police efficiency and responsibility but also tends to blur the image of the police in the minds of the students and the community at large. Creation of such a poor image is not in the interest of effective law enforcement. It is clear that the commission is categorical about the role of police in matters concerning students and student's activities.

2. COMMUNAL GROUPS:

The Police comprise a set of people who belongs to different religions and communities. Nevertheless, there is no scope becoming communal in police attitudes and outlooks. The central committees on Police observe in this context. There is a need for a secular outlook and a sympathetic attitude in dealing with the victims of communal tensions and religious bigotry. All the modern equipment and training available to the police can achieve nothing if their minds are not free from the prejudice of caste, religion and parochialism. The acquisition of a secular outlook is essential, since the goals of social development can never be achieved if large sections of the people are denied a feeling of involvement on ground of caste, religion or language". These observations may show that the police is a group which should contain individuals having only secular outlooks.

3. PRESS AND MEDIA:

The press and media are very critical of police and police actions. They make everything sensational, if that is possible. Any news of police brutality, apathy or callousness shown towards the citizens in a democratic society has the potential for sensationalism and is therefore of high commercial value. If paper reports are true, then one may have to conclude that the policemen deal with journalist in hostility and aggression. There are reports that policemen beat them on roads and stop them doing their jobs. It should be borne in mind that they too are doing their job just like the police are engaged in their work. Both works are important works and the police should start cultivating an attitude of accommodating the press and media men in the work they do, particularly at a time when the right to information is going to be accepted as a fundamental right.

4. YOUTH:

There is youth- unrest and it is seen everywhere in the world. There are any numbers of sociological, political, cultural and psychological causes for the prevailing youth- unrest and the police cannot eradicate these causes which are beyond their control. Hence any police strategy without taking into account the underlying causes of youth- unrest can bring only misunderstandings and tensions between two powerful groups- namely the youth and the police.

5. ECONOMIC OFFENDERS:

Offenders themselves are a group and economic offenders are powerful groups. Everyone may say that the police should handle economic offenders with an iron hand, but how? Any attempt on the part of the police without proper administrative and political support to deal with economic offenders is likely to face hostility and victimization from many quarters. The traditional methods and strategy of dealings with offenders by police can no longer work with economic offenders so much so that the police should design new and acceptable methods. The economic offenders are a powerful lobby capable of exerting tremendous influence on authorities so much so that it is wiser to make use of community policing techniques” to handle economic offenders in society.

6. WEAKER SECTIONS:

Weaker sections and handicapped groups in society are powerful by virtue of their weaknesses and handicapedness. Therefore, the police have to deal with them with great caution. The social feeling is that the police are strong and powerful whereas they are weak and handicapped. The strength V. weakness approach is always harmful to the police in carrying out a good police image. Anything done for or against the weaker sections in society is likely to receive wide publicity so much so that the police have to be extra – careful in dealing with them. Since, they are weak; the public are inclined to believe them more than they believe the police. This makes their position further strong and the position of the police further weak. As such, there is or there should be no scope for an intergroup hostility or rivalry between the police and the weaker sections of the society.

7. INDUSTRIAL WORKERS:

In a democracy which guarantees fundamental freedom for people to assemble and demonstrate, the industrial workers are powerful groups. They can paralyze the countries economy and create law and order problems. As a result, there is every possibility to erupt tension and conflict between the police as a group on one side and the industrial workers as a group on the other side. The police have a very delicate role here to play and the present thinking is that sometimes as a direct agent and at other times as a catalyst, police have to initially resolve these crises to enable the two diametrically opposed interest groups (employers and employees) to come to the conference table for arriving at an amicable settlement so that the wheels of industry continue to resolve smoothly.

8. WOMEN AND CHILDREN:

Anything done by the police against the women is interpreted as an atrocity committed by a predominately male dominated police community against the fragile fair sex and mud always sticks to police image. There are many women's organizations which are vocal and as such the police should not create a situation of tension and conflict between the two powerful groups in society. Reports about custodial rapes and indecent approaches to women by the police are disfavored by the people. As the police – women interaction is a sensitive area, utmost care should be taken to safeguard the interests of women in police custody, and in matters of search of their body by the police, interrogation in police stations, interviewing in criminal cases, conducting raids in their residence etc.

9. POLITICIANS:

Likewise the press, the politicians are powerful groups in a democratic set up. Instances are there that the police as a group are accused of siding with the ruling party. These makes the opposition antagonistic to the police and very often result in unwarranted tension and problems between the police and the politicians. Dharnas, possessions, demonstrations are organized by politicians and sometimes, they end in the use of force by the police. Remarkable restraint should be maintained by the police even when the politicians create very provocative situations.

Thus, just like every policemen / officer represents the police department, every individual is representing a group – may be a family, a community, a profession, an occupation, a political party. And therefore, the democracy's police should bear in mind that their relationships with all groups in society is maintained in good harmony with the social expectations of police role in the changing society.

CROWD BEHAVIOUR: UNDERSTANDING CROWD BEHAVIOUR FOR POLICE WORK: ¹

Why does the study of crowd behavior deserve serious attention by the police? This is because—

The police have to deal with crowds at every now and then during law order management.

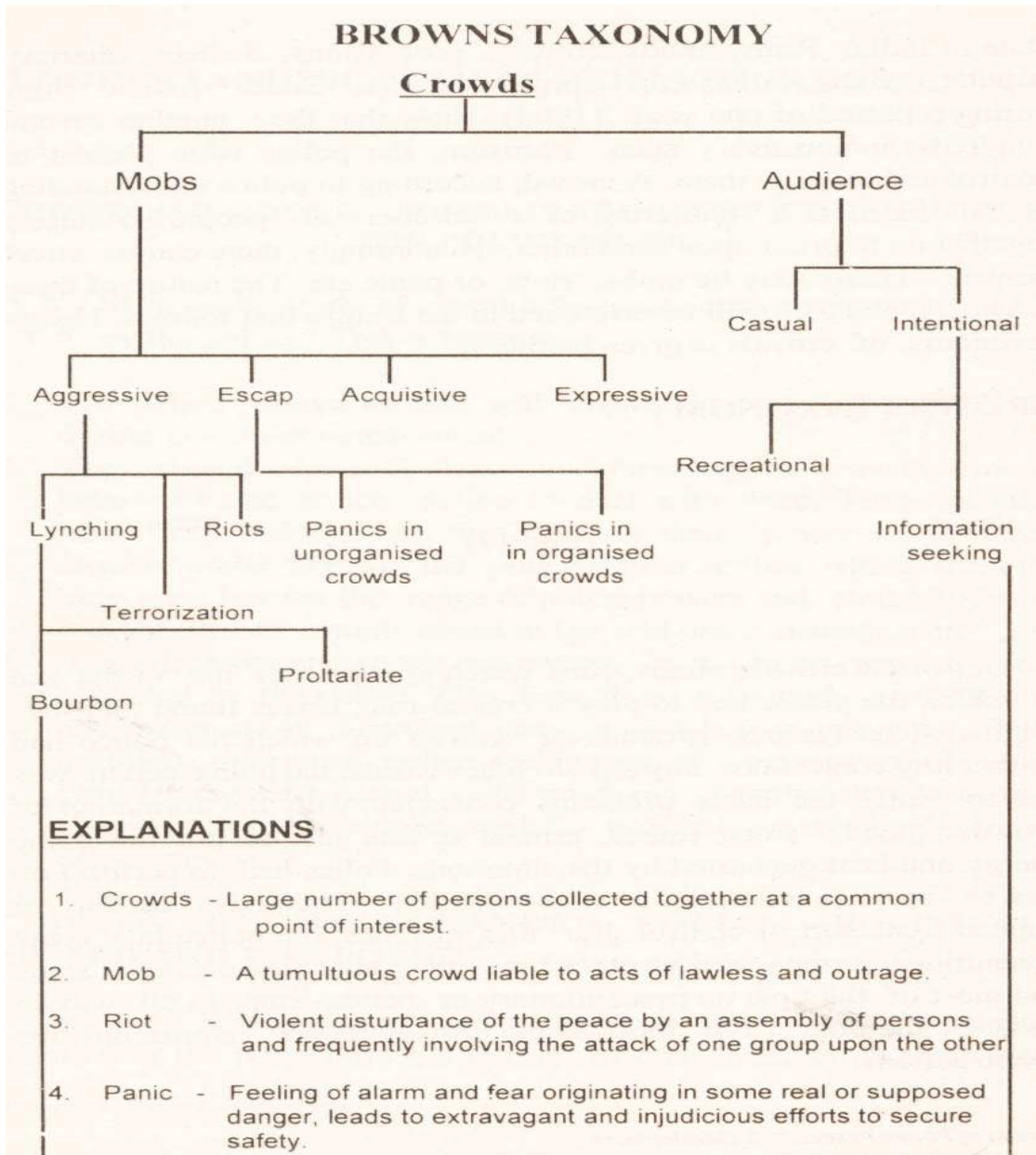
They should have a clear understanding of crowds, crowd behavior and police action to deal with them. They should have fresh insights into the limits of their power in handling crowds/mobs. Some of the police station actions which seem to have gone beyond the range of police powers and authority have created further complications in law and order management.

Crowds, riots and social movements are not to be viewed with contempt by the police. They have their roles both as catalysts and indicators of historical changes and human progress. The narrowly conceived police techniques to manage crowds and crowd behavior cannot yield good and positive results in the changing and changed social political environments in a democracy.

CROWDS IN THE CHANGED SOCIAL- POLITICAL MILIEU AND THE POLICE: Just take a newspaper and enumerate the crowd incidents reported in the press during a period of one year in a particular state in India. Riots, mobs, crowds, processions, Judah's, dharnas, bundhs, strikes, rallies etc. organized in most of states during a period of one year and in every such occasion, the police were present to control and manage them. A crowd, according to police understanding of

1. *HUMAN VALUES AND POLICE BAHAVIOUR SERIES-18 P.2-5.*

the term, is a gathering of a number of people so closely together as to press upon each other. Accordingly, there can be street crowds. There may be mobs, riots, or panic etc. The nature of these crowds, mobs etc. Here taxonomy of crowds is given below;



Out of 68 crowds, mobs, riots which appeared in the media and in which the police had to play a crucial role, it was found that they originated on issues, grounds or causes on which the police had neither any control nor any say. In other words, the police action was not to solve the basic problems connected with the formation of crowds/ mobs/ riots, rather, crucial it was just to put down the energy and heat generated by the situations. Police had to perform no less or more functions in a mob situation. They have the duty to impose some sort of control. For this, at times, the police take some precautionary steps and at other times they take some action – steps and most of the time no precautionary or action- steps at all will be taken by the police. For most of the crowds do not require positive police actions.

7.9 CROWD BEHAVIOUR AND POLICE BEHAVIOUR: ¹

A group of policemen facing a crowd of men man show the characteristics of a crowd. Police consists of a group of well trained and organized persons and therefore, it is presumed that they should not show crowd characteristics in their behavior when they face a crowd situation. Some ill- informed policemen, as the allegations goes, behave sometimes just like the members of the crowd so much so that their (mis) behavior caused serious law and order problems. Researches conducted on police behavior at the spot of a mob violence (mob is a crowd) shows-

1. Every policeman, just like a member in the mob, feels a sense of invincible power. Here the policeman's sense of responsibility disappears and he behaves with surcharged energy and over packed emotionalisms. He wants to be anonymous in the crowd so much so that he uses excessive force in suppressing the mob. He is not bothered about the after- effects of his action as he knows that the responsibility for the excessive use of force will be fixed only on use some specific members in the police. He is anonymous and is not concerned with anything.
2. Once the police initiate their strategy to suppress a mob every one in the police behaves just like all others. The mental state possessed by one person spreads to others like an infectious disease. A lathy – charge with a mental state to cause

1. *Human Values and Police Behaviour Series-13 p. 3-7*

minimum force is not usually seen. Rather what is seen is a likely charge to suppress the mob and nobody is bothered about the amount of force used. They use any amount of force to suppress the mob.

3. Policeman involved in a mob control operation is suggestible just like a member who is involved in the mob. The policeman loses his conscious personality and he obeys all suggestions which he receives from his colleagues/ superiors. He behaves in a mob- control operation may be in utter contradiction to his character and habits. Yet he does suggestibility is what works here in the policeman.

An understanding about the crowd, behavior and police behavior in controlling crowds etc. becomes essential for establishing good police- public relationship.

7.10 CROWD CONTROL: POLICE ROLE.¹

At the very outset, let us accept the fact that the police have no much role in crowd control if it does not cause any law and order problems. This would mean that the police role is limited to the extent that they should develop a permissive attitude to have the crowds collected. Ours is a democracy which ensures fundamental freedoms for the citizens to organize themselves into groups and associations. People assemble every where with varied objectives.

Strikes occupy a very important position in a democratic set-up. The students, teachers, government employees, general public, factory workers, political parties, communal groups conduct strikes, processions, jhathas, dharnas, hartals, bundhs, etc. and they do it by the show of people collected together. The intention of all these crowds is to publicize the fact that there exists a situation about which the people gathered are dissatisfied. People, by doing so, want to draw the attention of the authority to the problem that exists in society.

The people who collected may employ many and various tactics with varied objectives. Whenever a trade- union or employees associations calls for a strike, it is

1. *Human Values and Police Behaviour. Series.22 p.1-4*

usual that they establish a picket or picket line outside the struck vicinity. People sit there and sometimes some leaders come there to address the people involved in the strikes. They shout slogans, collect some funds, make speeches and exhort people to support them in their activities. They do all these things strike. As they are doing only legitimate things permitted by law, the policemen need not interfere in their activities. Maximum what is required is to establish another police picket in the struck vicinity so that the presence of the police will work as a control mechanism for their behavior. Certainly of police action in case they involve in unlawful act, should be ensured by the presence of the police in the area.

The role of the police in such area should be made clear to the striking crowd. The striking crowd should not get the impression or have a feeling that the police are there to aid or support the management. They should be made to understand that the police are there to maintain law and order and nothing more or nothing less. Remember always that the right to picket is not an offence in India provided that it is done in good spirit- peacefully and causing no obstruction to people to use the premises for legitimate purposes. Instances are not rare that the strikers, resort to violence, physical intimidation, use of threat, obstruction of the ways, prevention of vehicular traffic etc. In such instances, the pickets lose their characters and significance. In such instances the objectives of pickets becomes a weapon of physical coercion and illegal detention and obstructions. Such pickets and the crowd in such pickets are illegal and police action can be initiated to control the crowd. But, the strategy of control should be limited only to remove the obstructions caused to the way or people and nothing more. Use of force or speaking in filthy language may not be necessary at such occasions. Persuasion, appeal, explaining the law, exhortations etc. may be very necessary in such situations. The police may call the leaders and instruct them as to what they can do and what they cannot do. They should be informed about the police role in such occasions and the law which empower the police to initiate action against people who make illegal pickets. Carrying of placards of any size is permitted during pickets and the use of mikes and amplifiers is allowed. As long as the strikers perform their acts in a legitimate way, it is the duty of the police to see that their rights to picket and their interest to publicize the issue are protected.

CROWD CONTROL: POLICE ROLE AND PREVENTION STRATEGIES.

1. GHERAO:

‘Gherao’ means confinement. To begin with, it was used as a method of coercion by the workman for redressing their grievances. In law it is known as wrongful confinement under the Indian Penal Code- 1860. As time passed by people started to use this coercive technique to pressurize persons in authority. Today, it is seen in educational institutions, religious centres, political areas etc. Cases have been reported that the vice chancellors were gheraoed, religious men and prayer groups were gheraoed, governments, officials and public men were charged gheraoed etc. Instances have been reported in the press that the crowds which gherao the officials, public men etc. have beaten them, caused serious injuries’ etc. This is nothing but outright and naked use of using coercive weapons and therefore such crowds are illegal. Strict legal action should be taken against the members constituting such crowds.

CIVIL DISTURBANCE:

Civil disturbance is the deliberate public violation of a law with every expectation of arrest, as a protest and in order to dramatize one’s sympathy with or opposition to some political, economic or social conditions or movement. It is a calculated attempt to pressurize the government in power to yield to the demands of the people who organize such movements. They involve in the sabotage of trains, massacre of innocent women and children, looting, use of weapons and deadly arms. The destructive activities caused by the groups cause serious friction between the police and the people. In such situations the police have to resort to several preventive strategies to manage the crowds, activities.

PREVENTIVE ROLE OF POLICE:

All the situations which threaten law and order management necessitate the police to take up preventive strategies. Advance planning and evaluation of the potential problems must be made at the senior levels. For this purpose, the

intelligence units should be alerted to supply advance information relating to the potential problems likely to be created by the crowds.

The police may have to release press notes regarding the management which have been made by the department to tackle the situations. If necessary, route-marches to show the strength of the force may have to be conducted. Additional strength including the strength of the paramilitary forces of the Government of India will have to be ensured.

Preventive arrests may have to be made. There should be surveillance and shadowing of the leaders likely to involve in such destructive activities. Departmental man power should be mobilized. In States, riots may arise out of communal and political issues. The police have special – Rapid Action police and they are available in all states. They should be mobilized. Provisions in the Code of Criminal Procedure- 1973 and the Police Act- 1861 and Bombay Police Act- 1951 should be applied to effect control over people from gathering in specific areas. Intense patrolling should be freely employed and suspicious people should be taken into custody. If necessary, the services of the executive magistrate should be requisitioned. Police may use force to quell violence if that needs be. In employing such forces, care should be taken to use only the minimum force. In acute situations, the police may fire at the crowd to re-establish law and order.

There may be very cruel criticism against the use of force against the citizens. In some countries they have riot police who are specially trained to handle any riotous situations without the use of force. Some state governments have police commandos specially trained for the purpose. Their services should be invariably made available in all such situations. If matters become serious and uncontrollable, then the army may have to be called to the scene. But, it should be resorted to only in the rarest of rare occasions.

As the police are accountable to everything they do, there is likelihood that an inquiry commission is instituted after every riot control operation. Hence, it is necessary that the police may use movie camera and VCR for taking live pictures (to the Commission) of what was going on at the scene of disturbance. Sufficient policemen in mufti should be made available. There should be ambulance, doctors and nurses to provide immediate emergency services during and after the police

operations. Transport facilities for the policemen injured and the captured should be arranged. Traffic control should be enforced and if needed emergency response – routes should be found out.

Police should use loud speakers for giving timely instructions to people who are involved in mob- activities. Wireless sets should be operated. Agencies of mass media and other means of communication should be watched during the operation to stop further problems. Bomb squad of the police should be posted to render their services, if need be. Fire engine and first aid facilities must be available. Over and above, the police should have sufficient tear gas shells, arms and ammunition, lathy sticks etc. and if necessary, the presence of the Executive Magistrate at the spot should be ensured. Blockades, curfew, control of sensitive items, creation of barriers must be resorted to. After the operation, there should be a press- release about everything that has happened during the police operations.

After any crowd control operations by the police, there will be a lot of adverse criticism against the police action, principally put forward by the opposition parties. This is to be expected and such criticisms may include allegations that the police did everything without any provocation, without any legal justification and with a lot of aggressiveness and hostility.

Allegations are always heard that the police came to the trouble – spots with stones stored with them in bags and they pelted them to initiate police actions against the people who are peacefully conducting a demonstration or rally. Allegations are also heard that the police did not give announcements before they started to fire at people. Although the police may deny all these allegations, the truth remains that there will be some reality in what the opposition speaks about police strategies. Take the adverse criticisms against the police, in due seriousness, so that the department can rectify the short comings at a future time when a similar operations become inevitable.

Provisions of Cr P C. *Unlawful assemblies.*

Cr P C-129. Dispersal of assembly by use of civil force.—

(1) Any Executive Magistrate or officer in charge of police station or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Cr P C-130. Use of armed forces to disperse assembly.—

(1) If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Executive Magistrate of the highest rank who is present may cause it to be dispersed by the armed forces.

(2) Such Magistrate may require any officer in command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(3) Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Cr P C-132. Protection against prosecution for acts done under preceding sections.—

(1) No prosecution against any person for any act purporting to be done under Section 129, Section 130 or Section 131 shall be instituted in any Criminal Court except—

With the sanction of the Central Government where such person is an officer or member of the armed forces;

With the sanction of the State Government in any other case.

(2) (a) no Executive Magistrate or police officer acting under any of the said sections in good faith;

(b) no person doing any act in good faith in compliance with a requisition under Section 129 or Section 130;

(c) no officer of the armed forces acting under Section 131 in good faith;

(d) no member of the armed forces doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

Urgent Cases of Nuisance or Apprehended Danger:

Cr P C-144. Power to issue order in urgent cases of nuisance or apprehended danger.—

(1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate, or any other Executive Magistrate especially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by Section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to

human life, health or safety, or a disturbance of the public tranquility, or a riot, or an affray.

(2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.

(3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

Comments: Nuisance and apprehended danger—Prohibitory orders passed under Section 144 valid.—No hard and fast guideline having universal application could be laid down for passing such orders because scheme underlying Section 144 and Code carry sufficient in-built safeguards to control unwarranted exercise or abuse of powers. Apart from it, such orders were preventive and not punitive. [State of Karnataka v. Praveen Bhai Thogadia, AIR 2004 SC 2081 : 2004 Cri.L.J. 1825 (SC) : 2004 SCC (Cri) 1387 : (2004) 4 SCC 684.]

Cr P C-144-A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.—

(1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organizing or holding of, or taking part in any mass drill or mass training with arms in any public place.

(2) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organization.

(3) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

Objects and Reasons of amendment (2005) of Section 144-A: In order to curb the militant activities of certain communal organizations, a need has been felt to strengthen the hands of State authorities for effectively checking communal tension and foster a sense of complete security in the minds of members of the public. This

clause, **therefore**, seeks to insert a new Section **144A** in the Code to enable the District Magistrate to prohibit mass drill (or training) with arms in public places.

7.11 Rules framed in Bombay Police Manual-I for Police to work with public:

Following Rules are important for policemen to work with public. But hardly police officers follow this rules:-

Rule-354. (P.M.I) Behaviour of Police Officers Towards the Public.—

(1) Every member of the Police Force should regard himself as a servant and guardian of the general public and treat all law-abiding citizens, irrespective of their social position, with unflinching patience, courtesy and tact. While addressing members of the public, all officers and men must use the honorific plural (AAP) and not the singular (TU) with reference to the person addressed. The aim should be to secure a Police force trusted and respected by the people.

(2) A Police officer should always remember to keep his temper. He is likely to be much more respected and more efficient, if he does so.

(3) By the employment of tact and conciliatory but firm methods, the public ordinarily can be induced to comply with directions and thus the necessity of employing force may be obviated. But, where strong action is really needed, a Police Officer should not fight shy of taking it for fear of allegations or complaints being made against him by the public, nor should he allow himself to be deflected from the right course of action by any interference from members of the Legislature or other outsiders. He can count upon the support of his superiors, so long as he discharges his duties loyally, faithfully and honestly.

(4) When giving evidence and on every other occasion, a Police officer should speak the truth, the whole truth and nothing but truth. He must not be swayed by any desire to assert his own importance or to secure a conviction or an acquittal or by any other temptation. When repeating a conversation or statement, he should not exaggerate, misrepresent or suppress any part of it.

(5) Every member of the force should adopt every legitimate means in his power to assist in raising the prestige of the service in the estimation of the public and in securing its goodwill and respect by right behavior, on or off duty. He should always be available to those who seek his aid or advice.

(6) Superior Officers should encourage this and observe the department of their subordinates towards the public. They should ruthlessly suppress arrogant, overbearing, rough or unmannerly conduct, whenever it comes to their notice. When their subordinates realize that no matter how successful they may be in the detection of crime or what educational or other qualifications they may have, they are liable to be superseded if they show themselves incapable of treating the public properly, they will quickly improve in this respect and the force as a whole will gain.

(7) Much can be done to improve existing relations between the force and the public and make Police work lighter by Sub-Inspectors and Police Station Officers. For instance, they should treat complainants with consideration and not regard them as criminals or persons creating work or soliciting a favour. They should not keep them waiting unnecessarily to have their complaints registered and attended to, make them dance attendance uselessly on the investigating officers, to go long distances to give statements or to provide supplies and transport. It should be remembered that the complainant has already suffered loss of some kind and may have to suffer more before his case is decided in Court. The Investigating Officer should, therefore, endeavour to cause him as little further loss or annoyance as possible, and thereby earn the reputation of being considerate.

(8) Witnesses should be treated with the full respect due to their position. Investigating Officers should, whenever possible, make a point of going to them instead of calling them away from their homes and work. Much of the difficulty experienced in obtaining evidence would be overcome, if Investigating Officers were uniformly considerate. As far as possible, a Head Constable or Constable should not be deputed to call witnesses and complainants to Police Stations. Written requests in very polite terms in letter form, mentioning the time and the place at which their presence is required, should be sent to the persons concerned. (Cr PC 160).

(9) In dealing with suspects, officers should be as forbearing and reasonable as possible. Roughness and brutality will, at most, gain a forced and probably useless confession.

(10) Undertrial prisoners should be treated with consideration. Whatever the Investigating Officer may think of the charge and evidence against them, it should be borne in mind that the law does not consider them guilty until they have been convicted, and until then they are entitled to such reasonable consideration as is compatible with their safe custody and production before the Court. Their status and the probability of their attempting to escape should be taken into account before they are sent handcuffed through the streets. Station Officers and others who have to deal with such prisoners should use their discretion in such cases. For instance, if a man of some standing has to be arrested and sent for trial there is not the smallest likelihood of his attempting to escape, the officer responsible for handing him over would be justified in suggesting to the escort that handcuffing is unnecessary and that the accused, if willing to pay for it, might be taken in a conveyance instead of being made to walk. Considerateness in small matters raises the force in the public esteem, while lack of it only creates feelings of hostility and bitterness which militate against successful Police work.

(11) An ex-convict must be watched carefully to see whether he is really a bad character, but this can be done sympathetically and without harassment. If he improves, the watch can be gradually diminished. If he does not, the police are still in a position to know his movements and associates. It should be remembered that an ex-convict reformed means so many crimes not committed and hence considerate treatment, which gives him a chance of reforming, is a sound preventive measure.

(12) Heads of Offices should see that their subordinates treat the members of the public approaching them on official business with consideration and courtesy, so as to encourage them to lay their grievances before them. They should also take steps to ensure that members of the public, when they go to see officers of their departments on business, are not kept waiting unnecessarily and their complaints and applications are promptly looked into and disposed of. Discourtesy will be treated as a definite breach of duty and punished accordingly.

(13) In order to ensure regularity in the conduct of public business, Heads of offices must see that their subordinate officers and staff working under them attend their offices during the prescribed office hours.

(14) It is advisable for all district officers to keep contact with police pensioners in order to maintain the esprit de corps of the service. This can be best done by sending out invitations to them to call for a short interview while on tour or to attend such functions as district sports, ceremonial parades on special occasions and farewell parties.

(15) In each Government office, a board should be hung in a conspicuous place with the following notice in the Regional Language pasted on it :--

“All Government servants are required to treat the members of the public approaching them on official business with consideration and courtesy. Members of the public are requested to co-operate with Government in stamping out corruption. Do not tip or bribe any member of this office. If any tip or bribe is asked for, please report to the undersigned.

(Signed).....”

(16) As the Police Welfare Centres, a record should be maintained of the small deeds of kindness shown by the members of Police Force which generally do not form part of their duties, as such maintenance will encourage the Policemen to change their outlook towards society and also make people feel that the Police are their friends.

(17) Every Police Officer must constantly remember that he is a servant of the public and is, therefore, under an obligation to behave with proper courtesy towards them. Any Policeman may he be on a road, in a Police Station or a Chowky or on Patrol Duty or for that matter anywhere, he is bound to help the public to the best of his capacity. Policemen should not impose more restrictions on the people than are warranted so far as their harmless actions, movements, conduct and speech are concerned and should display the essential qualities, viz. forbearance, civility and courtesy in their dealings with the people. It is his duty to refrain from needless rudeness and the causing of unnecessary annoyance in conducting searches, to act with strict regard to decency and with reasonable gentleness in dealing with women

and children and to treat every member of the public with politeness. When on duty he must give his name and number, when asked by any member of the public.

(18) For bringing about a spirit of co-operation based on the need for a suitability of the public helping the Police, the following instructions should be followed .

(a) The Police should make sufficient use of press, radio, cinema and exhibitions to warn the public against different types of offences.

(b) Annual sports meet should be organized between the Policemen and the public in Head quarters and taluka places, each side participating in the meet should bear its own expenses. The expense of the meet from the Police side should be met by the Superintendent of Police from the Sports Fund.

(c) There should be Police Camps in villages giving demonstrations of Physical Exercises, Ceremonial Parades, etc. to arouse interest in the working of Police Organizations. Whenever feasible, such camps should be held in the company of Home Guards and Gram Rakshak Dals and at the time of sports meet referred to above, so that double expenditure can be avoided. If possible, such camps should be organized in villages when the Superintendents of Police inspect Police Stations and a route march may also be included among the other items.

(d) The Superintendent of Police should hold internal periodical press conferences to explain the current position of important happenings in the district and to create friendly relations with Editors of the Newspapers. The Editors may also be advised to approach the local superior officers in case they want any information before giving publicity.

Rule-355. Behaviour towards members of Parliament/Legislature.—

(1) All Police Officers, particularly Officers belonging to the Indian Police/Indian Police Service should give due courtesy and regard to the Members of Parliament, who are the representatives of the people and it should be borne in mind that the latter have important functions to perform under the Constitution and it should be the endeavour of every officer to help them to the extent possible in the discharge of their functions. However, when officers are unable to accede to the requests or suggestions

of the Members of Parliament the reasons for the officer's inability to do so should be courteously explained to them.

(2) For the purposes of interview, Members of Parliament should be given preference over other visitors and in very rare cases where an officer is unable to see a Member of Parliament at a time about which he had no previous notice, position should be politely explained to the Member and another appointment fixed in consultation with him.

(3) The same courtesy and regard should be shown to Members of Legislative Assembly attending public functions where, in particular, seats befitting their position should be reserved for them.

Rule-359. Behaviour of Police parties during journeys.—When Police parties are sent from one district to another on duty, officers in charge of the parties must keep their men under proper control throughout the journey. When travelling by rail they should get suitable seating arrangements made by the Railway Authorities and must see that the men of the parties do not unnecessarily inconvenience other passengers. Whenever possible, Superintendents of Police or other Police Officers concerned will give timely intimation of the dispatch of large parties by train to the Railway Authorities not only of the starting stations but of all junctions on the route where the parties may have to change the trains.

Rule-360. Behaviour towards School Teachers.—With a view to implement Government's policy in favour of improving the social status of school teachers in general, and teachers of primary schools in particular, Police Officers and men must treat teachers of primary schools in rural areas with proper courtesy and consideration. If they visit schools, they should do so as polite visitors. If they need the school building or furniture for any public function, they have not the right to issue any orders requisitioning it, but should make a request for the purpose, which the teachers concerned will grant with due regard to their own work. They should not order teachers to attend their offices except in cases where such attendance will be required of any other citizen, and they should be offered seats when they are so invited. They should make it a point to invite occasionally to social functions (and other-wise) some local teachers and Headmasters of primary and secondary schools,

so as to make them and others feel that they regard the teachers as having an equality of social status.

Rule-361. Grant of Certificates to individuals by Police Officers.—Police Officers should not, as far as possible, issue character certificates in their personal capacity to members of the public as there is a grave danger inherent in this practice since a certificate of good character issued by a Police Officer and especially by an officer of the Criminal Investigation Department creates an impression that the Police Authorities have nothing against the individuals.

Rule-362. Attestation.—Gazetted Police Officers are authorized to attest copies of documents like testimonials, marriage, birth or death certificates etc., required for recruitment or other purposes, on request from the members of the public. This work, though not a legal formality, is only a civic duty related to the status of an officer to a responsible citizen and would not cause any additional responsibility on him. It would only facilitate the work of administration. No fee should, however, be charged for such attestation.

The above rules of Police Manual P.1 is mandatory to follow police officers but it is observed that Police Officers do not follow the rules or are unable to follow the procedures as prescribed in rules because of heavy work load.

7.12 LIFE OF THE POLICE: ¹

The television, radio, and press have added a new dimension to the activities of the police. They are constantly under watch. The policeman more often than not is called upon to take decisions on the spot, and is liable to be exposed to public criticism. He is damned either way for taking a decision or for not taking a decision. This is the predicament he faces. In his job he has to do tight rope walking and strike a balance between the demands of the citizens and the often vexatious political interference. To some, he appears to be taking too drastic an action, in some situations and to some he appears not to be taking action at all, for the same situation. He has to do all this within the four corners of law and still exercise his discretion for

1. *INSIDE INDIAN POLICE BY JOGINDERSINGH, P.172 TO 178.*

the betterment of society and still come upto the expectations of the people. The role of the policeman is basically coercive in the enforcement of the laws. Yet it is expected of him, not to enforce it, in some situations. With a vigilant press and ever active citizen's groups, the work of the police is under constant close examination. His failures to come upto the people's expectations, can no longer be hidden under the carpet.

But can the present day policeman come upto the public expectations, without the change in the basic structure of the police set up. The role of the police has to be emphasized as "service" rather than a "force". The police bosses expect passive obedience and instant submission and non questioning by the subordinates. The existing paramilitary model of the police, needs to be revamped and changed, to bring it in a shape, wherein even the junior most functionary will be in a position to exercise discretion, without being fettered by the expectations of his seniors. It is absolutely essential, that the police set-up structured on the basis of 1861 Police Act should be changed. The police are an integral part of the civic life, with powers to work in such a way, that they can be of real service to the people. Policemen are citizens in uniform. Their primary job is prevention and detection of crime, apprehension of the criminals and maintenance of law and order. As members of the society, their duties and social responsibilities, should also extend to rendering of such social service to the people as may be needed by them.

Promoting Police—Public Cooperation through Politeness and Good Manners:

Normally, a public man coming to the police station has a sense of deprivation and grievance and rarely any public man, comes for a courtesy call, to the police station. During times when he has lost some property, or has suffered distress, his first and foremost requirement is sympathy. Every policeman should learn, to be courteous and sympathetic in his dealing with the common man who comes in contact with him. It must be made incumbent on every policeman to be courteous and polite, as courtesy does not cost anything, but repays itself in the goodwill of the police. Patient hearings, sympathetic response, and politeness in conversation are essential, in any interaction with the public. Expressions like "May I help you? Sir, "Gentleman", "Please", "Thanks", "Can I do anything for you" create a very healthy atmosphere and good impression, besides making the working pleasant. It needs to be

emphasized to the policemen, that even, if they are not able to render any effective help when asked for, they have no right, or reason to be discourteous and curt in their behaviours. Bad behavior and discourtesy are a stumbling block to the spirit of service. Good and courteous behavior will generate police-public co-operation and improve the image of the police. Good manners are in no way incompatible, with the work of the police, and the enforcement of the law. They only help in smoothening the rough angles.

It is essential, that senior police officers should not slur over, the delinquency of the subordinate police officials. But, at the same time, to keep up the morale of the force, it will be absolutely essential for them not only to punish on merit, but also reward on merit. They have to learn, to shun groupism based either on caste or religion or favourites. They should be unapproachable as well as uninfluenceable in the matters, pertaining to the discipline in the force. It is observed: “The quality of personnel selected for the police service determines the character of police performance and ultimately the quality of police leadership. Too frequently, the people who possess, the necessary qualities do not apply for the job on their own. They must be recruited. Carefully selected police personnel, are the foundations, upon which successful police administration is built. When a department fails to function properly, the cause is found, in its law entrance standards or inferior or improper selection methods. Because of the enormity of the task of policing a community, it is necessary to emphasise the fact, that the best human material, in the country is none too good for the police service.

It is clear that the quality and quantity of the police personnel are interrelated. The quality requirement obviously affects and restricts, the number of police personnel available for the job. High standards, naturally narrow down, the number of people, eligible for the job. Attracting qualified candidates, for the police job, is an important aspect of the police recruitment. It will affect the functioning of the police vis-à-vis the public, and the quality of the service rendered to the people. For improving police and public interaction, specific areas will have to be earmarked for the conduct governing the police action, and use of discretion. **Professor Peter F Druker** observed in his Book **Management Tasks, Responsibility and Practices** that : “achievement is never possible except for the specific, limited and clearly defined targets in business as well as in service institutions”. It is essential to cut out

those roles for the police, which are no longer valid today. It is important to include the activities, which the society has added, as new police responsibilities. As the duties of the police have increased manifold, it is essential to define the priorities in the police work and set new objectives. Only a professional approach to working can enable the policemen to discharge their duties to the satisfaction of the people as well as to their satisfaction. It is only in this way that the police can be effective and render service to the society.

Another dilemma the police face are the divergent views of the society on Crime. As Roy Lewis wrote in **A Force for the Future**:

”This is more common when the law is unclear and no majority view has entrenched the tradition. Against what are called Consensus Crimes—murder, robbery, child molestation and so on—the Police can rely on cooperation even in Ulster. But the public consider good many laws to be something of a gamble, involving no reproach or shame, if one is unlucky enough, to be pinched. There is a healthy, aspect to this amorality,—without in the people would be steeped in a growing sense of guilt”.

After having joined the Force, it is essential both for the men and their leaders, to deliver the goods and to discharge the trust, reposed in them by the society. In the words of the former Director of the Federal Bureau of Investigation of the United States of America: “No one is compelled to choose the profession of a police officer, but having chosen it, every one is obliged to perform his duties and live upto the high standards of its requirements. Compromise, personal feelings, animosities, and prejudices, have no place in professional police service. Honesty and integrity must ride in every cruiser, walk every beat, influence every command, and answer every roll call. Good ethics must be in evidence whenever and wherever duty calls, every minute of the day.” It is not, that that administration is not aware, of the difficulties of the police. President’s Commission on Law Enforcement and Administration of Justice set up by President Lyndon Johnson observed: “Crime does not look the same on the street, as it does in the Legislative Chamber. Many times, a police officer has to act in difficult and fast moving situations and sometimes even a mild handling of the situation, can bring about calamitous consequences. However, the efforts of the

police should be, never to abuse or sacrifice the use of his best judgement or discretion and act in a discriminating way, but with common sense and discretion.”

The police have to do a tight rope walking in India, whether it is the use of discretion for the good or otherwise of the society. Professor David. H. Bailey observed regarding the prevailing situation in India today as under : “In India today, a dual system of criminal justice has grown up—the one of law and other of politics. With respect at least to the police, decisions made by the police officials about the application of law, are frequently subject to partisan, review of direction by the elected representatives. The autonomy of the police officials, in specific and routine application of laws, has been severely curtailed. This is not only true of law and order situation. People accused of crime have got into the habit, of appealing to political figures, for remissions from the sanctions of law. Police officials throughout India have grown accustomed, to calculating the likely political effect to any enforcement action they contemplate. Fearing for their careers and especially their postings, they have become anxious and cynical”.¹

1 .INSIDE INDIAN POLICE BY JOGINDERSINGH, P.178 to 180.

CHAPTER-VIII

(8) SERVICE CONDITIONS AND GRIEVANCE REDRESSAL :

The way of police agitations since 1979 has raised many questions. Neither the British administration in India, nor the Indian Government after independence ever thought of reviewing the salary and service conditions of the police force. Though the salary of the policemen has been revised from time to time, the basic philosophy that went into the creation of the present organization and fixing of the salary accordingly did not change. The revision never took into account the arduous nature of police work and the place and importance of the policeman in society.

The importance of service conditions for employees and workers in any organization can not be underrated. It is closely linked with the intake of good human material, corruption in the service and morals of the employees. Salary and conditions of work in the police are not commensurate with the job that the policeman have to perform. The salary and some aspects of conditions of work of the policemen have been revised recently in the wake of the police agitation. But these, again, are only piecemeal and ad hoc measures and broader question of police-reform remains ignored. The report of the National Police Commission has been made public, and it remains to be seen how much of it is going to be implemented. However, the issues which arise in this context are salary, promotion, prospects, punishments and rewards, working hours, morale, etc.

It has been pointed out that low salary is one of the reasons for corruption in the police. This is not to suggest that an increase in salary will necessarily remove corruption from the police force. The constabulary has been very poorly paid. In most of the States their salary was equal to or slightly better than the peons, non-skilled class IV employees. In Gujarat the salary of constable is equal to peon, Class-IV class only. Accommodation remains the biggest problem for them. Some more concessions like weekly off, extra leave or a month's salary in lieu of it, increased duty allowance are welcome steps, but the manner in which these have been granted gives the impression that the Government is prepared only to yield to pressure. The impression that the Government yields only to pressures is also strengthened by the indifference that the Government has shown to the problems of the subordinate officers (ASI, SI and CI). In most of the States their salary and working conditions also require improvement. They are treated as class III employees. In many of the

states CIs are partly gazette and partly non-gazetted. Their promotion prospects are also bleak. They are also on duty for twenty-four hours. Working hours in the police are long, fatiguing and at times Herculean. There is too much strain on the policemen also because the department is understaffed. A policeman works for years without a break; he does not have much of a family life, and too much work also affects his efficiency. Each policeman should be given one day off, of course in turn, since society cannot live even for a day without police.¹

8.1 CONDUCT OF GOVERNMENT SERVANTS: (From P.M.1 ChpXI) P.213 to 235.)

Rule-334. Application of Rules of conduct and discipline to different Services in the Police Department.—

- (1) In regard to the conduct as Government servants, officers of the Indian Police Service are governed by the All India Services (Conduct) Rules, 1968.
- (2) All other Police Officers are governed, so far as their conduct is concerned, by the Gujarat Civil Service (Conduct) Rules, 1971, and the special provisions of or the orders issued under the Bombay Police Act, 1951.
- (3) Assistant Public Prosecutors, ministerial staff and other Class II, Class III and Class IV Government servants serving in the Police Department are governed, so far as their conduct is concerned, by the Gujarat Civil Services (Conduct) Rules, 1971.

Rule-344. Utilization of services of peons and other inferior servants for private and personal work.—Since the peons are under no obligation to undertake private work for their officers, they would be entirely justified in refusing to do such work, if they did not wish to perform it and they must not be liable to transfer on account of such refusal. There is no objection to peons undertaking in return for adequate remuneration, small duties of a personal character, provided such duties are undertaken by the peons willingly and do not interfere with Government work. No peons should, however, in any circumstances, be required to do what is commonly

1. *Police changing India p. 145.*

known as domestic service i.e., he should not be employed as Mali, dhobi, cook, butler, etc. Peons attached to Government officers or working at the residences of officers do not always have full time work, as the official work for which they are intended is not generally adequate to keep them busy for the whole day and Government has no objection, if their services during the spare time are utilized by Government officers for their private work, including domestic work, provided the peons are willing to undertake such work and given adequate extra remuneration for it by the officers. These instructions should be observed scrupulously by Government Officers.

But in case of Constables who are serving in Police Department and get the remuneration as well as peon has to work without limitation for round the clock and he is unable to get the exception of above said rule.

Rule-345. Unauthorized employment or use of Subordinate Staff of Government Property.—

(1) Police Officers are forbidden to employ their subordinates viz. Constables or Head Constables (including personal orderlies) for an authorized purpose, nor must they make use of Government property such as the Police Wireless Grid or the Police Motor Transport, for any such purpose. Any such use will expose the defaulting officer of and below the rank of Inspector to the following departmental penalties under sub-section (1) of Section 25 of the Bombay Police Act, 1951--.

For unauthorized employment or use Of as the case may be.	Amount of fine to be recovered.
Constable,	Rs.100 p.m.
Head Constable	Rs.150 p.m.
Motor Vehicle	Rs. 1 per mile.
Wireless Grid	50 paise per word.

(2) Cases of higher Police Officers or members of the Ministerial Establishment in the Police Department committing such defaults should be brought to the notice of the Inspector General who will take suitable steps for dealing with them under the rules applicable to them.

Rule 352. Saluting.—

(1) It is not a servile act, but an outward sign of an inward respect on the part of a subordinate officer for his superior. The acknowledgement of a salute denotes the corresponding respect on the part of the superior officer for the officer saluting him. The general tone of a uniformed force is indicated as much by the manner in which the officers and men salute, as by any other action. Subordinates should salute smartly, and superiors should acknowledge all salutes given to them with due courtesy and in proper manner. Further-more, it is befitting an officer in uniform to reciprocate the greetings from civilians in the form of a salute rather than with folded hands. In short, the mode of compliments while in uniform has invariably to be a salute irrespective of the status of the person to whom such a greeting is extended.

(2) Policemen on duty will salute:--

(a) High civil officials and gentlemen of rank known to them.

