

# **FIRST REPORT NATIONAL POLICE COMMISSION**

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## **CHAPTERS**

### **PREFACE**

Government resolution appointing the Commission

The Government of India in the Ministry of Home Affairs, by its Resolution No. VI. 24021/36/77-GPA. I dated 15th November, 1977 appointed us, the six signatories to this report, jointly to constitute the National Police Commission. The Resolution is reproduced below :

No. VI-24021/36/77-GPA. I-Far-reaching changes have taken place in the country after the enactment of the Indian Police Act, 1861 and the setting up of the second Police Commission of 1902, particularly during the last thirty years of Independence. Though a number of States have appointed Police Commissions after Independence to study the problems of the Police in their respective States, there has been no

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. A fresh examination is necessary of the role and performance of the Police—both as a law enforcement agency, and as an institution to protect the rights of the citizens enshrined in the Constitution. The Government of India have, therefore, decided to appoint a National Police Commission composed of the following:

1. Shri Dharma Vira, \* Chairman  
(retired Governor)
2. Shri N.K. Reddy, Member (retired  
Judge, Madras High Court)
3. Shri K.F. Rustamji Member  
(ex-IGP, Madhya Pradesh and ex-Special Secretary, Home  
Ministry)
4. Shri N.S. Saksena, Member (ex-IGP UP and ex-DG  
CRP and at present, Member U.P.S.C.)
5. Prof. M.S. Gore, Member (Professor, Tata Institute of  
Social Sciences, Bombay)
6. Shri C.V. Narasimhan, full-time Member Secretary of  
(Presently Director, CBI) the Commission (on relief  
from his present post.)

2. The following will be the terms of reference of the Commission :—

- (1) Re-define the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
- (2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses of inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.
- (3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.
- (4) Inquire into the system of investigation and prosecution, the reasons for delay and failure; the use of improper methods, and the extent of their prevalence; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.
- (5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.
- (6) Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.
- (7) Examine the system of policing required in non-rural and urbanised areas including metropolitan areas, and suggest the pattern that would be the most suitable.
- (8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications the computer network, scientific laboratories and agencies for research and development, and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of police forces, streamlining of its functions and its re-structuring, it would be possible to

economise in the manpower in the various areas of its activities.

- (9) Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.
- (10) Recommend measures and institutional arrangements :
  - (i) to prevent misuse of powers by the police, and to examine whether police behaviour, outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
  - (ii) to prevent misuse of the Police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;
  - (iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
  - (iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare; and
  - (v) for a periodic objective evaluation of police performance in a metropolitan area/District/State in a manner which will carry credibility before the public.
- (11) Examine the manner and extent to which police can enlist ready and willing co-operation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such co-operation and measures for the growth of healthy and friendly public-police relationship.
- (12) Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.
- (13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.
- (14) Consider and make recommendations and suggestions regarding any other matter which the Government may refer to the Commission; and
- (15) Any other matter of relevance or importance having an impact on the subject.

3. The Headquarters of the Commission will be at Delhi.

4. The Commission will devise its own procedure and may consult such advisers as it may consider necessary for any particular purpose. It may call for such information and take such evidence as it may consider necessary. Ministries and Departments of the Government of India will furnish such information and documents and other assistance as may be required by the Commission. The Government of India trust that the State Governments, Union Territories Administrations, Service Associations and others concerned will extend to the Commission their fullest co-operation and assistance.

5. The Commission will make its recommendations as soon as practicable.

## **ORDER**

ORDERED that a copy of the Resolution be communicated to all State Governments, Administrations of Union Territories and Ministries/Departments of the Government of

India, Planning Commission, Cabinet Secretariat, Prime Minister's Office, Lok Sabha and Rajya Sabha Secretariats.