(b) Magistrates, and,

(c) Their own superior officers :

Provided that,

When on parade, or posted in line on public occasions, or on point duty where large numbers of officials and officers, to whom a salute would ordinarily be due, are frequently passing, they will come to attention only:

When in a body, only the officer in command will salute, the remainder obeying his order, e.g. to come to attention or to turn eyes right or left, as the case may be;

When actively engaged in regulating traffic, they should not even come to attention if, by so doing, they are likely to interfere with the regulation of traffic and so cause confusion.

(3) An officer mentioned in any of items (a) to (d) below will treat any officer mentioned in any of the succeeding items as his superior officer for the purpose of sub-rule (1) above and salute him when addressing or passing him :--

- (a) Constables.
- (b) Second Grade Head Constables.
- (c) First Grade Head Constables.
- (d) Sub-Inspectors.
- (e) Police Inspectors.

(4) On a purely Home Guard function, the Commandant General of the Home Guards will have precedence over all Police Officers excepting the Inspector General. But in respect of all other functions he will be treated on a par with a Deputy Inspector General.

(5) Superintendents and Assistant and Deputy Superintendents of Police should see that their men are carefully instructed in the rules for saluting and should, when inspecting test the knowledge of the men.

Rule-353. Policemen's Behaviors while on Duty.—

(1) It is highly improper for Policemen, while on duty in uniform, to chew pan or eat or munch anything, to smoke in public, visit hotels for food or talk leisurely with friends. This creates an unfavourable impression in the minds of the public who cannot distinguish whether such men are on or off duty at the time.

(2) While on duty in plain clothes, officers as well as men should invariably carry with them their certificates of appointment. It is essential that a Policeman in plain clothes is not identified as a Policeman. If, however, a member of the public questions his identify when taking any action, the certificate of appointment should be shown to him.

Rule-356. Behaviour while under Training.—

(1) No officedr or student under training in any of the training institutions may absent himself from either outdoor or indoor instruction or from games without the permission of the Principal.

(2) No officer or student under training will leave the school precincts except in accordance with the orders issued by the Principal. Students 'gated' shall not leave the School precincts at all.

(3) No officer or student under training will introduce any undesirable person into the School premises.

(4) No Probationary Deputy Superintendent of Police will bring his wife to the School or allow her to reside within a radius of thirty two Kilometers from the School, without the permission of the Principal.

Here there is grievance to police officers because the authorities of Training School never follow the rule and on the name of discipline the training becomes very hard.

Rule-357. Behaviour towards the Officers of other Departments.—

(1) The Police Officers, high and low, should treat the Officers of other Departments and Organizations, such as Judiciary, Home Guards, Military, etc. with a much respect and courtesy as may be due to their status and the rank they hold.

(2) All Police Officers and men should see that when the military is called in, in aid of the Civil Power, Military Officers are duly respected by everybody concerned in the Police Force.

Rule-358. Behaviour of Police Officers towards Subordinates and Superiors.—Senior Police Officers must strictly avoid the use of unduly harsh language while addressing or talking to their juniors and subordinate especially those who are inexperienced, and therefore, more sensitive. They should show their subordinates the same consideration as they themselves would expect from their superiors. It is essential that members of the subordinate staff in turn, should behave respectfully, towards their superiors and do their own work satisfactorily.

But as per my practical experience this rule shall never follow by Senior Police Officers, and this is a grievance to subordinate police officers. This is only because of political interference in police work.

Rule-364. Applications for Promotion Prohibited.—Police Officers of all ranks are prohibited from applying, either directly or through superior officers, for promotion, and officers are forbidden from recommending subordinates for particular posts, unless their opinion is asked for by the authority empowered to fill the posts.

8.2 DEPARTMENTAL PUNISHMENTS:

For departmental punishment Rules are framed in Bombay Police Manual Part-I.

Rule-370. Application of Rules regarding Departmental punishments and appeals.—

(1) Rules regarding the award of punishments to the members of the Indian Police/Indian Police Service will be found in the All India Service (Discipline and Appeal) Rules, 1969.

(2) All other Government servants in the Police Department, except those who are Inspectors of Police and members of the subordinate ranks of the Police Force, will be governed by the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 for the purposes of punishments and appeals.

(3) In view of article 313 of the Constitution of India, the conditions of service of the subordinate ranks of the various Police Forces in India are determined by or under the Acts relating to those forces. Hence for the purposes of punishments and appeals, etc. Police Officers of and below the rank of Inspector are governed by the Bombay Police (Punishment and Appeals) Rules, 1956, which have been made by Government in exercise of powers conferred by clause (c) of sub-section (2) of Section 25 read with Section 5 (b) of the Bombay Police Act, of 1951.

Rule-371. Enquiry against senior officers.—

(1) **Preliminary Enquiry :** When dealing with cases in which serious allegations are made against Government servants belonging to Indian Police/Indian Police Service or holding equivalent posts (i.e. officers of the rank of Deputy Superintendents of Police officiating as Superintendents of police), the Home

Department and the Inspector-General of Police should take action on the following lines :-

Whenever a serious charge reflecting on the integrity or honors of an officer of the Indian Police/Indian Police Service or of similar status is made publicly or by a responsible person and is supported by allegations of fact, those facts should be enquired into and put on record at the earliest opportunity through the agency of an officer of position and trustworthiness on whose findings Government can rely. Such an enquiry should normally be made preferably by the Inspector-General of Police if the officer concerned is of the rank of Deputy Inspector-General of Police; by a Deputy Inspector-General of Police if the officer concerned is of the rank of a Superintendent of Police and by a Superintendent of Police if the officer concerned is of the rank of an Assistant Superintendent of Police or a Deputy Superintendent of Police. The result of such preliminary enquiry should be submitted immediately to Government in the Home Department through the Inspector General of Police, to enable Government to decide, after considering the report of the officer making the enquiry, whether there is any ground for the institution of formal departmental proceedings or not and, if so, what are the points in dispute and the charge or charges which should be framed,

If the essential facts are not fixed as far as possible at the outset, they tend to become more and more disputed and uncertain as time goes on. When, therefore, serious imputations are made against a responsible officer of Government, prompt enquiry is in his interest as well as that of Government, so that they may not be brought up later when they can be neither proved nor disproved and yet be used to discredit an officer against whom some person has a grudge.

(2) **Departmental Enquiry:**--The power of punishing officers of the rank of Deputy Superintendent of Police rests with the Government. Unless otherwise specially directed, a departmental enquiry in respect of misconduct against an officer of the rank of Deputy Superintendent of Police shall ordinarily be held by a Deputy Inspector-General of Police who will submit his report to the Government through the Inspector General of Police. Such an enquiry in respect of Superintendents of Police in the Commissionerate will be held by the Deputy Commissioner of Police

nominated by the Commissioner of Police who will submit his report to Government through the Commissioner of Police and the Inspector General of Police.

Rule-372. Suspension.—

(1) (a) The Inspector General/Commissioner of Police/Deputy Inspector General is empowered to suspend any officer of and below the rank of Inspector.

(b) Superintendents of Police including Superintendent of Police, Wireless and Principals, Police Training Schools, may suspend any Police officer (subordinate to them) below the rank of Inspector against whom an enquiry into a complaint is pending.

(c) The Superintendents of Police and Principal, Police Training College, Junagadh,

The latter only in case of an Inspector who is undergoing training at the said school or subordinate to him, may also suspend an Inspector pending enquiry into a complaint against such Inspector and until an order of the Inspector General/Deputy Inspector can be obtained.

(d) Any officer who passes an order of suspension of a Police officer should record reasons therefore under his signature.

(e) The Inspector-General of Police and the Deputy Inspector General of Police should examine all cases of suspension of Head Constables and Constables respectively every month to ensure whether the suspension is justified or not. Similarly cases of Police Sub-Inspectors shall be reviewed by the Inspector-General of Police and of Inspectors by the Government every month.

(2) Suspension of a Government servant should be sparingly resorted to and Government servants (whether prosecuted or not) should be placed under suspension only if the following conditions are satisfied:-

(a) The officer or person concerned is involved in a grave misconduct or has committed very serious offence and on the basis of the available evidence, there is a prima facie case for his dismissal, removal or compulsory retirement; and

(b) (i) There is a reason to believe that the continuance of the Government servant in active service is likely to hamper the enquiry or investigation or to afford an opportunity for interference with the witnesses or tampering with the evidence; or

(ii) His continuance in service is likely to afford him an opportunity to indulge in the commission of similar misconduct or offence as envisaged in Bombay Civil Services Rule 156.

In respect of any other irregularity or misconduct, suspension should not be resorted to.

(3) A Police Officer does not cease to be such whilst under suspension from post and he shall continue subject to the control of the same authorities to which he would have been if he is not under suspension. His powers, functions and privileges vested in him shall only remain suspended during the period of such suspension. For details of payment of subsistence allowance and other concessions vide rule 151, 152 and 153 of the Bombay Civil Services Rules, Vol. I.

(4) Leave may not be granted to a Government servant under suspension.

Rule-373. Departmental enquiries at the instance of the Anti-corruption Bureau.—

(1) When the enquiry papers are received from the Director, Anti-corruption Bureau for taking further action, the officers receiving such papers should report the date of cognizance to the Inspector-General of Police, the Director Anti-corruption Bureau and the Government (if the papers are received through the Government).

(2) After completion of six months from the date of cognizance, the officer concerned will suo moto intimate the Inspector-General of Police, the Director, Anti-corruption Bureau and the Government, if necessary, the final order issued or the present stage of the enquiry if the final order has not been issued.

(3) If the final order has not been issued, month by month, when the officer concerned prepares the monthly punishment return he will intimate the Director, Anti-corruption Bureau or the Government, if necessary, under intimation to the Inspector-General of Police, regarding the present stage of the case.

(4) Whenever departmental enquiries are instituted at the instance of the Anti-corruption Bureau, the officer instituting the enquiry should communicate result of the enquiry to the Director, Anti-corruption Bureau, immediately the final orders are passed. The grounds on which final orders are passed should be communicated to the Director by the Officer concerned whenever the Director asks for it.

Rule-377. List of Officers and men and other Government servants of the department under suspension and against whom regular departmental proceedings have not been taken up.—A separate statement in Form No.29 of Appendix I, showing the name and rank of the delinquent, date of suspension, reasons for suspension and progress of enquiries (in case of judicial enquiries results of the cases with the dates of judgments) should be furnished along with the monthly punishment return in respect of those officers and men and other Government servants of the department who are placed under suspension and against whom regular departmental proceedings have not been taken up.

Rule-378. Travelling Allowance to witnesses appearing in departmental enquiries.—The payment of travelling allowance to the witnesses who are Government servants and those who are not Government servants, for journeys to give evidence in departmental enquiries, will be regulated by rule 536, Note (5) of the B.C.S.Rules, Volume I, read with sub-rule (3) of Rule (1) of Section I of Appendix XLII-A, B.C.S.Rules, Volume II, as may be amended by the Government from time to time.

Looking to above rules it is very clear how to held departmental enquiry or take actions against the Police Staff but in practical course the higher authority do not follow properly and strictly the above said rules, and this is the grievance to the lower staff of police force.

8.3 CRIME AND POLICE EMPLOYMENT:

The magnitude of officially recorded crime in the State continues to attract the attention and concern of the public and its governmental representatives. The crime problem has proven to be resistant to a multitude of social control strategies. One of the strategies most frequently advocated by politicians, police, and others in the effort to control crime is the expansion of police employment. However, the empirical

relationship between crime rates and police employment has seldom been the subject of systematic analysis by social scientists. Our structural models of violent and property crime incorporate several determinants of crime rates identified in earlier ecological studies (density, racial composition, and poverty population composition), in addition to measures of age composition, population size, and police employment.

LABELLING OR DETERRENCE?

A number of possible causal relationships may exist between crime rates and police employment: (1) increased crime rates may cause increased police employment; (2) increased police employment may cause increased crime rates; and (3) crime rates and police employment may be reciprocally related. In addition, any of these three relationships may be spurious.

Just as there are a number of possible causal relationships between these two variables, there are also alternative theoretical perspectives which might help explain these relationships. First, the relationship between crime and police employment may be viewed from a labeling, or societal reaction, perspective. Specifically, high-crime rates may be interpreted by citizens as indicating a break-down in, or threat to, social control. Societal reaction may then take the form of increased demand for social control—i.e., police services. From this perspective, then, it is reasonable to hypothesize that crime rates should be positively related to police employment. Moreover, when crime is viewed as the dependent variable, the labeling perspective would still suggest a positive relationship. That is from a societal reaction perspective, an expansion in the “labeling system” should, theoretically, increase the number of people labeled (or potentially labeled). Therefore, as the number of police per capita increases, so should the amount of crime which can be processed. From this perspective, police employment data are an organizational variable and provide an estimate of the system’s “processing capability.” From a societal reaction perspective, then, one would hypothesize a ‘spiral effect,’ with high crime rates leading to increased police employment which, in turn, leads to higher crime rates.¹

1. *Police work* edited by DAVID M. PETERSEN, Page 79 to 81.

PUBLIC EXPENDITURE ON POLICE SERVICES IN INDIA:

Public expenditure bears the responsibility to create a suitable personal, social and business friendly environment so as to promote investment in the economy. Internal disturbances and high crime rates prove detrimental and create hurdles in the path of economic development. Most of the nations facing such problems are incurring huge public expenditure on maintaining defence and internal security.

The influence of police expenditures on the suppression of crime and its implications is a difficult topic for analysis. It seems intuitively clear that the existence of a large police force physically discourages certain types of crime. But it is also evident that there are many social and psychological factors that may play even more important role. On the other hand, any spurt in crime rate calls for higher expenditure on police. The present study is an attempt:

1. To make a comparative study of total police expenditure in different states of India.
2. To examine the variations in the nature and quantum of public expenditure on police services.

Methodology:

The data on police expenditure was subjected to primary tabular and graphical analysis. The total police expenditure was deflated at 1993-94 constant prices using wholesale price index. To estimate the growth of police expenditure, **compound growth rates** (CGR) were computed. The comparative study of police expenditure at constant prices in different states of India was conducted for a period of eleven years (1993-2004).

Results and discussion:

Police is a governmental department charged with multifarious duties and responsibilities of maintenance of law and order, regulating traffic, prevention and detection of crime, VIP security, combating terrorism, etc. The police functions are known to have taken birth with the advent of civilization as the history of crime dates back to the birth of mankind. The pressure of population, urbanization,

industrialization and scarcity of resources give rise to criminality and criminal tendencies, particularly among the younger lots, making the job of policemen even more arduous over the years.

**Table 1 : State-wise Police Expenditure in India
at constant prices (Rs. crore)**

States	1993-1994	2003-2004	Compound Growth Rate(CGR) (%)
Andhra Pradesh	476.64	659.18	5.48
Arunachal Pradesh	26.84	48.17	7.18
Assam	265.43	359.18	4.12
Bihar	399.78	680.59	7.95
Goa	15.68	32.25	10.60
Gujarat	361.33	431.40	2.96
Haryana	164.57	296.24	17.43
Himachal Pradesh	61.10	90.59	6.05
Jammu & Kashmir	171.83	442.69	13.71
Karnataka	298.52	458.83	7.59
Kerala	241.83	320.50	5.33
Madhya Pradesh	434.38	593.16	4.53
Maharashtra	767.38	771.85	0.08
Manipur	65.98	77.73	2.79
Meghalaya	42.33	66.38	5.91
Mizoram	32.14	64.65	9.15
Nagaland	93.92	158.59	6.24
Orissa	151.97	214.89	5.83
Punjab	414.87	555.21	5.56
Rajasthan	275.92	426.48	5.89
Sikkim	13.96	30.26	10.29
Tamilnadu	320.89	658.16	9.26
Tripura	55.68	132.63	12.46
Uttar Pradesh	995.80	1504.87	6.46
West Bengal	300.79	415.65	5.27
*Chandigarh	31.00	36.55	2.37
*Delhi	261.15	646.46	12.00
*India	6766.43	10223.70	6.24

Source: *Crime in India, National Crime Records Bureau, G.O.I. (1993-2004).*

Note: Total police expenditure of newly created states of Chattisgarh, Jharkhand and Uttaranchal are merged with Madhya Pradesh, Bihar and Uttar Pradesh respectively.

The Indian Police Journal published by the Bureau of Police Research & Development, Ministry of Home Affairs, Govt. of India, New Delhi.

Table-2. State-wise Police Expenditure Per Sq.KM of Area in India at Constant Prices (Rs.)

States	1993-1994	2003-2004	Compound Growth Rate(CGR) (%)
Andhra Pradesh	17329	23966	5.48
Arunachal Pradesh	3205	5752	7.19
Assam	33839	45792	4.12
Bihar	22992	39142	7.95
Goa	42355	87103	10.60
Gujarat	18433	22008	2.96
Haryana	37223	67004	17.43
Himachal Pradesh	10975	16271	6.05
Jammu & Kashmir	16948	43663	13.71
Karnataka	15565	23924	7.59
Kerala	62226	82469	5.34
Madhya Pradesh	9796	13376	4.53
Maharashtra	24938	25083	0.08
Manipur	29552	34812	2.79
Meghalaya	18873	29595	5.91
Mizoram	15246	30668	9.15
Nagaland	56650	95657	6.24
Orissa	9760	13801	5.83
Punjab	82378	110243	5.56
Rajasthan	8062	12461	5.89
Sikkim	19673	42638	10.29
Tamilnadu	24673	50605	9.26
Tripura	53099	126485	12.46
Uttar Pradesh	33823	51115	6.46
West Bengal	33891	46832	5.27
*Chandigarh	2719298	3206068	2.38
*Delhi	1760958	4359125	12.00
*India	21369	32288	6.25

Source:- 'Crime in India', National Crime Records Bureau, G.O.I. (1993-2004).

Note : Police expenditure per sq. km. of newly created states of Chattisgarh, Jharkhand and Uttaranchal are merged with Madhya Pradesh, Bihar and Uttar Pradesh respectively.

Table-3. State-wise Per Capita Police Expenditure at Constant Prices (Rs.)

Table 3 : State-wise Per Capita Police Expenditure at Constant Prices (Rs.)

States	1993-1994 (Aprox.)	2003-2004 (Aprox.)	Compound Growth Rate (CGR) (%)
Andhra Pradesh	69	85	4.35
Arunachal Pradesh	293	426	4.70
Assam	112	129	2.57
Bihar	44	59	5.54
Goa	128	226	8.77
Gujarat	84	82	0.92
Haryana	95	134	14.63
Himachal Pradesh	113	145	4.32
Jammu & Kashmir	211	412	10.52
Karnataka	64	84	5.93
Kerala	80	98	4.57
Madhya Pradesh	63	70	2.42
Maharashtra	93	77	(-)1.79
Manipur	340	314	0.02
Meghalaya	226	278	3.05
Mizoram	433	700	6.65
Nagaland	721	764	1.51
Orissa	46	57	4.52
Punjab	197	221	3.63
Rajasthan	60	72	3.26
Sikkim	319	539	7.46
Tamilnadu	56	103	8.09
Tripura	191	403	10.86
Uttar Pradesh	69	82	3.90
West Bengal	42	50	3.65
*Chandigarh	435	383	(-)0.44
*Delhi	255	436	7.71
*India	77	96	4.25

Source: 'Crime in India', *National Crime Records Bureau, G.O.I. (1993-2004)*.

Note: Per capita police expenditure of newly created states of Chattisgarh, Jharkhand and Uttaranchal are merged with Madhya Pradesh, Bihar and Uttar Pradesh respectively.

Table-4. : State-wise Unit Cost of Per Policeman (Per Annum) in India at Constant Prices (Rs.)

Table 4 : State-wise Unit Cost of Per Policeman (Per Annum) in India at Constant Prices (Rs.)

States	1993-1994	2003-2004	Compound Growth Rate (%)
Andhra Pradesh	66533	84672	4.98
Arunachal Pradesh	63996	84212	3.04
Assam	58656	69008	2.71
Bihar	50159	102925	10.59
Goa	59802	91089	6.02
Gujarat	55439	74900	4.47
Haryana	68354	77093	5.85
Himachal Pradesh	51422	78613	5.98
Jammu & Kashmir	55840	74985	6.06
Karnataka	52850	86055	8.92
Kerala	65863	73795	3.41
Madhya Pradesh	48480	62005	3.95
Maharashtra	56063	56709	(-)0.33
Manipur	55376	58305	0.87
Meghalaya	60645	72418	3.45
Mizoram	63973	90929	8.18
Nagaland	55351	133359	11.34
Orissa	45650	60936	5.23
Punjab	60464	78220	5.40
Rajasthan	48995	70475	4.99
Sikkim	48641	88467	9.22
Tamilnadu	44782	74348	7.44
Tripura	43503	72207	8.22
Uttar Pradesh	65712	85683	5.19
West Bengal	38370	50844	4.74
*Chandigarh	75006	93167	2.77
*Delhi	52484	117391	10.62
*India	54998	76457	5.41

Source: 'Crime in India', *National Crime Records Bureau, G.O.I. (1993-2004).*

Note:- Expenditure per policeman of newly created states of Chattisgarh, Jharkhand and Uttaranchal are merged with Madhya Pradesh, Bihar and Uttar Pradesh respectively.

8.4 POLITICAL INTEFFERENCE: ¹

The interference, by the political executive in the police working is generally mentioned, as one of the causes of the deterioration in the law enforcement in the country. The National Police Commission observed:

“After long years of tradition, of law enforcement subject to the executive will, under the British Rule, the Police entered their new role, in independent India, in 1947. The Foreign power was replaced by a political party that came up through the democratic process, as laid down in our Constitution. For a time, the things went well without any notice of change, because of the corrective influence, that was brought to bear, on the administrative structure, by the enlightened political leadership. However, as the years passed by, there was a qualitative change, in the style of politics. The fervor of freedom struggle, and the concept of sacrifice, that it implied, faded out quickly, yielding place to new styles and norms of behavior by politicians to whom politics, became a career by itself... Vested interests grew on both sides, what started as a normal interaction, between the politician and the services, for the avowed objective of better administration, with better awareness, of public feelings and expectations, soon degenerated, into different forms of intercession, intervention and interference with mollified objectives unconnected with public interest. The interaction of the political party, in power with the civil services, in general and the police, in particular has also been considerably influenced, by the tactics adopted by some political parties in opposition, who believe in establishing their political posture. The manners, in which different political parties, have functioned, particularly on the eve of periodic election, involve the free use of musclemen and Dada’s to influence the attitude and conduct of sizeable sections of the electorate.”

8.5 Criminalization of Administration:

The correspondent of Hindu reported as below on the 5th of August, 1978 on the elections in Bihar:

1. *INSIDE INDIAN POLICE*.by Jogindersingh. Ch.10 p.211-236.

“The Panchayat elections, like other elections, in the recent past, have demonstrated once again, that there can be no sanity in Bihar, as long as politics continues to be based on caste and gangsters. A significant pointer, to this, was the frank confession, in the Assembly the other day by the Minister of Agriculture, Mr. Kapildeo Singh that he patronized and would continue to patronize, gangsters and criminals, to fight and win elections, as long as the existing system of fighting is not changed. Speaking in the Assembly, Shri Singh declared: ‘It is well known that each one of us, irrespective of all party affiliations, who is serious about fighting elections, patronizes anti-social elements and elicits their support. It is another matter, that we do not admit this.’ “The involvement of such people in political activity brings in its wake anti-social elements, who exploit their proximity to politicians, to gain protection, from possible police action under the law. The nexus between unscrupulous elements among the politicians and such anti-social elements particularly affect the enforcement of social and economic enactments such as those against prostitution, gambling, smuggling, black-marketing, hoarding, adulteration, prohibition, etc. whenever they involve politically influential accused.

Today this situation is everywhere in INDIA and particularly in Gujarat State the politicians are likewise Behar. They use police machinery for their own benefit and protect criminals so many times which demoralizes the police action against criminals and it becomes difficult to solve the social problems of the society by the police officers.

Arrest and enlargement of bail of persons involved in such offences and their subsequent prosecution in the court attract political attention. This also results in a kind of link, being established, between the elected representatives and the Police Station Officer, in the day to day affairs, of the police station, in which the local Dada’s frequently gets involved. This link facilitates the practice of corruption and other malpractices, by the police and politician, acting in collusion, with each other, Consequent to the agitation posture, taken by some political parties, in opposition to protest demonstrations, public meetings, processions, politically motivated strikes in the industrial sector, **dharnas**, **gheraoes** for political, and social ends, etc, have become a recurrent feature of political activity in the state. Police have been increasingly drawn, into the resultant law and order situations. The entry of the criminals facing prosecution in the State and Central Legislatures makes the job of the

police more difficult. The ruling party expects the police to deal, with all such situations, with a political eye. Putting down dissent has become a tacitly accepted objective, of the police system.

More and more time of the police is taken up with law and order work, which really means dealing with the street situations, in a manner, that would cause maximum satisfaction, to the ruling party. In the process, individual crimes, affecting the interests, of individual citizens, by way of loss of their property, or threat to their physical security, get progressively neglected. The police postings are determined, on the basis of proximity, of the incumbent to the political bosses. Such officials and there is a vast majority of them, get progressively nearer, to the political party in power and correspondingly farther, from the uncommitted general public of the country. Since most of the law and order situations, have political overtones, the political party in power get habituated, to taking direct hand in directing and influencing police action, in such situations. This leads to a considerable misuse, of the police machinery, at the behest of individuals and groups in political circles. Police performance under the compulsions, of such an environment, naturally falls short of the requirements of law and impartial performance of duties on several occasions.

Some Observation of Other Studies:

A study conducted by the Indian Institute of Public Opinion in 1978, at the instance of the Home Ministry regarding “The Image of the Police in India”, showed the following conclusions:

1. Political interference is seen by the public, as a major factor, contributing to the poor image of the police, and manifests itself, in the misuse and abuse of police powers and disregard of the law by the police.
2. People consider political interference, with police work as a greater evil than corruption.
3. Political interference appears, more pronounced, in rural areas, than in urban areas.

Types of Political Interference:

Some typical situations or matters, where pressure is inflicted, on the police by political executive or other extraneous sources are listed below –

Arrest or non-arrest of person, against whom a case is taken up for investigating by the police.

Deliberate handcuffing, of a person, in police custody, merely to humiliate him.

Release or non-release on bail after arrest.

Suppression of material evidence, that becomes available, during searches by the police

Inclusion or non-inclusion, in the charge-sheet, placed in the court, on conclusion of investigation.

Posting or non-posting, of police force, in an area where trouble is apprehended, to create an effect, to the advantage of one party or the other.

Registering of false criminal cases, against political functionaries, for achieving political ends.

Discretionary enforcement of law, while dealing with Public order situations, with emphasis on severity and ruthless dealings in regard to persons, opposed to the ruling party.

Taking persons, into preventive custody, to immobilize them, from legitimate political activity in opposition to the party in power.

Maneuverings police intervention, by exaggerating a non-cognizable offence, or engineering a false complaint, to gain advantage, over any other party, in a situation, this will lie outside the domain of police action in the normal course.

Preparation of malicious and tendentious intelligence reports to facilitate action against an opponent.

Transfer or suspension, are used, as weapons to make the officials, toe the line of the political masters. Almost all political parties have done it, some with finesse, and some crudely. Most of the time, the first casualties on the assumption of new Government, in the State, are the Chief of Police and the Chief Secretary. They are shifted, to make room, for more pliable officials. Pressure on the police, takes a variety of forms, ranging from a promise, of career advancement and preferential

treatment, in service matters if the demand is yielded to, and a humiliating treatment in service matters, if the pressure is resisted. While it is not possible, to punish a police officer, with a statutory punishment, under the Discipline and Appeal Rules, without adequate grounds and following prescribed procedure, it is very easy to subject him, to administrative action by way of transfer, or suspension, on the basis of an alleged complaint taken up for enquiry. While suspension acts as a humiliating factor, a transfer is a severe economic blow and disruption of the police officer's family, children's education, etc. The threat of transfer/suspension is the most potent weapon in the hands of the politician, to bend down the police, to his will. There have been frequent transfers of police personnel on the order of the political leadership, even when such transfers are not justified on normal administrative grounds. Hardships and loss of morale are factors of least concern. Many obliging subordinates and officials develop such a clout with the political leadership, that their seniors lean on them to retain their jobs. Their influence with the political leadership is as high, that if any senior official tries to control them, they get such an official shifted. The politically directed transfers seriously damage the discipline, morale, and chain of command.

A study conducted by the National Council of Applied Research on, the working conditions of the Constabulary in several states revealed "that about 43% to 53% of Constables were transferred from one District to another, or from one place to another in less than a year and they had mentioned it as a sore point of grievance. In their view, the transfers were too frequent, ad-hoc and arbitrary in nature, and were mostly ordered as a means of punishment and harassment, sometimes due to the influence of local politicians". During tours of the National Police Commission, in the States, several officers brought to its notice, this phenomenon of frequent and indiscriminate transfers, ordered on political considerations. In one state, a Sub-Inspector broke down while narrating the history of 96 transfers in 20 years of his service."

The National Police Commission analyzed, the frequency of transfers, and came to the conclusion, on the basis of data up to 1977, that the average period of stay in the same post/same station in the case of an Inspector General of Police was 2 years, SP was 1 year and 6 months and Sub-Inspectors was 1 year and 8 months. In some cases the period of posting of the SPs was as low as 7 months and in three

other cases was 10 months. It felt that “the frequent changes of officers, particularly at the operational level, of sub-inspectors, in police stations and superintendents of Police in a district, coupled with frequent changes at the apex, namely, Inspector-General of Police, have no doubt largely contributed to the sharp decline in the quality (Now called DGP Director General of Police) of police service down the line. The Inspectors-General of some States have been changed as often as the Chief Ministers or Home Ministers changed. The interest of real professional service to the public has been sacrificed at the altar of political expediency.”

Source of Pressure:

Commenting on the source of pressure, the National Police Commission observed, that Political pressure emanates not only from political functionaries, in Government but also from outside the Government, who are connected, in any manner, with different political parties, including the ruling party. Further, an individual’s capacity, to generate political pressure, on the police is not necessarily linked, with his formal association with a political party. He can operate through several links that are forged by considerations of money, caste, community, regional affinity, etc. Unhealthy influence and pressures, that are brought to bear on the police, do not always originate from political source alone. Capitalists, industrialists, businessmen, landlords and such others who form the richer and more influential sections of society have immense capacity to generate such pressures, operate at different levels in the police, either directly or indirectly through political sources, and influence the course of police action. Any corrective measure, to deal with this malady, has therefore, to cover that pressure group also.

Repercussions of Interference:

Interference with any police system, by extraneous sources, especially the politicians encourages the police personnel, to believe that their career advancement, does not, at all depend, on the merits of their professional performance. It can only be secured, by currying favors with politicians, who count. Politicking and hobnobbing with functionaries, outside the police system appear, very worthwhile in the estimate of an average police officer. Deliberate and sustained cultivation of a few individuals, on the political plane, takes up all the time of a number of police personnel, to the

detriment of the performance, of their normal professional jobs. This process sets, the system, on the downward slope, to decay and total ineffectiveness. Apart from the deterioration, in the quality of police performance, viewed from the public point of view, the exercise of such pressure on the police system from political and other extraneous sources, immediately damages the control system and weakens the normal chain of command, that has to operate efficiently if the discipline and health of the system are to be maintained. Interference in the operational level of the police stations, police circles, etc. results in the total by-passing of the supervisory officers in the hierarchy.

Subordinate officers see it, in every day of their official life, which their superior officers count little, in the ultimate disposal of a matter which lies in the normal course within their official cognizance only. Decisions taken at a far higher level—political level in the Government—are implemented without question at the operational level. The frequent, by-passing of the normal chain of command, results, in the atrophy of the supervisory structure. It therefore, fails to operate effectively, even in matters, which do not attract any such extraneous interference. In this connection, the Home Ministry in a note submitted to the Conference of the Chief Ministers and Home Ministers convened by the Union Home Minister had observed that “There is a feeling in all States, that interferences, not only in the matter of posting and transfers, but also in the matter of arrests, investigations and filing of charge sheets, is widespread. The principle grievance of the policeman is, that if there is any unwillingness, to comply with unlawful or improper suggestions, the persons concerned are harassed or humiliated.

The note went on to observe, the Government of India would like to impress upon the Chief Ministers that efforts should be made, to ensure, that there is no unlawful interference, in the exercise of statutory powers. Secondly, in the matter of posting and transfers, states should seek to restore leadership and effectiveness, of the official hierarchy, with a view to ensure, that the requisite rapport, between the officers and men, is not eroded. At the end of the deliberations, of this conference, the participants agreed that the problem arising out of interference will bear effective solutions at the political level. The suggestion was noted, that Chief Ministers might discuss, with leaders of political parties, the basis for some consensus on the issue. It was also agreed, that a similar effort at the national level would also be explored and

the Home Minister will request the Prime Minister to initiate appropriate steps in this behalf.”

8.6 Issue of Illegal/Irregular Orders by State Governments : (Governor)

The National Police Commission also noted that “In their anxiety to ensure police performance in accordance with the appreciation of the situation by the political party in power, some State Governments are, known to have issued executive instructions, restricting the scope for police action even in situations, where a specific line of action, by the police is enjoined on them, by law itself.” The Commission referred to the executive instructions, issued by the Government of West Bengal, laying it down that in cases of Gherao of Industrial Establishments, by their workers, resulting in the confinement of managerial and other staff, the matter should be referred to the Labour Minister and his directions obtained before deciding upon the police intervention. When the affected party obtained an injunction from Calcutta High Court against the implementation of this order, the West Bengal issued a further order stating that “the police must not intervene in legitimate labour movement, and that in case of any complaint of unlawful detention in connection with such movements, the police must first investigate carefully, whether the complaint has any basis in fact, before proceeding to take any action provided under the law.” Calcutta High Court struck down these instructions also as contrary to the law, without jurisdiction and invalid.

Another instance wherein the UP Government issued executive instructions on 1st March, 1977 governing police action in law and order situations, is as under :-

“Whenever situation, likely to have a bearing, on the general law and order situation, arises in the districts, the Superintendent of Police will immediately inform the District Magistrate, by the quickest means available and seek his instructions, in regard to the steps to be taken, to meet the situation, unless circumstances make it impracticable to do so. Further action, to meet the situation, will be taken, according to the instructions of and in close and continuous consultation with and guidance from the District Magistrate.” (UP Government Order No.7850/7/1/51/A/76 dated 21st March, 1977). This insistence on prior consultation with the executive functionary,

who has direct contact, with Government before taking action, to deal with a law and order situation, would definitely inhibit the police, from taking even such steps, as are enjoined on them, directly by law, in a given situation. To that extent, we feel, that these executive instructions must be deemed to be illegal.

Several States have issued executive instructions, a kind of a supervisory and inspecting role, on the subordinate executive magistrate, vis-à-vis the police. Section 3 of the Police Act, 1861, runs as under:- Superintendence in the State Government – The Superintendence of the police throughout a general police district shall vest in and be exercised by the State Government, to which such district is subordinate, and except as authorized under the provisions of this act, no person, officer, or court shall be empowered, by the State Government, to supersede or control any police functionary. The Act itself does not confer any supervisory or inspecting role on the subordinate, ranks of executive Magistrates, in a district and, therefore, any executive instructions, issued by the Government, empowering them, to control the police, in any manner would be illegal.

A former Commissioner of London Police, Sir Robert Mark observed:

“Our authority, under the law, is strictly defined, and we are personally liable, for the consequence, whenever we invoke it. We play no part in determining guilt, or punishment, and our accountability to the courts, both criminal and civil, to local police authorities, to Parliament and to public opinion, is unsurpassed, anywhere else in the world. In the legal and constitutional framework, in which society requires us, to enforce the laws enacted by its elected representatives, the most essential weapons, in our armoury are not firearms, water cannon, tear gas or rubber bullets, but the confidence and support of the people, on whose behalf we act. The confidence and support, depends not only on the factors I have already mentioned, but on our personal and collective integrity, and in particular, on our long tradition of constitutional, freedom, from political interference, in our operational side. Notwithstanding the heavy responsibilities for the policing of England and Wales, given to the Home Secretary by the 1964 Police Act, it is important for you to understand, that the police are not the servants of the Government, at any level. We do not act, at the behest of a Minister or any political party, not even the party in Government. We act on behalf of the people, as a whole, and the power we exercise,

cannot be restricted or widened, by anyone else, save Parliament alone. It is this, which above all else, determines our relationship, with the public, especially in relation to the maintenance of public order, and allows us to operate, reasonably effectively, with minimal numbers, limited powers and by the avoidance of force, or atleast with the use only of such force as will be approved, by the courts and by public opinion. To sum the position up, for you, in easily understandable and practicable terms, a chief officer of police, will always give the most careful consideration, to any views or representation, he may receive from the police authority, be it the Home Secretary or police committee, on any issue affecting enforcement of the law, whether public order or anything else, but in England and Wales, it is generally for him and him alone to decide, what operational action to take and to answer for the consequences.

In the case of Commissioner of Police of the Metropolis, his exercise of those responsibilities, will no doubt be, all the more scrupulous, in that he alone, of all chief police officers, enjoys no security of tenure and that subject to parliamentary approval, he may be removed by the Home Secretary. I emphasize this because while the police place great importance on their constitutional freedom the significance of their accountability should not be overlooked, as a counter balance to any improper use of it.”

What applies to the police applies in equal measure to the public. The politician who uses a public servant for purely political purposes and the public servant who allows himself, to be so used, are doing, a disservice to the country.

National Police Commission felt that “The phenomenon of political interference appears, to have assumed larger dimensions, particularly after 1967, when the continued stability of the elected Governments in some States got disturbed and a period of political instability started. Increased political interference, in such a context, meant the increased division, of the police personnel, into different cliques and groups, with different political leanings. A police force which does not remain outside politics, but is constantly subjected, to influences and pressures, emanating within the system, from the politicized police personnel themselves, will in turn, seriously disturb the stability of the duly elected political leadership, in the state itself and thereby cause serious damage, to the fabric of our democracy. This danger has to

be realized, with equal seriousness and concern, by the politician, as well as by the police... The increasing scope for mala-fide interaction, between the politician and the police, has also encouraged unscrupulous policemen, at different levels, to forge a working relationship, with the politician, for gaining undue career advancement and advantage, besides pecuniary advantage resulting from corruption. The phenomenon of political interference has thus grown to enormous proportion, assiduously fed by vested interests, among the police, as well as the politician. We are conscious, that any remedial measures, we might think of, in this context will have to contend with resistance, from such vested interests on both sides.”

Political Interference: The International Scene.

It will be of interest here to quote the experience of other countries also. A study was made of the evolution of American police reforms, in the United States, by Robert M Fogelson, Professor of Urban Studies and History, at the Massachusetts Institute of Technology, and Consultant for President’s Crime Commission. The following extract, from the report, which reflects the scene around 1900, is of interest to Indian situation:

“Whoever dominated the police, could assign to the police, hundreds of tough, well armed, if not necessarily, well disciplined men, whose jobs, the politicians reminded them, depended on the outcome. Empowered to maintain order, in the streets, the police decided, whether or not to permit, agitators, to speak, protesters to march, and laborers’ to picket, and if so, judged whether or not, the protests remained orderly. They also determined, whether or not to intervene, in racial or ethnic and religious clashes, and if so, at that point, on whose side, with how many men, and with how much force. Whoever controlled the police, possessed an enviable flexibility, to respond to confrontation and crises, in ways, consistent with their own political objectives, which was a tremendous advantage, in a society, so prone to group conflict.

“The Captain’s war man, a patrolman, who collected the payoffs, in the precinct, had more influence, than many sergeants and round men; and so did veteran patrolmen, who were well regarded by local politicians. As every recruit, who survived for long, learned, most officers derived their prerogatives and influence, as much from their political connections, as from their official positions. Formal

organization also corresponded poorly, if at all, with actual operation. The Chiefs, could not possibly know, what went on outside headquarters; and their assistants, who owed their position to the political organization, would rarely tell them. The Captains, who got their jobs through the ward bosses, felt no compunction, about ignoring departmental instructions inconsistent with the injunctions, of the local machines. But as the investigative Committees discovered, the police manuals were deceptive. Most politicians, including the Democrat, who paid lip service, to the concept of an apolitical police, and the Republicans who criticised their opponents, for interfering with the department, viewed control of the force, a prerogative of the party in power.

“To secure an appointment, most candidates went not to the Police Commissioners or the Police Chiefs but straight to the New York district leaders, the Philadelphia ward leaders, the Chicago Alderman and other influential politicians. Some politicians demanded a pay off; in the 1890s, the going rate for a patrolman, was dollars 300 in New York, and 400 dollars in San Francisco, according to the investigating Committee. But most politicians, preferred evidence, that the candidate and his friends or relatives, had been helpful, to the party in the past and could be counted on, by the organization in the future. As most patrolmen, soon learned, the sympathetic concern of an influential politician, was far better protection, than the procedural safeguards of a departmental hearing.”

It is obvious, that the phenomenon of transfers, at the dictates of political bosses was a noticeable feature in the American police system. A study report refers to an intransigent New York City Police Officer, who told a State Investigative Committee: “I have been transferred so continuously, that I keep my goods packed ready, to go at a minute’s notice.” The direction of subsequent police reforms in the United States, was towards strengthening the position, of the police chief, by giving him a reasonable tenure of office, and reducing the scope for political interference. Policing was developed, as a profession, with emphasis, on high admission standards, extensive training, and acquisition of a wide range of special skills. Policemen were made to subscribe, to a code of ethics, devoting themselves to the public interest. The position has been fully entrenched and misuse of office meets with severe retribution. President Nixon was impeached for Watergate scandal and in recent times, President Bill Clinton while still in office was investigated and impeached.

In the United Kingdom, the need to prevent political patronage, from affecting the performance of civil service was recognized by the creation of a Civil Services Commission in 1855, which established independent civil services, recruited through open competitive examination. It however took nearly 15 years more for the political parties, to relinquish the patronage; they had till then enjoyed and agreed to the new arrangement. The experience of several other democracies, has also shown, the need, for evolving healthy norms, in the interaction between the political leadership in Government and the executive services to ensure, that each section performs its duly recognized role and benefits, by the corrective influence from the other, in constantly serving the cause of public interest.

In the early years after independence, the political leadership, provided by well-motivated administrators, and statesmen, had enabled the police service, to function effectively. The existing situation can be remedied, corrected and practical remedial measures can be evolved. Some of the views and remedies suggested by National Police Commission are as under:-

“The phenomenon of “interference” with the police is, in popular estimate and belief linked, with the existing system of control, over the police by the political executive in Government. It has been argued before us, by functionaries, in the political executive in some States, that the Minister in charge of police has to account for and defend police performance, in the States Legislature and in order to fulfil this responsibility properly he must have full control over the police. According to them, the police cannot be conceived as an agency independent of the Government control.

“Everyone will readily agree that while attempting to insulate the police from political and other extraneous sources, we should not confer a totally independent status, on the police which would make it function as a ‘State within a State’. Our object, however, is to devise a system, in which police, will have professional and operational independence, particularly in matters, in which their duties and responsibilities, are categorically specified in law, with little or no room for discretion, and at the same time their overall performance can be effectively monitored and kept within the framework of law by an agency which will involve the Government also. In the existing set up the Government seeks to have full control over the police by virtue of Section 3 of the Police Act, 1861, according to which the

Superintendence of the police throughout a general police district shall vest in and shall be exercised by the State Government to which such district is subordinate.”

8.7 AMENDMENT IN BOMBAY POLICE ACT.

FOR BETTER SERVICE CONDITIONS AND GRIEVANCE REDRESSAL THE FOLLOWING SECTIONS AND CHAPTER WAS AMENDED IN BOMBAY POLICE ACT 1951 VIDE THE BOMBAY POLICE (GUJARAT AMENDMENT) ACT, 2007 (GUJARAT ACT NO. 23 OF 2007) AS UNDER:-

“GUJARAT ACT NO. 23 OF 2007.”

(First published, after having received the assent of the Governor in the “Gujarat Government Gazette”, on the 30th July, 2007).

An act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

Short title and commencement:-

- (1) This Act may be called the Bombay Police (Gujarat Amendment) Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Insertion of new sections 5A and 5B in Bom. XXII of 1951:-

In the Bombay Police Act, 1951 (Bom. XXII of 1951), (hereinafter referred to as “the Principal Act”), after section 5, the following sections shall be inserted, namely:-

“5A. Director General and Inspector General of Police:-

- (1) For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General and Inspector General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and authority as may be provided by or under this Act or orders made by the State Government.

(2) The Director General and Inspector General of Police shall be selected from a panel of officers consisting of the officers already working in the rank of the Director General of Police or of the officers in the rank of Additional Director General of Police who have been found suitable for promotion after screening by a Committee under the provisions of the All India Services Act, 1951 (61 of 1951);

Provided that the panel of officers from the rank of Additional Director General of Police shall not exceed double the number of vacant posts to be filled in the rank of Director General and Inspector General of Police in the State.

(3) The Director General and Inspector General of Police so selected and appointed shall ordinarily have a minimum tenure of two years irrespective of his date of superannuation, subject to the relevant provisions under the All India Services Act, 1951 (61 of 1951), and the rules made there under.

(4) The Director General and Inspector General of Police may be removed from his post before the expiry of his tenure by the State Government by an order in writing specifying the reasons thereof, consequent upon the—

(a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

(b) Punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post; or

(c) Suspension from service; or

(d) Incapability to discharge his functions as the Director General and Inspector General of Police due to physical or mental illness; or

(e) Misuse or abuse of powers vested in him or for gross inefficiency and negligence or failure to provide leadership to the police force.

Section-5B. Tenure of office of key Police Functionaries:-

(1) The Police Officer on operational duties in the field viz. Inspector General of Police in a range, Deputy Inspector General of Police, Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Sub-Divisional Police Officer and a police officer posted as an Officer in-

charge of the Police Station shall ordinarily have a minimum tenure of two years on such post.

(2) Any police officer referred to in sub-section (1) may be removed or, as the case may be, transferred from his post before the expiry of the tenure of two years consequent upon the—

- (a) Conviction by a court of law, or
- (b) Punishment of dismissal, removal, compulsory retirement from service or of reduction to a lower ranks; or
- (c) Charges having been framed by a court of law in a criminal offence; or
- (d) Suspension from service; or
- (e) Incapability to discharge his functions and duties due to physical or mental illness; or
- (f) Misuse or abuse of powers vested in him; or
- (g) Gross inefficiency and negligence where a prima facie case of a serious nature has been established after a preliminary enquiry; or
- (h) Superannuation; or
- (i) Promotion to a higher post; or
- (j) On his own request”.

SINCE FOUR YEARS HAS BEEN PASSED AFTER THE AMENDMENT OF ABOVE SAID SECTIONS 5A AND 5B IN THE ACT NO IMPLEMENTATION HAS BEEN MADE BY THE AUTHORITIES OR THE STATE GOVERNMENT.

3. Insert of new section 7A in Bom. XXII of 1951:- In the principal Act, after section 7, the following section shall be inserted, namely:-

“7A. Separation of investigating wing and law and order wing:-

(1) The State Government may, having regard to the population in an area or the circumstances prevailing in such area, by an order, separate the investigating police from the law and order police wing in such area to ensure the speedier investigation, better expertise and improved rapport with the people.

(2) Such investigating police wing shall investigate the serious crimes such as offence punishable under Chapter XII, XVI, XVII of the Indian Penal Code (45 of 1860), Offences of Terrorist Activities, Cyber Offences, Inter as of 1860, State Offences and such other offences as the State Government may, by an order, direct.

(3) The Director General and Inspector General of Police or an officer authorized by him shall co-ordinate between the Law and Order Police wing and the Investigating Police wings.”

SINCE FOUR YEARS HAS BEEN PASSED NO IMPLEMENTATION OF ABOVE SECTION HAS BEEN MADE BY THE AUTHORITIES OR STATE GOVERNMENT.

3. Insertion of New Chapter IIIA in Bom. XXII of 1951:- In the Principal At, after Chapter III, the following Chapter shall be inserted, namely:-

“CHAPTER IIIA”

STATE SECURITY COMMISSION, POLICE ESTABLISHMENT BOARD AND POLICE COMPLAINTS AUTHORITY.

SECTION-32A. Establishment and constitution of State Security Commission:--

(1) The State Government shall, by notification in the Official Gazette, establish a State Security Commission to exercise the powers and perform the functions as assigned to it by or under the provisions of this Chapter.

(2) The State Security Commission shall consist of the following members namely:-

- (a) The Chief Minister of the State, ex-officio, who shall be the Chairperson;
- (b) The Minister in charge of Home Department....ex-officio;
- (c) The Chief Secretary to the Government of Gujarat...ex-officio;
- (d) The Secretary, to the Government of Gujarat, Home Department ...ex-officio;
- (e) The Director General and Inspector General of Police ex-officio, who shall be the Member Secretary; and

(f) Two non-official members to be appointed by the State Government of persons having reputation for integrity and competence in the field of academia, law, public administration or media.

(3) No person shall be appointed as a member under clause (g) of sub-section (2) if he—

- (a) is not a citizen of India; or
- (b) Has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) Has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) holds an elected political office, including that of member of Parliament or State Legislature or a Local body, or is an office bearer of any political party or any organization connected with a political party; or
- (e) is of unsound mind.

(4) A non-official member appointed under clause (g) of sub-section (2) may be removed on any of the following grounds:

- (a) Proven incompetence;
- (b) Proven misbehavior or misuse or abuse of powers vested to him;
- (c) Failure to attend three consecutive meetings of the State Security Commission without sufficient cause;

(d) Incapacitation by reasons of physical or mental infirmity;

(e) Otherwise becoming unable to discharge his functions as a member;

(f) Conviction by a court of law in an offence punishable under chapter XII, XVI or XVII of the Indian Penal Code, 1860 (45 of 1860) or where charges have been framed by a court in a case in moral turpitude.

(5) The terms of office of the non-official members shall be for a period not exceeding three years. The other terms and conditions of such Members shall be such as may be prescribed.

Section-32B. Functions of State Security Commission:- The State Security Commission shall exercise the following powers and perform the following functions namely:-

To advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing of police force in the State;

To assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force. These indicators shall, inter alia, include the operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources and observance of human rights standards;

To review periodically, the performance of the Police Force;

To suggest for the performance of the preventive tasks and service oriented functions of the Police Force;

To review and evaluate organizational performance of the police against;

The performance indicators as identified and laid down by the Commission itself;

The resources available with, and constraints of the Police;

To suggest policy guidelines for gathering information and statistics related to police work;

To suggest ways and means to improve the efficiency, effectiveness, accountability and responsiveness of the police; and

Such other functions as may be assigned to it by the State Government.

Section-32C. Annual Report:-The State Security Commission shall, at the end of each year, prepare a Report on its works during the preceding year as well as on the evaluation of performance of the Police Force and submit it to the State Government for consideration and appropriate action.

Section-32D. Constitution of Police Establishment Board:- (1) The State Government shall, by an order, constitute a Police Establishment Board consisting of the following members, namely:-

The Director General and Inspector General of Police, ex-officio, who shall be the Chairman,

The Additional Director General of Police (Administration), ...ex-officio;

An officer not below the rank of the Deputy Secretary to Government of Gujarat, Home Department,ex-officio; and

An officer not below the rank of Inspector General of Police to be nominated by the State Government, ...ex-officio who shall be the Member Secretary.

Section-32E. Powers and functions of Police Establishment Board:-

The Police Establishment Board shall exercise the following powers and perform the following functions and duties, namely :-

Transfer of officers in the rank of Police Inspector and Sub-Inspectors;

Prescribe guidelines and instructions for transfer of Subordinate ranks from one Police District to another;

Analyses the grievances of the police personnel below the rank of Deputy Superintendent of Police and suggest remedial measures to the State Government.

Grant promotion to higher post from the cadre of Constable and Lok Rakshak;

Such other functions as may be assigned to it by the State Government.

Section-32F. Establishment of State Police Complaints Authority:--(1)

The State Government shall constitute, by an order, the State Police Complaints Authority consisting of the following members, namely:-

A retired Judge of the High Court or a retired officer not below the rank of Principal Secretary to the Government of Gujarat who shall be the Chairperson;

The Principal Secretary to the Government of Gujarat, Home Department,....ex-officio;

An officer not below the rank of the Additional Director General of police, nominated by the State Government, ex-officio who shall be the Member Secretary, and

A person of eminence appointed by the State Government.

(2) The terms and conditions of the members of the State Police Complaints Authority, other than ex-officio, shall be such, as may be prescribed.

Section-32G. Powers and functions of State Police Complaints

Authority :--The State Police Complaints Authority shall exercise the following powers and perform following functions, namely:-

To look into complaints against police officers of the rank of Deputy Superintendent of Police and above, in respect of serious misconduct, dereliction of duty, misuse of powers, or any other matter specified by the Government, not covered by the Vigilance Commission, National Human Rights Commission, State Human Rights Commission, Commission for Minorities, Commission for Scheduled Castes and Scheduled Tribes, Commission for Women and Commission for Backward Class Communities, or any other Commissions as may be appointed from time to time either by the Central Government or by the State Government.

To require any person to furnish information on such points or matters as, in the opinion of the Authority, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 176 and 177 of the Indian Penal Code, 1860.

To enforce attendance of any person and take evidence on oath in the manner of a civil court.

To make appropriate recommendations to the State Government on any case enquired into by it, wherever required.

Section-32H. Establishment of District Police Complaints Authority:-

-(1) The State Government shall, by an order, constitute the District Police Complaints Authority for each District consisting of the following members, namely:-

The Superintendent of Police of the District,...ex-officio, who shall be the Chairperson;

The Additional District Magistrate of the District, to be appointed by the State Government, ex-officio;

Two members of the Gujarat Legislative Assembly elected from the concerning District, to be appointed by the State Government.

The Deputy Superintendent of Police, ex-officio who shall be the Member-Secretary.

(2) The terms and conditions of the members of District Police Complaints Authority other than ex-officio shall be such as may be prescribed.

(3)(a) The District Police Complaints Authority shall meet at least once in every quarter and assess the record of at least one-fourth of all Police Stations within the District with respect to the following matters and also prepare a rating in the prescribed manner;

(i) Prompt registration of First Information Report;

(ii) Custodial violence;

Extortion of money from complainants and the victims;

Drunken behavior; and

Misbehaviour with the public.

(b) The report and the rating shall be sent to the concerned authorities for taking appropriate action.

Section-32I. Powers and functions of District Police Complaints

Authority:-The District Police Complaints Authority shall exercise the following powers and perform the following functions, namely:-

To receive complaints against police officers posted in the District;

Inquire into the complaints involving serious dereliction from duty, grave misconduct, misuse of powers and such other matters as may be directed by the State Government against police officers upto the rank of Police Inspector; Forward the complaints to the State Police Complaints Authority against the police officers in the rank of Deputy Superintendent of Police and above; Receive and inquire into complaints of non-registration of First Information Report; Monitor the progress of departmental inquiries into cases of complaints of misconduct against police officers; After an inquiry into a complaint of misconduct, the District Police Complaints Authority may make its recommendations to the concerned Disciplinary Authority. Direct the registration of the First Information Report if a complaint of non-registration is found to be correct by the Authority.

Section-32J. Providing funds to Commission, Board, etc.:-The State Government shall provide such sum to the State Security Commission, Police Establishment Board and the State and the District Police Complaints Authorities to enable it to discharge the function assigned to it under this Chapter.]

Since FOUR YEARS time has been passed to the amendment of this chapter in BOMBAY POLICE ACT 1951 its implements has not been made. It is a great negligency on the part of authorities and the State Government.

8.8 SUPREME COURT RULINGS:

While studying the nature of relationship that would be desirable in public interest in a democracy, we have examined the scope of supervision and control that can be deemed to flow from the word 'superintendence' occurring in the above section of law. In this context we have seen some rulings of the Supreme Court relating to Article 227 of the Constitution according to which:

“Every High Court shall have superintendence over all courts subject to its appellate jurisdiction. The purpose of some relevant observations of the Supreme Court is furnished below:

The general superintendence, which the High Court has over all courts and tribunals, is a duty to keep them within.

Conflict of jurisdiction (interference only when there is no other remedy).

Refusal or failure to proceed with a case.

Proceeding contrary to principles of natural justice.

Personal interest of judge in the issue to be decided.

Illegal orders of the Court.

Patently erroneous decision on facts.

Having regard, to the general principles enunciated above, in regard to the judiciary, it was, that the power of superintendence of the State Government over the police should be limited, for the purpose of ensuring, that police performance is in strict accordance with law. The measures suggested included complete professional independence of the police, in the investigative tasks, assigned to it by law. It was also essential to review, all existing instructions issued by the Government, having a bearing on the investigation. They could either be cancelled or modified, depending upon legal parameters. If during the pendency of investigation, any person including political functionary gets information, which he feels should be passed on, to the police for appropriate follow-up action, during the course of investigation itself, he should merely pass on such information, to the police without, in any way attempting to interfere with, the investigation. In the performance of preventing tasks and service oriented functions, the police will need to interact with other Government agencies and service organizations. For example, in planning preventive measures, in a near strike situation, in an educational situation or in an industrial unit, police will have to keep in touch, with the educational authorities, or the labour departmental authorities, to have a proper perception, of the developing situation. In the performance of such preventive tasks, there is considerable scope for exercise of discretion, having in view the overall public interests, involved, in any particular situation. Every police officer should normally be left free to exercise this discretion, on his own judgement, but there may be situations, the disposal of which, may have repercussions beyond the

jurisdiction of one police officer and it will become necessary in such cases, for the supervisory ranks, to step in, and exercise discretion at their level.

“Extending this analogy, one can visualize a State wide situation, in which the exercise of discretion, in regard to preventive tasks, may have to take into account, several factors of state-wide significance. It would be appropriate in public interest that the exercise of discretion, in such situations conforms, to some policy approach that may be evolved, at the highest political level in the Government. The ultimate responsibility, for the proper governance of the State, lies with the political executive. In the performance of, preventive tasks and service oriented functions, police should be subject, to overall guidance, from the Government which should lay down, broad policies, for adoption, in different situations, from time to time. There should, however, be no instructions, from time to time, as well as, in regard, to the actual operations in the fields.”

A caution is necessary, against the political infiltration, into the police: It observed: “It is conceivable, that some political parties, adopt a deliberate strategy, of injecting into the police system, through channels of recruitment at different levels, young men who are strongly committed, to the ideologies of the political party, and could be expected, to influence from within. While we do not hold any brief for or against, any political party, to say, that the membership thereof or association, therewith should or should not act as a bar for recruitment, to the police at any level, we would state emphatically, that the continued involvement, in political activity, of any kind either directly or indirectly, by any personnel, after joining the police at any level, should not be tolerated in anyh circumstances. The weeding out of such persons should receive special attention of the Chief of Police from time to time. Here again, recourse may be had, to the provisions of Articles 311(2)(b) or (c) of the Constitution, if need be in appropriate cases.

“Regarding transfers and suspensions, a trend has been notice, indicating interference from higher levels, to bring about the suspensions, of officers, when the normally competent authority, may not consider it, necessary to do so.... The police officers should be, effectively protected, from such whimsical and malafide transfers/suspension orders. One such step for securing this protection, could be to incorporate a provision, in the Police Act itself, specifying the authorities, competent

to issue transfer/suspension orders, regarding different ranks. Such a statutory provision, would render null and void any transfer/suspension order, passed by any authority, other than those specified in the Act. This would be an improvement over the present position where the powers of transfer/suspension are merely spelt out in rules or executive instructions, which can always be overruled by the Government as and when it feels like doing so, for reasons of its own.

“Another step could be, to lay down, as a rule, that every transfer/suspension order should also contain a brief paragraph, indicating the reasons for the issue of the order, and making it a further rule that any transfer/suspension order, which does not contain this explanatory paragraph, shall not be a valid order. The advantage of this arrangement, would be, that the recipient of the transfer/suspension order, will have some material with him, which he can agitate, before the authorized available forums, if he feels, that the reasons are malafide or otherwise, not sustainable. However, a rule like this would strike, at the very base of the sickness, the National Police Commission strives to cure. It would virtually not be possible, to shift even the most undesirable personnel, from their posts, once they are entrenched. Somewhere, we have to learn, to trust, that all politicians are not crooks nor all officials are saints. Situations arising from oral orders, issued by the superior officers including the political executive, while on tour or otherwise, are known to cause considerable embarrassment to the field officers, when the orders happen to require the commission of illegal, irregular, improper or unjust acts...However, administration would get badly cramped and become ineffective, in day to day service to the public, if it is rigidly insisted, that no functionary need take action, under orders, from higher ranking functionary, in the normal line of supervision unless the order is in writing. Several situations may occur, in daily life, in which a supervisory functionary, on the spot, may give an order, for immediate execution by the subordinates. Several such situations, can be easily imagined in law and order matters. There cannot and should not be, any rigid or inflexible rule, that every order, that flows from one level to the lower level, in administrative hierarchy, should be in writing, before the intended action is taken. Oral orders cannot be shut out, totally from the administrative system. However they can be avoided, in situations, which do not involve any element of urgency and can wait, for the oral orders to be confirmed in writing before the

intended action is initiated. The final recommendations on the issue by the National Police Commission was that:-

“1. Oral orders should be avoided, as far as possible and may be resorted to, only in situations, which call for immediate executive action and cannot wait for issue of written orders in confirmation of the oral orders.

2. A record of every oral, order be kept, both by the issuing officer, and the recipient officer, in the relevant file.

3. A subordinate officer, receiving oral orders, from a higher ranking officers, shall be entitled, to ask for, and get confirmatory orders, in writing from the higher functionary for record.”

In a democracy it is essential to have facility for interaction between the executive and the elected representatives of the people so that corrective action, wherever called for, can be taken, in the public interest. It observed: “Persons subjected to flagrant injustice, by executive action, will be inclined, to share their grief and disappointment, with several others, including the elected representatives and will expect them to do something to set the matters right. While conceding the need, for interaction between elected representatives and the executive, in each situation, we are anxious to ensure, that this does not lead to unauthorized interference, as such with the performance of the executive. We, therefore, feel, that if a code of conduct, is laid down that elected representatives, will interact with the police at the level of the Deputy Superintendent of Police or above only, it would avoid situations, in which the executive at the operational level, in police stations and circles, may be overawed by the stature of the political functionary, and may be inclined to accept and act upon, whenever information is passed on to them, without making the necessary check and verification, which they might make normally”. The National Police Commission also felt Rule (3) of the All India Services (Conduct) Rules, 1968 should be made applicable to the police personnel also. This Rule reads as under :-

No member of the Service shall, in the performance of his official duties, or in exercise of the powers conferred on him, in the performance of his official duties or in exercise of powers conferred on him:

Act otherwise, than in his best judgement, except when he is acting, under the direction of his official superior, and he shall obtain such direction in writing, wherever practicable and where it is not practicable, he shall obtain written confirmation, as soon thereafter as possible, and

Evade the responsibility, devolving on him, and seek instructions from or approval of, a superior authority when such instruction, or approval is not necessary, in the scheme of distribution of powers and responsibilities.

It also suggested a code of conduct, for legislatures. It observed that “The conduct of the Government servants, (including the police) can be controlled, and guided by the issue of rules and instructions and enforcing their strict compliance, in actual practice. If, however, the political functionaries, whose conduct is not subject to such rules and regulations, do not change their present attitudes and approach to this matter, their inclination to interfere with the executive including the police will continue in some form or the other. While on one side, we may be thinking of, several remedial measures, to enable the executive, to resist the interference, our objective can be achieved, in a substantial measure, only when the political functionaries, also change their style of functioning. ... Our enquiries reveal, that this code of conduct, for legislatures, has not yet taken any shape. We recommend, that the Ministry of Home Affairs, complete their exercise expeditiously and have the code issued very soon, so that the elected representatives, as also the general public, at large, may know and appreciate the requirements, of ethics and propriety, in this important and sensitive matter. We also trust, that the contemplated exercise on the political plane, as decided at the Chief Minister’s Conference on 6th June, 1979 will be taken up in right earnest and completed soon.”

“It also suggested following special declaration to be given by the policemen at the time of enrolment. It could be either sworn or affirmed. “I, A.B. do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established; that as member of the police in the State of-----I will honestly, impartially and truly serve the people without favour or affection, malice or ill-will, that I will to the best of my ability, skill and knowledge discharge according to the law, such functions and duties as may be entrusted to me as police officer, and in such a manner as to uphold and protect the dignity and rights of the citizen as proclaimed in the Constitution. ...Apart from the initial declaration, at

the time of joining the police, it would further serve the purpose and embed the principle firmly, in the minds of all the police officers if this declaration is remembered and repeated by them, in groups and assemblies of police personnel, drawn up on an annual ceremonial occasion, like the 'Police Commemoration Day' which is observed on 21st October every year.”

Obviously, sustained capacity of the police system, to function efficiently and impartially, would largely depend upon the attitudes and response, developed by the personnel at different levels, to different situations. This would depend on their training and guidance, after their entry into the system and inservice training later on. The structuring of the initial training courses, and inservice training courses, for all police personnel, should be targeted, to facilitate the growth of proper attitudes and sense of values, on the part of every police officer.” This is the only way, for dealing with interference, in the police work or its misuse, of police by pressures from political, executive or other extraneous sources.

Hon. Supreme Court of India have very briefly, directed to all states to set up three new institutions at the State level: 1) The setting up of State Security Commission to insulate the police from political pressures; 2) The Police Establishment Board to give autonomy to police in personnel matters; and 3) The Police Complaints Authority to strengthen the accountability mechanism.

Besides, the Apex Court has laid down a transparent procedure for the selection of DGP, prescribed a minimum tenure for all the field officers, and directed that the investigation and law and order functions be separated in the bigger towns. Gujarat State has passed laws which are not necessarily in conformity with the Supreme Court directions. Some have adopted a defiant posture; a contempt application has already been filed against them.

The Court battle will go on. Meanwhile, we should see that an atmosphere in favour of Police Reforms is built up. For this purpose, we need to mobilize the support of NGOs and other significant segments of society, particularly the media.

SUPREME COURT JUDGEMENT ON POLICE REFORMS:

Mr. Prakash Singh, the Retired Director General of Police filed a Writ Petition before the Hon. Supreme Court of India in 1996 for changes and improvement of Police Agencies and the Role of Central and State Governments to be decided. This Writ Petition (Civil) 310 of 1996 was admitted by the Hon. Supreme Court of India, the judgment and directions of Supreme Court are as under :-

Writ Petition (civil 310 of 1996):

Petitioner: Prakash Singh & Ors. Respondent: U.O.I.

Date of Judgment: 22/09/2006.

BENCH: Y.K.SABHARWAL, C.K.THAKKER & P. K. BALASUBRAMANAYAN. JUDGMENT BY Y.K.SABHARWAL, CJI.

Considering the far reaching changes that had taken place in the country after the enactment of the Indian Police Act, 1861 and absence of any comprehensive review at the national level of the police system after independence despite radical changes in the political, social and economic situation in the country, the Government of India, on 15th November, 1977, appointed a National Police Commission (hereinafter referred to as 'the Commission'). The commission was appointed for fresh examination of the role and performance of the police both as a law enforcing agency and as an institution to protect the rights of the citizens enshrined in the Constitution. The terms and reference of the Commission were wide ranging. The terms of reference, inter alia, required the Commission to redefine the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order, evaluate the performance of the system, identify the basic weaknesses or inadequacies, examine if any changes necessary in the method of administration, disciplinary control and accountability, inquire into the system of investigation and prosecution, the reasons for delay and failure and suggest how the system may be modified or changed and made efficient, scientific and consistent with human dignity, examine the nature and extent of the special responsibilities of the police towards the weaker sections of the community and suggest steps and to ensure prompt action on their complaints for the safeguard of their rights and interests. The Commission was required to recommend measures and

institutional arrangements to prevent misuse of powers by the police, by administrative or executive instructions, political or other pressures or oral orders of any type, which are contrary to law, for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers. The chairman of the Commission was a renowned and highly reputed former Governor. A retired High Court Judge, two former Inspector Generals of Police and a professor of TATA Institute of Special Sciences were members with the Director, CBI as a full time Member Secretary. The commission examined all issues in depth, in period of about, three and a half years during which it conducted extensive exercise through analytical studies and research of variety of steps combined with an assessment and appreciation of actual field conditions. Various seminars held, research studies conducted, meetings and discussions held with the Governors, Chief Ministers, Inspector Generals of Police, State Inspector Generals of Police and Heads of Police organizations. The Commission submitted its first report in February 1979, second in August 1979, three reports each in the years 1980 and 1981 including the final report in May 1981.

In its first report, the Commission first dealt with the modalities for inquiry into complaints of police misconduct in a manner which will carry credibility and satisfaction to the public regarding their fairness and impartially and rectification of serious deficiencies which militate against their functioning efficiently to public satisfaction and advised the Government for expeditious examination of recommendations for immediate implementation. The Commission observed that increasing crime, rising population, growing pressure of living accommodation, particularly, in urban areas, violent outbursts in the wake of demonstrations and agitations arising from labour disputes, the agrarian unrest, problems and difficulties of students, political activities including the cult of extremists, enforcement of economic and social legislation etc. Have all added new dimensions to police tasks in the country and tended to bring the police in confrontation with the public much more frequently than ever before. The basic and fundamental problem regarding police taken note of was as to how to make them functional as an efficient and impartial law enforcement agency fully motivated and guided by the objectives of service to the public at large, upholding the constitutional rights and liberty of the people. Various recommendations were made. In the second report, it was noticed that the crux of the

police reform is to secure professional independence for the police to function truly and efficiently as an impartial agent of the law of the land and, at the same time, to enable the Government to oversee the police performance to ensure its conformity to the law. A supervisory mechanism without scope for illegal, irregular or mollified interference with police functions has to be devised. It was earnestly hoped that the Government would examine and publish the report expeditiously so that the process for implementation of various recommendations made therein could start right away. The report, inter alia, noticed the phenomenon of frequent and indiscriminate transfers ordered on political considerations as also other unhealthy influences and pressures brought to bear on police and, inter alia, recommended for the Chief of Police in a State, statutory tenure of office by including it in a specific provision in the Police Act itself and also recommended the preparation of a panel of IPS officers for posting as Chiefs of Police in States. The report also recommended the constitution of Statutory Commission in each State the function of which shall include laying down broad policy guidelines and directions for the performance of preventive task and service oriented functions by the police and also functioning as a forum of appeal for disposing of representations from any Police Officer of the rank of Superintendent of Police and above, regarding his being subjected to illegal or irregular orders in the performance of his duties. When the recommendations of National Police Commission were not implemented, for whatever reasons or compulsions, and they met the same fate as the recommendations of many other Commissions, the petition under Article 32 of the Constitution of India was filed about 10 years back, inter alia, praying for issue of directions to Government of India to frame a new Police Act on the lines of the model Act drafted by the Commission in order to ensure that the police is made accountable essentially and primarily to the law of the land and the people.

The first writ petitioner is known for his outstanding contribution as a Police Officer and in recognition of his outstanding contribution, he was awarded the “Padma Shri” in 1991. He is a retired officer of Indian Police Service³ and served in various States for three and a half decades. He was Director General of Police of Assam and Uttar Pradesh besides the Border Security Force. The second petitioner also held various high positions in police. The third petitioner 026 Common cause is an organization which was brought before this Court and High Courts various issues

of public Interest. The first two petitioners have personal knowledge of the working of the police and also problems of the people.

It has been averred in the petition that the violation of fundamental and human rights of the citizens are generally in the nature of non-enforcement and discriminatory application of the laws so that those having clout are not held accountable even for blatant violations of laws and, in any case, not brought to justice for the direct violations of the rights of citizens in the form of unauthorized detentions, torture, harassment, fabrication of evidence, malicious prosecutions etc. The petition sets out certain glaring examples of police inaction. According to the petitioners, the present distortions and aberrations in the functioning of the police have their roots in the Police Act of 1861, structure and organization of police having basically remained unchanged all these years. The petition sets out the historical background giving reasons why the police functioning have caused so much disenchantment and dissatisfaction. It also sets out recommendations of various Committees which were never implemented. Since the misuse and abuse of police has reduced it to the status of a mere tool in the hands of unscrupulous masters and in the process, it has caused serious violations of the rights of the people, it is contended that there is immediate need to re-define the scope and functions of police, and provide for its accountability to the law of the land, and implement the core recommendations of the National Police Commission. The petition refers to a research paper 'Political and Administrative Manipulation of the police' published in 1979 by Bureau of Police Research and Development, warning that excessive control of the political executive and its principal advisers over the police has the inherent danger of making the police a tool for subverting the process of law, promoting the growth of authoritarianism, and shaking the very foundations of democracy. The commitment, devotion and accountability of the police has to be only to the Rule of Law. The supervision and control has to be such that it ensures that the police serve the people without any regard, whatsoever, to the status and position of any person while investigating a crime or taking preventive measures. Its approach has to be service oriented; its role has to be defined so that in appropriate cases, where on account of acts of omission and commission of police, the Rule of Law becomes a casualty, the guilty Police Officers are brought to book and appropriate action taken without any delay.

The petitioners seek that Union of India be directed to redefine the role and functions of the police and frame a new Police Act on the lines of the Model Act drafted by the National Police Commission in order to ensure that the police is made accountable essentially and primarily to the law of the land and the people. Directions are also sought against the Union of India and State Governments to constitute various Commissions and Boards laying down the policies and ensuring that police perform their duties and functions free from any pressure and also for separation of investigation work from that of law and order. The notice of the petition has also been served on State Governments and Union Territories. We have heard Mr. Prashant Bhushan for the petitioners, Mr. G. E. Vahanvati, learned Solicitor General for the Union of India, Ms. Indu Malhotra for the National Human Rights Commission and Ms. Swati Mehta for the Common Welfare Initiatives. For most of the State Governments/Union Territories oral submissions were not made. None of the State Governments/Union Territories urged that any of the suggestion put forth by the petitioners and Solicitor General of India may not be accepted. Besides the report submitted to the Government of India by National Police Commission (1977-81), various other high powered committees and Commissions have examined the issue of police reforms, viz. (i) National Human Rights Commission (ii) Law Commission (iii) Ribeiro Committee (iv) Padmanabhaiah Committee and (v) Mali math committee on Reforms of Criminal Justice System.

In addition to above, the Government of India in terms of Office Memorandum dated 20th September, 2005 constituted a Committee comprising Shri Soli Sorabjee, former Attorney General and five others to draft a new Police Act in view of the changing role of police due to various socio-economic and political changes which have taken place in the country and the challenges posed by modern day global terrorism, extremism, rapid urbanization as well as last evolving aspirations of a modern democratic society. The Sorabjee Committee has prepared a draft outline for a new Police Act (9th September, 2006).

About one decade back, viz. on 3rd August, 1997 a letter was sent by a Union Home Minister to the State Governments revealing a distressing situation and expressing the view that if the Rule of Law has to prevail, it must be cured. Despite strong expression of opinions by various Commissions, Committees and even a Home Minister of the country, the position has not improved as these opinions have

remained only on paper, without any action. In fact, position has deteriorated further. The National Human Rights Commission in its report dated 31st May, 2002 inter alia, noted that: "Police Reform: 28(i) The Commission drew attention in its 1st April 2002 proceedings to the need to act decisively on the deeper question of Police Reform, on which recommendations of the National Police Commission (NPC) and of the National Human Rights Commission have been pending despite efforts to have there acted upon. The Commission added that recent event in Gujarat and, indeed, in other States of the country, underlined the need of proceed without delay to implement the reforms that have already been recommended in order to preserve the integrity of the investigating process and to insulate it from 'extraneous influences'. In the above noted letter dated 3rd April, 1997 sent to all the State Governments, the Home Minister while echoing the overall popular perception that there has been a general fall in the performance of the police as also a deterioration in the policing system as a whole in the country, expressed that time had come to rise above limited perceptions to bring about some drastic changes in the shape of reforms and restructuring of the police before the country is overtaken by unhealthy developments. It was expressed that the popular perception all over the country appears to be that many of the deficiencies in the functioning of the police had arisen largely due to an overdose of unhealthy and petty political interference at various levels starting from transfer and posting of policemen of different ranks, misuse of police for partisan purposes and political patronage quite often extended to corrupt police personnel.

The Union Home Minister expressed the view that rising above narrow and partisan considerations, it is of great national importance to insulate the police from the growing tendency of partisan or political interference in the discharge of its lawful functions of prevention and control of crime including investigation of cases and maintenance of public order. Besides the Home Minister, all the Commissions and Committees above noted, have broadly come to the same conclusion on the issue of urgent need for police reforms. There is convergence of views on the need to have (a) State Security Commission at State level; (b) transparent procedure for the appointment of Police Chief and the desirability of giving him a minimum fixed tenure; (c) separation of investigation work from law and order; and (d) a new Police Act which should reflect the democratic aspirations of the people. It has been

contended that a statutory State Security Commission with its recommendation binding on the Government should have been established long before.

The apprehension expressed is that any Commission without giving its report binding effect would be ineffective. More than 25 years back i.e. in August 1979, the Police Commission Report recommended that the investigation task should be beyond any kind of intervention by the executive or non-executive. For separation of investigation work from law and order even the Law Commission of India in its 154th Report had recommended such separation to ensure speedier investigation, better expertise and improved rapport with the people without of course any water tight compartmentalization in view of both functions being closely inter-related at the ground level. The Sorabjee Committee has also recommended establishment of a State Bureau of Criminal Investigation by the State Government under the charge of a Director who shall report to the Director General of Police. In most of the reports, for appointment and posting, constitution of a Police Establishment Board has been recommended comprising of the Director General of Police of the State and four other senior officers. It has been further recommended that there should be a Public Complaints Authority at district level to examine the complaints from the public on police excesses, arbitrary arrests and detentions, false implications in criminal cases, custodial violence etc. and for making necessary recommendations.

Undoubtedly and undisputedly, the Commission did commendable work and after in depth study, made very useful recommendations. After waiting for nearly 15 years, this petition was filed. More than ten years have elapsed since this petition was filed. Even during this period, on more or less similar lines, recommendations for police reforms have been made by other high powered committees as above noticed. The Sorabjee Committee has also prepared a draft report. We have no doubt that the said Committee would also make very useful recommendations and come out with a model new Police Act for consideration of the Central and the State Governments. We have also no doubt that Sorabjee Committee Report and the new Act will receive due attention of the Central Government which may recommend to the State Governments to consider passing of State Acts on the suggested lines. We expect that the State Governments would give it due consideration and would pass suitable legislations on recommended lines, the police being a State subject under the Constitution of India.

The question, however, is whether this Court should further wait for Governments to take suitable steps for police reforms. The answer has to be in the negative. Having regard to (i) the gravity of the problem; (ii) the urgent need for preservation and strengthening of Rule of Law; (iii) pendency of even this petition for last over ten years; (iv) the fact that various Commissions and Committees have made recommendations on similar lines for introducing reforms in the police set-up in the country; and (v) total uncertainty as to when police reforms would be introduced, we think that there cannot be any further wait, and the stage has come for issue of appropriate directions for immediate compliance so as to be operative till such time a new model Police Act is prepared by the Central Government and/or the State Governments pass the requisite legislations. It may further be noted that the quality of Criminal Justice System in the country, to a large extent, depends upon the working of the police force. Thus, having regard to the larger public interest, it is absolutely necessary to issue the requisite directions. Nearly ten years back, in *Vineet Narain & Ors. V. Union of India & Anr.* [(1998) 1 SCC 226], this Court noticed the urgent need for the State governments to set up the requisite mechanism and directed the Central Government to pursue the matter of police reforms with the State Government and ensure the setting up of a mechanism for selection/appointment, tenure, transfer and posting of not merely the Chief of the State Police but also all police officers of the rank of Superintendents of Police and above. The Court expressed its shock that in some States the tenure of a Superintendent of Police is for a few months and transfers are made for whimsical reasons which has not only demoralizing effect on the police force but is also alien to the envisaged constitutional machinery. It was observed that apart from demoralizing the police force, it has also the adverse effect on politicizing the personnel and, therefore, it is essential that prompt measures are taken by the Central Government. The Court then observed that no action within the constitutional scheme found necessary to remedy the situation is too stringent in these circumstances. More than four years have also lapsed since the report above noted was submitted by the National Human Right Commission to the Government of India. We can only express our hope that the State Governments would rise to the occasion and enact new Police Act wholly insulating the police from any pressure whatsoever thereby placing in position an important measure for securing the rights of the citizens under the Constitution for the Rule of Law, treating everyone equal and being partisan

to none, which will also help in securing an efficient and better criminal justice delivery system.

It is not possible or proper to leave this matter only with an expression of this shape and to await developments further. It is essential to lay down guidelines to be operative till the new legislation is enacted by the State Governments. Article 32 read with Article 142 of the Constitution empowers this Court to issue such directions, as may be necessary for doing complete justice in any cause or matter. All authorities are mandated by Article 144 to act in aid of the orders passed by this Court. The decision in Vineet Narain's case (supra) notes various decisions of this Court where guidelines and direction to be observed were issued in absence of legislation and implemented till legislatures pass appropriate legislations.

With the assistance of learned counsel for the parties, we have perused the various reports. In discharge of our constitutional duties and obligations having regard to the aforementioned position, we issue the following directions to the Central Government, State Government and Union Territories for compliance till framing of the appropriate legislations : State Security Commission (1) The State Governments are directed to constitute a State Security Commission in every State to ensure that the State Government does not exercise unwarranted influence or pressure on the State police and for laying down the broad police guidelines so that the State police always acts according to the laws of the land and the Constitution of the country. This watchdog body shall be headed by the Chief Minister or Home Minister as Chairman and have the DGP of the State as its ex-officio Secretary. The other members of the Commission shall be chosen in such a manner that it is able to function independent of Government control. For this purpose, the State may choose any of the models recommended by the National Human Rights Commission, the Ribeiro Committee or the Sorabjee Committee which are as under:

NHRC, Ribeiro Committee, Sorabjee Committee.

- 1, Chief Minister/HM as Chairman.
- 2, Lok Ayukta or, in his absence, a retired Judge of High Court to be nominated by Chief Justice of a Member of State Human Rights Commission.
- 3, Leader of Opposition.

4. Chief Secretary.
5. DGP (ex-officio Secretary)
6. Leader of Opposition in Lower House.
7. Three non-political citizens of proven merit and integrity.
8. Five independent Members.

The recommendations of this Commission shall be binding on the State Government. The functions of the State Security Commission would include laying down the broad policy and giving directions for the performance of the Preventive tasks and service oriented functions of the police, evaluation of the performance of the State police and preparing a report thereon for being placed before the State legislature. Selection and Minimum Tenure of DGP: (2) The Director General of Police of the State shall be selected by the State Government from amongst the three senior-most officers of the Department who have been empanelled for promotion to that rank by the Union Public Service Commission on the basis of their length of service, very good record and range of experience for heading the police force. And, once he has been selected for the job, he should have a minimum tenure of at least two years irrespective of his date of superannuation. The DGP may, however, be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules or following his conviction in a court of law in a criminal offence or in a case of corruption, or if he is otherwise incapacitated from discharging his duties. Minimum Tenure of I.G. of Police & other officers: (3) Police Officers on operational duties in the field like the Inspector General of Police in-charge Zone, Deputy Inspector General of Police in charge or an officer in charge of a Police Station shall also have a prescribed minimum tenure of two years unless it is found necessary to remove them prematurely following disciplinary proceedings against them or their conviction in a criminal offence or in a case of corruption or if the incumbent is otherwise incapacitated from discharging his responsibilities. This would be subject to promotion and retirement of the officer. Separation of Investigation: (4) The Investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. It must, however, be ensured that there is full coordination between the two wings. The separation, to start with, may be effected in towns/urban

areas which have a population of ten lakes or more, and gradually extended to smaller towns/urban areas also. Police Establishment Board: (5) There shall be a Police Establishment Board in each State which shall decide all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police.

The Establishment Board shall be a departmental body comprising the Director General of Police and four other senior officers of the Department. The State Government may interfere with decisions of the Board in exceptional cases only after recording its reasons for doing so. The Board shall also be authorized to make appropriate recommendations to the State Government regarding the posting and transfers of officers of and above the rank of Superintendent of Police, and the Government is expected to give due weight to these recommendations and shall normally accept it. It shall also function as a forum of appeal for disposing of representations from officers of the rank of Superintendent of Police and above regarding their promotion/transfer/disciplinary proceedings or their being subjected to illegal or irregular orders and generally reviewing the functioning of the police in the State. Police Complaints Authority: (6) There shall be a Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of Deputy Superintendent of Police. Similarly, there should be another Police Complaints Authority at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level Authority may be headed by a retired District Judge while the State level Authority may be headed by a retired Judge of the High Court/Supreme Court. The head of the State level Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice; the head of the district level Complaints Authority may also be chosen out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. These Authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts, and they shall be selected by the State Government from a panel prepared by the State Human Rights Commission/Lok Ayukta/State Public Service Commission. The panel may include members from amongst retired civil servants, police officers or officers from any other department, or from the civil society. They would work whole time for the Authority and would have to be suitably remunerated

for the services rendered by them. The Authority may also need the services of regular staff to conduct field inquiries. For this purpose, they may utilize the services of retired investigators from the CID, Intelligence, Vigilance or any other organization. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The district level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. The recommendations of the Complaints Authority, both at the district and State levels for any action, departmental or criminal, against a delinquent police officer shall be binding on the concerned authority.

National Security Commission: The Central Government shall also set up a National Security Commission at the Union level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organizations (CPO), who should also be given a minimum tenure of two years. The Commission would also review from time to time measures to upgrade the effectiveness of these forces, improve the service conditions of its personnel, ensure that there is proper coordination between them and that the forces are generally utilized for the purposes they were raised and make recommendations in that behalf. The National Security Commission could be headed by the Union Home Minister and comprise heads of the CPOs and a couple of security experts as members with the Union Home Secretary as its Secretary. The aforesaid directions shall be complied with by the Central Government, State Governments or Union Territories, as the case may be, on or before 31st December, 2006 so that the bodies afore-noted became operational on the onset of the new year. The Cabinet Secretary, Government of India and the Chief Secretaries of State Governments/Union Territories are directed to file affidavits of compliance by 3rd January, 2007. Before parting, we may note another suggestion of Mr. Prashant Bhushan that directions be also issued for dealing with the cases arising out of threats emanating from international terrorism or organized crimes like drug trafficking, money laundering, smuggling of weapons from across the borders, counterfeiting of currency or the activities of mafia groups with trans-national links to be treated as measures taken for the defence of India as mentioned in Entry I of the Union List in the Seventh Schedule of the Constitution of

India and as internal security measures as contemplated under Article 355 as these threats and activities aim at destabilizing the country and subverting the economy and thereby weakening its defence. The suggestion is that the investigation of above cases involving Inter-state or international ramifications deserves to be entrusted to the Central Bureau of Investigation. The suggestion, on the face of it, seems quite useful. But, unlike the aforesaid aspects which were extensively studied and examined by various experts and reports submitted and about which for that reason, we had no difficulty in issuing directions, there has not been much study or material before us, on the basis whereof we could safely issue the direction as suggested. For considering this suggestion, it is necessary to enlist the views of expert bodies. We, therefore, request the National Human Rights Commission, Sorabjee Committee and Bureau of Police Research and Development to examine the aforesaid suggestion of Mr. Bhushan and assist this Court by filing their considered views within four months. The Central Government is also directed to examine this suggestion and submit its views within that time. Further suggestion regarding monitoring of the aforesaid directions that have been issued either by National Human Rights Commission or the Police Bureau would be considered on filing of compliance affidavits whereupon the matter shall be listed before the Court.

CHAPTER-IX

(9) SPECIAL ORGANISATIONS :

CRIMINAL INVESTIGATION DEPARTMENT (C.I.D.)

Control over, and selection of, personnel of the Criminal Investigation Department (C.I.D.)

Designation and transfers

Functions of the C.I.D. (Intelligence Branch)

Functions and working of the C.I.D. (Crime Branch)

Working of the Crime Branch in the Commissioner Area.

MODUS OPERANDI BUREAU.

Crime and method Index or the Modus Operandi system.

Crime Index in all District, Towns and every Police Station in every city.

Absconders Registers.

Rogues Gallery.

District/City (Commissionerate area) Modus Operandi Bureau.

GUJARAT STATE POLICE MOTOR TRANSPORT.

Organisation of the Police Motor Transport.

Duties of the Police Motor Transport

POLICE WIRELESS ORGANISATION.

Organisation and staff.

Control over person nel of Police Wireless organization.

Duties of the wireless staff.

MOUNTED POLICE UNIT.

Object of the mounted unit.

ADDITIONAL POLICE.

PLAGUE AND FAMINE POLICE.¹

1. Bombay Police Manual 1975, Part-I.

9.1 SECTION-I-CRIMINAL INVESTIGATION DEPARTMENT (C.I.D.)

Rule-459. (P.M.III). Control over, and selection of, personnel of the Criminal Investigation Department (C.I.D.).—

(1) Subject to the general control of the Inspector-General of Police, the control over the activities and personnel of the Criminal Investigation Department (Intelligence) and the Criminal Investigation Department (Crime and Railways), rests with the Additional (Director-General of Police) Inspector-General of Police, C.I.D. (Intelligence) and the Additional (Director-General of Police) Inspector-General of Police, C.I.D. (Crime and Railways) respectively.