**2. ORDERED** also that the Resolution be published in the Gazette of India for general information.

Sd/-(T.C.A.SRINIVASAVA  
RADAN) Secretary to the  
Government of India

## Staff

2 Shri C.V. Narasimhan [took charge as the Member Secretary of the Commission on 26th November, 1977. Immediately thereafter, discussions were held with the Ministry of Home Affairs to settle the component of the secretariat staff, vehicles and accommodation for the Commission. Staff sanctions were issued in two installments on 2nd December, 1977 and 13th January, 1978. The ministerial and executive staff joined the Commission from March-April, 1978 onwards. Some additional staff were sanctioned on 18th August, 1978. The Commission's staff now comprise :

Principal Director of Research	...	1
Officer on Special Duty	...	1
Directors of Research	...	5
Assistant Directors of Research	...	8
Deputy Superintendents of Police	...	2
Under Secretary	...	1
Section Officer	...	1 with

supporting ministerial staff.

### Accommodation

3 Arrangement of accommodation for the Commission took some time since it was allotted a wing of the first floor of Vigyan Bhavan Annexe which it could occupy only after it was vacated by the previous occupant. This was completed only in April, 1978 and the Commission started functioning with Us complement of staff and office from then.

### Study Groups in States

4 The Commission called on the Home Minister for a brief introductory discussion and held its first sitting in the Ministry of Home Affairs on 22nd December, 1978, when the mechanics for proceeding with its task and methodology of its work were formulated. It was considered desirable to elicit views and suggestions from a wide cross section of persons in different States, as police practices differed from State to State depending on the field situations and the experience of the State Administrations. The Commission accordingly requested the State Governments on 28th December, 1977, to set up Study Groups consisting of prominent publicmen, senior administrators, police officers and eminent academicians for examining some important issues arising from the Commission's terms of reference and evolving their views and recommendations thereon.

## Seminars

5 It was also felt desirable that seminars be arranged in different parts of the country to promote and activate thinking on police problems and elicit views and suggestions from different sections of the public like lawyers, businessmen, trade unionists, academicians, etc. The Inspectors General of Police of States were addressed on 2nd January, 1978 to organise such seminars with the co-operation of local bodies *and* voluntary organisations like Universities, Institutes of Training, Institutes of Public Administration, etc. Seminars were accordingly held in Karnataka, Andhra Pradesh, Kerala, Tamil Nadu, Maharashtra, Madhya Pradesh, Gujarat, Uttar Pradesh and Delhi, when useful discussions were held on several aspects of police work and some specific ideas and suggestions emerged for consideration.

#### Press note

•6 A press note was issued on 16th January, 1978 indicating the issues on which the Commission would welcome ideas and suggestions from the general public. The note was published in all national dailies and also regional language newspapers in different parts of the country. The appeal was repeated through the media twice and several suggestions were received in response thereto.

#### Studies entrusted to research and other institutions

Besides the studies taken up by the Commission's secretariat research staff, the Bureau of Police **R**esearch and Development, the Institute of Criminology and Forensic Science, the National Police Academy **and** Police Research Centre, Madras, have been given certain subjects for study, relevant to the Commission's terms of reference. Studies on some subjects requiring an objective analysis of career problems and collection of data from public as well as families of police personnel have been entrusted to the Administrative Staff College of India, Hyderabad, the Tata Institute of Social Sciences, Bombay, the National Council of Applied Economic Research, New Delhi and the Indian Institute of Public Opinion, New Delhi. Some committees of experts have also been set up to examine issues like duties of Constables, welfare measures for the police personnel, modernisation of police, problems of Railway Police, Quantum of force used for dealing with riots, police role in the enforcement of prohibition and policing in the North-East region. These committees comprise senior administrators, technicians, police and other officers who have considerable field experience and expertise in dealing with the problems under study.