(2) Officers required to constitute the personnel are selected, in the case of those of and above the rank of Deputy Superintendents by the State Government, and in the case of Inspectors and Sub-Inspectors by the Inspector-General of Police, and are posted to the Criminal Investigation Department by transfer from the Cities, Districts and Railways.

(3) (a) Head Constables are seconded from Cities, Districts and Railways for duty in the Criminal Investigation Department normally for about five years; their selection being made by the Deputy Inspector-General of Police, C.I.D. concerned.

(b) During the period of his service in the Criminal Investigation Department, a Head Constable will retain his position in his own district on the 'next below rule'. This means that if anybody junior to him in the Hand Register is due to be promoted in the higher rank the Head Constable seconded must be promoted and not superseded in his Home district.

Rule-460. Designation and transfers.—

(1) Officers and men while serving in the Criminal Investigation Department (Crime) will have the word 'Detective' prefixed to their rank (e.g. Detective Inspector... ..). In order to facilitate their specialization in different branches of

the Criminal Investigation Department, frequent transfers of such officers and men will be avoided.

(2) Officers employed in the Criminal Investigation Department can be employed in any district or place in the State to which the Inspector-General of Police or the Deputy Inspector-General of Police, Criminal Investigation Department directs them to proceed, in the exercise of his powers under Section 5 of the Bombay Police Act.

(3) Officers and men of the State Criminal Investigation Department Branches, Crime Branch and Special Branch of the Commissionerate area. Local Crime Branches, Local Intelligence Branches and Anti-Corruption Branches will perform their duties and appear in Courts in plain clothes.

Rule-461. Functions of the C.I.D. (Intelligence Branch).—The functions of this branch are :-

The collection and collation of information regarding political, industrial and other similar developments or movements in the State.

Verification of character and antecedents, protection and security of V.I.Ps., watch over anti-national activities, movements of foreigners and all matters pertaining to internal security, etc;

Collection of intelligence regarding all types of communal activities will be an important work of this branch;

To keep the Government informed of all the above activities from time to time.

Rule-462. Functions and working of the C.I.D. (Crime Branch).—

(1) The functions of this branch are :--

The control of specialized or professional crime throughout the State, and the investigation of specialized crime when of sufficient importance, and of special important cases.

(2) This branch will concern itself with the collection, collation and dissemination of information relating to crime and criminals in accordance with such orders as the Deputy Inspector-General, C.I.D. (Crime and Railways) may issue from time to time.

All enquiries and orders issued in this connection will be promptly and carefully attended to by Superintendent.

(3) This branch is responsible for the publication of Parts I and II (Crime) of the Gujarat Police Gazette after compiling them on information received from the districts or collected from the Police Gazettes of other States, and also of a separate supplement reproducing notifications of Government regarding prescribed literature.

(4)(a) This branch prepares crime records in inter-State and inter-district thieves, burglars, dacoits, robbers, cheats, prisoners, forgers and coiners. Of these, the crime records of cheats, prisoners and coiners are maintained upto-date by the preparation of addenda giving details of their latest activities and convictions, which are published in the Gujarat Police Gazette. In the case of all the classes of criminals, it is necessary to prepare crime records of all and also to maintain all records upto-date for the purpose of Data Processing Machines.

(b) Crime records of active professional criminals whose activities are confined to their districts are prepared and maintained by the Superintendents of Police concerned and copies thereof are supplied to this branch for record. The serial numbers of such district crime records are noted on the finger print slip of the individual on the record of the Finger Print Bureau so that on receipt of intimation regarding his arrest, his antecedents, including previous convictions are supplied by this branch to the district in which he is arrested. Similarly, records of not convicted and strongly suspected criminals will be maintained by the Finger Print Bureau and intimation given as shown above.

(5) The branch makes its business to study carefully the district crime reviews and the weekly diaries of Sub-Divisional Police Officers. This enables the branch to keep in touch with serious organized crime and gang crime in districts, with a view to take up, if necessary, the investigation thereof or to collate information of such crime and disseminate it to the districts, co-ordination between which is called for.

(6) The branch also maintains crime charts, graphs and maps showing by months the variations of the more important forms of crime in the State (vide Rule 249).

(7) The branch maintains a register of forged currency notes that have come to notice in the Districts and on Railways in the State and takes up, whenever necessary,

enquiries about their appearance in consultation with the Director of Intelligence Bureau attached to the Ministry of Home Affairs of the Government of India.

Rule-463. Working of the Crime Branch in the Commissionerate Area.—The Crime Branch in the Commissionerate is divided into two branches known as (i) **Detection of Crime Branch (D.C.B.)** and (ii) **Prevention of Crime Branch (P.C.B.)**. Their duties will be as under :--

Detection of Crime Branch (D.C.B.) deals with:--

Visits to Police Stations and scenes in cases of:

Murder and attempted murder;

Dacoity and serious robbery;

Arms Act cases and possession of arms by bad characters;

Explosions and serious fires;

Sabotage and violent political crime;

Cases in which Police have resorted to opening fire;

House-breaking with theft involving property over Rs.1000/-;

Thefts involving property over Rs.5000/-;

Copper-wire, temple, car, motor-cycle, scooter and cycle thefts;

Cases in which an organized gang is suspected to have operated; and

Administering of poisons or drugs for gain.

Investigation of cases :-

Of exceptional difficulty or importance;

Which from their nature or ramifications cannot be dealt with by the local officers;

Entrusted to the branch by the Commissioner of Police; and

Cases arising out of communal riots.

Work connected with :--

Counterfeit coins and forged currency notes;

Lotteries and Prize Competitions; and

Obscene literature.

Operating the City Modus Operandi Bureau.

Work connected with Fingre-prints, foot-prints and police photographer.

Surveillance over the activities of criminals, anti-social elements and suspects.

Curbing activities of Bootleggers, Distillers, Smugglers, Gamblers, Blackmarketers, etc.

Co-ordinating the working of Police Stations regarding property crimes.

Habitual offenders.

Prevention of Crime Branch (P.C.B.) deals with:--

Extermination work;

Missing persons inquiry;

Suppression of Immoral Traffic in Women and Girls Act cases and to keep surveillance at brothels and places of ill-fame;

Beggars Act cases;

Work pertaining with detentions under the National Security Act, 1980 and Prevention Anti-Social Activities Act, 1985.

To organize preventive measures; and

Preparation of crime statistics.

Rule-464. Reporting of losses etc. of arms and ammunitions.—

(1) The following instructions regarding the reporting of losses and thefts of Government and private fire-arms and ammunition capable of being used for military purposes, and their smuggling into India should be carefully followed:--

Under military regulations, Officer Commanding detachments report the loss or recovery of arms, important components or ammunition to the Superintendent of Police. The Superintendent of Police is then responsible for all further action for tracing the recovery of the lost or stolen articles.

Reports should be made by the Superintendents of Police to the Criminal Investigation Department (Crime) of the loss, theft or recovery of arms, important components and ammunition coming under the following categories of which they may receive information from any source, whether military, civil or private:--

Machine guns, light automatics, grenades and articles of Indian Air Force armaments.

Rifles, Muskets, revolvers and pistols (Government or private).

Barrels and bolts of .303 bore, rifles and .410 bore muskets.

Ammunition for cannon, machine guns and high velocity rifles.

High explosives, whether in bulk or in made-up charges, including fuses and detonators.

(i) Reports concerning items of the above categories should be made by telegram, wherever there is prima facie evidence or reasonable suspicion of a recent theft. In other cases, reports should be made by letter. In all cases every effort must be made to include, either in the initial report or in a very early continuation report, the fullest possible details both for the identification of the missing arms, components or ammunition and as regards the methods of identity of the thieves.

(ii) The Criminal Investigation Department (Crime) on receipt of reports according to the above instructions will be responsible for the direction of suitable action for detection and recovery.

A return of all identifiable arms etc. lost, stolen or recovered should be maintained by the Criminal Investigation Department (Crime) and should be sent in annually to the Director, Intelligence Bureau.

All reports of losses, thefts and recoveries of arms etc. should be published by the Criminal Investigation Department (Crime) in its Criminal Intelligence Gazette or confidential supplement. Such reports must invariably include all details necessary to establish the identity of any particular weapon or component part.

When losses are sufficiently serious to be brought to the notice of the Government of India or to rank as matters of public interest, as well as in the following cases, viz. :--

When the theft appears to be the work of Ut Khels or other professional rifle thieves.

When the loss appears to indicate that standing rules for the custody of arms and ammunition, either in possession of regiments or individuals or during transit by rail or otherwise, are defective and should be amended.

Intimation of such losses should be telegraphed to the Director, Intelligence Bureau, New Delhi, by the Criminal Investigation Department (Crime) and copies of all subsequent reports submitted by the Superintendent of Police should also be sent to him.

In the particular case of revolvers, rifles and pistols, all losses, thefts and recoveries of such weapons as bear the manufacturer's number should be reported to the Director, Intelligence Bureau, by the Criminal Investigation Department (Crime). The reports regarding recoveries should include information, if possible, as to where, when and from whom the weapon was obtained by the person from whom it is recovered. All reports should be submitted as soon as convenient after the loss, theft or recovery.

No report need be made under this Rule in the case of the loss or theft of smooth bore weapons, ammunition for such weapons, swords, bayonets or accoutrements. Converted Martini-Henries and Sniders are classed as smooth-bore weapons.

Deliberate attempts to smuggle arms and ammunition into India, by land or sea or air, should promptly be reported to the Director, Intelligence Bureau. Similarly, the discovery of firearms which appear to have been deliberately smuggled into India should also be reported to the same quarter.

In all instances, full particulars of the articles seized, such as the maker's name, place of manufacture, number, bore and other distinguishing marks in the case of fire-arms and maker's name, bore and distinguishing marks in the case of cartridges should be communicated at the time the report is made or as soon afterwards, as possible. Information, if available, obtained from the smuggler, or otherwise, as to where, when and from whom the weapon etc. were obtained should also be given. Whenever a prosecution is initiated with respect to a reported case of smuggling of, or attempt to smuggle, arms and ammunition the result should also be communicated to the Director, Intelligence Bureau.

(2) These instructions do not affect the quarterly returns of arms and ammunition seized by the Customs, which should continue to be submitted by the Criminal Investigation Department (Crime) of maritime States and the States having air-ports in their jurisdictions.

Rule-465. Investigation of organized or important crime.—

(1) Investigation of crime by the Criminal Investigation Department (Crime) should ordinarily be confined to :--

Cases of exceptional difficulty or importance;

Cases which, from their nature or ramifications, cannot be dealt with by local officers within their own jurisdiction or without the co-operation of other officers at a distance working under a common direction;

Organized crime extending over two or more districts, and

Temple theft cases including thefts of idols which are found to be complicated involving inter-district or inter-State gang or which have assumed importance by attracting public attention.

(2) The services of the Criminal Investigation Department (Crime) are not, save in very exceptional circumstances, to be requisitioned in the cases of ordinary crime confined to one district and of no special importance.

Rule-466. The Criminal Investigation Department (Crime) to be kept in touch with important and organized Crime.—

(1) It is essential that the Deputy Inspector-General of Police, Criminal Investigation Department, (Crime and Railways), should be kept informed of the state of important and organized crimes, especially when committed by professional criminals, throughout the State, so that he may be able promptly to furnish assistance or information in connection therewith.

(2) (i) Assistant or Deputy Superintendents in charge of Sub-Divisions will therefore, prepare and submit to the Deputy Inspector-General of Police, Criminal Investigation Department, (Crime & Railways) along with copies of their weekly diaries, week by week, a crime statement, giving details of all offences falling under the following heads which have been reported to them during the week :--

(a) Offences against coinage and currency notes.

(b) Administering of poison or drug for gain.

(c) Thefts involving loss of property worth Rs.2,000 or more.

(d) Robberies other than those included under Rule 134(1) involving loss of property worth Rs.5000 or more.

(e) Criminal breach of trust involving loss of property worth Rs.20,000 or more.

(f) House-breaking with thefts involving loss of property worth Rs.10,000 or more.

(ii) The cases entered in the statement will be numbered serially from the beginning of the calendar year and their disposal by the Police and courts will be entered in the statement as soon as known.

(3) Whenever statements or confessions made to the local Police disclose the existence of an organization for the commission of crime falling within any of the categories mentioned in Sub-Rule (2) and extending over more than one district, copies of such records should be forwarded to the Deputy Inspector-General, Criminal Investigation Department, (Crime and Railways).

(4) Superintendents of Police will report at once to the Deputy Inspector-General, Criminal Investigation Department, (Crime & Railways), the arrest within their jurisdiction of any gang of persons suspected to be professional criminals.

(5) Any sudden and serious outbreak of offences other than those enumerated in Sub-Rule (2), which presents any unaccountable peculiarity, excites public interest or alarm or is likely to assume importance from a political or social point of view, should be reported forthwith to the Deputy Inspector-General, Criminal Investigation Department, (Crime and Railways).

(6) The details of all temple thefts and burglaries and other thefts in which property worth more than Rs.5,000 is involved should be reported to the Deputy Inspector-General of Police, Criminal Investigation Department (Crime & Railways) at once to enable him to co-ordinate all cases of thefts and burglaries in which property worth more than Rs.50,000 is involved.

Rule-467. Applications for assistance of the Criminal Investigation Department (Crime):--

(1) When a District Magistrate or a Superintendent of Police requires the assistance of the Criminal Investigation Department (Crime) in any matter in which he considers the Criminal Investigation Department (Crime) are specially qualified to make enquiries, he should communicate the facts to the Deputy Inspector-General of

Police, Criminal Investigation Department (Crime and Railways) who will comply with the request to the best of his ability, having regard to other calls on his staff.

(2) In all cases in which a request for the assistance of the Criminal Investigation Department (Crime) is refused, the Deputy Inspector-General should inform the Inspector-General of Police.

(3) When the following types of cases occur, the Superintendent of Police concerned should, except where the offences are simple or are already detected, immediately inform the C.I.D. (Crime) so that a C.I.D. officer could be deputed without any delay to assist the local Police in the detection of such cases :---

(i) Murder for gain.

(ii) Dacoity or robbery committed by gangs operating in more than one district.

Counterfeiting of coins where the investigation would extend over more than one district.

Offences which are the work of professional criminal and which are causing alarm or panic in the locality.

Offences in which important local persons are concerned and public clamour is responsible.

It should be noted that the C.I.D. officers so deputed should assist in detection of the offences only and that they should not be mixed up with the scriptory work connected with the cases and attend court, watch witnesses, etc. To achieve the desired effect of rendering such assistance by the C.I.D., it will be seen by the Deputy Inspector-General of Police, C.I.D. (Crime and Railways) that the C.I.D. officers specially trained and qualified both in the type of offences and with information of the region in which they have taken place, are deputed.

(4)(a) Besides the above cases, the C.I.D. officers should themselves investigate (i) forgery of currency notes and (ii) such offences where the area of operation may be extensive and the time taken over it may be such that the C.I.D. would investigate them better.

(b) In such cases, no time should be lost by the Superintendents of Police concerned in intimating the occurrence of the offences and the progress of the on-the-spot investigation to the Deputy Inspector –General of Police, C.I.D. (Crime and Railways), who will depute an officer of the C.I.D. to take over the cases for investigation.

(5) In view of the fact that the investigation of forgery, embezzlement or frauds of big nature need considerable leisure from preoccupation and other duties and ability to concentrate on them for a long period and may need consultation with Accountants, Auditors and knowledge of Companies Act, etc. such cases of a complicated nature should be investigated by the C.I.D.

(6) In cases in which the C.I.D. officers are detailed to assist the local Police, copies of case diaries of investigation of such cases should be sent to the Deputy Inspector-General of Police, C.I.D. (Crime and Railways) in order that he will be able to find out whether useful assistance is really being rendered.

Rule-468. Power of Deputy Inspector-General of Police, Criminal Investigation Department (Crime and Railways).—Whenever the Deputy Inspector-General of Police, Criminal Investigation Department (Crime and Railways) considers that special enquiry is called for in any case although no request for the services of the Department has been received from the local authorities, he may institute enquiries and inform the District Magistrate and the Superintendent of Police concerned.

Rule-469. Intimation to Local Officers.—When an officer of the Criminal Investigation Department (Crime) visits a district in the course of an investigation, intimation should always be given to the Superintendent of Police concerned either by the officer himself on arrival in the district or by letter direct from the office of the Deputy Inspector-General of Police, C.I.D. (Crime and Railways). Compliance with these orders is specially necessary, if any member or members of the Criminal Investigation staff find that they have to carry their investigation into districts beyond the jurisdiction of this State.

Rule-470. Assistance to the Criminal Investigation Branch.—In all investigations undertaken by the Criminal Investigation Branch, the local Police (including Commissionerate area) will render assistance as required by the Deputy Inspector-

General, Criminal Investigation Department (Crime and Railways), in respect of cases or matters under investigation by the Criminal Investigation Department (Crime).

Rule-471. Control of enquiries undertaken by the Criminal Investigation Department (Crime).—

(1) In cases taken up by the Criminal Investigation Department, of which the ramifications extend to two or more districts, the Deputy Inspector-General, Criminal Investigation Department (Crime and Railways) is the controlling officer, subject to the general control of the Inspector-General.

(2) In such cases as concern a single district, the Deputy Inspector-General, Criminal Investigation Department (Crime and Railways) has authority to exercise, through the Superintendent of Police concerned, a general control over the investigation, and the Superintendent of Police shall not, except in an emergency or when, in his opinion, no other logical course can be followed, radically alter the normal course of the investigation without that officer's concurrence.

(3) In any case which has been taken up by the Criminal Investigation Department (Crime), should a Superintendent of Police consider that proceedings instituted in connection therewith before a Magistrate should be withdrawn, he should submit his recommendations to his District Magistrate through the Deputy Inspector-General, Criminal Investigation Department (Crime and Railways).

Rule-472. Finger Print Bureau.—

(1) The working of the Finger Print Bureau forms part of the activities of the Criminal Investigation Branch (Crime). Detailed orders regarding the working of the Bureau are published in the Finger Print Bureau Manual.

(2) The co-operation of the Bureau with Criminal Investigation Branch (Crime), especially with M.O.B. will be governed by instructions issued by the Deputy Inspector-General, Criminal Investigation Department (Crime and Railways).

Rule-473. State Examiners of Questioned Documents.—State Examiners of Questioned Documents attached to the Criminal Investigation Department (Crime) undertake :--

the examination of disputed documents, whether hand-written or type-written (vide Rules 167 and 168).

the examination of articles under the ultra-violet lamp (vide Rule 165).

Rule-474. Photographic Bureau.—

(1) The State Examiners of Questioned Documents conduct the photographic Bureaux of the Criminal Investigation Department (Crime), which, besides taking photographs on the important ceremonial occasions and supplying photographs required for identity cards of Police Officers, supplies readable photographic copies of important documents very speedily by mikro-filming process, in which the original documents can be returned immediately after taking exposures, and also supplies same size photographic copies of documents without the aid of a camera by reflex copying process with the help of a Rectophot machine.

(2) When in any district, it is considered necessary to photograph prisoners or criminals, the photographs should be obtained locally, the cost being met from the contract contingencies under that officer's control.

(3) As regards photographs required by M.O.B. and under Bombay Habitual Offenders Act, see Rule 167(18).

9.2 Section II.—MODUS OPERANDI BUREAU.

Rule-475. Crime and method Index or the Modus Operandi system.—

(1) Criminology is a science that deals with crime and criminals, whereas investigation is an endeavour to discover the truth by application of that science. The expression "Modus Operandi" means a plan of working or mode of operation. The Modus Operandi therefore is a method of investigation based on the study of various crime patterns and the methods adopted by different criminals in committing different crimes. It is a system which suggests to the investigator, the name and description of probable criminal on the basis of their past criminal activities. The object of the Modus Operandi system is, therefore, to maintain records of known criminals on the basis of criminal's individual methods of operation and in a given case from a study of such records to fix the criminal's responsibility for committing the offence. The

system is helpful as it narrows down field of investigation considerably and to that extent it helps the investigator in tracing the criminals.

(2) A pre-requisite to investigation of crime by modern and tried methods is that Police Stations, District/City Modus Operandi Bureau and the State Modus Operandi Bureau, should have information of the more important criminals operating in their charge properly arranged and indexed so as to be readily available to connect a crime with a criminal or vice versa. The main purpose of a Crime Index is to assist in the identification of criminals who have committed crimes which have come to the knowledge of the Police by making use of systematically indexed particulars of known criminals or the crime committed by them. Most officers know the essentials of the 'Modus Operandi' system which aims at identifying offenders by the peculiarity in the commission of the crime or particular story told or transport used, etc. This is based on the theory that criminals are accustomed to such particulars or peculiarities which persist in spite of a long lapse of time. Again, criminals specialize in particular forms and types of offences. A cheat, for instance, will repeat the same type of offence. He cannot take up to dacoity with violence. Though exceptions to the rule are known to exist, it is this peculiarity or similarity of method that usually gives the criminal a way. Even when making a deliberate departure from these patent methods, the criminal will usually not go far, but will make slight modifications in the pattern. If he wants to change his name for instance, he may keep his name but take up a surname which may have no resemblance in sound but may still have some similarity in detail as Kale, Gore, Shyamavarna, etc. In some cases, there may be similarity in sound like Krishna, Krishnachandra, Raje, Rajamanya, Rajeshirke, etc. or there may be changes in the methods of writing like Krishna, Kisan, Laxman, Lakshya etc. These possibilities should also be borne in mind when making use of the index.

(3) With a view to making the system more effective and with a view to preventing crime and improving detection, some officers and men have been trained at the Modus Operandi Bureau of C.I.D. (Crime & Railways), Ahmedabad, in the maintenance and working of the Modus Operandi System. It must be remembered, however, that there is only one underlying principle in the system which is to have a proper index of criminals for ready reference and the difference lies only in details. Though conditions may vary slightly in the rural and urban areas, a uniform system is

both feasible and necessary in the interest of easy working and co-operation between different units of the Police force.

Rule-476. Crime Index in all District, Towns and every Police Station in every City.—

(1) Police Station is the base of Modus Operandi system and feeds the District/City and the State Modus Operandi Bureau.

(2)(a) The officer incharge of the Police Station will be responsible for preparing the Main Crime Record cards of all criminals, who have been convicted, acquitted, arrested but not sent up and strongly suspected in the commission of crime of the following categories :--

(i) theft.

(ii) house-breaking with or without theft.

Robbery.

Dacoity.

Receiving stolen property.

Cheating.

Criminal breach of trust.

Counterfeiting coins and currency notes.

Professional poisoning.

Arms smuggling.

International and inter-state smuggling.

International and inter-state crooks engaged in trafficking of women and children.

Persons against whom orders under Section 356, Criminal Procedure Code have been made.

Persons released under Criminal Procedure Code.

Persons bound over under Sections 109,110 Criminal Procedure Code.

Approvers and others against whom watch is considered necessary.

Sureveillees.

Note:- The main Crime Record cards are to be opened not only for specific offences but also for attempts thereof.

(2)(b) As the Main Crime record cards of criminals referred to above will be required to be maintained at a Police Station, District/City and State level, the Finger Print Bureau will keep finger print record of all these criminals in Form PM 61 eg. The Police Station concerned will therefore take six good finger print slips (search slips) as soon as the Main Crime Record card is opened and send the finger impression slips to the Finger Print Bureau marking on the top of the form in red ink "For Modus Operandi Bureau". The Finger Print Bureau will give classification of these slips and write previous convictions, if any, on the slips and return them to the Chief Operator who will send them to the Police Station concerned for attaching the same with the Main Crime Record card. The Police Station Officer will attach the finger impression slips with the Main Crime Record card, retain a copy for the Police Station and send the remaining Main Crime Record cards along with the extra finger impression slips to the District/City Modus Operandi Bureau. The District/City Modus Operandi Bureau will retain a copy for their Bureau and send one copy duly prepared to the State Modus Operandi Bureau along with the extra finger impression slips duly numbered. The State Modus Operandi Bureau will retain the Main Crime Record card along with the finger impression slips for their record and write the number on the extra finger impression slips and send the same to the Finger Print Bureau for their record.

(3) The Main Crime Record cards should be opened by the Police Station Officer for all criminals of the categories shown above who are either residents of their Police Stations or concerned in the offences of the Police Stations. In the latter case (outsiders), the cards should be opened and sent to the respective Police Stations under intimation to the District Modus Operandi Bureau.

(4)(a) The Main Crime Record card will be of white colour and 32 x 20 cms in size in Form No. PM. 203 eg. It will have photographs of criminals wherever available in the middle, front and profile. Where photos are not available, the space will be left blank and reasons in brief should be stated therein.

(4)(b) The Police Station Officer should prepare two copies of each Main Crime Record card, retain one for the Police Station and send the other to the District Modus Operandi Bureau for further action.

(5) The Main Crime Record cards will be numbered serially as they are prepared and maintained in that order, cards of surveillees and absconders being however kept in separate groups but in the order of serial number. Once a serial number is allotted to a particular criminal, it will be permanent and shall never be allotted to any other criminal in future.

(6) Persons having technical convictions for any of the offences of the above categories should not find place in the record and if there is no overriding criminal intention in the commission of the crime like removing property in furtherance of the civil claim, Main Crime Record cards of such persons should not be opened.

(7) Travelling criminals who are active in the Police Stations should be included in the index.

(8) The Main Crime Record cards should be kept in three files, viz. (i) general file (ii) file of surveillees and (iii) file of absconders. As soon as an absconder/surveillee who is out of sight is traced, his card should be transferred to the appropriate place in the general file. Similarly, if any of the criminals from the general file absconds, his card should be transferred to the absconders file till he is traced.

(9) If any of the criminals leaves the Police Station but resides permanently at another place, his card should be transferred to the Police Station of his new place of residence under intimation to the District/City Modus Operandi Bureau.

(10) The responsibility for maintaining the Crime Index will rest entirely on the Police Station Officer and no orders of any superior officer will be necessary to enter or delete any names in the Index. The actual entries can be made by any Police Officer. Superior Police Officers are expected to take interest in the maintenance of the Index ensuring that they are properly maintained by a reference to the Crime Registers. They should however make no routine entries, on the crime records as at present like, "Requires watching," "Shows no improvement", etc. Actually, the system of surveillance, as it exists at present, is without legal authority and more grandiose than real and useful.

(11) The Police are in duty bound, and in the interest of efficient detection of crime, to keep their eyes on all anti-social elements and the classification “surveillee” is only intended to mark out the more active of the criminals. The serial number and the District and C.I.D. M.O.B. number, if any, should be mentioned in the card and in the remarks column of the Police Station Conviction Register.

(12) In a nut-shell, the Main Crime Record cards should be maintained upto-date so that as soon as the card is taken in hand, the latest position regarding the whereabouts and activities of the persons can be known from the Main Crime Record card itself.

Rule-478. Absconders Register.—

(1) The District/City (Commissionerate area) Modus Operandi Bureau will maintain absconders register in two parts, viz. Absconders Register Part I in Form No. SPL, IGP, 17 eg. For absconders in cases which have been registered in the District/City and Absconder Register Part II in Form No. SPL. IGP. 17A eg for absconders in cases registered in other districts but residents of or likely to visit home district/city.

(2) Similarly this register will be maintained in two parts, viz. absconders register Part “A” in Form No. SPL, IGP, 17C eg for absconders in cases registered at the Police Station and Absconders register Part “B” in Form No. SPL. IGP. 17—d eg for absconders in cases registered in other Police Stations but residents of home Police Stations.

Rule-479. Crime Report known as “E” Form.—

(1) The primary unit to supply information for the building up of the system being a Police Station, the officer incharge shall supply information in Form ‘E’ to the District Modus Operandi Bureaux and the State Modus Operandi Bureau, along with a copy of the First Information Report immediately when a case of one of the crime index categories is registered, together with any additional clue that may be obtained about the accused and the property and the final result of the case. The investigating officer, while recording the First Information Report should record it eliciting and ascertaining information on the points required to be filled in “E” form when the person reporting the crime is not in a position to give details of each item of “E” form.

The investigating officer on reaching the scene of offence will observe the scene of crime minutely and send supplementary report in respect of the remaining information for the District/City/State Modus Operandi Bureau to enable them to give suggestions.

(2) On receipt of the suggestions from the District/City/State Modus Operandi Bureau, the investigating officer shall enquire about the whereabouts of the suspects on the day and time of the offence and, if found absent during that period, should take all legal steps and carry out thorough investigation after which the result of the enquiry should be reported to the Modus Operandi Bureau concerned. If the suspect be the resident of another Police Station limits, the Police Station Officer concerned should be requested to enquire as indicated above without loss of time and the latter shall intimate the result immediately. The idea is to eliminate the possibilities of various criminals and narrow down the line of investigation for a specific clue.

Rule-480. Rogues Gallery.—The Photographic collection or Rogues' Gallery should be formed from duplicates of photographs attached to the Main Record Card and will be pasted in an album by the classification of offences and Modus Operandi. This will facilitate reference and identification by Police officers and witnesses.

Rule-481. District/City (Commissionerate area) Modus Operandi Bureau.—

(1) The Bureau will maintain Main Crime Record cards in the same manner and for the same categories of criminals for the area under the charge, like the Police Station as prescribed in rule 476. It follows from the foregoing rules that the District/City (Commissionerate area) Modus Operandi Bureau will receive from the Police Stations the duplicate of Main Crime Record cards maintained at the Police Stations with a view of tracing criminals by reference to the Modus Operandi, name or other peculiarities, etc.

(2) Instructions for writing absconders register and maintenance of rogues gallery are given in rules under this Section. As regards writing of other registers and forms, detailed instructions have been written in the registers and forms.

(3) On receipt of crime report ("E" form), the District/City (Commissionerate area) Modus Operandi Bureau will study the records maintained in their offices and send genuine suggestions with a view to enabling the investigating officers to detect the offences.

Rule-482. State Modus Operandi Bureau.—

- (1) The State Modus Operandi Bureau will maintain Main Crime Record cards of all criminals in the State in the same manner and for the same categories of criminals like the Police Stations and District/City (Commissionerate area) Modus Operandi Bureaus.
- (2) It will maintain the Index Cards as maintained by the District/City Modus Operandi Bureaus.
- (3) It will maintain all registers as maintained by the District/City Modus Operandi Bureaus, M.O.B.-wise.
- (4) It will maintain all forms received from the Police Stations/District/City Modus Operandi Bureaus.
- (5) It will maintain rogues gallery of all the criminals on the same lines as maintained by the District/City Modus Operandi Bureau.
- (6) Due to inception of Data Procession Machines at the State Modus Operandi Bureau, it will prepare punch cards, code book and forms for coded information from the information received from the Police Stations and District/City Modus Operandi Bureau.
- (7) On receipt of Crime Report/"E" Form, the State Modus Operandi Bureau will study the record maintained in the office and send genuine suggestion with a view to helping the Police Stations in the detection of undetected offences.

Rule-483. Supervision of Modus Operandi system maintained at the Police Stations, District/City (Commissionerate area) and State Levels.—The Commissioner of Police/Range Deputy Inspector-General of Police and the Deputy Inspector-General of Police, C.I.D., (Crime and Railways), Superintendents of Police, Sub-Divisional Police Officers and the Circle Police Inspectors, while inspecting Districts/Police Stations/Crime Branch, should inspect the records of the Modus Operandi Bureau thoroughly and ensure that the Modus Operandi Bureau records are maintained properly and that the criminals who are active are closely watched by all concerned and that when the criminals have gone out of sight, enquiries have been made and pursued and that all out efforts have been made to trace such 'out-of-sight'

criminals till they are finally located and should draw inspection notes and should also give instructions and guidance to the officers concerned in the maintenance of the Modus Operandi Bureau records ultimately resulting in the improvement of the Modus Operandi system.

9.3 SECTION III.---GUJARAT STATE POLICE MOTOR TRANSPORT.

Rule-484. Object of the Police Motor Transport.—

(i) In order to facilitate quick movements of the Police Force in the State and to make the force self-sufficient in the matter of transport required for the performance of duties, especially in times of emergencies such as riots, communal or other disturbances, strikes, etc; a certain number of motor road vehicles and watercrafts of different types have been provided for all districts (including the Railway) and State Reserve Police Force Groups, the distribution being based on the varying needs of each district or unit. The vehicles are ordinarily kept at district Headquarters, but are also in some cases allotted to important Police Stations in the districts. The watercrafts are posted at important points on the coast and in the interior.

(ii) Main types of vehicles used.—Personnel Carrier, Prison Van, Goods Truck, Light Van, Ambulance, Station Wagon, Car, Jeep, Motor Cycle, Scooter, Moped etc.

(iii) Special types of vehicles.—These include—(a) Mobile Canteen; (b) Mobile Workshop Van; (c) Workshop Wreckor or recovery van; (d) Break-down Van; (e) Petrol tanker; (f) Water tanker; (g) Trailor; and (h) Ambulance.

Rule-485. Organisation of the Police Motor Transport.—

(1) The Motor Transport Organisation consists of (i) Motor Transport Section at Headquarters of each District/Unit and (ii) Motor Transport Workshops at Baroda and Rajkot.

(2) The Motor Transport Sections, which consist of motor vehicles as well as water crafts in some districts, are generally under the control of the Superintendent of Police of the District or the Commandant of the State Reserve Police Force Groups, as the case may be. However, they are under the technical supervision of the Deputy Superintendent of Police, Motor Transport.

(3) The Motor Transport Workshops are directly under the control of the Deputy Inspector-General of Police, Armed Units, who is assisted by a Deputy Superintendent of Police and a Police Inspector, Motor Transport. At the District Headquarters, the Headquarters Inspector/Sub-Inspector is generally responsible for looking after the Motor Transport Section, whereas at the Headquarters of the State Reserve Police Force Groups, this responsibility lies with the Sub-Inspector, Motor Transport. These officers are assisted by qualified Head Constable Supervisors to supervise the day-to-day work of the drivers, keep the stores and maintain Motor Transport records. In addition, there is a staff of driver mechanics of the grade of Head Constable I and II or civilian fitters for looking after the maintenance and running repairs of Police motor vehicles. The necessary numbers of Driver Head Constables/Constables for driving the vehicles are attached to the district or State Reserve Police Force groups concerned. In addition, Constables trained in driving and having driving licences are appointed as Emergency Drivers.

(4) The Police Motor Transport Workshops are in charge of Police Inspectors, Motor Transport (Foreman), who are assisted by Sub-Inspectors, Motor Transport and other technicians, including drivers and tradesmen. The workshops are equipped to carry out major repairs and reconditioning of motor vehicles.

(5) A Mobile Workshop Van fitted with equipment and manned by technicians is attached to each Range Workshop. This Mobile Workshop tours the various districts within the Range at frequent regular intervals and repairs vehicles on the site. Second line repairs are carried out by the Mobile Workshop.

(6) A Marine Mobile Crew is stationed at Baroda which tours the whole State wherever Police Water Crafts are stationed. Repairs to water-crafts are carried out at site by this Mobile Crew.

Rule-486. Driving Licence.—

(1) Every drive constable must be in possession of a valid civil driving licence.

(2) Government vehicle drivers, who are certified as such by the Superintendent of Police, are exempted from paying testing and driving licence fee and renewal fee.

Rule-487. Duties of the Police Motor Transport Staff.

(1) Duties of the Deputy Superintendent of Police, Motor Transport.—

(i) To advise the Inspector-General of Police on all matters regarding Motor Transport, especially in those cases where expert knowledge is called for.

(ii) To deal with such questions regarding Police Motor Transport as affect the whole State and to advise Superintendents of Police and Commandants of the State Reserve Police Force Groups on the technical side of the question of Motor Transport in their districts or groups.

(iii) To supervise and inspect the work of Police Inspectors, Workshops and Stores, Police Inspectors, Launch Maintenance Officer etc.

(iv) To inspect Police Motor Transport Branches in the districts, Motor vehicles, Launches and boats in the State and to see that they are well maintained.

(v) To interview and test persons for being appointed to the posts of Technicians, Driver Mechanics, Fitters. Drivers, Tradesmen, etc. To arrange and conduct training of Motor Transport staff and to hold upgrading tests.

(vi) To conduct special inquiries in connection with—(a) serious accidents to Police vehicles (b) unsatisfactory working of Motor Transport Section or any individual Motor Transport staff. (c) Indiciplinary conducts of Motor Transport staff, departmental proceedings, etc.

(vii) He will supervise and conduct, if required, training courses for drivers, driver mechanics, Dinghi drivers, etc.

(viii) He will attend to all other matters concerning Motor Transport, entrusted to him by the Deputy Inspector-General of Police, Armed Units, under whose direct control he will be working.

(2) Duties of the Police Inspector, Motor Transport.—The Police Inspector, Motor Transport will perform the following main duties amongst others:--

(i) Test candidates for appointment as driver constables; arrange and conduct training of drivers.

(ii) Inspect thoroughly Police Motor vehicles in the districts and issue defect memos, where necessary.

(iii) See that the defects pointed out during inspection are remedied by those concerned.

(iv) Scrutinize estimates of repair work sent to him by the Superintendent of Police.

(v) Assist in the procurement of spare parts, etc. from wholesale dealers at concessional rates.

(vi) Supervise the work of drivers, mechanics, Motor Transport supervisors, fitters, edtc. And guide them as and when necessary.

(vii) Maintain contact with the officer-in-charge of Motor Transport in each district or State Reserve Police Force Group, advise him on all technical matters when necessary and also to assist in running and maintaining the Motor Transport in the district as efficiently as possible.

(viii) Check the records in respect of Police Motor vehicles, stores, tools and petrol consumption and to point out irregularities etc., if any.

(ix) Carry out such other duties as the Deputy Superintendent of Police, Motor Transport, may from time to time assign to him.

Rule-489. Purchase of Motor Vehicles for Police purposes.—When motor vehicles are to be purchased for the Police Department, the Inspector-General of Police will obtain the sanction of Government in the Home Department and make his own arrangements for the purchase of the vehicles through the Industries Commissioner and Central Stores Purchasing Officer. The Inspector General of Police may directly place orders for building bodies of Police vehicles after inviting tenders.

Rule-490. Types of Police vehicles and certain constructional requisites.—

(1)(a) The bodies of the Police motor vehicles should be constructed of approved types as per specifications and designs as suggested by the Deputy Superintendent of Police, Motor Transport. Detachable metal frame guards should be provided for the front windscreen, near portion and lamps of vehicles for protection from stone throwing.

(b) Closed bodies should not be built on the jeeps which are supplied by manufacturers with removable flaps to close the side-openings and the back-openings.

(c) All irregular modifications like building a metal hood on a jeep, extending the chassis of a jeep to give extra space, etc. should not be done. If there is any need for modification, specific sanction of the Inspector-General should be obtained.

(2)(a) All Police motor vehicles should be given district serial numbers, which should be painted on the front bumper or other suitable place in the front and in the rear as prescribed by the Deputy Superintendent of Police, Motor Transport. No such signs and numbers should be painted on Criminal Investigation Department, State Traffic Branch vehicles and staff cars.

(b) The Police numbers can be exhibited for administrative convenience, in lieu of the regular registration mark on motor vehicles provided that the usual registration marks are obtained at the time of registration so that when these vehicles cease to be the property of the Police Department, they will revert to their normal registration numbers.

Rule-494. Hiring of Motor vehicles for Police purposes.—Except in cases of emergency, Superintendents of Police should submit their proposals regarding hiring of motor vehicles to the Range Deputy Inspector-General of Police, who will see whether the hiring of vehicles is really necessary, taking into account the number of Police vehicles available in the District. Even in cases of hiring of motor vehicles in emergencies, the action of the Superintendent of Police will be subject to the approval of the Range Deputy Inspector-General of Police.

However, during Parliament or State Assembly elections, the Superintendent of Police may directly decide the number of vehicles that should be requisitioned for the election purposes instead of submitting their proposals to the Range Deputy Inspector-General of Police.

Rule-495. Insurance of Police Vehicles.—

(1) All Police vehicles should be got insured against third party risks immediately before they are pressed into service, with the Insurance Corporation directly by the officer concerned to whom the vehicles have been allotted.

(2) All records pertaining to the Police motor vehicles like the renewal of insurance policies, registration certificates, exemption certificates of motor vehicle tax, motor driving licences etc. should be maintained regularly and renewed as per the provisions contained in the Motor Vehicles Act and Rules.

Rule-496. Lending of Police Motor vehicles.—Whenever a Police vehicle is loaned to another District or Unit for a period exceeding one month, relevant records (Registration certificates, History Record Sheets, Log Book, Maintenance Service Log Sheet, M.T.22 ETC.) should always accompany the vehicle and the District or Unit taking over the vehicle should maintain these records for the period the vehicle is used in that District or Unit.

Rule-498. Responsibilities of the user of a Police Motor Vehicle.—The driver is entirely responsible for the vehicle and will drive it whenever required. No Police officer, except an authorized driver, will drive a Police vehicle. In special cases, the Inspector-General of Police may authorize a Police Officer to drive a Police Vehicle, after obtaining a test report from the Deputy Superintendent of Police, Motor Transport. The officer, so authorized, will be responsible for any accident or damage that may be caused to the vehicle.

Rule-501. Maintenance of daily Log and record sheet.—In order to have a clear history of daily performance of each vehicle and to arrive at its operating cost monthly, a record of each vehicle must be maintained in M.T.form No. P.M.214. These forms must be produced at the time of inspection held by the Deputy Superintendent of Police, Motor Transport, and the Police Inspector, Motor Transport, and must be maintained in accordance with their instructions.

Rule-503. Annual performance sheet.—With a view to see whether every vehicle has been used to the best advantage and to improve its condition if necessary, the annual performance sheet in Form No.28 Appendix I should be drawn up for every vehicle on charge in a District or State Reserve Police Force Group. The Deputy Superintendent of Police, Motor Transport and the Police Inspector Motor Transport, should check these sheets during their inspections. The Deputy Inspectors General concerned should also, during their inspections of Districts/Units, ensure that the above orders are followed scrupulously.

9.4 SECTION IV.—POLICE WIRELESS ORGANISATION.

Rule-508. Organisation and staff.—The Gujarat State Police Wireless Grid consists of various types of communication net-works. The State Police Communication net-works consist of the following :--

H.F.(High Frequency) or long distance communication net-work comprising of—

Static or fixed stations.

Mobile and/or transportable stations.

V.H.F. (Very High Frequency) or short distance communication net-work comprising of—

Static stations.

Mobile stations.

Staff:- The organization is under the control of a Superintendent of Police, designated as Superintendent of Police, Wireless, and is worked by two separate cadres of staff, viz:--

Engineering or maintenance staff of the ranks of Deputy Superintendent of Police, Police Inspector, Sub-Inspector, Head Constable, and
Operating or Traffic staff of the ranks of Sub-Inspector, and Head Constable.
High Frequency Net-work.

Static Stations.—Static stations are opened at the Head-quarters of all Districts, S.R.P.F.GROUPS, a few other places of strategic importance and at Taluka Police Stations in certain districts in which normal telegraph and telephone facilities are very poor or do not exist.

Mobiles.—Mobile wireless stations are provided at certain District Headquarters to facilitate quick communication between places of disturbances and district Head-quarters in times of emergency. The main use of the mobile stations is to provide means of quick transmission and reception of urgent messages connected with law and order from and to disturbed areas where normal already means of communication do not exist. Ordinarily these mobiles should be used only during times of emergency.

II. Very High Frequency Net-work.

This system of communication has a limited range covering an area of a radius of about 32 kilometres depending upon the power and aerial system of a station. Such communication is immune to electric and other disturbances and therefore, this system is best suited to big cities and towns for the purpose of patrolling in the cities.

Static stations are used mainly as control stations and are installed in important Police Officers from where generally all Police activities in the cities are controlled. Such stations may also be installed at other places if required.

Mobile stations are provided in vehicles or launches used for patrolling and are in constant touch with their control.

Control stations broadcast messages at scheduled hours or very important messages at any time, meant for all wireless mobile or static stations which are provided with transreceivers for this purpose.

III. Central Monitoring Station.

A Central Monitoring Station is established at Ahmedabad to monitor all the H.F. networks of the State to check whether stations work properly, follow the correct procedure, and maintain channel discipline, and to detect any misuse of the wireless system. For the purpose of investigating and detecting procedural irregularities, mutilations, misuse and delays to messages etc., the Traffic Record of all the H.F. stations is called and scrutinized at this office. Cases of default are reported for action to the Superintendent of Police, Wireless.