#### Commission's visits to States

8 The Commission has so far visited Andhra Pradesh, Tamil Nadu, Karnataka, Maharashtra, Punjab, Haryana, Bihar, West Bengal, Himachal Pradesh, Assam, Meghalaya, Arunachal Pradesh, Nagaland and Manipur and held group discussions with the State Government officials and others who either deal with police matters or have interaction with the police in some context or the other. The Commission had a general discussion with the State Inspectors General of Police when they were in Delhi for their annual conference on 18th May, 1978. Discussions were also held with the Lieutenant Governor, Chief Secretary, Inspector General of Police and the Deputy Commissioner, Delhi. During these tours and discussions the Commission took the opportunity to visit police training institutions, police stations, staff quarters, etc., and acquaint itself with actual field conditions. It also heard the views of policemen of different ranks, including a large number of Constables and Head Constables. Apart from these tours undertaken by

the Commission as a whole, individual Members of the Commission also visited different places in the country and held discussions with the State Government officials, police personnel and others. Shri Dharma Vira, Chairman and Shri K. F. Rustamji, Member, who were recently on a private tour abroad took the opportunity to observe the police systems in Japan, Hong Kong, USA, Canada and UK and had brief general discussions with the local functionaries to get an idea of the improvements/innovations made in those countries to deal with new problems of policing.

- 9 Reports have so far been received from the Study Groups set up at the instance of the Commission in the States of Tamil Nadu, Kerala, Uttar Pradesh, Orissa, Maharashtra, Madhya Pradesh, Andhra Pradesh, Jammu & Kashmir, Gujarat and West Bengal and the Union Territory of Andaman and Nicobar Islands. Reports from the other Study Groups are awaited. The Union Territories of Delhi, Chandigarh, Mizoram, Goa, Daman & Diu, Dadra and Nagar Haveli, Lakshadweep and Pondicherry have informed that they have not set up Study Groups, in view of the limited nature of their local problems and the fact of a few local committees already examining some of them presently.

### **Questionnaire**

- 10 On the basis of group discussions held in different States and the reports and suggestions received from the State Study Groups besides other organisations and individuals, a comprehensive questionnaire has been prepared posing specific ideas and suggestions regarding a remodelled police system. Copies of this questionnaire have been distributed in December, 1978, among a wide cross section of public services as well as representative sections of the general public including Members of Parliament, Members of State Legislatures, Judges of the Supreme Court and High Courts, Bar Councils and Bar Associations, Vice-Chancellors, Chambers of Commerce and Industries, Editors of widely circulated newspapers and periodicals, political parties, senior members of public services in the States, recognised Service Associations, senior officers in the Central Government and some retired senior Administrators. A copy of this questionnaire is furnished as Appendix—I. The feed-back we get on this questionnaire will help us to finalise our recommendations on some of the connected issues.

#### Commission's Sittings

- 11 **We** have so far held fourteen sittings of the Commission and discussed some issues in depth. From what we have seen and heard already, we feel very much distressed and deeply concerned about the increasing intensity of public complaints of police oppression and atrocities. The picture of the police which emerges from the reports of various Inquiry Commissions is far from flattering. Reports and reviews frequently featured in the Press are highly critical of police efficiency, behaviour and integrity. Public appear to be fast losing confidence in the existing arrangements for checking gross abuse of powers by police and also in the ability of the police to deal with the law and order and crime situation in the country. At the same time, we feel greatly concerned to find police morale, particularly at the level of the Constabulary to be very low, in fact, dangerously low. The Constable feels dejected and frustrated and cut off from the mainstream of police administration as well as public life. He feels whether he acts well or badly his lot is only to receive brick-bats and never a bouquet.
- 12 While continuing our examination of the different issues concerning the police system as a whole, we strongly feel, for reasons detailed in the following chapters, that there is immediate need to—

- (i) rectify serious deficiencies in the living and working conditions of the Constabulary which presently militate against their functioning efficiently to public satisfaction; and
- (ii) evolve modalities for inquiry into complaints of police misconduct which will carry credibility and satisfaction to the public regarding their fairness and impartiality. We accordingly submit this first report of our analysis and recommendations in regard to these two important matters and trust the Central and State Governments would expeditiously deal with these recommendations with the utmost urgency that is demanded by the present situation.