IV. Central Stores.

There is a Central Stores established at Ahmedabad which is meant for procurement, storage and distribution of stores required for the entire organization.

V. Central Workshop

There is a Central Workshop set up at Ahmedabad for carrying out major repairs, assembling and installation jobs. Modifications, designing and other experimental work is also done in this workshop.

The State Wireless Organisation is divided into the following:--

Northern Zone.

Southern Zone.

Western Zone.

Ahmedabad City.

State Reserve Police Force Groups and each of the zones above are further divided into two sub-zones.

A Police Wireless Inspector is in charge of a Zone and is responsible for all the stations in his zone. The units at each of the State Reserve Police Force Groups are under the charge of a Police Wireless Inspector. The Unit in Ahmedabad City is under the administrative control of the Commissioner of Police and those at the State Reserve Police Force Groups under Commandants. The Wireless staff of these units are responsible to the Superintendent of Police, Wireless, regarding their technical work.

A Police Wireless Sub-Inspector is similarly in charge of a sub-zone and is responsible for all stations in sub-zone. He works under the general supervision of the Police Wireless Inspector of the Zone. He is provided with a Workshop, Stores and necessary engineering staff to assist him.

One Radio Mechanic is provided at each of the Head-quarters of the districts in which taluka stations are opened. He is responsible for proper maintenance of stations in the district and stores held by him.

Rule-509. Control over personnel of Police Wireless Organisation.—

(1) The engineering as well as the operating staff are, in the performance of their technical duties, under the direct control and supervision of the Superintendent of Police. Wireless, who will exercise such control and supervision, subject to the general control of the Inspector-General of Police.

(2) Police Wireless Inspectors, Police Wireless Sub-Inspectors (Engineering and Traffic), Radio Mechanics and Electricians, who are not posted for duty for any particular district, will be under the administrative control of the Superintendent of Police, Wireless who will maintain their service records and also deal with all questions regarding their pay, travelling allowance, leave, etc. In the case of Head Wireless Operators and operators, whether posted for duty to a District Wireless

Station or to a Regional or Inter-State control, the Superintendent of Police of the head-quarters of the station concerned will exercise control over them in all such matters. Applications for leave other than casual leave from Head Wireless Operators and Wireless Operators will however, be submitted through the Superintendent of Police, Wireless, to enable him to arrange for substitute etc.

(3)(i) Head Wireless Operators and Operators (ranked as Police Head Constables) posted to District Wireless Stations shall be under the disciplinary control of the local Superintendent of Police and those posted to the State Reserve Police shall be under the control of the Commandant.

(ii) Head Wireless Operators, Wireless Operators, Radio Mechanics and Electricians (also ranked as Head Constables) posted to Inter-State and Regional Control Stations shall be under the disciplinary control of the Superintendent of Police of the head-quarters of the station concerned, and those at the Training Centre, and other Wireless Establishments at the head-quarters of the Wireless Grid, shall be under the disciplinary control of the Superintendent of Police, Wireless.

(iii) Police Wireless Inspectors and Sub-Inspectors (Engineering and Traffic) shall be under the disciplinary control of the Superintendent of Police, Wireless, and the Inspector-General of Police.

(iv) Normal default cases of Head Wireless Operators, Operators, Radio Mechanics and Electricians arising out of discipline should be inquired into and dealt with the finality by the Superintendent of Police concerned, the Commandant, State Reserve Police Force or the Superintendent of Police, Wireless, as the case may be.

(v) Defaults cases of the personnel mentioned in clause (iv) above arising out of technical matters should be enquired into by the Superintendent of Police, Wireless and the papers forwarded by him with his recommendations for final disposal to the Superintendent of Police concerned or the Commandant, State Reserve Police Force, as the case may be.

(vi) Default cases of Police Wireless Inspectors and Sub-Inspectors (Engineering and Traffic) whether arising out of discipline or technical matters should be enquired into by the Superintendent of Police, Wireless, and the papers forwarded by him with his recommendation to the Inspector-General of Police for final orders.

Rule-511. Duties of the Wireless Staff.—

The Superintendent of Police, Wireless, is responsible for maintenance of the Police Wireless equipment and for wireless traffic carried over the Police Wireless Grid in the whole of the State. He is assisted by the engineering staff in the work of maintenance and by the operating staff, so far as the traffic side is concerned.

Subject to such additions or modifications as may, from time to time, be made by Superintendent of Police, Wireless, the subordinate staff have to work as per guidance of the Superintendent.

Rule-514. Reciprocal arrangement with Military signals stations for dispatching wireless messages in emergencies.—

(1) The following procedure for use of Army wireless facilities by the Police will be followed, when Police wireless system breaks down or is not available:

This facility can be availed of at the places where Army Wireless Stations exist.

Police messages must be written on the army message form reproduced as Form No.29 as per Appendix.

In using the Army form, the officer sending message must indicate the degree of priority in the space provided in the bottom left hand corner of the form.

Messages will be handed in by a Policeman in uniform carrying his Sanad at the Army Signals office.

Messages will be handed in by a soldier in uniform carrying identification documents and these must always be examined.

Messages received over the Police Wireless Grid addressed to Army Officers or units will be sent immediately by the operator on duty to the Superintendent of Police or in his absence, to the Home Inspector or, in his absence to the Police Inspector or Sub-Inspector, Head-quarters.

9.5 SECTION V—MOUNTED POLICE UNIT.

Rule-515. Object of the Mounted Police.—

(1) Government horses have been supplied to certain districts according to the need of each district for—

Organized operations against mobile gangs of criminals.

Patrolling for the prevention of dacoities, highway robberies, crop thefts, damage to crops, etc.

Control of crowds and the dispersal of disorderly mobs,

Assistance to foot police in traffic control,

Process serving, message carrying and escort duty where conditions are suitable, and

Bandobast in Sawari and procession.

(2) No less than two mounted Policemen should be detailed for patrolling purposes.

Rule-516. Organisation of Mounted Police Unit.—The Mounted Police Unit consists of Risakdar Majors of the rank of Police Inspectors. Risakdars of the rank of Police Sub-Inspectors, Dafedars of the rank of Head Constables, Sawars of the rank of Police Constables, Syces and Sweepers.

Rule-517. Duties of the personnel of Mounted Police Unit :--

(1) Duties of Risaldar Major (Inspector)—He will inspect the stable lines as often as possible and verify that the instructions are properly carried out.

(2) Duties of Risaldar P.S.I. and Dafedar.—He will see that the Sawars and Syces take proper care of the horses allotted to them.

(3) Duties of Sawar.—He will keep proper attendance and will look after the horse allotted to him.

(4) Duties of Syce.—He will do grooming of horses allotted to him.

Rule-518. Purchase of horses.—

(1) The horses will be purchased by a committee consisting of (i) a Deputy Inspector-General of Police, (ii) Risaldar Major (Inspector) and (iii) a representative of the Director of Animal Husbandry but not below the rank of a Deputy Director. The horses shall be of the specifications and price as may be prescribed by the Government from time to time. The price of the horse/mare shall be arrived at looking to the merits of each horse/mare keeping in view the prevalent market rates.

(2) After the purchase of the horses, steps should be taken to prevent the mares in the Police Department from getting conceived. For this purpose, the horse should be got castrated as soon as the same is included in the Mounted Police Unit and before the horse gets mixed up with mares of the Unit. All other steps should be taken by the officer concerned in consultation with the local Veterinary Doctor in order to achieve this goal.

Rule-520. Training.—Training to recruits is imparted at Ahmedabad centre for a period of 37 weeks during which period they will be taught:--

To ride and handle their horses in a horsemanlike manner.

Mounted squad drill,

To saddle, unsaddle and to groom a horse thoroughly,

Stable management i.e. to keep their horses healthy and in good condition and the stable clean, and

To lay out their stable gear properly for inspection.

Rule-525. Procedure for feeding Dogs and Camels.—The procedure laid down for feeding horses shall also apply to the extent possible to the dogs and camels. The only difference will be that in case of dogs, all feed will be fresh and the bulk purchase register will be redundant.

9.6 SECTION VI.—ADDITIONAL POLICE.

Rule-526. Supply of guards or escorts to private individuals or bodies.—

(1)(a) If Police are needed by private persons to guard their property or keep the peace, they may be supplied by Commissioner of Police or the Superintendent of Police, as the case may be, on the terms prescribed by Section 22 of the Bombay Police Act.

(b) When private parties or companies apply for a Police party to escort treasure, the strength should be determined by the officer applied to on a consideration of the amount of treasure and the danger that is apprehended.

(c) Furnishing private individuals, when proceeding on a pilgrimage or any other journey with a Police escort is objectionable.

(2) It is only in very exceptional cases that a permanent escort is required for the custody of Public Works Department treasure for payments to workmen. As a general rule, the Sub-Inspector of Police of the Police Station, through the limits of which the cashier passes, should be requested through the Mamlatdars to make the necessary arrangements for escort.

(3) Police protection should be given to the Bailiffs carrying cash and other valuables attached in the execution proceedings when the value of the property attached is Rs.500 or more and whenever they apprehend danger and ask for protection. The number of Policemen required on such occasions, which would not be large should be provided from the existing strength of the Police Stations concerned.

(4)(a) As a general rule, Police supplied to Municipalities, private companies and others should be changed at regular intervals, i.e. as far as possible, every year. They should be trained men from the permanent force, and recruits should be entertained in the lowest grades to fill up the temporary vacancies caused by the transfers of such permanent men. As soon as regular vacancies occur, the men holding the temporary appointments should be transferred to the permanent vacancies.

(b) Where, however, as in the case of the guards supplied to the various branches of the State Bank of India, the arrangement is a permanent one, the vacancies so caused should be filled up permanently by the enlistment of recruits.

(c) When additional Police are required for employment by private companies etc., the Commissioner of Police or Superintendents, as the case may be, should select men who will obtain some substantial pecuniary advantage from the deputation, which is necessary as a set off against the inconvenience and pecuniary loss involved in maintaining two separate establishments. Thus a senior constable should be detailed for a Head Constable's appointment in the additional Police and so on.

Rule-528. Cost of Additional Police.—

(1) The pay of Police Guards or escorts supplied to private companies or private individuals should be recovered in advance by Superintendents of Police and paid into the treasury. In addition to the pay, recoveries should be made:-

Rule-529. Additional Police for disturbed areas.—

(1) The following procedure should be followed by the District Magistrate while sending proposals to Government for employing additional Police under Section 50(1) of the Bombay Police Act :--

If the District Magistrate agrees with the proposal of the Superintendent of Police for additional police he shall forward it directly to the Home Department with his endorsement.

In case the District Magistrate does not agree with the proposal of the Superintendent of Police he shall forward it to Range Deputy Inspector General of Police, giving his views. The Range Deputy Inspector General of Police shall record his recommendations and forward the proposal to the Inspector General of Police who will properly record his views and in case he agrees with the District Magistrate, he shall file the papers under intimation to Deputy Inspector General of Police, District Magistrate, and Superintendent of Police. If he does not agree with the District Magistrate, the Inspector General of Policed, will forward it to the Government giving his views and the Government will decide the proposal.

(2) Whenever any proposal for the establishment of an additional Police post is submitted to the Government for sanction, it should be accompanied by information showing the population of the village in which, and at the cost of which, it is proposed to establish the Police post, and the average incidence of the taxation which the maintenance of the post will necessitate.

(3)(a) In all applications for additional Police etc., the Superintendent should report to the District Magistrate how many men are intended to be armed and how many unarmed and also the number and the kind of arms, accoutrements and articles of

clothing required. They should be all carefully estimated after deducting the articles which can be issued from stores.

(b) District Magistrates should address the Inspector-General of Police as regards the arms, accoutrements and clothing which may be required.

(4) Applications for the continued employment of additional Police previously sanctioned should be submitted at least two months before the expiry of the period sanctioned, to enable Government to issue the requisite orders under Section 50 of the Bombay Police Act before the period expires.

(5) It is not necessary to obtain Government orders to the cessation of a post of additional Police at the conclusion of the term for which it is sanctioned. Unless a continuation of the term is sanctioned, the temporary employment necessarily terminates at the end of the term.

9.7 TRAFFIC BRIGADE:

In Commissioner Area and District Places a new concept has introduced by the Police Department. Commissioner and Superintendent of Police have powers to establish a separate brigade for Traffic control in the big cities. The officers have powers to appoint on fix remuneration the members of Traffic Brigade. Their work is to assist the Traffic Branch. By this concept the police department receives more members in their staff. The members of traffic brigade have no separate powers. Their work is only to assist and help the Traffic Constable and Head Constable of police force. The member of Traffic Brigade has to work for 8 hours and receives the minimum salary of Rs.3500/- per month. By this act they become trained and familiar by police work and in future they have a scope to select in regular police force. By the help of Traffic Brigade police can adjust the duty hours of their regular staff in the critical situation of these days. Because there is any much shortfall in police staff.

CHAPTER-X

(10) AUXILIARY ORGANISATIONS:¹

10.1 SECTION I—VILLAGE POLICE.

Rule—534. Appointment and Control over Village Police.—

(1) The Village Police Organisation is constituted under the Bombay Village Police Act, of 1867. The administration of the Village Police in each district is vested in the District Magistrate, who may delegate any portion of it to an Assistant or Deputy Collector, being a Magistrate of the First Class.

(2) The power to appoint village officers cannot be delegated to the Superintendent of Police. The only provisions authorizing a transfer of authority are those in Section 4 of the Bombay Village Police Act and Section 46 of the Bombay Police Act, and in these provisions the authority capable of being delegated by the District Magistrate is limited to authority for “purposes of police” or “police purposes”. The phrases must clearly be taken as meaning “for purposes of police work and functions”, and the provisions as allowing delegation of control over the Village Police only in respect of the performance of their duties as such.

(3) A Sub-Divisional Magistrate, before appointing a Police Patel for any Village in which a vacancy has occurred or is expected shortly to occur, should notify the Police officer in charge of the sub-division of his intention and ask him to bring to his notice before a fixed date any facts concerning the persons eligible for the appointment which it is desirable from the Police point of view that he should know.

(4) District Magistrates will carefully protect and control the Patels. Charges of neglect of duty or other misconduct preferred against these officers should be investigated solely by them.

1. Bombay Police Manual Part-III. Chapter XI. Pages 369 to 382.

Rule-535. Training of village Police.—In addition to the annual courses of instruction required to be conducted by Deputy Collector of the Revenue Department, Superintendents of Police and Sub-Divisional Officers should call in Police Patels at the time of their inspection of the nearest Police Stations or Outposts and give them general instructions about their duties and particularly about crime and allied matters.

Rule-536. Powers of Police Patel in the matter of arrest.—

(1) It is unnecessary to define serious offences for which Police Patels may arrest under Section 12 of the Bombay Village Police Act. Offences which are not ordinarily serious may become so at certain times and in certain localities.

(2) For the re-arrest by the District Police of a person sent under arrest by the village Police, reference should be made to Rule 183.

Rule-537. Duties of Police Patel.—

(1) The duties and responsibilities of Police Patels are laid down in a booklet entitled “Instructions for the Guidance of Police Patels (1951)”, and Sections 6 to 9 of Village Police Act.

(2)(a) It is also the duty of the Police Patel to assist any traveler, whatever his race may be, who from sickness is unfit to continue his journey, and especially not to allow the sick traveler to suffer from want of shelter, of food, or of attendance.

(b) On hearing of any such person having arrived at the village or being on the road or in the fields in a helpless state of sickness, the Police Patel should at once ascertain all the circumstances of the case.

(c) The sick, helpless traveler should be taken to a dharmshala or sarai or to other available shelter, and the Police Patel should ensure that he is supplied with necessary food and water, and such other aid as his sickness may require and can be given. He should protect the sick person’s property from theft.

(d) The Police Patel should at once send a messenger to inform the friends of the sick man of his condition, if they are in the same taluka, or in any villages not more distant than if they were so. Otherwise he should, without delay, report all the circumstances of the case to the Sub-Inspector or Mamlatdar, who will acquaint the

friends with the traveller's state or, if necessary, will arrange for his removal to hospital or to his home.

(e) If the sickness of the traveler is cholera, he should be accommodated outside the village in a vacant building, if there is one procurable. If there is no such building, he should be sheltered as well as possible with a pal, a tent or a booth under a tree, but not near a well or a tank. The Police Patel should arrange also that the sick person has an attendant and that all his wants are supplied.

(f) The lota of a person ill with cholera must not be used in drawing water for him from the well or tank. The water he requires must be drawn otherwise, and then poured into his own lota or cup.

(g) The surface earth of any floor on which a person sick with cholera has lain should be scrapped off and buried of a distance from water or houses, in a hole dug for the sick man's vomit or other discharges.

(k) In the absence of the Police Patel, the Revenue Patel should carry out these duties.

(f) The Patel should send to the Mamlatdar a memorandum of expenses incurred, which, if found correct and reasonable, should be paid in the event of there being no friends of the sick man able to defray the charges.

(3) The prompt relief of shipwrecked persons is considered to be part of the duty of Police Patels. They also have discretionary power to incur some small expenditure for the purpose, all the circumstances being at once reported to the nearest taluka officer.

(4) A Police Patel appointed under the Bombay Village Police Act of 1867, is a village Police officer in the State for the purposes of Sub-section (1) of Section 40, Criminal Procedure Code.

(5) It is not the duty of village watchmen to watch the camp of any officer by night or to serve as an escort to officers of the district Police when moving about. Such a withdrawal of the Village Police from their legitimate duties is prohibited, and the employment of men brought from other villages is an abuse.

Rule-538. Emoluments of Village Police.—

(1) When village watchmen are employed to watch the camp of any officer by night, except by the wish of the people themselves of a village where the custom of village responsibility is still kept up, they should be paid. Even in the latter case, more than a couple of men should rarely be necessary and any in excess of this number should be paid for.

(2) A diet allowance of 25 Rs. Per day should be paid to village Police Patels and inferior village servants, whenever they are deputed to guard railway lines on the occasion of the journey of the President of India the expenditure being debited to the grant for other charges under “Other Items—A” of Non-contract Contingencies-District Executive Force.”

(3) Village servants authorized by their Police Patels to travel by rail or passenger bus for the prompt communication of reports of murder, attempt at murder, culpable homicide, dacoity or any serious rioting to the Police Station should be reimbursed their actual expenses for onward and return journeys, the expenditure being debited to the Superintendent’s non-contract contingencies.

(4) The cash chest on village famine works should be guarded by village Police employed on the A class wage.

10.2 SECTION II—SPECIAL POLICE.

Rule-539. Enrolment of Special Police.—Authority for the enrolment of Special Police Officers is contained in Section 21 of the Bombay Police Act for the districts in the State, Special Police Officers are to be enrolled only in emergencies. It is, therefore, necessary to give wide discretion as to their enrolment and employment to the officers authorized by law to appoint them and responsible for handling them in the manner best calculated to deal with the emergencies. But this discretion is to be exercised in accordance with the following instructions:--

(1)(a) The Commissioner, the Superintendent, or any Magistrate specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the age of 18 and 50, whom he considers fit to be a Special Police

Officer to assist the Police force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(b) The authorities concerned should prepare and maintain confidential lists of respectable persons throughout their districts who are likely to be both fit and willing to serve as Special Police Officers when called upon. The names of any individuals likely to prove of more use as informants should be excluded from these lists. Copies of the lists should be furnished to the Sub-Divisional Police Officers. The maintenance of these lists is designed to save time in emergencies, but is in no way to fetter the discretion of local officers, should it be desirable to call upon individuals, classes or communities who do not appear on them.

(2) Special Police Officers should be appointed by voluntary enrolment.

(3) Every person enrolled should receive a formal certificate of enrolment in the prescribed form and should be known as a Special Police Officer.

Rule-540. Equipment of Special Police.—

(1) Special Police Officers should be distinguished by a red brassard, four inches in width, conspicuously marked with the letters S.P.O. This badge should be worn on the left arm.

(2) Special Police Officers should be armed with batons or lathis at the discretion of the Superintendent of Police; but responsible Special Police Officers may be provided with suitable firearms, when engaged on particularly responsible or dangerous duties.

Rule-541. Allowance admissible to Special Police.—Special Police Officers will ordinarily receive no remuneration for their services, but an allowance may be made for expenses actually incurred, provided that the amount can be met from the grants at the disposal of the Superintendent of Police. Rewards for special services may be granted under the rules regulating the grant of rewards to regular Police officers.

Rule-542. Duties of Special Police.—

- (1) The function of Special Police Officers is to assist the regular Police.
- (2) Ordinarily the duties to be assigned to Special Police Officers should be—
 - (a) patrol and simple routine duties, and
 - (b) the collection and communication of information.

They should not save, in emergencies, be employed in direct contact with riotous mobs.

(3) Discipline must necessarily be strict in emergencies and should not be relaxed in the case of Special Police Officers; but care should be taken to employ them only on duties which they are capable to carrying out. Their employment on menial and other work calculated to offend their reasonable susceptibilities should be studiously avoided.

(4) They should attend lectures and parades only to the extent necessary to give them a proper understanding of their duties and the use of the weapons with which they are armed.

(5) Every Special Police Officer so appointed shall on appointment have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

10.3 SECTION III—HOME GUARDS.

Rule-543. Organisation, appointment and training of Home Guards—

(1) The Home Guards is a voluntary body organized under the Bombay Home Guards Act, of 1947 as amended from time to time, and is intended to supplement the ordinary Police Force in different parts of the State in relation to the protection of persons, security of property and public safety, as may be assigned to them in accordance with the provisions of the Act and the rules made thereunder. It is essentially a civilian body, but it nevertheless bound by discipline of a standard almost equal to that of Police Department.

(2) The Home Guards consist of the Commandant General, the Commandants and several Subordinate officers is command of divisions, companies, platoons, sections,

etc. The State Government shall appoint the Commandant General and a Commandant of each of the Home Guards. Subject to the approval of the Commandant General, the Commandant may appoint as members of the Home Guards such number of persons who are fit and willing to serve, as may from time to time be determined by the State Government, and may appoint any such member to any office of command in the Home Guards.

(3) Notwithstanding anything contained in sub-rule (2) above, the Commandant General may, subject to the approval of the State Government, appoint any such member to any post under his immediate control.

(4)(a) A member of the Home Guards when called out under Section 4 of the Bombay Home Guards Act, 1947, shall have the same powers, privileges and protection as an officer of the Police appointed under any Act for the time being in force.

(b) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions or duties as such member except with the previous sanction of the Commissioner of Police or the District Magistrate as the case may be.

(5) A member of the Home Guards when called out under Section 4 of the Bombay Home Guards Act, 1947, in aid of the Police Force, shall be under the control of the officers of the Police Force in such manner and to such extent as may be prescribed by rules made under Section 8 of the Bombay Home Guards Act.

(6) The arrangements for escorting arms and ammunition belonging to the Home Guards from one place to another should be made by the Home Guards themselves. In exceptional cases, however, where the Commandants feel that it is necessary that Police should escort arms and ammunition at a particular place due to peculiar circumstances, the District Commandant should always obtain the services of policemen to escort the arms and ammunition in consultation with the Superintendent of Police.

(7) Cash rewards are granted to all members of Home Guards Organisation in recognition of conspicuously good work or work of outstanding nature.

(8) The training to Home Guards as drivers, etc. should be given on vehicles belonging to Government Departments or Semi-Government Departments, at places where necessary facilities are available.

(9) No fees should be recovered from the Police Department or the Municipality for the issue or renewal of licences or learner's licence in respect of such Home Guards as may be trained as drivers and conductors on the vehicles belonging to the Police Department or the Municipality. This facility is not extended in respect of vehicles belonging to other agencies.

(10) Home Guards may carry arms while carrying out prohibition raids or engaged in the detection of smuggling of liquor or illicit distillation, but they are not permitted to retain the arms when not on duty. The arms to be drawn from the Police Armoury by the Home Guards before proceeding on duty and returned to Armoury immediately the duty are over.

10.4 SECTION IV—GRAM RAKSHAK DAL

Rule-544. Objects of Gram Rakshak Dals.—

(1) Gram Rakshak Dals have been in existence in one shape or another since 1948. The Government in 1956 incorporated Section 63-B in the Bombay Police Act, prescribing the organization and functions of the Gram Rakshak Dal. In the year 1965, a new wing known as Sagar Rakshak Dal was raised in the coastal villages. Later, Mahila Gram Rakshak Dals were also raised.

(2)(a) Gram Rakshak Dals are an auxiliary to the Police, constituted under section 63-B of the Bombay Police Act, 1951, and are chiefly meant for the defence of the villages against depredations of dacoits and other types of criminals and protection of persons, the security of property and public safety in villages.

(b) The Sagar Rakshak Dals extend this activity into the Seas and help to maintain vigil on the long coastline of the State particularly during the outbreak of hostilities.

Rule-545. Organisation of Gram Rakshak Dal.—

- (1) At State level, there will be a Superintendent of Police, Gram Rakshak Dal, of the rank of Superintendent of Police on the establishment of and directly under the Inspector-General of Police for co-ordinating training and activities of the Gram Rakshak Dal.
- (2) There will be a Police Sub-Inspector at State level with his Headquarters at Veraval in Junagadh District on the establishment and under the supervision of the Superintendent of Police, Gram Rakshak Dal, for organization of the Sagar Rakshak Dal.
- (3) For each district, there will be a Police Officer of the rank of Sub-Inspector for the organization and supervision of the Gram Rakshak Dals in the district. There will be a District Honorary Officer of the Gram Rakshak Dal at District level appointed by the Superintendent of Police of the district.
- (4) There will also be a District Honorary Mahila Gram Rakshak Dal Sangathak at district level appointed by the Superintendent of Police.
- (5) There will be a Head Constable for each Taluka for training and looking after the work of Gram Rakshak Dals.
- (6) There will be Honorary Taluka Gram Rakshak Dal Officer at taluka level appointed by the Superintendent of Police of the district.
- (7) There will also be a Taluka Honorary Mahila Gram Rakshak Dal Sangathak at taluka level appointed by the Superintendent of Police of the district. The work of the Honorary Taluka Mahila Gram Rakshak Dal Sangathak is on voluntary basis. They are not entitled to any honorarium.
- (8) Under each taluka officer, there will be Naik and Up-Naik for each village. The Naik and Up-Naik will be appointed by the Superintendent of Police of the district on the recommendation of the Taluka Honorary Gram Rakshak Dal Officer. The Naik, and in his absence Up-Naik, will be in charge of Gram Rakshak Dal in the village, who will enroll members in consultation with the officers.

(9)(a) The Gram Rakshak Dals are formed generally in villages having population of less than 5000. Gram Rakshak Dal, if it already exists in a village having population of more than 5000, is to be continued. A Village having population of more than 5000 or if it is a taluka Headquarters with population less than 5000, previous sanction of the Government is necessary to establish Gram Rakshak Dal in such village.

(b) Gram Rakshak Dals now in existence need not be wound up only because the population has increased but if the Home Guards desire to start a unit, they should do so, first preference should be given to qualified members of the Gram Rakshak Dal and Gram Rakshak Dal Unit then be wound up.

(c) In villages with more than 5,000 population, the Gram Rakshak Dals could be started if the Home Guards have no interest of starting a unit in the future.

Rule-546. Control over Gram Rakshak Dals.—

(1) The whole Gram Rakshak Dal organization in the district will be subordinate to the Superintendent of Police who, in turn, will be under the control of the District Magistrate.

(2) The Superintendent or any officer authorized by him in this behalf may at any time by order in writing remove any member or officer of a Gram Rakshak Dal if in his opinion the continuance of such member or officer is undesirable. When the Superintendent or the authorized officer makes such order of removal, he shall record the reasons therefor and a note of the inquiry made and no such order shall be made, unless the person concerned is given an opportunity of being heard in his defence.

Rule-548. Eligibility for appointment of members and officers of Gram Rakshak Dals.—

(1)(i) The Superintendent of Police, with the previous approval of the Government, is empowered to determine the terms and conditions of service for the members and officers of Gram Rakshak Dal in the District under sub-section (8) of Section 63-B of the Bombay Police Act.

(ii) Every person between the age of 20 to 50 residing in a village having good character, antecedents and civic sense and educated upto VII standard vernacular is eligible for appointment as the member of Gram Rakshak Dal provided that the Superintendent of Police may relax the condition if he is of the opinion that the person is otherwise capable of understanding and carrying out the duties of a member.

(iii) Every Mahila between the age of 20 to 50 years is eligible for appointment as the member of Gram Rakshak Dal.

(iv) A person of repute wielding social influence in the villages should be selected and appointed for the post of a Naik and Up-Naik by the Superintendent of Police on the recommendation of Taluka Gram Rakshak Dal Officer.

(2) Before a person is enlisted as member of the Gram Rakshak Dal, his character and antecedents should be verified.

(3) A person desirous of appointment as a member of the Gram Rakshak Dal shall make an application to the Superintendent of Police in form No. PM. 223.

(4) The Superintendent of Police of the District, as provided in Section 63-B of the Bombay Police Act, shall be the appointing authority for the members of the Gram Rakshak Dal. However, in making these appointments, the Superintendent of Police will be assisted by the Honorary Gram Rakshak Dal Officers.

(5) Each member of the Gram Rakshak Dal will be issued with a certificate of appointment by the Superintendent of Police of the District as prescribed in sub-section (10) of Section 63-B of the Bombay Police Act.

(6) The Superintendent of Police will also consult the village Panchayats while selecting personnel for the Gram Rakshak Dal, as the village Panchayats being elected bodies, they will be able to infuse enthusiasm in the villagers.

Rule-549. Training.—

(1)(a) After the required number of members in any village is enlisted and the character and antecedents of the members are verified, arrangements should be made to impart training to them at the village itself.

(b) Taluka Gram Rakshak Dal Head Constable, under the guidance and supervision of Gram Rakshak Dal Police Sub-Inspector will impart training to the members.

(c) The training for the members of Gram Rakshak Dal at the village will be for duration of 15 days.

After the principal training is over, the members of the women's wing shall also be trained in First-aid and Home-nursing through the Director of Public Health and the Rural Health Units in the second year of their service in the Gram Rakshak Dal.

(2) The training to Naiks and Up-Naiks will be imparted at taluka level for duration of 15 days for the newly appointed Naiks and Up-Naiks and also a short refresher course for duration of 7 days under the guidance and supervision of the Police Sub-Inspector, Gram Rakshak Dal with the assistance of Honorary Gram Rakshak Dal Officer.

Rule-551. The legal position of Gram Rakshak Dals.—(1) Every member of a Gram Rakshak Dal and every officer appointed under Section 63-B of the Bombay Police Act, 1951, when called out for duty, shall have the same powers and privileges and protection, as a Police Officer appointed under the Bombay Police Act.

(2) The members of Gram Rakshak Dals, when summoned on duty by the Superintendent of Police, whenever necessary, are on active duty, as laid down in Section 63(10)(b) of the Bombay Police Act and as such they are considered as public servants and consequently entitled to legal aid under rule 262 of the Police Manual, Volume I.

Rule-557. Honorarium and duty allowance.—(1) (a) The District Honorary Gram Rakshak Dal officer and the District Honorary Mahila Gram Rakshak Sangathak shall be paid honorarium of Rs.150 per month and the Taluka Honorary Gram Rakshak Dal officer shall be paid honorarium of Rs.75 per month, after obtaining their monthly notes.

(b) The Honorary Taluka Mahila Gram Rakshak Dal officers work voluntarily in talukas and they do not get any honoraria.

Rule-560. Issue of Identity Cards.—(1) Identity cards to the Honorary Gram Rakshak Dal Officers and the Taluka Gram Rakshak Dal Officers should be issued.

(2) If the services of the Honorary Gram Rakshak Dal officer are terminated for any reasons, the identity card shall have to be returned.

Rule-561. Facilities to Government Servants.—Employees of Government, Panchayats, Semi-Government organizations and Corporation bodies who are enrolled as regular and active members of Gram Rakshak Dals, when called out for training or duty in connection with Gram Rakshak Dal activities, should be considered as on duty.

Rule-562. Concession of free medical attendance and treatment.—The members of the Gram Rakshak Dal including Mahila and Sagar Rakshak Dal are entitled to free medical treatment in General Wards at all Government medical institutions and those medical institutions transferred to Panchayats.

10.5 SECTION V—POLICE WATCHMEN.

Rule-564. Working of the Police Watchman System.—(1) The Commissioner/Superintendents of Police are authorized to establish, with the previous sanction of the Inspector-General of Police, the system of the Police supply of watchmen, wherever a demand for such watchmen by private individuals shows itself as likely to exist.

(2) The system is to be worked on the following lines :--

(a) Private persons requiring the services of a Police Watchman apply to the Commissioner/Superintendent of Police.

(b) The Commissioner/Superintendent of Police supplies one, if he can and if he thinks fit.

(c) The men selected by the Commissioner/Superintendent of Police are men of whom the Police know something, often pensioners; in fact, the selection by the Police of a man for service as a Police Watchman is a guarantee of his character, respectability and reliability.

(d) The amount on account of pay, etc. of the Watchman and an additional amount of Rs.10/- is recovered per month in advance from the employer. The employer is required to credit this sum to the Watchman Fund on receipt of advance bill from the office of the Commissioner/Superintendent of Police.

(e) The advantages to the employer are that he gets a night watchman of approved character and antecedents and as the man is under the orders of the Commissioner/Superintendent of Police, his work is supervised by the subordinate Police, particularly at night by night patrols who know where Police Watchmen are employed and look them up to see if they are alert.

(f) The advantages to the Police are that for practical purposes they are assisted by an auxiliary body of men who help the Police to some extent in the duties of watch and ward at night.

(g) The men go on duty at 6 p.m. and come off at 6 a.m. and are mustered for duty in the Police section in which their employers' bungalows are situated.

(h) They are paid by the Commissioner/Superintendent of Police direct like ordinary Police. They are entirely under the departmental control and orders of the Commissioner/Superintendent of Police and he alone can fine or punish them. The employers are not authorized to do so.

(i) The difficulty under the system is that of collecting pay. With some employers great difficulty is experienced in recovering the watchman's pay punctually. In supplying watchman, therefore, the Commissioner/Superintendent of Police has to be greatly influenced by the consideration as to whether the employer is a person likely to be punctual in his payments and to pay without having to be dunned and corresponded with.

(j) An employer is required to give a fortnight's notice in the event of his being desirous of dispensing with the services of a Police Watchman supplied to him.

(k) Credits on account of pay of Watchman are made to the Watchmen Fund.

(l) Credits on account of pay of Watchman are made to the Watchmen Fund.

(3) The system is essentially a private one. Under the system, Commissioner/Superintendent of Police is the agent through whom such watchmen are employed, and is vested with such powers only as vested in a master over his servant, taking this special duty upon himself in the interests of the public safety, which it is his duty to secure.

Rule-567. Supply of Watchmen to Government Departments.—

(1) Government Departments should ordinarily engage watchmen through the agency of the Commissioner/Superintendent of Police. These watchmen are not be enrolled as members of the Police Force, nor will they have the powers of Police officers. They will be under the control of the Commissioner/Superintendent of Police, but their pay should be billed for by each office or department employing them.

(2) The officers and departments concerned should make the necessary provision on account of these charges in their own budgets.

(3) The intervention of Police authorities in the matter of employment of night watchmen to guard Government buildings is mainly with a view to selecting suitable men and keeping proper control over them, and proposals, if any, for an increase or decrease in the pay of these watchmen should emanate from the Departments which pay for their service

Rule-568. Supply of Watchmen to private organization like Banks etc.—Subject to such modifications relating to clothing, hours of work, etc., the watchmen will be supplied to such organizations. But the disciplinary control and other rights will be according to any laws, rules and awards that may be in force relating to such trade, industry or organization.

CHAPTER-XI

(11) A POLICE FOR THE FUTURE:¹

11.1 LAW POLICE AND ORDER POLICE.--SEPERATION.—

logical sequence and as a necessary corollary to the separation of the Judiciary from the Executive by the Cr PC of 1973 it is perhaps highly desirable to separate Law Police (Investigation Police) from the Order Police (the Law and Order Police) without any further delay. The benefits of such a separation are, indeed, manifold. (See 1999 Criminal Law Journal, Journal Section 140 at 143.

Public co-operation is necessary for a police force to be efficient. It would be difficult for the present police force to win the confidence of the people. Efficiency of the police will not go beyond a point without a positive response from the people. And the public might not co-operate with the police till they show efficiency and an awareness of the problems of the people. Therefore, reorganization and reorientation of the police force is essential to sensitise them to the needs of society.

One approach to police reorganization could be to reorganize the existing set-up by removing the deficiencies and anomalies and redesigning the training programme. Another approach, though radical, would be to have a complete break with the past, i.e., reconstitution of the entire police force on a scientific basis and in accordance with the needs of Indian Society.

11.2 RECRUITMENT:

An efficient force can be built up only if persons with an aptitude for the particular job are recruited. In fact, this is the maxim of recruitment in the defence forces. The rigorous tests an aspirant for the defence forces has to go through have been carefully planned to select the persons best suited for the job. The police will have to adopt this maxim to improve organizational efficiency. No serious thought has been given to recruitment policy.²

1. Police Changing in India p.234.

2. Police Changing in India p.127.

A Democratic Police Act for India¹

Devika Prasad, Access to Justice Programme, Commonwealth Human Rights Initiative Dating from 1979, successive governments have promised police reform to the people of India. Numerous high level Commissions have carried out extensive analysis of the problems in policing, identified key areas of concern, and most importantly provided specific recommendations to release systemic reform of the police, none of which have been implemented. Complementing these government driven reform plans, individuals and communities across the country are constantly experimenting in more informal ways to bring the police closer to the public at the community level. In spite of these initiatives and India's democratic ethos, the police remain a feudal, coercive force rather than a democratic, responsive public service. The simple answer for this is the absence of political will to truly transform the police into an accountable, transparent, rights-affirming law enforcement agency. Another opportunity for reform is upon us. In September 2005, the Government of India formed a Police Act Drafting Committee to draft a new Police Act. Policing continues to be governed by the antiquated Police Act of 1861, which falls exceedingly short as a legislative basis to establish the kind of policing system the people of India are entitled to.

As the world's largest democracy, India deserves, democratic policing. The concept of democratic policing implies an approach based on norms and values derived from democratic principles. A Police Act that is shaped by democratic norms and human rights standards can lay a firm foundation for democratic policing. In effect, it is the Police Act that creates the structure and hierarchy of the police organization, and generally defines the scope of police responsibilities and powers. Writing in an explicit reference to human rights in the police's legal mandate can help shape an orientation towards rights-focused policework in practice. The 1861 Act, pre-dating the Universal Declaration of Human Rights and the end of imperialism, makes no reference to the protection of human rights and civil liberties but focuses on the functions of the police related to colonial-style maintenance of law and order.

1. Report of Malimath Commission.

More progressive police legislation from other countries does contain specific human rights mandates. Section 1 of the 1990 Police Services Act of the Ontario Provincial Police (Canada) states that in the course of carrying out its functions, the police service must recognize the importance of safeguarding the fundamental rights guaranteed by Canadian laws, the need for sensitivity to the multicultural and multiracial character of the society, and the need to ensure that the police are representative of the community. It is imperative that a new Police Act contains an elaborate charter of duties and responsibilities, based on constitutional values and attuned to upholding the rule of law.

In 1981, the National Police Commission drafted a model Police Act whose preamble stresses that “*the police has a paramount obligation and duty to function according to the requirements of the Constitution, law and the democratic aspirations of the people*”, and requires it “*to be professional and service-oriented and free from extraneous influences and yet accountable to the people*”. An elaborate list of relevant duties has been prescribed by the NPC, which can be taken into consideration. In India’s context, including routine violations of human rights by the police, such as arbitrary arrest, illegal detention, and excessive use of force to name a few, as offences against police officers in the Police Act, may also be a necessary tool to stamp out impunity and enforce greater police adherence to human rights standards. Critical to the success of democratic policing is the principle that the police should be held accountable: not just by government, but by a wider network of agencies and organizations, working on behalf of the interests of the people, within a human rights framework. The 1861 Act barely addresses police accountability and relies almost exclusively on internal police disciplinary systems to investigate police misconduct. The lack of public faith in the impartiality of internal processes, the instinctive tendency of the police to protect its staff and image, and the lack of meaningful external oversight over the police often swings the balance towards impunity and away from accountability. Other countries, including South Africa and Northern Ireland, have set up independent civilian oversight bodies with powers to investigate cases of serious police misconduct in their Police Acts. This makes the police directly accountable to civilian dominated agencies and broadens the levels of oversight over the police. In a proper democratic system, police accountability solely or even

primarily to the law is not sufficient, police must also account to communities, governments and independent oversight bodies.

One another vital area where the 1861 Act falls short is in forging active ties and consultation channels between the police and the public they serve. As policing in a democracy essentially involves serving communities, it is vital that police organizations be required by law to understand and respond to community needs. In England and Wales, the Police Act of 1996 requires the police to gather the views of local communities in matters concerning the police, and also to involve them in cooperating with the police to prevent crime. In South Africa, provincial governments are charged with the constitutional responsibility, to promote good relations between the police and the community. The South African Police Service Act of 1995 establishes Community Police Forums at the police station level to act as the liaison between the police and the community. This link helps establish and maintain community, police partnerships; promotes communication and co-operation; improves the rendering of services by the police in the community, increases transparency in police functioning; and promotes joint problem identification and problem solving.

In fact, policing a vast country like India will be aided by enlisting the help of the public and will help to generate greater public trust in the police. Various experiments in community policing are being attempted in different states, including Punjab and Chattisgarh, providing a ready reservoir of practical experience for the Drafting Committee to feed into its law and policy-making. The Police Act Drafting Committee was created by the present national government due to its stated commitment to police reform. Policing must evolve into a responsible public service for the people of India rather than remain mired in corruption and brutality. It is imperative that a new legislative basis creates an accountable, transparent and democratic police organization, suitable for a vibrant democracy like India, in the interest of good governance and most importantly human rights.

11.3 COMMENTS ON THE MODEL POLICE ACT 2006

circulated by the Police Act Drafting Committee of Ministry of Home Affairs:

In Gujarat State Bombay Police Act, 1951 is applicable and rest of India the Police Act 1861 is applicable. It is necessary to have a uniform police act to all over the India.

1. General – Scope of a Police Act:

It is to be recognized that the Police Act 1861 is not the sole or only law in relation to police functions. The maintenance of public order and the criminal justice system are based on the Indian Penal Code (IPC). (Cr.PC), Indian Evidence Act as well as a large number of special legislations of Central and State Acts. The Police Act 1861 is no doubt 150 years old; but to trace the reason for all the inadequacies and shortcomings in policing to the Police Act 1861 merely on the ground of its antiquity will be an incorrect understanding of policing in a democratic society. In fact, the 1861 Act by itself does not stand in the way of proper and efficient functioning of police as a humane institution at the service of the people.

2. Model Police Act 2006 – Comments on Approach and Scope:

The Model Police Act seeks to cover the entire field of police administration, much of which cannot and need not be incorporated in a statute by Parliament. There are too many details of administration. Some of the sections of this nature which are illustrative of this are amenities in police stations (Section 12(5)), non-statutory activities such as technical and support services (Section 17), state police academies (Section 18), organization of research (section 19) qualification for recruitment (Section 25), service conditions (Section 26), financial management (Section 56), standardization of forensic aids (8.15) training policy, disciplinary actions, welfare and grievance redressal or working hours.

These are not normally laid down in statutes. Apart from the unnecessary need for making a statute of Parliament or State legislature for a minor issues such as imposing punishment on police personnel (or for that matter any government servant), inclusion of such details in an Act will make it operationally difficult. Any change or modification will necessitate an amendment of the law by Parliament or State

legislature. What should be part of a manual of administrative instructions have been brought into the law. The Act often reads like an office memorandum of the Government!

The functioning of the police must be looked at from the point of view of the people and not just from the point of view of the government or the police. The emphasis must be on police as service with duties and accountability on the part of the police; not more power and authority. As the police is the most visible symbol of State authority and is clothed with wide ranging powers to use force, including even causing of death in relation to life and liberty of citizens, police functioning naturally becomes central to human rights. The crucial fact is that the police is the legally sanctioned coercive arm of the Government and has the authority to interfere with the life and liberty of people. This distinguishes police from other agencies of the State and it is this feature that requires proximate accountability not only to its own departmental hierarchy but non police authorities (as in UK). Any autonomy should be linked to accountability and close and immediate supervision. The police cannot become a “State within a State”. It has necessarily to function under the lawful control of the State/Central Government.

The Model Act exhibits alack of trust in the bona fides of people and even the institutions of State, other than police. As police functioning directly interferes with life and liberty of people, there is need for immediate and proximate accountability and mechanisms for correction. The judicial machinery is distant and formal. Hence, there must be within the executive, an immediately available corrective mechanism other than the hierarchy of police. This is provided usually by the executive magistracy; but the Model Act is unmindful of this need.

The Model Act is department oriented rather than people oriented, in spite of the pronouncements in the Preamble.

Preamble:

This has been very well expressed. But the word “empower” may be avoided. It is not correct to think of power. Instead a term like “confer legal authority” may be used.

Chapter II:

It is indeed a very welcome departure from the traditional concept of force that police is referred to as service instead of force.

Section 4(5):

The reference to pay and allowances is unnecessary in a statute. This is to be taken into account by Pay Commissions set up from time to time. If this is put into a law by parliament or State legislature, there will be similar claims by many other wings of government to have similar statutes.

Section 5(2):

Section 5(2) is preemptory. To say that no officer senior or equivalent in rank to the incumbent Director General should be posted to any position within the police organization cannot become part of a law. It can be an administrative convention, at best The DGP can be first among equals. He can even supersede senior in the process of getting selected. But to say that all others should move outside police organization is impossible and inappropriate. The proviso as well as the main provision are uncalled for in a statute.. This will also be administratively impossible when the selection of the DGP is to be done from among the three senior most persons as proposed. For example, if the third person in the order among the three gets selected, the two seniors have to go out of the police organization itself! This will be impracticable.

Section 14 :

This is an important provision which brings in the District Magistrate into this Act.

Section 4 of the Police Act 1861 refers to general control and direction of the District Magistrate. The practices in States vary. The relationship between police and District Magistrate has been debated for long and was also gone into great detail by the Police Commission in Chapter XXXIX of its report. The Police Commission held the view that while police should have a distinct identity and operational independence, the role of the District Magistrate has to be recognized and respected by the police.

As police are vested with authority over life and liberty of people, an immediate and close non police general supervision is necessary and in the view, the provision in the Police Act 1861 be retained. It need not be viewed as subordination. It is somewhat akin to relationship with judiciary.

While the Model Act appears to follow the suggestion of Police Commission, the Police Commission draft visualized that the District Magistrate *”call for a report regarding the steps taken by the police or other agency to deal with the situation and give such directions in respect of the matter as are considered necessary by him (the District Magistrate) to the police and the concerned agency”.*

Section 14(2) of the Model Act waters down the role of the District Magistrate.

The reference to other heads of the Departments in this act is unnecessary and uncalled for. There is no need to repeat “for the purpose of coordination” or “to achieve the objective of coordination” in the Section. All these seem to spring from a reluctance to accept the role of the District Magistrate.

Section 14(3) is completely out of place.

It seems strange that the District Magistrate is to ensure assistance to the Superintendent of Police, rather than the Superintendent of Police assisting the District Magistrate! This seems to be misconceived. Even without this provision, the District Magistrate as the head of the district will play this role and there is no need for this in the Police Act.

Section 22

The concept of special Police Officer is provided for in Section 17 of the 1861 Act. But this was intended for extraordinary circumstances, with the permission of magistracy and from the residents in the neighborhood. In other words, it was intended to enlist members of the local community in special cases of disturbance to peace in an area. But Section 22 makes it a regular feature, with an age limit of 18 and 50 years without any relation to the special circumstances and local community. In the context of having properly motivated and well trained police personnel, this becomes about model concept. As these special police officers are to have the same powers privileges and immunities, any such provision as a regular feature of policing

will only result in an army of ill equipped personnel for the task of performing police functions. This Section is inappropriate.

Section 112 to 118 and Section 121.

This introduces a new concept of Special Security Zones to be declared by Union Government with the concurrence of the State Government. There is a reference to appropriate police structure, integrated mechanism and standard operating procedure. The entire concept is vague and regressive. This seems to be modeled on declaring areas as disturbed areas. Such provisions cannot be part of a Police Act. There are other legislations such as Unlawful Activities Prevention Act or Disturbed Areas Act etc. These provisions may be deleted.

Section 167 to 171.

These set out the powers and functions. The provision is that the Commission shall enquire into allegations of serious misconduct either suo moto or on complaint. "Serious misconduct" has been defined in the explanation as any act or omission that lead to or amounts to death in police custody; grievous hurt; rape or attempt malicious arrest or detention. A proviso has been added that for malicious arrest or malicious detention, prima facie satisfaction is needed. The Commission may also enquire into cases referred by DGP and also monitor status of departmental enquiries or action.

As seen from Section 171, the Commission upon completion of enquiry is to communicate its findings to the DGP with a direction to register an FIR and/or initiate departmental action. The Commission is also to give an opportunity to DGP to present department's view. The Commission though high sounding in name is nothing more than a body which, at the end of its deliberations, will ask the DGP to register an FIR or take departmental action and that too after giving various opportunities! Naturally the FIR and the departmental enquiry will take their own course according to law and established procedures.

The statements recorded by the Commission also have only limited value under 169. The Commission will only become a shield for the culprit personnel. It has no teeth at all. The entire arrangement is flawed and will serve little purpose. If the serious misconduct is death in police custody or rape etc. the proper course is to register an FIR straightway and investigate by a special agency such as CID or Corps

of Detectives. In fact, it is incumbent under law to do so. Merely because the offender is police personnel, he/she can not enjoy any immunity or seek special procedure.

CHAPTER-XII

(12) PUNISHMENT FOR THE POLICE:

12.1 PUNISHMENT UNDER BOMBAY POLICE ACT:

The service law applicable to class-I officers are B.C.S.R. rules.

The service rules applicable to Class-II, Class-III, Class-IV officers are of Bombay Police Act, 1951.

S.25 of the B.P.Act is for the punishment of the members of the subordinate ranks of the Police force departmentally for neglect of duty, etc.

The Inspector-General, Commissioner, Deputy Inspector-General (including Director of Police Wireless) And District Superintendent of Police and Principal of Training Institution, shall have authority to punish an Inspector or any member of the subordinate ranks.

The Inspector-General of Police who is in charge of Police Training School as Principal shall have the like authority in respect of any member of the Police force to a rank of Inspector or any members of the subordinate ranks.

The District Superintendent shall have the like authority in respect of any police officer subordinate to him below the grade of Inspector.

Whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, or may suspend, reduce, dismiss or remove from the duty.¹

According to Section 25 of The Bombay Police Act, 1951 – Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.—(1) The State Government or any officer authorized under sub-section (2), in that behalf, may suspend, reduce, dismiss or remove an Inspector or any member of the subordinate ranks of the Police Force, whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the

1. Bombay Police Act 1951.

Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty which does not require his suspension or dismissal.

(2)(a) Punitive powers of Inspector-General Commissioner, Deputy Inspector General and District Superintendent:--The Inspector-General, the Commissioner and the Deputy Inspector General shall have authority to punish an Inspector or any member of the subordinate ranks under sub-section (1). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector [and may suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector General or Deputy Inspector-General can be obtained.]

(b) The Principal of [a Police Training College or School] shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector [undergoing training at [such [College or School] or] serving under him, and in respect of head constables and constables belonging to the Police Force of [the District in which such [College or school] is situated] or of any other district attached to [such College or school]] for duty under him. [He may also suspend an Inspector who is undergoing training at such College or School or subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

(bb) A Superintendent of Police appointed under section 8-A for the Police Wireless System or the Police Motor Transport Service or for performing any specific duties [or a Superintendent of Police appointed under section 22-A] shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector.]

The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

Nothing in Sub-sections (1) and (2)-

Shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

Shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

According to **Section-26 of Bombay Police Act 1951. Procedure to be observed in awarding punishment.**—When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police Officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made in writing, under his signature:

Provided that no order for reducing, removing or dismissing a Police officer shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

According to **Section-27 of Bombay Police Act 1951. Appeals from orders of punishment.**—An appeal against any order passed against a Police Officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify. [Such appeal shall be filed within a period of sixty days from the date of the order appealed against.]

According to **Section-27A of Bombay Police Act 1951. Revisional Powers of State Government, Inspector-General and Deputy Inspector-General.**—The State Government, the Inspector-General or a Deputy Inspector-General may suo moto or on an application made to him within the prescribed period in this behalf, call for and examine the record of any inquiry or proceeding of any subordinate police officer under this Chapter, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by, and as the regularity of the proceeding of such officer, and may, at any time,—

Confirm modify or reverse any such order.

Impose any punishment or set aside, reduce, confirm or enhance the punishment imposed by such order;

Direct that further inquiry may be held; or

Make such other order as, in the circumstances of the case it or he may deem fit;

Provided that, an order in revision imposing or enhancing penalty shall not be passed unless the Police Officer affected thereby has been given a reasonable opportunity of being heard:

Provided further that, no order in revision shall be passed,--

In a case where, an appeal against the decision or order passed in such inquiry or proceeding has been filed when such appeal is pending;

In a case where, an appeal against such decision or order has not been filed, before the expiry of the period provided for filing of such appeal; and

In any case, after the expiry of a period of three years from the date of the decision or order sought to be revised.

According to **Section-144 of Bombay Police Act, 1951. Neglect or refusal to serve as Special Police Officer:--**Any person who having been appointed a Special Police Officer under Section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees.

According to **Section-145 of Bombay Police Act, 1951. Penalty for making false statement, etc. and for misconduct of Police officers:--**

(1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer,

(2) Any Police Officer who (a) is guilty of cowardice, or (b) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (c) is guilty of any willful-breach or neglect of any provision of law or of any rule, or order which as such Police Officer, it is his duty to observe or obey, or (d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

(3) Consequence of failure to return to duty after leave:--A Police Officer who being absent on leave fails, without reasonable cause, to report himself for duty on the

expiration of such leave shall, for the purposes of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

According to **Section-146 of Bombay Police Act, 1951**. Penalty for failure to deliver up certificate of appointment or of office or other article:--Any Police Officer, who willfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

According to **Section-147 of Bombay Police Act, 1951**. Vexatious entry search, arrest, etc., by Police Officer:--Any Police officer who-

Without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place;

Vexatiously and unnecessarily seizes the property of any person; vexatiously and unnecessarily detains, searches or arrests any person;

Offers any unnecessary personal violence to any person in his custody, or

Offers any unnecessary personal violence to any person in his custody, or

Holds out any threat or promise not warranted by law,

Shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

According to **Section-148 of Bombay Police Act, 1951**. **Penalty for vexatious delay in forwarding a person arrested:**--Any Police Officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

According to **Section-159 of Bombay Police Act, 1951**. No Magistrate or Police Officer to be liable to penalty or damage for act done in good faith in pursuance of duty:--No Magistrate or Police Officer shall be liable to any penalty or

to payment of damages on account of an act done on good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

12.2 DEPARTMENTAL PUNISHMENTS:

According to Police Manual Part-I the Rules for Departmental Punishments for the Police Officers are as under:-

Rule-370. Applications of Rules regarding Departmental punishments and appeals.—

(1) Rules regulating the award of punishments to the members of the Indian Police/Indian Police Service will be found in the All India Service (Discipline and Appeal) Rules, 1969.

(2) All other Government servants in the Police Department, except those who are Inspectors of Police and members of the subordinate ranks of the Police Force, will be governed by the Gujarat Civil Services (Discipline and Appeal) Rules, 1971, for the purposes of punishments and appeals.

(3) In view of article 313 of the Constitution of India, the conditions of service of the subordinate ranks of the various Police Forces in India are determined by or under the Acts relating to those forces. Hence for the purposes of punishments and appeals, etc. Police Officers of and below the rank of Inspector are governed by the Bombay Police (Punishments and Appeals) Rules, 1956, which have been made by Government in exercise of powers conferred by clause (c) of sub-section (2) of section 25 read with section 5 (b) of the Bombay Police Act, XXII of 1951.

Rule-371. Enquiry against senior officers.—

(1) **Preliminary Enquiry:** When dealing with cases in which serious allegations are made against Government servants belonging to Indian Police/Indian Police Service or holding equivalent posts (i.e. officers of the rank of Deputy Superintendent of Police officiating as Superintendents of police), the Home Department and the Inspector-General of Police should take action on the following lines :--

(i) Wherever a serious charge reflecting on the integrity or honour of an officer of the Indian Police/Indian Police Service or of similar status is made publicly or by a responsible person and is supported by allegations of fact, those facts should be enquired into and put on record at the earliest opportunity through the agency of an officer of position and trustworthiness on whose findings Government can rely. Such an enquiry should normally be made preferably by the Inspector-General of Police if the officer concerned is of the rank of Deputy Inspector-General of Police; by a Deputy Inspector General of Police if the officer concerned is of the rank of a Superintendent of Police and by a Superintendent of Police if the officer concerned is of the rank of an Assistant Superintendent of Police or a Deputy Superintendent of Police. The result of such preliminary enquiry should be submitted immediately to Government in the Home Department through the Inspector General of Police, to enable Government to decide, after considering the report of the officer making the enquiry, whether there is any ground for the institution of formal departmental proceedings or not and, if so, what are the points in dispute and the charge or charges which should be framed.

(ii) If the essential facts are not fixed as far as possible at the outset, they tend to become more and more disputed and uncertain as time goes on. When, therefore, serious imputations are made against a responsible officer of Government, prompt enquiry is in his interest as well as that of Government, so that they may not be brought up later when they can be neither proved nor disproved and yet be used to discredit an officer against whom some person has a grudge.

(3) **Departmental Enquiry.**—The power of punishing officers of the rank of Deputy Superintendents of Police rests with the Government. Unless otherwise specially directed, a departmental enquiry in respect of misconduct against an officer of the rank of Deputy Superintendent of Police shall ordinarily be held by a Deputy Inspector-General of Police who will submit his report to the Government through the Inspector General of Police. Such an enquiry in respect of Superintendents of Police in the Commissionerate will be held by the Deputy Commissioner of Police nominated by the Commissioner of Police who will submit his report to Government through the Commissioner of Police and the Inspector General of Police.

Rule-372. Suspension.—

(1)(a) The Inspector General/Commissioner of Police/Deputy Inspector General is empowered to suspend any officer of and below the rank of Inspector.

(b) Superintendents of Police including Superintendent of Police, Wireless and Principals, Police Training Schools, may suspend any Police Officer (subordinate to them) below the rank of Inspector against whom an enquiry into a complaint is pending.

(c) The Superintendents of Police and Principal, Police Training School, Junagadh, the latter only' in case of an Inspector who is undergoing training at the said school or subordinate to him, may also suspend an Inspector pending enquiry into a complaint against such Inspector and until an order of the Inspector General/Deputy Inspector can be obtained.

(d) Any officer who passes an order of suspension of a Police officer should record reasons therefore under his signature.

(e) The Inspector-General of Police and the Deputy Inspector General of Police should examine all cases of suspension of Head Constables and Constables respectively every month to ensure whether the suspension is justified or not. Similarly cases of Police Sub-Inspectors shall be reviewed by the Inspector-General of Police and of Inspectors by the Government every month.

(2) Suspension of a Government servant should be sparingly resorted to and Government servants (whether prosecuted or not) should be placed under suspension only if the following conditions are satisfied:--

(a) The officer or person concerned is involved in a grave misconduct or has committed very serious offence and on the basis of the available evidence, there is a prima facie case for his dismissal, removal or compulsory retirement; and

(b)(i) There is reason to believe that the continuance of the Government servant in active service is likely to hamper the enquiry or investigation or to afford an opportunity for interference with the witnesses or tampering with the evidence; or

(ii) His continuance in service is likely to afford him an opportunity to indulge in the commission of similar misconduct or offence as envisaged in Bombay Civil Services Rule 156.

In respect of any other irregularity or misconduct, suspension should not be resorted to.

(3) A Police Officer does not cease to be such whilst under suspension from post and he shall continue subject to the control of the same authorities to which he would have been if he is not under suspension. His powers, functions and privileges vested in him shall only remain suspended during the period of such suspension. For details of payment of subsistence allowance and other concessions vide rule 151, 152 and 153 of the Bombay Civil Service Rules, Vol. I.

(4) Leave may not be granted to a Government servant under suspension.

Rule-373. Departmental enquiries at the instance of the Anti-corruption Bureau.—

(1) When the enquiry papers are received from the Director, Anti-corruption Bureau for taking further action, the officers receiving such papers should report the date of cognizance to the Inspector-General of Police, the Director Anti-corruption Bureau and the Government (if the papers are received through the Government).

(2) After completion of six months from the date of cognizance, the officer concerned will suo moto intimate the Inspector-General of Police, the Director, Anti-corruption Bureau and the Government, if necessary, the final order issued or the present stage of the enquiry if the final order has not been issued.

(3) If the final order has not been issued, month by month, when the officer concerned prepares the monthly punishment return he will intimate the Director, Anti-corruption Bureau or the Government, if necessary, under intimation to the Inspector-General of Police, regarding the present stage of the case.

(4) Whenever departmental enquiries are instituted at the instance of the Anti-corruption Bureau, the officer instituting the enquiry should communicate result of the enquiry to the Director, Anti-corruption Bureau, immediately the final orders are

passed. The grounds on which final orders are passed should be communicated to the Director by the Officer concerned whenever the Director asks for it.

Rule-374. Notifying dismissals.—

(1) A quarterly list of persons debarred from re-employment in Government Service is issued by Government in the General Administration Department for information of the Heads of Departments, other State Governments, the Government of India, Gujarat Public Service Commission, Gujarat State Panchayat Service Commission. Employment Exchange Officers, the Collectors, the Superintendents of Police, etc. Names of all persons dismissed, removed and debarred from re-employment in Government service are included in the list in order to avoid the possibility of their re-employment in Government service. In order to enable Government to publish an up-to-date list, the Heads of Officers should send to the Inspector General of Police with a copy to the Deputy Inspector General concerned in the first week of the month following the quarter, information in prescribed form, the names and other particulars of the persons dismissed, removed and debarred from re-employment in Government serviced, after the period allowed for appeal or appeals against the order of dismissal or removal is over and in case an appeal is actually preferred, after the decision thereon is known.

(2) A list of wireless personnel discharged or dismissed from Police Wireless Organisation should be furnished to the Director, Police Co-ordination, for circulation, giving the names of the persons, their religion and nationality, father's name, permanent residential address and reasons for discharge or dismissal, if they are considered undesirable for recruitment in other State.

Rule-375. Compulsory retirement on account of subversive activities.—Action against Government servants engaged in subversive activities can be taken under the Gujarat Civil Services (Safe-guarding of National Security) Rules, 1962.

Rule-377. List of Officers and men and other Government servants of the department under suspension and against whom regular departmental proceedings have not been taken up.—A separate statement in prescribed form, showing the name and rank of the delinquent, date of suspension, reasons for suspension and progress of enquiries (in cases of judicial enquiries results of the cases with the dates of

judgments) should be furnished along with the monthly punishment return in respect of those officers and men and other Government servants of the department who are placed under suspension and against whom regular departmental proceedings have not been taken up.

Rule-378. Travelling Allowance to witnesses appearing in departmental enquiries.—The payment of travelling allowance to the witnesses who are Government servants and those who are not Government servants, for journeys to give evidence in departmental enquiries, will be regulated by rule 536, Note (5) of the B.C.S.Rules, Volume I, read with sub-rule (3) of Rule (1) of Section I of Appendix XLII-A, B.C.S.Rules, Volume II, as may be amended by the Government from time to time.

12.3 SERVICE RECORDS:

According to Bombay Police Manual Part-I Chapter XIII the Service Records of Police officials should be maintained as under :--

Rule-379. Personal Files.—

(1) The confidential records of Government servants, as at present maintained, generally contain the impressions and opinions of the officers who write them. Consequently, they do not often help the superior officers to form a definite and correct opinion about the person concerned. Personal files should therefore, be maintained for all Government servants of every class of service, including Head Constables, Constables, Clerks etc.

(2)(a) The following papers should be included in the personal files:--

(i) Appointment order.

(ii) Character Verification Roll.

Medical Certificate [or its authenticated true copy where it is required to be sent with pay bill according to the Note appearing below B.C.S.Rules 14 (b).]

Death-cum-Retirement Gratuity and Family Pension Nomination forms.

Options for Pay and Pension Rules.

Declaration of Home Town for Leave Travel Concessions in respect of non-gazetted employees.

Oath of allegiance.

Result sheets of various courses attended.

Demi official letters, etc. which may either appreciate Government servant's work or point out certain faults which require to be remedied, for which no punishment or reward is given and there is no entry in his service book/service sheet.

In the case of departmental proceedings, copies of final orders, including causes in which the Government servant may have been exonerated.

Papers on the basis of which one may have been reverted or one's services terminated.

Leave and transfer applications and orders pertaining thereto.

Any other papers which the Head of the office or an authority above him may direct.

Annual property Return.

(b) In case of any doubt, the decisions whether a paper should be included in the personal file or not should be taken by an authority not below the rank of the Head of office.

Rule-380. Service records of Government servants.—For the rules regarding maintenance of records of service (Service Book/Service sheet/Service Roll), vide Chapter X of the Bombay Civil Service Rules. In addition to these rules, the subsequent rules should also be followed.

Rule-381. Service Books.—

(1) The service book of an officiating Inspector of Police should be kept by the Head of the Office under whom he is serving. When he is confirmed his service book should be forwarded to the Audit Officer concerned who will maintain a record of his services.

(2) Similarly, when a promoted Head Constable is confirmed as a Sub-Inspector, his service sheet should be closed and a service book opened for him, the sheet and the book being kept together.

(3) There is no separate page for recording remarks in the service books of non-gazetted Government servants, column 15 of the book is intended for remarks and for entries regarding rewards and punishments. The space allotted is, however insufficient and is rapidly filled with other miscellaneous remarks. To provide adequate space for remarks, the following instructions should be followed :--

(a) The last four sheets of the service book should be utilized for the purposes of providing space for (i) rewards, (ii) punishments, and (iii) remarks.

(b) On the left hand pages, the printed headings in column 1 to 8 should be covered over with blank paper. The pages should then be divided in two parts, viz., columns 1 to 4 for rewards and columns 5 to 8 for punishments.

(c) On the right hand pages, in the same way, the printed headings of columns 9 to 15 should be covered over with blank paper. The pages should then be labeled 'Remarks' and divided into three parts, viz., column 9 to 11, 12 and 13 and 14 and 15. Under this heading 'Remarks' should be entered in one of the three columns, the posting or working of a Government servant in different branches of the office, transfers from one office to another, etc.

(d) This arrangement will provide ample space for all these entries, but should further space be required for rewards, punishments and remarks, then other blank pages should be treated similarly.

(4) Details of joining time on account of all transfers of Officers within and outside the district should be properly entered in the service books.

(5) Reasons for the grant of medals and honours should be entered in the column for remarks.

(6) When Government servant is medically examined for entry in Government service and found fit, the fact should be recorded in his service book.

(7) Heads of Offices should make entries in the Service Books/Sheets of their subordinates who are in receipt of special pays to show whether the special pay counts for pension and/or gratuity or not.

(8) When refused leave is granted to a non-gazetted Government servant under Bombay Civil Services Rule 753 or Revised Leave Rules, full particulars thereof as detailed below should be recorded in the Service Book/Sheet:--

- (i) The date on which the leave was applied for;
- (ii) The nature of and the period for which the leave was applied for;

Leave due on the date from which the leave would have commenced if granted according to the application;

The date on which the leave was refused; and

A specific statement to the effect that the leave was refused in writing for the requirement of Public Service.

Rule-382. Service Sheets:--

(1) The Superintendent of Police will maintain a service sheet in standard Form No. P.M. 1-e for policemen of the rank not higher than a Head Constable. It should be opened immediately the man is enlisted.

(2)(a) A separate sheet is to be used for each man. This sheet, once opened, will last a man the whole time he is in force.

(b) As a service sheet will last a man during the whole of his service, great care should be taken in writing it. It should be prepared under the personal supervision of the Superintendent.

(3)(a) The sheets of all Constables should be kept together arranged according to their numbers, while those of Head Constables should be kept separate according to their numbers in each grade.

(b) The sheets of men who have left the force will be removed and filed separately.

(4) The general number on the Policeman's number brooch should correspond with the number of his service sheet.

(5) All entries should be clear, legible and intelligible. The entries in the column 'Designation of appointment' and in columns "Leave", "Punishments", "Rewards" and "Remarks" of the service sheet should be numbered consecutively.

(6) Rolled thumb impressions and such marks of identification, as are obvious and do not necessitate any examination of the body, should be taken in the service sheets.

(7) Educational tests and the prescribed departmental examination, if the man has passed any, should be entered below the head "Education."

(8) Records:--

(a) All rewards whether by money or certificates of good service, should be entered in this column. By certificate only those given by Magistrate or Superintendents and Assistant Superintendents of Police regarding Police work are meant; all those which might be called characters or testimonials relating to the man before he joined the Police or stating he had an officer's orderly etc. are not to be entered.

(b) Commendatory remarks passed by a subordinate Magistrate should not find a place in an officer's record of service; but only those made in a judgement by a Sessions Court or by a Superior Court should at the discretion of the Superintendent of Police, be entered.

(c) The designation of the officer who grants a good service ticket or a reward should be stated in each case.

(9) Punishments:-

(a) The District Police Gazette/Police Notice number and date of each punishment should be given below each entry.

(b) In the case of reductions, suspensions and reversions (When the latter two are inflicted as specific punishments) there should be corresponding entries in the "Record of Service" column.

(c) "Caution" and "Reprimand" when formally given in writing, should be entered under "Punishments". Similarly, "Extra drill" must be entered as punishment.

(10) Remarks-

(a) In this column Superintendents of Police should enter in a few words what they know of each man or their opinion of him thus; “Smart intelligent man, good physique, fit to be promoted” or “Good man” or “Average only” or “Poor” or “Below average” and also any remarks as to any suspicious case there has been against him.

(b) Superintendents of Police should see every Head Constable and Constable in their districts and write up their service records at least once a year. For this, they should spread over their programme throughout the year rather than do it at the time of the annual inspection. They should test a few Head Constables and Constables particularly those who are senior on parade and inspect their kit every time they visit Head Quarters or a Police Station, and make entries in their service sheets. They should visit Town and Taluka Police Stations and Head Quarters once a week if and when they are in Head Quarters at least for some part of a week.

(c) When inspecting a District, the Deputy Inspectors General should verify this and satisfy themselves that the Superintendents of Police have been implementing the instructions contained in sub-rule (b) above.

Rule 383:- Service Rolls:--For class IV Government servants, whether permanent, temporary or officiating a service roll will be maintained by the Head of Office as per Bombay Civil Services Rule No. 176.

Rule-386. Annual Verification of Service.—

(1) Annual verification of the services of Government servants should be done as per rules 177 and 178 of Bombay Civil Services Rules.

(2) With regard to the services in the previous year, it shall be the duty of every Head of Office to report to the Inspector General by the 31st July of the succeeding year that the service books of all the staff under his control have been duly verified and certified as required by Bombay Civil Services Rule 177.

CHAPTER-XIII

(13) PERQUISITES FOR THE POLICE:

The perquisites for the Police Force are not far better. Looking to working hours, salary, housing facility and other amenities Police is working Round-the-clock. Sometimes a policeman works for more than 48 hours continuously. He has no facility of good residence, good salary, transport facilities, communication facilities or sufficient police staff.

Looking to the ratio of crime, and variation in crimes police officers fill stress. There are so many political parties in India, in the State also.

The State Ministerial and civil administration staff is much more. To give protection to the V.I.P.'s is now becoming the main duty of Police Force.

Most of the vehicles of Police department have finished their life. Except police station, in Police Chowki's the police man has to perform his duty under an open sky. He has not sitting facilities at the place of his duty or work. He has to do more than one works at a time. This makes adverse effect on his work.

The medical aids for police force are very poor. There is no special Medical Facility for the Police Force even though they are working for 24 years and in all seasons.

There are no insurance facilities or extra wages for extra work to Class-III employees of police force. Only Constables and Head Constables can get Wages for Holidays. No proper T.A.D.A. facilities also. I must say that looking to work of police force the benefits are very very poor. I must say that it is an avoided wing of the Government.

No allowances are given to police force in addition to salaries.

Gujarat Government has started a new concept to appoint police force upto from Constables to Police Sub-Police Inspectors on fix salaries for FIVE YEARS and started demoralization of Police Force.

CHAPTER-XIV

(14) UPGRADATION OF THE POLICE FORCE:

Following points are important for the Upgradation of the Police Force:

There must be separate police force for Investigation and Protection, Piloting, etc.

Both Investigation Agency and Protection agency should have separate infrastructure and separate team of working.

The transfer of Police Officers must be free from politics.

All prima-facie necessities should provide to all the police stations and at the place of working of policeman. The pay scales should be revised.

The training institutions should be well furnished and must have a good academic permanent staff.

Every Police officer must have a housing facility well furnished and government must provide them the quarters.

The working hours of any policeman must be maximum twelve hours a day and not more than that and weekly holiday must be provided compulsorily.

There must be a committee to solve the problems of Police officers and the committee should have wide powers.

There should be a Permanent Body to Study Police Functions.¹

It is essential to have systematic study into the police working, to discover facts and to arrive at certain conclusions and propositions. Such preassumptions can be verified, either through future experiments, or by other data and statistics. The data for such a study, can be obtained through the police records, experiments, and observations. State should set up a permanent body for studying police functions and suggesting ways and means for increasing the functional efficiency of the police.

1. Inside Indian Police by Joginersingh Ch.3 P. 97.

Such a body can undertake various projects for study, for having a citizens friendly police force. It can be the extent and nature of the unreported crime, or study the police response time, to the public needs and complaints, and the common mistakes, as pointed out by the courts in police investigations. In short, such a body could be assigned the following functions:-

To study various factors having bearing on police administration both outside and inside the department and make specific recommendations capable of actual implementation. The idea of the study will be directed towards increasing the police operational efficiency.

To examine the effectiveness the utility of the present procedures, working Methods in the police, equipment and techniques, and suggest ways of optimum utilization of the existing personnel.

To study the court judgements, particularly the High and Supreme Courts and issue guidelines to the investigating officers based on the views and assessment of the High Court.

To collect, classify and maintain proper records, of all information and literature of police interest and maintain liaison, with other similar or Non Governmental Organizations in the country so that the benefit of innovations in one place is passed on to the others in the country.

14.1 What can be done to improve the Police?¹

The policemen are never around when you need them most. The average citizen does not feel safe, going out late in the night from his house, or a citizen does not wish to go to a police station, for lodging complaint even in genuine cases. It reflects a state of affairs of contemporary policing in the country. The average citizen definitely expects more from the police than what he is getting now. The question as to what should be done and how it should be done provides the basis of all reforms. There is no doubt that changes are required, but how, when and what are the best

1. Inside Indian Police by Joginersingh Ch.4 Page 99-130.

Methods, for determining the same, are the questions we have to pose ourselves. Changes do not necessarily come from within the departmental officials, but they can be imposed, by the elected leaders of the people, as suggested by the academic world. Many a time the suggestions for the change, no matter from what quarter they come are unrealistic, both from the practical point of view as well as the cost.

However, the sole objective of these efforts is to improve the police efficiency and to enable them to render best service to the citizens. There is no doubt about the objectives, but at present, it is a question of defining, what the citizen and the government expects from the police and how the police should go about its business, in rendering the same. The establishment of the police is evidently the recognition, by the society for the need of order. Police force thus becomes a part of the society, charged with the specific responsibility of maintaining peace and order. Requisite powers and authority is given to the police in order to maintain order in society. The police differ from an ordinary citizen, as it is their full time duty to see that the law is upheld and peace and order maintained.

14.2 Principles and Requirements for Efficient Police:

“The quality of police services will not significantly improve, until higher educational requirements, are established for its personnel. The complexity of the police task is as great as that of any profession. The performance of this task requires more than physical process and common sense. Sworn personnel who, in various unpredictable situations, are required to make difficult judgements, should possess a sound knowledge of society and human behavior. This can best be obtained through advanced education. The ultimate goal is that all personnel with general enforcement powers have Baccalaureate degrees.”

The principles are as follows:-

The police must be stable, efficient and militarily organized under the government control.

The absence of crime will best prove the efficiency of the police.

Crime-news must be widely distributed.

Territorial distribution of the force by hours and shifts must be accomplished.

No quality is more indispensable to an officer, than a perfect command of temper; a quite determined manner has more effect than violent action.

Good appearance commands respect.

Proper securing and training of personnel lies at the root of police efficiency.

Public safety requires that every policeman must be given a number.

Police headquarters should be centrally located and easily accessible to all the people.

Policeman should be appointed on probation basis.

Police records are necessary for the correct distribution of police strength.

The best way to select men is to “Size them up” and then find out what their neighbors’ think of them.

Pandit Jawaharlal Nehru, the first Prime Minister of India had observed: “A strong army and efficient police, are likely to do more for Indian self-esteem and independence than any result that could possibly emerge from planning. The major problem in India is that of development, we must never lose sight of this objective. The army and police only provide the background because they create the condition in which that development is possible. In India there is a hangover of old days when the police was distrusted and considered as something apart from the citizen. This may be the attitude of suspicion, which has influenced the pattern of national planning in which the police does not fit in. All the countries hold strong views on the fact that a strong and efficient police service is necessary for the well-being of the community to a greater degree than another public service in peace time.”

There cannot be any peace stability and development, in the society without proper law and order. It is only in a peaceful atmosphere that development, and progress of the country is possible. Cooperation between the police and the people is essential for an efficient criminal administration system in the state. The police perform many of their duties at great personal risk to themselves.

14.3 Role of the Central Government:

Though under the Constitution, law and order is a state subject, the fact remains that Central Government has a very vital role to play in the same and in actual practice; the State Governments carry on the routine police work. In fact, in all

major troubles and outbreaks of violence it is the Central Government which steps in with men and material to aid the states.

Since independence, the Central Government has taken up more and more responsibilities in assisting the State Governments for policing the country by creating new Central Police Organisations and by activating the old existing organizations like the Intelligence Bureau. The organizations created or strengthened since independence includes the Border Security Force, the Central Reserve Police Force, the Railway Protection Force, the Central Industrial Security Force, the Indo-Tibetan Border Police, the Assam Rifles, the Central Bureau of Investigation (CBI), and the Intelligence Bureau (I.B.). The other organisations under the control of Central Government for assisting the states in the investigation of crime are: Central Forensic Institutes, Serologist to the Government of India, the Central Finger Print Bureau, the Master of Mints, the Examiner of Questioned Documents, the Master Indian Security Printing, the Inspector of Explosives, etc.

Another police power rested with the Central Government is the appointment of the IPS (Indian Police Services) officers. The Central Government determines the service conditions and appointments of the IPS officers and the cadre strength of various states. The State Governments cannot alter the service conditions of the IPS officers to their disadvantage. Another important police power of the Central Government is the grant of Police and National awards and supply and provisioning of arms and ammunition, wireless and vehicles to the police under various schemes. The Central Government also gives loans to the State Governments for the Police Housing Schemes of the States.

Besides, the Central Government through the Parliament is the sole authority to amend the basic police laws and Acts and the procedures in the country like the Indian Penal Code. The other important enactments coming exclusively under the purview of the Central Government are: The Arms Act, the Explosive Act, the Extradition Act, the Passport Act and other similar subjects like the Essential Commodities Act. The administration of the police is intimately connected to the state work and the Central Legislation has primacy over the State Legislation, if any state chooses to enact the same.

Thus, the role of the Central Government in the maintenance of law and order and proper policing in the states is that of an active partner and not that of a passive spectator. In fact, when something goes wrong in the country in any sphere, people look up to the Central Government to set it right. The recommendations of the National Police Commission too tilt towards this centralization. Since the Central Government has been playing a very vital role, in the policing of the country, it is desirable, as recommended by the National Police Commission, to have a committee to evaluate the police performance.

14.4 Monitoring and Evaluation of the Police:

At present there is no evaluation of the police performance, in a state, except in the Annual Report of the Police Department. Some kind of a state committee, ideally of the state legislature, should periodically look into police functioning, and satisfy itself that the money spent on the police from the public exchequer, is well spent and procedural or other legal difficulties are rectified, wherever required. The suggestion of the National Police Commission to have a body both at the Central and State level on the pattern of the Law Commission to constantly monitor the legal difficulties and handicaps and suggest ways and means for remedying the same is essential to delete the unpractical laws and to remove bottlenecks and difficulties in the implementation of the others. This body could also serve as the brain trust of the police department and as well as the sounding board of new ideas. As on 31st December, 1999 over 3.2 crore of cases were pending in various courts. There is an urgent and dire need for the simplification of laws and judicial reforms to clear this heavy backlog, which is increasing day by day.

At present, the affluent can get away, with any crime by indulging in lengthy legal wrangles and procedures. They prolong the cases by appeals after appeals, not only during their lifetime but even going on to the next generation. It is time that something was done in this direction; else our democracy is likely to crumble, under the weight of crimes and criminals, who can get away, by taking advantage of the existing legal system in the country. The British Home office working group on training has laid down:

“All members of the Police Service must be able to show, by their actions and attitudes that they are aware of the major sociological forces, which influence our way of life.”

F. Roy Lewis in **A Force for the Future** wrote about the role of the police in the next ten years: “This is more common when the law is unclear and no majority view entrenched in the tradition. Against what are called ‘consensus’ crimes—murder, robbery, child molestation, and so on. The police can rely on cooperation, even in Ulster. But the public consider a good many laws, to be something of a gamble, involving no reproach, or shame, if one is unlucky enough to be pinched. There is a healthy aspect to this morality without it the people would be steeped in a growing sense of guilt. After every prosecution for a relatively minor crime, the police claim to lose three classes of former friends. They lose of course the accused: ‘Why pick on me. Everybody is doing it. It is officious, malicious, and unfair of the police.’ They lose the victim: ‘Why did you not prevent it. Why are you never around when you are really wanted? Getting him fined does not help me and besides, the lawyers have twisted it into a completely different case.’ And they lose the witnesses. ‘What an informal futile waste of time be sure I will not get involved again.’”

Attacks on the Akshardham Temple (September 24, 2002) + Raghunath Temple (November 24, 2002)—Lessons and Suggested Counter Measures.¹

The post Godhra riots in Gujarat has rendered Hindu places of worship highly vulnerable to terrorist strikes – even religious congregations are now susceptible to attacks. Hence need for proper protective measures. Availability of huge army for disillusioned and orphaned youths have provided resources to the disruptive groups. Need for elaborate protective measures including installation of technical devices, frisking, checking of residents in the neighborhood and stringent control over verification procedures, which facilitate procurement of access documents. Importance of upgradation of weaponry and wherewithal of local police as also their

1. The Indian Police Journal published by the Bureau of Police Research & Development, Ministry of Home Affairs, Govt. of India, New Delhi, Article written by Mr. Hasmukh Patel, IPS, Gujarat Police, page Nos.74-77.

training. Also urgent need for “improvement” of disaster management schemes.

The terrorist strikes on the Akshardham temple in Gandhinagar on Sept. 24, 2002 and the Raghunath temple in Jammu in Nov. 24, 2002 accounting for nine lives and 45 injuries were not totally unexpected. The Raghunath temple in Jammu had earlier been attacked by a Fidayeen group in March 2002. Apparently Hindu places of worship have been assigned a place of priority in the disruptive designs of militant outfits, as successful strikes on congregations in Hindu religious places tend to accentuate the communal divide and polarize the two major communities. Secondly, these were definite inputs available with official agencies on the basis of various interrogations that the jihadi outfits had for some time been tasked, especially after the February-March 2002 conflagration in Gujarat, to raise the communal temperature.

If the major consideration was to create communal disturbances to discredit the Government, then violent actions could have been perpetrated in several other parts of the country. The Mumbai serial blasts of 1993 were a sequel to the Babri Masjid demolition. The Akshardham and Raghunath temple attacks can be seen as a reaction to the February-March, 2002 riots in Gujarat. While jihadi retaliation by Islamist forces were expected for some time now, the timing of the second Raghunath temple strikes appears to have been triggered off by the vituperative and rabid public pronouncements against the Muslim community made during the so called Gaurav Yatra.

There were sufficient indicators that a major convulsion was in the offing. Apart from official inputs on the likelihood of Islamist retaliatory attacks, a number of ground level intelligence refers that Pak ISI and fundamentalist units had launched a systematic drive to recruit youths who had been orphaned in the recent riots and these were being sent to training camps in our neighboring countries. While it is rarely possible to predict the precise timing and scale of attack in such incidents, with the availability of a large army of disaffected and many highly disillusioned youths’ still available in the State, a number of violent incidents, many directed against Hindu places of worship, should be expected in the State in the future.

There are a number of important characteristics of the Akshardham temple attack. Firstly, it was a ‘fidayeen’ strike and hence only the least number of

perpetrators were exposed in the final phase of action, the rash having apparently been withdrawn before the incident. Secondly, the group involved appears to have been sponsored from across. Preliminary identification of the two perpetrators killed shows that one of them was from Lahore and the other from Attack in Pakistan. Thirdly, while it has not been clear so far whether the perpetrators were first timers or not, as involvement of hardened militants would have resulted in much heavier casualties, it is abundantly clear that the level of motivation was exceedingly high and the perpetrators were more than willing to die. Fourthly, a hitherto unknown outfit was held to have been behind the incident. This is an apparent attempt to hoodwink the world that the Pak backed outfits were not involved. In fact, it has now come to light that ISI has directed outfits like the Lashkar-e-Taiba (LeT) and the Jishe Mohammed (JM) to float a member of new organizations like Al Afreen, Al Madeena, Al Mansura, Tehrik-e-Kassas etc.,--all presently unknown—so that actions by these outfits cannot be traced back to Pakistan and could even be attributed to India. There is much greater emphasis accorded to the ‘deniability’ factor and LeT and JM have been briefed in this connection, as Pakistan cannot any longer be seen as exporting jihadi terror on account of U.S. pressure. This probably explains why such minute details were gone into in this case, as filing away the numbers of the AK rifles used, as the numbers would have traced the weapons to Pakistan. The perpetrators were sent to the scene of action at the last moment for the same reason, to avoid their exposure. Preliminary investigations into the case show that the perpetrators arrived in Ahmedabad by train only on September 24, morning. There is however, no doubt that considerable local help would have been available in the form of intelligence inputs, survey and providing details of the layout of the sprawling 29 acres area of the temple premises, storage and carriage of the huge quantity of ammunition used in this case. The second Raghunath temple strike witnessed adoption of a diversionary tactics in that of an attack on a temple in the neighborhood—Rupiyowali temple—was also simultaneously attacked to divert the attention of the security forces.

The Akshardham and the Raghunath temple attacks have brought into sharp focus the increasing vulnerability of Hindu places of worship and important religious congregations. The important temple cities of Varanasi, Mathura, Dwarka and Puri and the southern temple towns of Tirupathi, Madurai, Rameshwaram etc. have become extremely sensitive. Some of those places have great historical and cultural

importance and if a track record of jihadi outfits in Afghanistan in the destruction of the Bamiyan Buddhas in any indicator, then the Islamist disruptive groups, would have little compunction in attacking temples killing those congregated here and even destroying historical religious institutions. Religious festivals like Durga Puja, Dussehra, Ganesh Chaturthi and Diwali would also need intensive security coverage. The temple strikes have also raised the prospects of retaliatory strikes on Muslim places of worship by rabid Hindu fundamentalists. While it is accepted that every place of worship or every congregation can be accorded the same level of protection, it is absolutely necessary that a proper level of security awareness is achieved so as to reduce the scope of such attacks or at least minimize the impact of these strikes. Of particular importance is the prevention and timely control of situations and conflagrations which provide impetus to such retaliatory strikes. If the post Godhra situation had been contained in the same firm manner and the same professional approach adopted by the State agencies as after the Akshardham attack, probably the incident would have been averted.

Among the measures that need to receive serious attention in the context of the increasing vulnerability of religious places of worship are:

- (1) Identification of religious places, festivals and congregations which are deemed to be vulnerable, grading them according to their vulnerability and sensitivity to terrorist strikes. Drawing up detailed protective schemes for the security of such places and such events occurring in the jurisdictions of various States, again according to perceived vulnerability on the same pattern as is being done in respect of protected persons. This is because the same level of security cover cannot be given to all temples and all religious congregations on account of the constraints of resources. The response has therefore necessarily had to be calibrated. Of course, places of worship and religious congregations in the more communally sensitive States should receive greater and more focused attention. Even temples in the immediate vicinity of important temples would need security cover.
- (2) Much sharper focus on generation of terrorist related intelligence, particularly on local modules and the support apparatus of disruptive outfits, capabilities of the security agencies to penetrate these groups must be improved;
- (3) Identification of local criminal gangs with linkages with subversive outfits and concerted legal and administrative action to neutralize the networks;

- (4) Stricter enforcement of access control procedures including searches and frisking of visitors to such premises and installation of technical gadgets like CCTVs and doorframe and hand held metal detectors;
- (5) Regular sanitation of vulnerable premises—visually and through technical gadgets—and keeping such areas under watch. Strict control and watch over parking lots in the immediate vicinity of such premises is also called for;
- (6) Much greater control and stringency over verification procedures which facilitate preparation of identity papers used for access to sensitive premises;
- (7) Verification of residents in the adjoining areas and screening of new tenants;
- (8) Closer watch over railway stations, bus stands and airports for suspicious arrivals;
- (9) In States like Gujarat, with international borders, much stricter border controls are called for, both along the land and sea borders;
- (10) Modernization of the State police and upgradation of their weaponry, wherewithal and training. The men deployed on protective duties on such premises should undergo specialized courses and their responses would need to be regularly tested;
- (11) Disaster management schemes need to be upgraded and practiced under simulated conditions; and
- (12) Setting up special commando units in every State. These rapid action units should be subjected to rigorous training in premier institutions, equipped with modern weapons, and equipment. Importantly these groups should have proper command structure and considerable autonomy in taking decisions. There can be no two opinions on the fact that the capabilities of the State police forces have to be built up to deal with such situations. In the Akshardham incident it was seen that the State police lacked the expertise and wherewithal to cope up with the problem and the elite National Security Guards had to be flown in to handle the crisis.

These measures are by means comprehensive and all embracing, but can constitute a proper base for setting in motion appropriate protective measures of particular importance is the need to continuously sensitize the public and raise their security awareness. There should of course be very close coordination between the State and Central intelligence agencies and prompt sharing of intelligence inputs.

14.5 The Strength of the Police:¹

It is a well known fact that the strength of the police is subject to various factors like the state of the law, and the courts and post trial procedures. These are basically the prime determinants of the capacity of any given number of policemen in dealing with the crime.

The Indian Police also face the same handicaps, which the British do despite its excellent records of centuries, has not been able to overcome. At present, there are a number of Central Police Organisations, headed by the officers equal in status and pay to the Chief Secretaries to the State Governments. There is now a greater need than before for setting up of a coordination body of the Chiefs of Police, so that the development is uniform between the various police organizations and coordination problems are sorted out. In fact, a study team of the Administrative reforms Commission, as early as in 1970, had recommended the constitution, of a Central Police Advisory Board. It is time that this recommendation was revived and implemented.

The raw material entering the police is equally important for doing its duties well. The persons entering the police are its assets and in the words of Edgar Hoover, Former Director of FBI: “No one is compelled to choose the profession of a police officer, but having chosen it, every one is obliged to perform its duties and live up to the high standards of its requirements. Compromise, personal feelings, animosities and prejudices have no place in professional police service. Honesty and integrity must ride in every cruiser, walk every beat, influence every command and answer every roll call. Good ethics must be in evidence, whenever and wherever duty calls, and every minute of every day.”

14.6 Accountability of the Police:²

It is also essential that police, should be accountable, for its actions. The National Police Commission said about it as follows: “Our experience in the

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1. Life in the Indian Police by C.E.GOULDSBURY, Manu Publication, p.72-74
 2. Life in the Indian Police by C.E.GOULDSBURY, p.80-83.

Preceding decades, (after independence), has shown that a constitutional system of government, based on democratic principles, cannot function without the support of an effective, efficient and accountable administration. Constitutionally, the political executive, i.e., the minister has been made accountable, for the performance of executive, under him. We feel, that such undiluted ministerial responsibility, is not, in the interest of either administrative efficiency or the people, sought to be served by the administration in the present conditions.

Responsibility of the political executive, or the cabinet in the Assembly, is too broad to afford relief, to the people, who have no access to the channels of power. It is, therefore, essential that the accountability of the bureaucratic executive at the various levels be defined and a degree of immediate proximity, to the people be introduced. The concept of anonymity of the bureaucratic executive cannot wish away the necessity for fixing his accountability, for the performance of his duties. While the above is true for the entire administrative machinery, it has an extra significance for the police organization, which is entrusted with the task of preservation, of basic order in society which is essential for the stability of a Constitutional Government. Unlike the other executive wings of the Government, the police have maximum visibility. Visibility by itself waters down anonymity. The accountability of the police has to be viewed in this light.

Accountability means answerability, for the proper performance, of the assigned job. It means, not only the responsibility, to discharge duties, but also the satisfaction of the party for whose benefit the duties are being discharged. In a democratic society, each department including the police is ultimately accountable, for its performance, to the people. However, direct accountability, to the people in a society like ours, may prove difficult.

14.7 The Ministerial Responsibility:

It has, therefore, been constitutionally laid down, that the public service is accountable to the elected representatives of the people through forums of Parliament and State Legislatures. In the modern world, ministerial responsibility of this kind, waters down the administrative efficiency and fails to provide the necessary satisfaction to the people. At present the concept of total anonymity, of the

bureaucratic executive, and an undiluted ministerial responsibility, to the people, has resulted in distortions affecting police efficiency, and citizen's satisfaction. Unfortunately, therefore, the concept of ministerial responsibility has given the wrong impression to the political executive that they are authorized, to guide and intervene in all functions, of the police in all areas, regardless of such guidance or intervention being in accordance with, or in contravention of the law of the land. It is ultimately the people, who agents the police functionaries, and to whom they are ultimately accountable.

The process of police accountability, to the people has suffered considerable distortion, in the recent past. Various pressure and elite groups have come to develop in society having infinite expectations, from all government departments, including the police and seeking favours to the exclusion of legality and fair play. These are the members of the State and Central Legislatures, the local bodies, important functionaries of the political parties, particularly the ruling ones, representatives of the local yellow press, other important persons of the locality and government servants holding important positions, who have desired, to divert the police accountability from the people to themselves. Police functionaries, therefore, also have tended, to shift their priorities to these pressure groups. This had obvious effect on the attitude of the common people themselves, who feel that the public services, including the police services, are meant to serve only the elitist group and in case they wish to avail any public service, they have to purchase it through illegal gratification, or secure exercise of pressure from power wielding sections of the society. Another distortion noticed is preferential attention of the police, to the urban area, at the cost of rural areas. Since the urban population, is more vocal and more demanding, the police services have tended to neglect rural population. The rural areas are neglected except for completing the rituals of supervision and inspection. Therefore, the police appear to be out of touch with the problems and difficulties facing the vast majority of the people residing in the villages.”

The Annual Administration Reports of the State Police performance is not enough for an objective assessment. It is based on statistics which, as we have more than once observed in our previous reports, are unreliable on account of the fact that there is considerable burking of crime. Further the Annual Administration Reports generally project only a quantitative assessment. It is not possible to have an accurate

idea of the qualitative satisfaction of people from such reports. About the prevailing position in India, the National Police Commission said that their assessment is the same. The commission quoted Professor David H. Balyey as under:

“In India today, a dual system of criminal justice has grown up, the one of the law and other of politics. With respect atleast to the police, decisions made by the police officials, about the application of law, are frequently subject to partisan review or direction by the elected representatives. The autonomy of the police officials, in specific and routine application, of law has been severally curtailed. This is not only true to law and order situations. People accused of crimes, have got into the habit, of appealing to political figures for remission from the sanctions of law. People officials, throughout India, have grown accustomed to calculating the likely political effect, of any enforcement action, they contemplate. Fearing for their careers and especially their postings, they have become anxious and cynical. But everywhere officers are expected to be held personally accountable by the politicians, even more than by superior officers, for enforcement action taken in the course of duty. Altogether, then the rule of law in modern India, the frame upon which justice hangs has been undermined by the rules of politics. Supervision in the name of democracy has eroded the foundations upon which the impartiality depends in a criminal justice system.”

About the departmental accountability, it has been advised that a functionary in the department, at a particular level, should be held accountable only, with respect to functions and duties assigned to him. Conversely the accountability should not extend to duties over which, he has no direct control. Such duties and functions are assigned, to police officers at various levels, from time to time, by virtue of various laws and departmental rules. Great damage has been done by not taking note of this important principle and holding functionaries at each level, (e.g. SP, DIG and IG or DG) responsible for everything happening throughout their jurisdiction. To elaborate our point, the IG or DG is responsible for generally maintaining integrity and morale of the force, personnel management, including the training of the personnel, etc. But he cannot be held responsible for each isolated incident, in a particular district, unless it is proved, that the particular incident occurred, because of some acts of omission or commission, on the part of the chief of the police, or such incidents have been widespread, and the latter has failed to react adequately. In a similar manner, it would

be wrong to hold the SP or the PSO, accountable for each isolated incident, in their respective jurisdiction.

One of the Commissions set up by the Government in 1977 observed: “Employing the police, to the advantage of any political party, is a sure source of subverting, the rule of law. The Government must not only seriously consider, but implement insulating the police from the politics of the country and employing it scrupulously on duties, for which alone it is by law intended.” About policemen’s apprehensions, of not yielding to the political pressures, imaginary fear of possible and probable consequences, for doing the right things, have done more harm than the known consequences, that actually may have followed, the performances of duties, on the right lines, by the government servants. In the final analysis, our country will be governed well or ill, by the competence and character of Government Officers. If they are content to be mere tools, and willing to lend themselves questionable objectives, there will never be dearth of unscrupulous operators. There is no substitute for a vigilant enquiring and enlightened public opinion, which keeps a close watch on the workings of the public servants. (Shah Commission of Enquiry, 26 April, 1978).

The above observations are as valid today as they were made almost twenty-five years back. It can be said with certainty that the amount of security and safety provided to the citizens will depend on the quality of the police officials. The quality of officials naturally depends on the training, imparted to them. The scenario of the training is not a happy one. The Police Committee on training observed that “they visited a number of police training establishments in different parts of the country and our considered view is that police training, except in some of the Central Police Organisations, is currently in a state of general neglect. The training arrangements in the different States are unsatisfactory qualitatively, as well as quantitatively. The number of police training institutions is inadequate to meet the needs of an expanding organization. The strength of the force has increased substantially in every state, but the facilities available in institutions, have not kept pace, with this increase and in many cases, the duration of the training programme has been curtailed, to make it possible, to organize more than one course in a year. Even the buildings, which house many of these institutions, and the state of their maintenance and repair, are unworthy of a major organization, of the government entrusted with vital functions. The most

important reason for this situation of general neglect seems to be the lack, of a genuine conviction about the value of training, on the part of the administration, including the upper ranks of the police service.

In recent years, law and order duties have tended to form the major part of police work, in most states. Harassed police officials, who are pressed for time, and are perennially short of men, use up their district pools as well as their training reserves. They are unwilling, to spare their men, for training except for the shortest of courses. In such an atmosphere, training has become a ritual, where new recruits, have to be put through a programme, which is sometimes shortened to half, or even less, of its normal duration, and where unwilling, and ill-equipped instructors, perform the necessary rites, of drilling and lecturing. So for bettering the quality of police functioning for the police of 21st century, the government and the police leaders will have to devise ways and means of making the training effective and attuned to meeting the challenges and needs of the people”.

14.8 Grievances against the Police:

The following are the grievances of the people against the police. Are not without basis and have a ring of truth about them.

- (i) They indulge in favouritism, do selective enforcement of laws. They function only when the influential or powerful people are involved.
- (ii) The police are discourteous and use abusive languages, even to the persons who are aggrieved. The result is that even honest citizens avoid doing any thing for the law enforcement agencies. They avoid approaching the police even for genuine grievances.
- (iii) The complaints of the poor, and uninfluential citizens, are not even taken cognizance of by the police. In this way, the redress of grievances, for the common man, at the hands of the police is next to impossible.
- (iv) Police themselves do not comply with the laws. They do not discharge their duties as enjoined by law and thus, bring law into ridicule. They also fabricate evidence; make out false cases against the public. They indulge in illegal methods, like the use of the third degree, beating, torturing, wrongful confinement, and detention of the people.

(v) The police are corrupt. It is impossible to move them to act even in genuine cases. It is easy for the rich to purchase the police inaction in cases, where the police should legitimately function as required by the laws of the land. People, do not trust police, to do the right.

The Government and the police leaders need to take into account complaints of the public more seriously, than they have done in the past. They should ensure that the police department's growth is not only in size, dimension and importance, but also, in its response to the grievance of the people. There is also a need to root out lethargy, indiscipline and incompetence from the department. A well informed and enlightened public is the best guarantee for a responsive administration. It is time that police educate the citizens, as to what is expected of them, and what they can expect from them. Another point worth considering is to have viable small units, rather than unwieldy big units. This applies as much, to the police stations, as well as to the massive police organization, having a strength running into hundreds of thousands. The massive increase in the strength of the para-military organizations like CRPF and BSF and big district like Bhuj (Kutch), have posed serious problems of management. It also affects adversely the rapport of top officials with their men and their commanding officers. It has been observed, that in the giant sized organizations, the top man does not even know half of his officers personally. He may be able to recognize only a small number of them. It would just not be possible for any Director General to visit all the units of his organization, if its size is unwieldy and too large.

The small units and manageable manpower are more effective, in dealing with serious situations. Sometimes para-military forces are deployed for dealing with law and order situations. A para-military armed policeman is not a police man, appointed under the Police Act. He is not vested, with any police powers, under the laws of the land or the police regulations. He is simply a soldier in uniform. The desirability of small and viable police units needs to be explored both at the police station levels as well as at higher levels. It should also be considered whether there should be more than one police district at least in bigger states, that is to say that the states could be divided into two or three regions with separate Director General of Police. Presently, there is a tendency to create posts of Additional Officers like the Additional Police Station Officer, Additional Superintendents of Police, and Additional Deputy Inspectors General of Police, Additional Director General of Police or Special

Directors. It will be more desirable to create additional units, than create posts of additional officers. Many a time the officers so posted feel suffocated that they are never given full authority or responsibility. This leaves them in limbo. Quite often, government uses this as a device to penalize upright or non compliant officers.

More than anything else, it is time that police officials, from the lowest to the highest concentrated on acquiring a slant of professionalism in the discharge of their duties. It should be amply clear to the meanest intelligence that for improving the police image there is no substitute for performance. Sir Robert Mark, the former Commissioner of Police, London, once observed:

“The Police is the best reflection of a society. If the society is violent, so are the police, if the society is corrupt, so are the police, but if the society is tolerant, literate, human, and the police will act accordingly.”

It is a personal experience of top most officers working in the Central/State Organizations’, that the top man does not even know half of his officers. He may be able, to recognize only a small majority of them. It has, just not been possible, for any Director General of most of Police Organizations’, to visit all the units of his organization even in three years tenure. Small units and manageable manpower are more effective in dealing with serious situations, rather than large unwieldy organizations. An armed policeman, belonging to a State Police Organization or even the Defence services has neither any police power under the laws of the land or knowledge of the police regulations. He is simply a soldier in uniform.

At present there is a tendency to create posts of additional officers like the Additional Superintendents of Police, Additional Deputy Inspectors Generals of Police and Additional Directors General of Police. It needs to be considered whether it will be desirable to create posts of Additional Officers. Many a time the officers posted to the additional posts so created have observed and felt that they cannot give their best in such situations, because, however, high their positions might be, they are never given full authority or responsibility and a feeling of dependence does remain in such charges. This is a trend set in all Government departments and needs to be curbed.

There is no doubt that the credibility and dependability of the police is at the lowest ebb. There is big gap between public expectation and the police performance. The common citizen takes the help of the police as the last resort. He fears the police, whereas criminals not only violate the law of the land with impunity, but also get elected to the law making bodies and hold the reign of the Government. The system still functions in colonial mould, to sustain the Government of the day in power. There is no doubt that it needs to be revamped, so that it becomes public friendly and effective in dealing with the crimes and criminals.

Police Custody Death Syndrome and Police Predicament: A New Debate:¹

Police custody death syndrome is being put forward as an explanation to some of the deaths in police custody. It is argued that most people who die in police custody are not the victims of police brutality always. Police custody death syndrome is a scientific concept and needs to be established and included in the principles of medical jurisprudence. A policeman responsible for custodial death deserves maximum punishment under the law. At the same time, he needs to be protected from undue harassment if the custodial death cannot be attributed to him directly or indirectly. It is necessary to make the investigation into custodial death more transparent and fair, Concept of PCDS deserves attention of all the organs of police system in order to protect the policeman from false prosecution. A debate on the new concept of Police Custody Death Syndrome is required in professional circles.

In the interest of justice, maintenance of law and order and fair play to the Law Enforcement Agency, the concepts of PCDS deserves further investigation, and healthy debate, involving all wings of the Criminal Justice System. None other than the police leaders can initiate this debate in the most effective and professional manner because it is police who will benefit the most.

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1. The Indian Police Journal published by the Bureau of Police Research & Development, New Delhi. An article by K.P.Singh, IPS, Vol.L No.2. p.101-112.

Death:

Death is an irreversible cessation of life. Death is classified as somatic and molecular. A deceased person means a person in whom permanent disappearance of all the evidence of life occur due to a brain stem death or in the cardio-pulmonary sense, at any time, after live birth has taken place. Somatic death is a state of body that shows complete loss of sensibility and ability to move. There is complete cessation of function of the brain, the heart and the lungs, the so called 'tripod of life' which maintain life and health. Molecular death or cellular death means death of tissues and the cells individually. Molecular death takes place three to four hours after the somatic death.

Sudden Death:

Sudden or unexpected death occurs from unnatural causes, such as violence or poisoning, as well as from natural causes. Unnatural deaths are always investigated by police. Sometimes natural deaths also form the basis of medico-legal investigation if they occur suddenly in apparently healthy persons and under suspicious circumstances. Natural death may occur anywhere and at anytime. Sometimes natural death can be predicted by symptoms but sometimes it happens suddenly, without any warning or visible symptoms. A person's sudden death can occur in police custody also. In fact the probability of such an occurrence is more. Death may suddenly occur during some excitement, mental tension or strenuous physical work or while resting or sleeping in bed or even during transit. A medical practitioner should not certify the cause of death without holding a post mortem examination.

The Concept of Police Custody:

The status of a person whether he was in police custody or not becomes important when allegations regarding custodial crimes are in question. Power to take the offenders in custody by arresting them has been given to the police under various provisions of the Cr.P.C. Section 46 lays down the procedure of arrest. A person can be said to be under arrest when he is actually touched or confined by a police officer or other person, unless there is a submission to the custody by word or action. The mere words cannot constitute an arrest.

Arrest is a mode of formally taking a person in police custody, but a person may be in the custody in other ways too. The concept of being in custody cannot, therefore, be equated with the concept of a formal arrest, there is a difference between the two. When a person states to a police officer that he has done certain acts which amount to an offence, he submits to the custody of the officer within the meaning of this section. Every police officer, it may be presumed, knows that in making an arrest he must not subject the person to be arrested to unnecessary brutality, and that he cannot confine any person unless the person refuses to submit to custody and it becomes necessary to confine him, and clause 2 of section 46 of Cr.P.C. is brought into application.

The Court in various judgements have spelled out the concept of indirect police custody. As soon as an accused or suspected person comes into the hands of a police officer, he is, in the absence of clear evidence to the contrary, no longer at liberty, and is therefore in custody within the meaning of sections 26 and 27. In the case of mere suspects, who have not been formally charged with any offence or arrested under any section of the Criminal Procedure Code, their presence with the police officer under some restraint amounts to 'custody'. 'Custody' connotes some idea of restraint on the movements of a person whether by word or action and does not necessarily mean custody after formal restraint. Even indirect control over the movements of suspects by the police would amount to 'police custody'. 'Custody' does not necessarily mean detention or confinement. A person who makes a statement to a police officer voluntarily confessing that he had committed an act which the penal law regards as an offence, submits himself to the custody of the said officer within the meaning of this section.

'Custody' and 'arrest' are not synonymous, for a man may be in custody but not yet under arrest which is a formal and legal affair. Thus a man offering to give information to police implicating him, whether free or on bail, may be deemed to have surrendered to police and should be considered to be in police custody for the purpose of discovery under section 27 of Evidence Act. In Gurbaksh sing case, the Apex Court has clearly held that even a man released on bail and giving information leading to the discovery of a fact can be deemed to be in police custody within the meaning of section 27 Evidence Act. In a case of Orissa, it has however, been held that if the accused gives information while under interrogation but before his formal arrest, it

cannot be said that he has surrendered himself voluntarily to the police and as such he cannot also be deemed to be in police custody for the purpose of section 27 Evidence Act in the light of the decisions of the Apex Court in Deoman and Gurbaksh Singh. A Contrary view has been taken by the High Court of Gujarat and in an earlier decision of the High Court of Orissa itself to say that even submission to an interrogation by the police would amount to police custody within the meaning of section 27 Evidence Act. It is submitted with respect that this latter view appears to be more reasonable and should be preferred. If the word 'custody' connotes some form of watch, restraint or lack of free will to depart, then a man under police interrogation is certainly subjected to more of restraint than a man who comes voluntarily to make a statement before the police.

For the purpose of examining the question of death in police custody, a simple but comprehensive definition of police custody needs to be adopted. As per existing law, police custody is defined as custody during the period when some limitation is placed upon the liberty of the person and that limitation must be imposed, either directly or indirectly, by the police. Clearly this means that it is immaterial whether or not the custodial death occurs within the premises of a police station or chowki. What really matters is control of police over the victims. Police custody, thus, means placement of the victim with police during any action, giving rise to loss of freedom of movement of the victim. The Supreme Court upheld this position in the case of Naresh's death.

Police station is a workplace where every citizen can visit in connection with his work. Police station is not only a place to detain and interrogate accused persons but also a public office from where so many non-crime related functions are discharged. Common man has to attend a police station in connection with passport verification, character verification getting driving license made and for so many other day-to-day routine work. Public submit to a police officer on duty for security checking in routine, both on roads and at public functions. Police-public interaction is a necessity and the interaction is not always at the instance of police. The presumption that every second spent by a citizen in attendance of police would amount to 'police custody' is, therefore, stretching the meaning of the simple word 'police custody' too far. There is an urgent need to define the word 'police custody' in right perspective so far as its application to custodial crimes like custodial death is

concerned. Every death in the presence of police or within the four walls of a police station should not be presumed to be a custodial death. Death may occur any time and any where and every death can not be presumed to be unnatural one merely because it occurred in present of police. A policeman is also a human being and deserves a fair deal. It would be too harsh to brand a policeman a murderer if a person simply happens to die in his attendance.

Custodial Deaths in India:

In 1980, Arun Shourie investigated 45 deaths in police custody in seven states. He found, “the patterns are uniform from one death to another, from one state to another, that generalizations are possible. The victims were invariably poor. Several of them were hauled in no formal charges at all. Even in the case of persons who were arrested, in an overwhelmingly large number of cases they were all accused of petty offences”. The explanations for these deaths were snake bite, heart failure on the way to hospital, sudden illness etc. Some were said to have died of mysterious reasons, while the rest committed suicide. The account of suicide given has not varied even now-by-hanging inside the lock-up by using a ‘lungi’ or a belt, jumping out of a building or in front of a bus, or some such ludicrous and unbelievable account.

Since 1980, when Arun Shourie conducted the study great efforts have been made into correct attitudes of police towards persons in their custody. Judiciary and National Human Rights Commission have played an important role in protecting rights of a person in police custody. In the last one decade, a new concept of Custodial Jurisprudence has taken shape, pronounced by the Supreme Court in D.K.Basu. Attitude of police is continuously changing for the good and it is finding reflection in their working too.

14.9 Weaknesses of the Police:

The major weaknesses of the police are:

The Police are not fair and impartial, in its dealing with the public in its attitudes, behavior mind-set and investigation of crimes. The general impression among the public is that, it only takes care of the interests of the political and social

elite. It is also believed that it is a tool subject to the manipulation by the party in power; there is also a feeling of prevalence of rampant corruption at various levels in the department and no case is ever registered without pressure or recommendations.

WORK RESTRUCTURING IN POLICE ORGANIZATIONS:¹

Abstract:

The British established the police organization in India with the aim of maintaining and expanding empire. Its structure has practically remained unchanged though the country became independent nation and has undergone tremendous changes at all levels. It has failed to fulfil the need and aspiration of the people of India. One of the main problems is the constabulary oriented manpower structure and the officer oriented work culture. We employ too many constables and we don't take enough work from them. They are underutilized and demoralized and the officers are overworked. A detailed study of duties of Constables Head Constables and the Sub-Inspector is done. Also the actual duties performed by police station in charge of Sub-Inspector and Inspector level officers is studied by analyzing weekly diaries of 27 officers. Some recommendations are made to synergize the work culture and manpower culture by empowering the constabulary. Some training reforms are also suggested to make the constabulary more competent to work as officers and to change the attitude of senior officers towards the constabulary. Some suggestions are also made to improve the accountability of the organization so that the empowered constabulary doesn't misuse powers.

General:

Our police organization consists of majority of constabulary whom, the founder of the Indian Police, the British colonial ruler, preferred not to give any work of responsibility. We also continued with the same pattern. We continued to maintain their majority. We also continued with the same culture of not trusting them and not giving them any responsibility. Presently they form 87 percent of the

1. The Indian Police Journal October-December 2005 Vol. LII No.4 Written by Mr. Hasmukh Patel, the then Superintendent of Police, Bhavnagar. P. 108-115.

Organization. Any police reform would be incomplete until problems in this segment are addressed.

As per the Gujarat Police Manual constable will perform such police duties as may be ordered to them by head constables and their superior officers to perform for the prevention and detection of crime, the maintenance of order, the apprehension of offenders on warrants ... the escorting of prisoners, treasure or private or public property of which they may be placed in charge... Routine patrol duties may not be carried out by constables. A constable is not to be used for rambling round to pick up information by chance in villages. When he is used for any duty coming in the sphere of a beat man, his instructions must be specific e.g.

“To, Constable A, B.

You are hereby informed that “F” was last heard of as being at village “X”
Proceed here and report :-

- (a) if he is still there;
- (b) if so, how he earns his livelihood; and
- (c) If he is not there, where he has gone.”

Thus it emphasizes upon the performance of duties entrusted by the superior officers. Also in terms of protecting private and public property their duties are like the ones presently performed by the private security agencies. These duties can be performed by the private security agencies with fraction of a cost that is presently incurred by the government. Moreover it will help the police organization to concentrate on other important police functions, which may really help in achieving the organizational objective. The last paragraph of giving specific written instructions to the constables reflects the kind of mistrust the organization has about the professional capabilities of the constables.

The Gujarat Police Manual state about the duties of the head constables that “The Head Constables are subject to the order of the sub-inspectors placed over them and to those of the superior of the police force. They are entitled to the obedience of all police subordinate to them within the limits of the charge that may be assigned to

them... They must report to their sub inspectors all crime within their charges and any probability that cognizable offences is about to be committed, but must not wait for orders before proceeding to make necessary inquiries for the discovery and apprehension of offenders... In prevention of crime and in maintenance of order, they will obey such orders as their superior officers may give...Head constables are the assistants of the sub inspector and should assist him in drilling and instructing the men and in patrolling the posts frequently.”

The duties of head constables are bit different from constables in the sense that they can hold independent charge make inquiries etc. But the same language of supervision and obedience of order reflects the mentality of colonial ruler who started police force immediately after the mutiny of 1858 and was always worried about their loyalty.

As per the Gujarat Police Manual Sub-Inspector has following duties:

(1) Sub-Inspectors are responsible in their charges for the prevention and detection of crime, and for seeing that the orders of their superiors are carried out and the discipline of the police under them is properly maintained. They should make themselves thoroughly acquainted with their charges and see that all the Police under them are present on duty and efficient. They will also keep all their superiors officers informed of the probability that comes to their knowledge of any crime or occurrence likely to affect the public peace taking place, suggesting such precautionary measures as they may consider it advisable to take... In the event of an Inspector personally taking up the investigation of a particular case they will act under his orders; but in other cases they will act independently, subject to his general direction and advice. This, however, will act independently, subject to his general direction and advice. This however will not absolve them from their responsibilities mentioned above and in all cases they will act at once, without waiting for orders unless the cases are such that the Police cannot proceed without instructions from a Magistrate.

(2) They will inspect periodically, in such manner as the Superintendent of Sub-Divisional Officer may direct, all the Police in their charge, report any negligence, misconduct of disobedience of orders, absence without leave of casualties among the members of the force and generally keep the Superintendent or Sub-Divisional Officer well informed on all matters connected with the efficiency of the Police

arrangements in their own Police Stations. It is open to them to report also any difficulties they may experience owing to the influx of criminals from outside their station limits or the lack of co-operation from other Police Stations or districts.

(2)(i) Sub-Inspectors should inspect the Outposts in their charge at least once a month and at such times should give their men at the Outposts instructions in their duties.

(2)(ii) They should visit the villages under their Police Stations, examine the Police Visit Books and Muster Rolls and bring up-to-date the registers relating to crime in the villages.

(2)(iii) They should take every opportunity of collecting information of the current events within their charges and should have an intimate knowledge of the people around them more especially of the bad and suspected characters, and see that their subordinates take every opportunity of acquiring minute local information.

The police station is a basic unit delivering the police service to the public and so it's in charge, the Sub-Inspector, is the key functionary of the police service delivery system. The performance of the police organization thus largely depends on performance of this key leader and his team. Therefore our efforts to improve performance of police origination should focus on improving the performance of this key unit and its leader, the Sub-Inspector.

The duties of Sub-Inspector prescribed by the Gujarat Police Manual give him a lot of operational freedom. Then why this basic police unit has failed to fulfill the needs and aspiration of the people? Whether this leader has failed to deliver the goods? Whether he utilizes his resources optimally to achieve the goals and objective of the organization of prevention and detection of crime and maintaining peace and harmony in the society and creating sense of security among the people? To study these aspect weekly diaries of 28 police stations in charge were analysed and following observations were made. Some of the important police stations have Police Inspector as the in charge. Their functions are similar to the Sub-Inspector in charge of the police station. So their diaries are also analysed to cover variety of police station.

- 1) On average police officers of the rank of inspector and the sub-inspector worked for 12 hours a day. This is one and half times of standard prescribed for any human employee.
- 2) The Inspector and the Sub-Inspector respectively spent 22 and 28 percent of their total time in the investigation of the cases.
- 3) The Inspector and Sub-Inspector respectively spent 19 and 28 percent of their time in holding charge of the station diary and performing various administrative duties.
- 4) The Inspector and the Sub-Inspector respectively spent 18 and 15 percent of their time on patrolling duties.
- 5) The Inspector and the Sub-Inspector respectively spent 10 and 8 percent of their time on night patrolling duties.
- 6) Both the Inspector and the Sub-Inspector 10 percent of their time on Bandobast duties.
- 7) The Inspector and the Sub-Inspector respectively spent 5 and 2 percent of their time on village visit duties.

R.L.Katz has classified Managers in to three categories skills required and utilized by these managers.

1) The first level of managers:

These managers are in direct contact with the employees, who usually produce the goods or services output of the organization. Thus police station in charge, the inspectors and the sub-inspectors are the first level managers in police organization.

2) The middle level managers:

These managers are those with a number of responsibilities and linking or connecting activities. They direct the activities of the first level managers.

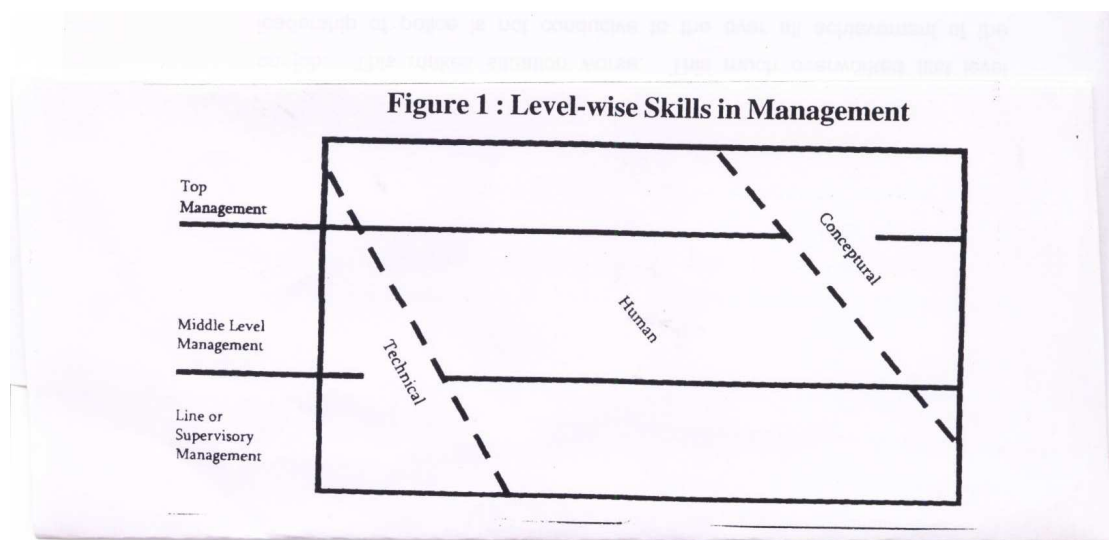
3) The top level managers:

The top level managers are a small group of policy makers responsible for the overall strategic management of the organization. It is the responsibility of the top managers to develop the objectives and strategies of the organization. It is the top

management that must sense the demands of the political, Social and competitive environments on the organization.

If we apply this classification to the police organization in India the Police Sub-Inspectors and the Inspectors in charge of the police stations are the first level managers, the Deputy Superintendent of Police, the District Superintendent of Police and the Range DIG are the middle level managers and the Zonal IGPs, the State DGP and the Home Secretary are the top level managers.

Katz's analysis of the skill is represented in the figure below.



Conceptual skill compared to technical and human skills is more important for the top level managers. Technical skills have the greatest importance to the first level managers. As the managers moves up in the ladder, the need for technical skills become less important. When the manager reaches the top level the technical skills are not utilized much but with the human and conceptual skills he gives strategic direction to the organization.

Applying Katz's model to the police organization in general and above information about the duties performed by the police station in charge in particular lead to following observations:

- 1) It is a fact that the police officers are over worked in term of time spent on jobs. In addition to this they are mentally occupied when they are not actually on job. This makes situation worse. This much overworked first level

leadership of police is not conducive to the over all achievement of the organizational goals and objectives.

- 2) These leaders spent more than 15 to 18 percent of their time on patrolling duties and 10 percent on Night Patrolling duties. This comes out to be around 25 percent on patrolling duties. It may be argued that their patrolling duties have some managerial function in terms of supervising the policemen deployed at various places. There should be minimum fixed point duties because due to invention different communication means it is more effective, efficient and economical to perform mobile duties rather than fixed point duties. Additionally mobile duties have advantage of element of surprise. It improves police presence and thereby security sense among the public. Most of the developed countries deploy 60 to 70 percent of police station man power on patrolling duties. More empowered and better trained constabulary will be able to perform better patrolling duties as they will have better sense of responsibility and belongingness. This will need less supervision and thereby will reduce the burden of the first level manager the police station in charge.
- 3) The police stations in charge spend around 10 percent of their time on bandobast duties. This counters the argument of too much law and order duties at least of this level of officers. Off course it is also a fact that constabulary spends too much time on these duties. This hampers the investigation of the cases as head constables and the ASIs investigate majority cases. So separation of investigation branch from law and order duties will definitely help improve the quality of the investigation and the conviction rate and consequently the fear of the law. (Gujarat police didn't have the rank of the ASI until the year 2000. The present days ASI were called the First Grade Head Constables and had the status of constabulary. The change in nomenclature has not changed their status.)
- 4) The police stations in charge officers spend around 25 percent of time on investigation of the cases. Generally they investigate important cases. Also prevention and detection of crime is one of the most important organizational goals of the police organization. Looking to this point it is not too much to spend 25 percent of time on it. But when we see this in the light of the fact that these officers work one and half times the prescribed time limit for the normal human being. Moreover as the maximum normal police custody of the

accused available to police is 24 hours and it is very difficult to get further custody and it requires extra effort for further custody, investigation of important cases is highly time bound. The public pressure to arrest the accused quickly and to get quick results in terms of confession of the accused and the recovery of the material, add further to the police problem. Other jobs of the police station in charge are some time more urgent than even the already time bound investigation of important cases. The final result of the investigation comes after long time but non attention to other, especially law and order, matters will immediately result in to larger problems. Thus investigation gets the second priority and suffers. This is more serious as it happens in important cases.

Setting up of separate serious crime squad at district or the sub division level will help improve the quality of investigation and will help reduce the burden of the police station in charge. And so he will be able to give more time and attention to the other important function, important from the point of the organizational goal of customer satisfaction and creation of sense of public trust in police and sense of security in the society.

Setting up of separate community police unit in each police station will also help in reducing the burden of investigation and will also improve the customer satisfaction as the police will be able to help people in settling minor problems within the society out of the court.

- 5) The middle level managers spend too much time on technical skills in Police organization. And so they are unable to spend enough time on human and conceptual skills.

Similarly the top managers also spend time on technical skills and they don't utilize much of the conceptual and human skills. And that is why they fail to give strategic direction to the organization and that is why the organization has failed to respond to the environmental changes. We see constable to the DGP doing almost the same kind of the job.

This is so because the top and middle level police managers, the officers of the Indian Police Service have failed to change the British mentality of not trusting the constabulary. The British had their own reason

not to trust the native constabulary as the Indian Police was started in the backdrop of the mutiny of the Indian soldiers and number of other such revolts by other Indian classes like peasants, tribal etc. Because of this the induction and in service training of the constabulary has too much emphasis on outdoor and so not much time is available for learning police skills like public dealing. Any change in the police structure will need commensurate change in the police training otherwise the present constable will not be able to function as the officer. The change of this mentality should form the first major step of police reform.

Officer Oriented Work Culture and Constabulary Oriented Man Power Structure:

What is officer oriented work culture and constabulary oriented man power structure? It is nothing but employing too many constables but keeping the decision making power with the officers. It is something like running a farm harvesting operation with unskilled labourer or running a garment factory wherein labourers have very limited skills and they perform very limited repetitive operations that don't require any decision making. This may function well in such operations but may not work in police as the policing need handling of different situation needing on the spot decision and the limited number of officers may not be present everywhere. The solution thus lies in either changing the work culture by delegating decision making powers to the man power or changing the manpower structure. Or synergizing both that is transform the constables into officers by giving them more power, making them more capable by training them in to different skill required for effective operations.

Even in the factory operations like garment making wherein repetitive operations lead to speed and efficiency, it is now believed that due to repetitive nature the monotony affect the labour motivation and morale adversely and result in to number of problems including absenteeism, employee turnover etc. To solve this they employ various means like job rotation, job enrichment, job enlargement etc. In the present police set up everybody does every work. This makes police constables all rounder. As the demand for different skills keep on changing every moment as police performs different jobs all the time, the present system helps in using manpower

optimally. But it prevents job specialization which affects effectiveness of the organization. The segmentation of police station into different units will help producing dedicated police officers with special capabilities in different skills.

The thinking of constables being incompetent and corrupt is not only age old British thinking but it defies all logics. As there is not much difference between percentage of officer and constables being corrupt. Not only that the quantum of corruption is very high among the officers.

Also there are large number of constables who are more competent than head constables, ASIs and even the Sub-Inspectors. The instances of writer police constables being de facto in charge of the police stations are not rare. There are many cases where a good constable is posted in out post as the ASI doesn't know much work. So we should devise a merit based flexible system where merit is given precedence over the seniority in job allotment and the promotions are given on the basis of the departmental promotion examination.

Recommendations:

From the above discussion it becomes very clear that the performance of police organization requires thorough changes in the work culture and man power structure. Following recommendations are made keeping the above discussion in mind.

- 1) The training of the IPS and other officers should be changed by decreasing the physical component to reduce the regimentation in the organization.
- 2) The training of the IPS officers should be modified to change their attitude towards the constabulary. Rather than emphasizing army pattern of the organization they should be trained in human resources management.
- 3) The constabulary should be trusted and given more responsibility. The nomenclature of the constables and head constables should be changed as the "Police Officers".
- 4) The police station should have different units like investigation unit, intelligence and operations unit, logistics unit, community police units etc. These should be manned by the newly decided rank of the police officer. The unit in charge will be called the police team leader. They will not be higher in

rank compared to their members but will be selected on the basis of competence by the police station in charge. It will be prerogative of the police station in charge to select the team leaders and the supervisory authorities will not interfere as it is expected that he will select the best of the police officers as the performance of the police station will depend on the performance of these team leaders and their teams.

- 5) The police station in charge will be called police station managers. The present Police Inspector and Sub-inspector level in charge will be called Station Manager Grade I and II respectively.
- 6) The post of the Circle Police Inspector will be abolished to avoid one unnecessary level of supervision because too much supervisory levels are reflection of the British Mentality and have not helped in performance of the organization.
- 7) The Sub Divisional Police Officer will be called the Sub Divisional Manager.
- 8) The District Superintendent of Police will be called District Police Manager and he will have two assistants looking after operation and administration. They will be called District Operation Manager and the District Personnel Manager.
- 9) This will attract better educated persons to join the organization. And the problem that they will be demoralized to work as the lowest rank "Police Officer" will be solved as their job now as police officer will be more interesting and responsible.
- 10) To recruit more sensitive persons a psychological test should become part of the selection exam.
- 11) The physical component of the training of the constabulary should be brought down to accommodate more inputs of police skills like interpersonal relations, public dealing, basic of computer etc.
- 12) The present constabulary will take time to improve as a long culture of one and half century will take time to change. So it will require more accountability and transparency in the organization so that the empowered constables do not misuse their powers. Such complaints should be taken up very seriously.
- 13) To tackle this, a special inquiry cell should be set up in each district to enquire any allegation of police misbehavior, violation of standard operating

procedures, and misuse of power as presently such inquiries are delayed beyond reasonable time leading to disinterest on the part of the complainant or the management of the complainant by the erring police personnel.

14) To make the police more accountability public participation should be increased through various means.

15) The present constabulary should be trained to become "Police Officers".

It is hoped that these efforts at synergizing police work culture and the manpower structure will go a long way in improving police performance through better utilization of human resource. Off course it will require a lot of organizational will and sincerity, political will and the patience and cooperation on the part of the society.

14.10 The Police Version of the Problems Faced:

The police feel that they face some handicaps hence they do not come upto the expectations of the public for the following reasons. The handicaps include the distrust of the law in the police. The confessions, even to police officers are not admissible as evidence. There is no evidentiary value of a statement made before a police officer, irrespective of his rank. The police in developed countries, on the contrary are not distrusted. Terrorism is a major problem for the country. It has come on the centre stage of the country. There is no Central Law to fight terrorism and organized crime. The final outcome of any crime depends on the prosecution. Prosecution has become independent after 1973;

The Police are answerable to a multiplicity of agencies like the District Magistrates, State Home Ministries, Administrators and various National Commissions. Other problems include the low morale due to low pay scales, harsh working conditions, very poor housing facilities and lack of public co-operation and delay in the disposal of the cases. The police feel that reform should be towards making more stringent laws and giving the police more powers and more resources. The police officials also strongly feel that there must be a check on arbitrary postings and transfers of police personnel. There must be a fixed tenure for all key players running the department. The general public feels that the police cannot be trusted. They should change their attitudes, behavior and mind-set so that the public could

trust them not to misbehave or come under the influence of the rich and powerful. They feel that at present the police cannot be trusted with any more powers, as it will add to the misery of the people.

It is a fact that the police officers are exposed to undesirable and unwarranted interference in postings and transfers, if they do not oblige people in powerful positions. Due to political interference, the command and control structure has totally collapsed in the State. The attitudes and performance of the police force depends, to a great extent, on proper recruitment, need based training, interaction, support of the public, motivation, high morale of the force, and most importantly, the leadership in the police department. However, all these facts are rendered meaningless unless the political leadership lends a helping hand in the State. Changes in the legal and organizational set up, which was created in by the Police Act of 1861, are badly required. Other factors which have affected the force are: slipshod recommendations based recruitment in the force, improper management of manpower, lack of career planning, lack of appropriate training at all levels, both at induction or in-service, blocked avenues for promotion, lack of resources, sub-human living conditions, lack of prompt appreciation of work, and faith in numbers rather than on quality, faith in display of force and visibility to control law and order situations, have led to the present state of the Gujarat Police. Quality has not been up to the mark, due to several factors.

14.11 Reasons for Poor Quality of Policing: The Detractors:

A lot of duties, other than policing duties, have been passed on the police and naturally it affects their efficiency and detracts them from their main job of fighting crime. These duties include, deployment of police for conducting examinations, deployment of police at mega private events, like film shows and premieres, which are not really in the public domain, entrusting responsibility of a large variety of social legislation's to the police, responsibilities under the Forest Act, Wildlife Act, Child Marriages Act, Offences under the Excise Act, etc. The Police should be left to do their duties, of keeping the peace and order and the concerned departments should enforce the relevant Acts, or that private security agencies should be deployed for certain mega events organized by private organizers. However, the police needs to be relieved from some routine duties, which could be entrusted to concerned

departments, though the police cannot and should not wash off its hands from all activities, which will have some relationship or cause a law and order or a crime situation. This is one way of bringing police and public together, and wins their confidence, trust and co-operation. The role of police is bound to be expanding. The police should not shy away from undertaking any assignment expected of them by the society. However, the resources made available to the police, should be suitably enhanced to match the increased responsibilities entrusted to them.

14.12 Technological Applications for the Police:¹

Police are a vast information generating, processing and disseminating institution. Information pertaining to criminal violations, order maintenance problems, conflicts of various nature and citizen police interactions is overwhelming. The latest statistics suggest that almost 5.17 million cases are registered in the country, 1.5 arrests are made per IPC case, and almost 400,000 people are convicted by the courts in a year (NCRB 2002). Moreover, citizen interactions with the police run into 8-10 millions per day in the country. With almost a million police personnel the information within the organization too is unmanageable. Most police work involves collection, manipulation, structuring, collating and dissemination of information. It is not only necessary to know who the active criminals are but also to keep track of offenders recently released from the prison, those violating their bail conditions and those against whom warrants are pending. Indeed, good policing cannot be done unless updated information about the past, active and emerging offenders and violators is kept by the local police authorities. Despite the efforts of the National Crime Records Bureau (NCRB) to educate the police personnel about computer operations and to introduce computers in police functions the state of automation in this regard is lamentable. There is not a single police station that is completely computerized and even today almost all data management in the police organizations is manual. It has to be realized that automated records and advanced communications are not a luxury but a necessity for the police. Policing in the country cannot improve unless modern technology is introduced in the organizations.

1. The Indian Police Journal, June 2002. By L.C.AMARNATHAN P.7-16

Need for Modern Technology:

At the basic level the task of any police organization is to process the information about criminal incidents and take action against the perpetrators. Police action is initiated under section 154 Cr.P.C. when the first information about a cognizable offense is received at the police station and the First Information Report (FIR) is drawn up. A good FIR must address the six issues of what is the nature of the incident, where and when did it happen, who is reporting and against whom and why did the incident happen. These six W's begin the process of data collection, collation and analysis that hopefully results in the arrest and prosecution of the involved person or persons. In this investigation, additional information gathered from the witnesses, common citizens, informers and even other police officers is an important step for solving the case. Furthermore, information obtained from physical objects like guns, clothes, hair and other particles to blood samples etc. are significant pieces of the evidence in the success of the case. Any case diary that records the stages of the investigation and all the collected evidence easily run into at least 40-50 pages. Thus, even a single criminal case generates a vast amount of data. In view of the fact that in any normal district of 15-20 police stations the number of crime cases run from 300-500 per month, one can imagine the amount of data that is generated by only the criminal incidents. In addition, there are citizen complaints, general information and material objects brought to and from the police stations. All these involve additional record keeping ranging from the station diary entries to malkhana [seized or recovered property] registers. For the proper supervision and indeed functioning of the police station these records must be up-to-date. All these records are also inter-connected and each has related entries that indicate corresponding information in other records books. It therefore becomes imperative that not only must all this data be updated regularly and even constantly but also should be correctly maintained in order to avoid inconsistencies. Lastly, all these records are to be kept at the station for a long period of time and some are indeed permanent records. For example, the inspection registers, the 'Khatiyans' for crime statistics are permanent records in Bihar police. This is necessary since information about the offenders and suspects is kept in terms of their modus operandi, which forms the basis for investigations.

A major advantage of a computerized system of record keeping is that inter-related entries are updated as soon as the basic information is entered into the system.

For example, in a software data spreadsheet program like Microsoft ACCESS, the data is relational and one need not duplicate manually the other formats of the data. The program updates related entries on its own. This not only saves labour and time but also ensures that there are no inconsistencies. For any good investigation of criminal incidents it is imperative that the data records are able to provide detailed information of similar past events, throw up lists of suspects involved in such similar cases, their hideouts, keepers and associates. For example, to solve cases of motor vehicle thefts the investigator needs information of previous vehicle thefts, their locations, vehicle types, suspects found to be involved in those cases, place and time of their thefts and associates involved in selling the car, stripping and selling vehicle parts and/or contacts in motor vehicle registration offices where forged papers were issued. This information may not be limited to a particular city but perhaps extend to the state or neighboring cities where similar cases may have been reported. CASS or Computer Assisted Search System [developed in the US in the mid seventies] is an automated crime analysis system providing crime suspects, their correlations, crime patterns, and other information required for solving vehicle theft cases. This was further used for criminal investigation monitoring system that provided feedback on workload of investigators, their performance, case status and even budget or resource requests. Similar technologies for Gujarat are urgently required.

The basis for criminal investigations and crime control measures are the detailed reports of offenses in terms of victims, offending persons, place, time, situation, police response and such other details. Generally, every police station maintains a crime directory for this purpose. This is an important database that is the pillar of detective work. For any criminal investigation, it is essential that knowledge of all such similar offenses in the previous years and in the same or neighboring jurisdictions be analyzed. This forms the basis of police detective work since it is known that most offenders maintain a similar modus operandi and work with known associates. This has been realized by police managers and since the 1980s attempts have been made to computerize this data. Unfortunately, there is little progress in this direction and let alone a national directory of offenders suspected or arrested by the police for different crimes, even a district level directory has not been created anywhere in the country. In fact, the need is to link such a directory with other data bases-foreigners visiting a district, gun owners, those dealing in pawn goods and those

involved in disorder incidents. Furthermore, the database of bailers for these offenders and lists of family members and friends are all needed for the police to locate them in the shortest possible time. These are areas where technology can play an important role in improving the efficiency of the police departments in the country. In view of escalating violence and terrorism, the need for such a database is not only essential but also urgent.

Even for routine administration of the police departments the need for modern technology is imperative. Consider the management and administration of any police district in the country. The Superintendent or the Commissioner will have around 2-3 thousand police personnel working under his or her command. A good manager needs to develop objective productivity measures in order to make the best use of the personnel. It is necessary to know the educational levels, training and such other personal information about every officer. The output of the officer in terms of years of service, previous postings and work experiences, personal conduct and comments by supervisors are all required to understand the capabilities of the person concerned and the best way to utilize his or her services. This is the crux of modern management and something that is routinely done in any professional organization. The Superintendent is also responsible for managing physical, vehicular and financial resources for the organization. Again, in this sphere the amount of data that is to be processed is impossible to handle manually. It is for this reason that not only police departments function like a slow-moving bureaucracy but it also breeds considerable corruption within the offices. The scandals in purchases, payment of allowances and financial transactions in police offices, despite their small operating budgets is still considerable. A large number of IPS officers in the country are facing charges of serious irregularities that have occurred in their offices. If one were to add the data concerned with the training, deployment and personnel management of the officers the limitations of manual processing are easily understood.

A more serious problem is that of handling citizen complaints against police officers and other people. In any normal size district, such complaints number 10-20 per day at a conservative estimate. Many of these are involved with ongoing investigations and a large number are related to serious charges of misuse of power by the officers. Clearly, a good police manager needs to deal with these complaints expeditiously and effectively. However, most police Superintendents and other senior

functionaries are overwhelmed by their workloads and are unable to pay attention to these complaints. Indeed, a reason for the politicization of the police is said to be the inability of the police leaders to handle citizen complaints quickly and effectively. In most of these cases the police managers are able to pursue only a limited number of the complaints. In any case, only in rare cases have the police managers been able to examine the pattern of these complaint—where these are coming from, what is their nature, which officers are involved and action taken on previous such complaints.

There are usually a small number of officers who are misusing their power and against whom citizen complaints are the strongest. From a professional point of view, the Superintendents need to examine these complaints expeditiously and to take action against these officers before it is too late. Here too, technology of collating and processing these complaints is going to be the tool for reforming the organization.

Technological Advancements – Implications for Crime:

The human race cannot survive on discovery alone. The knowledge gleaned from new discoveries must be put to work in new technologies. Only a thin line separates a discovery from technology. There has been an exponential increase in the speed at which technological innovations have appeared. The humankind experienced quantum progress in the past 50 years. Technological advancements are not domain specific. They take place in every realm of science and technology simultaneously. Therefore, the recent debates on technological impact in the 21st century identify the significance of convergence of technologies, like the convergence of Computers and Communications. We are all eager to know: what is new in science and technology, how the innovations influence the quality of life, what the new threats are, which acts are to be criminalized and how to deal with them.

Implications for Crime:

Predicting the future has always been a risky business and so is predicting the implications for crimes arising out of technological advances. Yet, certain observations can be made safely without conflicts:

- 1) New discoveries and new inventions will never show sign of coming to an end. The very pace of innovations will quicken and it will be from one eureka to many eureka.

- 2) As often said, crime and development go hand in hand and so would crime and technological advancement. Advancements will offer greater capacity to commit crime. Such capabilities on the one side and constraints of police on the other will be directly proportional.
- 3) The major spin-off of technological advancement would be new generation crimes unknown before with greater sophistication levels. New laws will have to be enacted to deal with them as also amendment of the existing laws wherever required. Precise definition of crimes and their periodical upgradation through sunset provisions will become key concerns.
- 4) Crime profile will conceivably change. Increase in sophistication apart, predominantly economic crimes will occur in profusion compared to other kinds. The present inadequate legal response to the meaning and definition of economic offences would attract **a *new economic offences code*** as distinct from penal code.
- 5) Crime will no longer have one to one or one to few victims. Emerging forms of crimes will have one to many victims. What is more victims may not even know that they have been victimized. Children and the young will become vulnerable targets.
- 6) Technological advancements enable commission of normal crimes and sophisticated ones leaving little or no trace of the perpetrator; resultant anonymity will make *identification a crisis*. Offender and victim may not even come face to face constituting a generation of *faceless crime* and *remote controlled crime*.
- 7) Technology is expected to gradually eclipse conventional methods of law enforcement. Qualitatively superior and matching methods of law enforcement would have to emerge to respond to the growing challenges.
- 8) Conventionally collected evidences, oral and documentary may not be available and when available needs to be matched in substantial measure with scientific and other corroborative evidences to draw irrefutable inferences.
- 9) Investigation and detection will be complex tasks due to factors like anonymity, lack of trace, degree of probabilities and passage of time. Legal and professional constraints have to be addressed and overcome.

- 10) *Reduction of opportunity* to commit crime; in other words, accent shift aiming at crime prevention will have to be the predominant approach on which the Police will have to rely upon enormously.
- 11) A *think tank group, a dedicated R&D outfit, a constant scouting for new technologies* and their acquisition before criminals do would all become priorities as constructive countermeasures.
- 12) These changing dynamics call for proactive policing, not only prevent crime but also to predict and interdict crime. They are to develop and establish institutional approach to assess strengths, weaknesses, opportunities and threats – elements of SWOT Analysis.
- 13) Planning, upgradation of levels of preparedness of infrastructure and a sustained review would become important more than ever before. *Special Units* and Emergency Response Teams will have to be established.
- 14) Regular *training of personnel* would be needed to enhance their skills and capabilities for effectively respond to the fundamental role of catching criminals in the emerging environments.
- 15) The object of making the law enforcement agency acquire advanced skills of current technologies though laudable is unachievable because of the dexterity, diversity and rapidity of technologies. In the context of the same, *law enforcement and industry co-operation* will imply increasing imperativeness. New bridges need to be built and standards established to achieve this cooperation.
- 16) Policeman cannot tackle the burgeoning neo crimes unaided. In support and in tandem, *specialized agencies* will have to grow coming under the common umbrella of law enforcement agencies to fill the gap in the skills; and establish a greater degree of cooperation and coordination.
- 17) The *criminal justice system* is often compared to five fingers of the palm. Police as law enforcer represents one finger while the law maker, prosecution, judiciary and correction represent the other. Combined strengths of all sub-systems can only exert firm grip over crime. Enhancing awareness to the new challenges and establishing close co-ordination among all would assume greater significance.

Law enforcement agencies keep information on crimes, criminals and properties to discharge their most important role. When it concerns 5 million crimes and half the number of criminals, technology should be harnessed for efficient information management. The important resource of the police is the human resource, comprising 1 close to 2 million men and women. Many aspects concerning man-management can be computerized for higher productivity, qualitative service and greater morale.

14.13 A Few Suggestions:

The police in Gujarat is recruited, trained and equipped for maintenance of law and order. The problem facing the state and the internal security are extremely challenging. A normal policeman is not trained, to confront the problems of internal security. It would be only wise, if the present day challenges to the internal security, especially posed by Pakistan extremist groups and the religious fundamentalists are also included in the training syllabus of Police. For meeting such challenges, meaningfully and effectively, the society and the country need a highly motivated, professionally trained, infrastructural self-sufficient and a well equipped police force. This is a paramount national requirement for the maintenance of integrity and sovereignty of the country. The present day policeman does not evoke any respect. He projects a bad and sloppy image of the entire force. The police force generally consists of over 85% constabulary. Opportunities being extremely limited, most of them cannot hope to rise beyond the level they were recruited.

- 1) There is a need to have more opportunities for them to rise in the force, so that at least 50 percent of them finally retire as Sub-Inspectors. There is a need to go in for more recruitment of Sub-Inspectors, from within the force, so that depending upon the qualifications; a constable could hope to go in for being inducted as a sub-inspector within the first five to ten years of his service. Recruitment to constabulary could be restricted, so that it becomes more of an officer oriented force. We need a thinking police man, who can show their mettle in the investigation, intelligence gathering, and in maintaining law and order. The existing constabulary should be re-trained. Every policeman should be put through training every five years. It is more important at the

level of constables, so that they imbibe the right attitudes to work. Those who do not successfully complete the training should be weeded out.

- 2) All promotions should be subject to successfully undergoing and passing the Mandatory training programmes. Community policing should be encouraged.
- 3) The politicization of police and the consequential transfers are the undoing of the department. There have been brazen and blatant interference, leading to an average tenure of SPs and PSO's in some States from 15 days to 3-4 months. Misuse of the power of transfers, is freely exercised in many States. PSOs transfers are being ordered by the Chief Ministers/Ministers in some times. This had led to the line of command in the police force, completely breaking. There is an urgent need to stem the situation. There is a need of a transparent transfer policy, which should be continued irrespective of change in the government. No committees and no laws can do it. What is required is a political consensus and to play the game of transfers fairly.
- 4) In our country, due to a number of factors, including caste and communal reasons, maintenance of public order is a high priority job for the police. This leads to neglect of investigation, which is given a low priority. Staff earmarked for investigation, even in states, where there is a separation of crime and law and order gets drafted to do law and order and sundry duties, in an emergency. Such emergencies arise quite frequently. It is desirable to have a separation of investigation and law and order functions, so that the investigation work does not suffer. I had a personal experience of this position. I noticed that it was easy for the crime SI to stand on the road for law and order work, than to spend hours together on the painful work of investigation. At the district level, the District Police Chief should have an Additional SP, exclusively dealing with crime and investigation. The Police should be encouraged to use forensic science and aids to the investigation. There should be an encouragement for specialization, amongst the officers, as well as greater professionalism. More than that their professionalism should be utilized in the channels, in which they might have acquired expertise. The morale of the trained force can be kept high only by proper career planning, and by inculcating a sense of values amongst the members of the force.
- 5) There is an urgent need in the changing world, that the Police should have people trained in every area of policing, like prevention of crime, investigation

of crime, intelligence, security, traffic, vigilance, etc. For a top class investigation, there is need to develop specialized cells to deal with each of the major crimes, like kidnapping, extortion, murder, car thefts, organized crime, cyber crime, economic crime, etc. The present age of specialization makes sense to encourage specialization. Unless police departments make conscious and serious efforts at specialization, they would not be able to tackle the emerging sophisticated crime situation.

- 6) Police have no authority to investigate non-cognizable offences in the Indian Penal Code. In the absence of powers to investigate, these provisions have almost remained as dead letters in the Statute. But they are misused by some policemen for extorting money and harassing public, as there is a thin margin between cognizable and non-cognizable offences. In some police stations, the police have to interfere in such cases to avoid more serious fracas. There is a need to remove this distinction.
- 7) In the interest of providing a quicker and effective response to certain offences having inter-state, national and international ramifications, they should be cleared as federal offences and the CBI should be the investigation authority. I am aware that this will not be to the liking of the States, as this will amount to their having to shed certain powers. But the national interests and nation should come first and for this purpose, the PM should try to create a political consensus for amendment of the Constitution.

TADA, the law dealing with terrorism has lapsed and there is no special law to deal with terrorism. Terrorism, gangsters and underworld dons are posing a big threat to the country. A distinction needs to be made between a murder in property dispute and a contract killing. Distinction should be made in the procedures and punishments to be awarded for a murder in a drunken brawl and an explosion caused by a terrorist killing scores of people, like the Bombay blasts of 1992, Akshardham attack in 2002. Both are violations of human rights, but have a feature of their own. We can strongly enforce and recommend, The Human Right Act, as well as equally effective special laws to fight terrorism. Stringent laws do act as strong deterrents, if enforced effectively and fairly. The accountability of police presently is very diffused and vague. Police authorities complain that there are many commissions, which keep on questioning their actions, leaving them hardly any time to concentrate on their job.

The fact remains that every executive action or executive authority in a democracy has to be accountable to various statutory and non-statutory bodies, which perform the watchdog duties and act as checks and balances.

These bodies only look into certain limited aspects of police work, when there are complaints that police have been remiss in the discharge of their duties. Everybody, even the Prime Minister and the Chief Ministers are accountable. The police accountability is the accountability to the head of the department, to the government, who is accountable, to the tax payer for the efficient use of resources placed at the disposal of the police. Tax payers have a right to demand and complain if necessary whether their money spent on the police is giving the required returns and whether the police are upholding the laws of the land and provide satisfaction to the people for whose sake they are supposed to exist and work. The police officers should not be touchy, when they are called upon to assure and explain to the Government and the people at large that they are doing a good job.

Law and order and police are State subjects under our Constitution. Most recommendations to improve the police have to be accepted and implemented by the State Governments. However, Government of India can always set an example through models for better policing in the Union Territories, under its control.

One good example is worth millions of commissions and committees and communications sent. No State Government is going to say no to improving the police, as where there is a will, there is always a way.

The Union Home Ministry has to set up norms and standards of performance, for the entire country. It has been providing support for training of the IPS officers in establishing data bases for prevention and detection of crimes (NCRB, National Crime Records Bureau). It has been encouraging computerization and faster communication by having organizations facilitating Police Wire Less Coordination like National Informatics Centre which has also been extending financial support for modernizing the State Police Forces. The funding for modernization currently stands at Rs. 1000 crores per year, and it is likely to go up. Thus, the Government of India is making strides to bring about improvements and innovations in the police force. It is obvious that this alone will not help unless the entire system works in a new gear.

There is a need to have a package of in the criminal justice system, including in the prosecution, as well as in the judiciary, the prison administration and the legal system itself. The public is not only disillusioned with the criminal justice system, including the working of the police departments, but also our legal system and the delay in the disposal of cases. However, most of the criticism for all the ills is leveled at the police department, as it is they who initiate the process. It is essential to overhaul thoroughly all the components of the criminal justice system. A few statistics would reveal dramatically the failure of the system. The disposal percentage of IPC cases by courts (trials completed), which was 30.3% in 1961 declined to almost half, i.e. 15.8% in 1998 this rate had a corresponding decline from 64.8% in 1961 to 37.4% in 1998 this rate is still lower for serious crimes. The government should initiate a comprehensive reform process quickly in consultation with the Chief Justice of India, so that the entire system changes. The new focus should be on the reform of criminal justice administration in the next decade, like the country focused on the economic reform system from 1991. Reform as a lone component of an integral system will not yield the desired results. But it will be better than nothing if at least efforts are started for reforms in the police service. More than anything else, it is of the utmost importance that police officials from the lowest to the highest concentrate on becoming professionally competent in their duties for bettering the police image. "The police is the best reflection of a society. If the society is violent so is the police; if the society is corrupt, so is the police, but if the society is tolerant, literate, human, the police will act accordingly."

14.14 REPORTS OF NATIONAL POLICE COMMISSION:

Some selected recommendations of the National Police Commission: (NPC)

The National Police Commission (NPC) was appointed by the Government of India in 1977 with wide terms of reference covering the police organization, its role, functions, accountability, relations with the public, political interference in its work, misuse of powers, evaluation of its performance etc. The commission produced eight reports between 1979 and 1981, suggesting wide ranging reforms in the existing police set-up.

The following recommendations have been selected from the different reports of the NPC:

Seventh Report: NORMS FOR POLICE STATION.

A police station should not be required to police more than 60,000 population. If it registers more than 700 crimes annually, another police station may be created.

Police stations in cities with more than 900 cognizable IPC offences should have a Dy.SP/ASP as PSO. Police Stations investigating over 300 IPCs per year should be headed by an Inspector of Police. The third category will consist of smaller police stations headed by Sub-Inspectors.

An investigating officer should not be required to investigate more than 30 – 40 IPC cases in a year.

Management of the Police Force: The internal management of the police force in the state should be entirely under the purview of the chief of police. The powers of the heads of the state police forces in respect of personnel and financial management and to provide infra-structural facilities for the growth of the police should be enhanced.

Establishment of a Central Police Committee:

A Central Police Committee to look after the functions of consultancy and monitoring is created because an expert agency is required by the Central Government and the State Security Commissions to advise them on matters relating to:

- (i) Police Organisation and police reforms of a general nature;
- (ii) Central grants and loans to the State Police Forces for their modernization and development; and
- (iii) Budgetary allotments to State Police Forces.

The Committee could also make a general evaluation of policing in the country and provide expertise to the State Security Commissions for their own evaluation of them so require.

Establishment of an All India Police Institute:

An all India Police Institute on the lines of similar professional institutions existing for Engineers, Chartered Accountants and other professionals be created. This Institute, when established, should be kept under the proposed Central Police Committee.

Eight Report:

Police Accountability:

There should be continuous monitoring of the performance of the police forces in the country. The State Security Commission should have an independent cell to evaluate police performance. The annual administration report of the head of the police force and assessment report of the Central Police Committee will provide additional material to the State Security Commission to prepare a final report on the performance of the state police to be placed before the State Legislature.

The police functionaries individually as well as in groups should be sensitized to the idea of accountability to the people.

Withdrawal of Protection:

Sections 132 and 197 of the Cr.PC 1973 provide protection to various categories of public servants against any prosecution brought against them relating to performance of official duties. The protection available to the police officers under these sections should be withdrawn so that the private complainant is free to press his complaint against police official for a judicial pronouncement without there being a provision to obtain prior permission of the competent authority for such prosecution.

Enactment of a Model Police Act:

The Police Act of 1861 should be replaced by a new Police Act, 2006 which not only changes the system of superintendence and control over the police but also enlarges the role of the police to make it function as an agency which promotes the rule of law in the country and renders impartial service to the community.

14.15 Response to NPC's Recommendations:

The major recommendations of the NPC have remained unimplemented. There is a deep-seated and strong resistance to the idea of police reforms. Politicians and bureaucrats have developed a great vested interest in retaining control and superintendence over the police organization. Indicative of the deeply entrenched resistance to police reform is the fact that a letter written on the subject in April 1997 by Shri Indrajit Gupta, the then Union Home Minister to the Chief Ministers of all States exhorting them to rise above narrow partisan or political considerations and introduce police reforms on the lines recommended by the NPC failed to produce even a single response.

Within the police establishment also, there are those who are content to retain the status quo. Closely associated with powerful interests, they acquiesce in and allow the system to continue.

The existing system is unacceptable. It has resulted in subverting the rule of law and in obstructing the growth of a healthy and professional system of policing. It must change.

14.16 Dialogue on POLICE REFORMS:¹

Police Reforms:

A number of police commissions set up by different State Governments in the sixties of the last century made a slew of recommendations for strengthening and reorganizing the police. Some of them were implemented and many left in cold storage. The National Police Commission (1978-80) appointed by the Central Government under the Chairmanship of the distinguished Civil Servant Dharam Vira went into the heart of matter and along with other reforms of police management and organization recommended establishment of some institutional mechanisms to insulate the police from extraneous influence and pressure. It felt that without internal autonomy and accountability to law it will not be possible for the police to function

1. The Indian Police Journal published by the Bureau of Police Research & Development, New Delhi, July-September, 2004. P. 148-156.

Effectively and safeguard the rights of the people. The National Human Rights Commission also endorsed the core recommendations of the National Police Commission and felt that there is a yearning in the country for an “upright police force functioning with propriety and fairness which can be relied on to protect the rights of the citizens”. The National Human Rights Commission further impleaded itself in public interest litigation before the Supreme Court asking the Apex Court to issue directions to the central and state governments’ implementation of the recommendations of the National Police Commission. Final decision in the matter now rests with the Supreme Court.

However, for facing the challenges of tomorrow Police leaders besides pressing for statutory reforms, will have to initiate a series of steps for qualitative improvement in police work and to streamline the organizational structure and bridge the gap between the police and the community. There is enormous scope for in-house innovative reforms and changes.

Today, the problems of law enforcement and order maintenance in the country have become difficult and complex with escalating crime, ever-increasing violence, falling rates of conviction and growing criminalization of the political system. Rot in the criminal justice system is undermining good governance. The police are getting outgunned by circumstances beyond their control and not able to cope adequately with law and order and crime problems, with its limited resources. In this kind of a complex situation the police necessarily will have to increasingly rely on public support and help for maintenance of order and safety. The public has to be viewed as co-producers with the police of safety and order and here lies the importance and relevance of community policing.

Police Reforms: Is it a Dead End? Madhav Godbole.

Police reforms, which are one of the most critical issues for good governance in India, have remained on back-burner ever since Independence 57 years ago. In fact, it is not even on the agenda of any of the national or regional political parties. This is a matter of serious concern looking to the alarming deterioration of major institutions which constitute the pillars of democratic polity, unabashed politicization of bureaucracy, nexus between the politicians, bureaucrats and criminals,

criminalization of politics, and the security challenges facing the country. As a result, the rule of law itself has come under serious threat. Unless major systemic and legislative changes are effected with some sense of urgency, the very survival of a civilized society and democratic polity in the country is likely to be undermined. In view of the large canvas of the subject, discussion in this article is confined only to some of the basic reforms which would make a perceptible difference to the present bleak situation.

The first relates to the enactment of a new Police Act to replace the present archaic legislation on the subject which was enacted in 1861. It is amazing that something as basic as this has remained unattended so far. The National Police Commission (NPC) had, in its report submitted to the central government over three decades ago, suggested the framework for such a new legislation. Some of these recommendations have become dated and require a fresh look in the light of the newer concerns which have come to the force in the recent years, but the fact that the Police Act needs to be recast altogether and replaced with a modern, forward-looking law is beyond any doubt. The main question is whether there should be a new central law on the subject or whether it should be left to each state to pass its own law.

Clearly, it will be in the national interest that there is a uniform law which would hold good for the whole country. But, under the provisions of the Constitution (Art.246), public order and police (including railway and village police) come under the State List. The powers of the centre are confined to, apart from naval, military and air forces, any other armed forces of the Union such as the central paramilitary forces constituted and raised by the central government. The centre also has, under the Constitution (Forty-Second Amendment) Act, 1976, the power of deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any state in aid of the civil power. In a large and continental size country, this is as it should be. However, Article 252 of the Constitution makes it possible for Parliament to make laws relating to state subjects as regards such States whose legislatures empower Parliament in this behalf by resolutions. Recourse to this provision was taken for enactment of the Urban Land Ceiling Act. If there is a political will, State legislatures could be persuaded through a consensus among all political parties to pass resolutions to empower Parliament to enact a central law for regulation and management of police forces in the country by

the respective state governments. Unfortunately, the central government, irrespective of which political party or a coalition of political parties was in power, by its partisan behavior, has lost all moral authority and credibility over the years. In so far as the state governments are concerned.

This is amply brought out by the partisan manner in which the Central Bureau of Investigation (CBI) has been used by successive governments at the centre. It is most unfortunate that the judgment of the Supreme Court to give some semblance of autonomy to CBI has not made any difference to the system. The public perception of CBI dragging its feet in vigorous investigation and successful prosecution of cases involving the high and mighty in the country has not only not changed but has got further entrenched over the years. The Research and Analysis Wing (RAW), which was created by Indira Gandhi in the late 1960s ostensibly for external intelligence gathering, as opposed to domestic intelligence which is the charter of the Intelligence Bureau (IB), and kept directly under her own supervision, has often been misused for political surveillance at home. The state governments belonging to the political parties which are in opposition at the centre have often complained that even IB has been used by the central government for partisan political purposes and furthering its own political objectives. All these have created a serious credibility gap so far as the central government is concerned. It would not be wrong to say that these fears have undermined the basic principles of co-operative federalism in India.

The results of this are there for all to see. The role of CBI has come in for harsh criticism in Parliament, courts and media from time to time. It is a well-known fact that there are major institutional and legislative weaknesses which need to be addressed to get over the situation. It was as early as April 1970 that the then union home minister, Y. B. Chavan, had observed in the Rajya Sabha that there was a need for a separate central legislation for the purpose and that such a legislation was being drafted in consultation with the Ministry of Law. More than 34 years have gone by since then but no such law is anywhere in sight due to the strong opposition of the states to empowering the CBI to undertake investigations beyond its restricted charter. It was in 1991-92 the the Estimates Committee of Parliament had made wide-ranging recommendations on the restructuring of the CBI and creating a separate **National Police Agency** for “Investigation of crimes of national and trans-national importance”. The committee had, rightly, recommended that the CBI should confine

itself only to anti-corruption matters as was originally contemplated and should continue to be under the Ministry of Personnel, and the National Police Agency should be under the Ministry of Home Affairs (MHA). Strong objections were raised even to the efforts made by MHA to bring up these matters to the Committee of Secretaries and thereafter to the Cabinet for a decision. Thus apart from the vested interests in the centre to keep the domain of CBI as it is, there are strong objections of the states to giving any more powers to the centre in this crucial area, thereby weakening the country's capacity to address the formidable challenges to its internal security.

This is, in no small measure, due to politicization of even matters which have serious security implications for the country's unity and integrity. Vote banks are all that matter. This is borne out by a number of very short-sighted and incomprehensible decisions of the governments, both at the centre and the states. It has made no difference to the situation as to which political party was in power at the given time. The Terrorist And Disruptive Activities Act (TADA) was allowed to lapse by Narasimha Rao government in May 1993, primarily to appease the Muslim vote bank. The fact that TADA was misused to some extent was amply evident but the same can be said of many other enactments which have not been repealed by the government. The fact that the misuse of TADA was by state governments belonging to all political parties was conveniently lost sight of. Rather than addressing the basic issue of amending the Act suitably, a politically appealing easy way out was taken by the central government to permit the TADA to lapse. This did not give political mileage to the Congress party as it had expected and a BJP-led coalition government (NDA) came to power. However, with these political machinations, the country was without any legislative and potent instrument to deal with the menace of terrorism for over 7 years. Finally, the NDA government mustered enough political courage to enact a new law? Prevention of Terrorism Act (POTA)? To deal with terrorism in spite of serious opposition by the Congress and the leftist parties. Since the critical issues which had come to the force in the implementation of TADA had remained unattended, POTA too was misused by all state governments irrespective of which political party they belonged to. The United Progressive Alliance (UPA) government led by the Congress party has, in its national common minimum programme, announced that speedy steps will be taken to repeal POTA. A Bill for the purpose

was introduced in Parliament during the monsoon session of 2004. Efforts are also being made to repeal the Maharashtra Organised Control Of Crime Act (MOCCA) and similar enactments passed in a few other states such as Karnataka, Tamil Nadu and Delhi with a view to appease the Muslim voters. Thus, while the whole world is moving in the direction of enacting new stringent laws to deal with the menace of terrorism, we in India are moving in the opposite direction of dismantling the existing laws on the subject. The UPA has, however, announced that the basic features of POTA will be retained by incorporating them in the Unlawful Activities (Prevention) Act. This is nothing but an eye-wash and political one-up-manship. It was not for nothing that Shakespeare had written, “What’s in a name?”.

There is a rampant misuse of shrines in India and the provisions of the Religious Institutions (Prevention of Misuse) Act, 1988, which was passed with a great deal of fanfare, have remained on paper. One can count on finger tips the number of cases launched under this Act during the last 16 years? 2 Same is true of the two important provisions of the Indian Penal Code (Section 153A and 153B) for dealing with communal activities. Either the police have been remiss in filing cases under these provisions or the government has been reluctant to give approval for prosecution particularly against important religious and political leaders. As a result, the very purpose of incorporating these legislative provisions has been lost. The same can be said of a number of other important legislations. The question is thus not just of making laws but also implementing them in letter and spirit.

Against this background, are we at a dead end? Prima facie, this is not what it looks like since the government, whether at the centre or in the states, nor the apex court, which is supposed to uphold the Constitution, is prepared to take cognizance of the issues. The only course left now is to interest the common man through the civil society organizations in this. The deafening silence of the masses on these issues will have to be converted into a persistent, vocal and even a shrill demand for a time-bound programme for legislative, **systemic and structural reforms relating to the police** aimed at upholding the rule of law and inculcating the primary requirements of public accountability, transparency and moral values in what is perceived by a common person as an exploitative arm and ugly face of the government.

CHAPTER-XV

(15) CONCLUSION:

CONCLUSIONS AND SUGGESTIONS

After conducting all this research on the subject, you seek an iota of catholicity of mind, you feel like suggesting things which already exist in the country; or which should come into force because of the change that has been shapping the global scenario.

1. CONSTITUTION OF SEPARATE INVESTIGATING AGENCY:

For disposal of better investigation and to give justice to victim people a separate well trained Investigating Wing should be established. A special training should be provided to them. Special and handsome salaries should be provided to them. Hon. Supreme Court has directed to all the States and Central Government also but there is no progress in establishment of seperate of investigating agencies.

2. THE WORKING HOURS OF THE POLICE FORCE:

There are three types of works in the government institutions. Skilled, Unskilled, Semi-skilled. The salaries of these employees are fixed as per their work.

The State Government believes that the work of police force is unskilled. But In my opinion the work of police force requires Special Skill. And the pay grades of police force must be above all the government employees. The policeman has to work to maintain Law & Order in the field round the clock. This is unskilled work. He has to register complaints, investigate, and make the report to the Magistrate. Appear before the Court for deposition, he has to furnish summons and warrants, find out the criminals or offenders. He has to give V.I.P. Bandobast at the time of arrival of V.I.P.s. Does not this work require a Special skill? Each and Every man of police force does these both types of work during his service tenure. Even though the Pay Scales of average police officers are lower than civilian staff. So the pay-scales of police force must be higher than Civilian Staff.

To scrutinize my view I will like to give one example, The Commonwealth Games were arranged at New Delhi in the year 2010; A bridge was built by the

Commonwealth Games Authority in the stadium at New Delhi. In the construction of the Bridge 3 months time was spent. Highly qualified engineers, Super-class-I officers and its machinery were on the supervision and even though the bridge was suddenly collapsed before 7 days of commencement of Commonwealth Games. At that time Indian Army came into picture, Army had built the bridge within 3-4 days time and the bridge was stand on his pillars till the Commonwealth Games were over. How can we say that the work of Army or Police or Security Forces is unskilled? Is not this work a Special skilled work? What award or incentives should be awarded to Security Forces or Disciplinary forces? Are they not entitling for Special Pay & Allowances?

For better work and good health of the force the working hours should be so arranged that like civilian staff the policeman shall get rest after the prescribed duty hours. In unskilled labours the maximum duty hours for a day are 12 hours only including overtime. Like that a policeman must allot his duty in like manner of civil staff or factory workers.

3. FORMATION OF DIRECTOR OF PROSECUTOR AGENCY:

As amended in Cr P C vide 2005 Act the appointment of Director of Prosecutor Agency under Section 25-A should be made as early as possible. Since 6 years has been passed the Gujarat Government has not appointed this agency.

4. PAY AND ALLOWANCES TO POLICE EMPLOYEES:

Looking to the work of the Police Agency the Pay and Allowances of Police force should be higher than the civilian staff. In Civilian Staff the Clerk works the work of Clerk only, typist works the work of typing only, no one is doing multiple works in the office even though they are working only 7-30 hours in a day. While Police Staff is working all types of work like skilled, unskilled, semi-skilled and special skilled works also so they Pay Scales should be higher than the same rank of Civilian Staff i.e. 150% rather than Civilian Staff.

5. IMPROVEMENT OF TRAINING AND TRAINING INSTITUTES.

For better work in the field the training should be improved, modernized and the training institutes should be established and located nearby big city and transportation facilities should be easily available for trainees.

The good and efficient trainers should be provided to the training institutes. And until the completion of the training of the batch no trainer should be transferred. There should be a written examination of his subject for trainer.

The trainers of Police Staff must award special handsome incentives during his work in the training institute. The trainers of Police Staff should not be transferred till the training of same batch is completed.

6. LEGAL AIDS SHOULD BE PROVIDED TO EACH DISTRICT HEADS.

One separate Legal advisor should be appointed and he should assist the Superintendent of Police or Commissioner of Police under his jurisdiction each and every legal work. So many times it happens that Police Officers are getting proper guidance or support from neither Prosecutors nor judiciary. So separate Legal Aid Should be provided to each districts. It should be the duty of Legal Adviser to guide properly and help the Police Staff to appear before the Court.

7. PUBLIC PROSECUTORS SHOULD BE UNDER THE CONTROL OF POLICE AGENCY:

Though Police has to put his case before the Court with the help of Public Prosecutors and all public prosecutors are under the control of legal department, the police officer never expects the support of Public Prosecutors for better presentation of his case. So the Public Prosecutors should be under the control of Home Department and in the district they must be under the control of Superintendent of Police or Commissioner of Police. Each and every police officer should have a right to complain against public prosecutor to his district head and the district head should have a power to inquire and finalize the complaint and take legal actions against

public prosecutors. Before the amendment of Criminal Procedure Code 1973 the Assistant Public Prosecutors appointed under Section 25 of Cr PC and working in the Magistrate Court were under control of District Superintendent of Police. The District Superintendent of Police had right to transfer them and to note down the Confidential Reports of the Assistant Public Prosecutors.

8. LAW BOOKS AND CIRCULARS SHOULD BE PROVIDED:

Every new law books and Circulars of Governments should be provided to each police station and branches immediately. Now-a-days there is no provision to provide the Law Books to each police stations.

9. ACCOMODATION OF STAFF QUARTERS:

Each policeman should be provided quarter facility nearby his police station and the quarters must be well furnished and in good condition. Now-a-days it has come to know that the staff quarters are not well accommodated. Some prima-facie facilities are not there. No good approach roads to reach the staff-quarters. I have read so many times in News-papers that newly builtd staff-quarters are fallen in the first year of built. The construction of newly made staff quarters is very poor; some of them are very old.

10. POLICE STATION MODERNIZATION:

The police station should be modernized and each and every communication facilities should be provided in the police station. It should be built up in a very big place because each and every people have to come contact with this government agency.

11. STORAGE OF MUDDAMALS:

No facilities are provided for Storage of Muddamals. During the investigation the police officer recovers Muddamals from the accused and it is the duty of the police officer to make receipt of muddamal and sent it to the Court and during the trial it is necessary to show the muddamal to the court. But Court has no facilities to preserve the Muddamals. So it becomes the duty of the police officer to preserve the

Muddamal in good manner but there are no facilities in the Police Station to preserve the Muddamal. Facilities should be provided.

12. STATE SECURITY COMMISSION AND POLICE ESTABLISHMENT BOARD:

It is amended in Bombay Police Act 1951 for Establishment and constitution of State Security Commission by Section 32A in 2007 and Constitution of Police Establishment Board by Section 32D in 2007 but these boards have not been established since four years has been passed.

13. TENURE OF OFFICE OF KEY POLICE FUNCTIONARIES:

The Tenure of Office of key police functionaries should be secured for minimum 2 years and a Section 5B is amended in Bombay Police Act 1951 in 2007 but its implementation has not been made since now. State Government makes violation of their act so many times.

One more suggestion is that the Investigating officer has to appear with witnesses before the trial court. So many times it happens that a case filed by the police comes on the board of court after 3 to 4 years and at that time the I.O. is transferred at a very far place in the State. So it becomes difficult for him to remain present with the witnesses at the time of trial. So I.O. should not transfer more than 200 kms. Away from his place at which he had made investigation of criminal cases.

14. SEPERATION OF INVESTIGATING WING AND LAW AND ORDER WING:-

For better investigation this new section 7A is inserted in Bombay Police Act 1951 in 2007 but its implementation has not been made since now. State Government violates the provision made by him in the Act.

15. INVESTIGATION SHOULD BE MADE BY HIGHER OFFICERS:

To know the investigation problems at grass route level the higher officers like Deputy Superintendent of Police, Superintendent of Police should himself investigate

all types of atleast 2 to 3 cases in a year and he should make charge-sheet before the court so he may be well aware by the problems of investigation.

Now-a-days only Deputy Superintendent of Police or Assistant Superintendent of Police makes investigation in only the cases of Prevention of Atrocities (Schedule Caste/Schedule Tribe) Act 1988. But they do not investigate the cases of Cyber Crime, Offences registered under Terrorism Activities, serious offences registered under the Penal of Life Imprisonment, or the offences registered under N.D.P.S.Act also.

In my opinion the higher officials upto Superintendent of Police level should investigate such types of serious offences and should make charge-sheet before the court and appear for deposition before the court so they can aware from the grass foute problems of investigation.

SCHEDULE - QUESTIONNAIRES.

I have asked following questions to the different dignities, social workers, common people, students and police officers. The reply from the people is shown in the table.

<u>No.</u>	<u>Question.</u>	<u>Affirmative</u>	<u>Negative</u>
1.	Do you feel the services of Police Force is better.	35%	65%
2.	Whether Police is a friend of People?	20%	80%
3.	Do you believe the Police Force is efficient?	41%	59%
4.	Whether the Perquisites of Police Force is sufficient?	62%	38%
5.	Whether the Fix wages for five years for police force Is advisable?	10%	90%
6.	Whether the working hours of police force is proper?	32%	68%
7.	Whether the work of police force towards public is admirable?	24%	76%
8.	Whether the pay scales of Police is sufficient?	60%	40%
9.	Ratio of Political interference in the work of Police?	90%	10%
10.	Do you suggest that police work, working hours, Should be changed? Political intereference should Be stopped? Wages should be improved?	67%	33%

BIBLIOGRAPHY

BOOKS

- (1) Police Training by Giriraj Shah (IPS Retd.) Ex-Inspector General of Police (U.P.) – Anmol Publications Pvt. Ltd. New-Delhi-110 002. Volume-I.
- (2) Police Work – Volume-12, Sage Research Progress in Criminology. SAGE Publications, Beverly Hills, London.
- (3) Inside Indian Police – by Joginder Singh, Ex C.B.I. DIRECTOR, Gyan Publishing House, New Delhi-110 002.
- (4) Life In the Indian Police, by C.E.Gouldsbury – Manu Publications, New Delhi-110 048.
- (5) Police Manual Part I, III. Published by Gujarat State.
- (6) Criminal Trials and Investigations, 5th Edition, By P.C.Banerjee – Orient Publishing Company, NEW DELHI – Allahabad.
- (7) Human Values and Police Behaviour, by Dr. James Vadackumchery. Bureau of Police Research and Development, Ministry of Home Affairs, Govt.of India, New Delhi.
- (8) Police Organization and Management, Paul B. Weston, Department of Criminal Justice, California State University, Sacramento. Goodyear Publishing Company, Pacific Palisades, California.
- (9) Scenes of Crime Finger Prints in Police Investigations and The Art of Finger Print Comparison by Parduman Singh, Ex-Director, Police Finger Print Bureau, Punjab. Published by : S. Parduman Singh,Retd. D.S.P. E-G-898, Gobindgarh, Jullunder City.

JOURNALS:

- (1) A.I.R. VOLUMES.
- (2) CRIMINAL LAW JOURNALS.
- (3) NEWS LETTER – Sardar Vallabhbhai Patel NATIONAL POLICE ACADEMY, Hyderabad.
- (4) News papers.
- (5) Gujarat Police Guide.
- (6) Report of National Police Commission
- (7) The Indian Police Journal published by the Bureau of Police research & Development, Ministry of Home Affairs, Government of India, New Delhi.