FIRST PAGE

## CHAPTER-I

### THE PREAMBLE

#### Present Situation

1.1 Police performance in India today is under close review and critical assessment by a demanding public in far greater measure than at any time in the past. 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, 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. Functioning under the constraints and handicaps of an outmoded system, police performance has undoubtedly fallen short of public expectation. It will be relevant to recall here that the Police Commission of 1860 had observed that the organised police as proposed by, them would be "politically more useful"!-para 19 of the forwarding letter in September, 1860. The present culture of the police system appears a continuation of what obtained under the British regime when the police functioned ruthlessly as an agent for sustaining the Government in power. In public estimate the police appears as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as such as an independent and impartial agency. The dividing line between the objectives of Government as such on one side and the interests and expectations of the ruling political party as such on the other side gets blurred in actual practice, and the image of police as an impartial law enforcement agency suffers in consequence. In this situation police find it difficult to play their lawful role and make their performance acceptable to the people at large. In the perception of the people, the egregious features of police are-politically oriented partisan performance of duties, brutality, corruption and inefficiency, degrees of which vary from place to place and person to person. The basic and fundamental problem regarding the police today is how to make them function 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. It would be useful at this stage to look back over the pages of the history of the Indian Police and trace the sequence of events and policies that have led to the present situation.

#### History

1.2 The Indian Police system and structure as presently organised are essentially based

on an Act 118 years old-Police Act, 1861. The working of police was last gone into at the all India level 77 years back by the Indian Police Commission of 1902-3. They found the police far from efficient, defective in training and organisation, and one which was generally regarded as "corrupt and oppressive." The Commission concluded that "the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, that this involves great injury to the people and discredit to the Government, and that radical reforms are urgently necessary. These reforms will cost much; because the department has hitherto been starved; but they must be effected." (Para 30) What the Police Commission said in 1903 appears more or less equally applicable to the conditions obtaining in the police force today !

**1.3** The primary problem that faced the police in those years was crime, not the type of public order crimes that get committed today in the wake of demonstrations and agitations, but crimes against persons and property committed by individuals or groups (such as Thuggi) and prompted by motives of pilfering, plundering, enmity or dispute. Maintenance of public order was not much of a problem then. An authoritarian police under an imperialist regime enforced draconian laws ruthlessly to deal with any public order situation with relatively small number of police personnel. But the task of investigating professional crimes required personnel of a better calibre and perception. The 1902 Commission was primarily concerned with reorganising the police structure for evolving such a cadre of investigating officers of the rank of Sub-Inspector to secure efficient and honest investigation of crimes. The reforms proposed by that Commission were not aimed at improving the quality of-performance at the level of the Constables who were relegated to the background in field work. The following remarks of the that Commission give an indication of their approach to the Constabulary :

"In regard to Constables, the Commission are of the opinion that the proposals made by some witnesses to double or treble their pay are due to forgetfulness of the principle that the more important and responsible duties of the police ought not to be entrusted to this class of officers. Escort, guard, and patrol work, limited powers of arrest, the suppression of disturbances (under orders), the regulation of traffic and the like, are the duties they should be called on to perform. They should never be themselves entrusted with the investigation of offences or the performance of other duties of a similarly responsible character, though the investigating officer may avail himself of their assistance under his direct supervision and orders. The worst abuses have arisen from permitting Constables and Head Constables to conduct the investigation of offences. No abuse calls more urgently for reform. Constables are not a suitable agency even for the performance of the beat duties ordinarily entrusted to them. The great principle to be borne in mind is that duties requiring the exercise of discretion and judgment should not be entrusted to the lowest class of officers, from whom such qualifications cannot reasonably be expected :

the duties of a Constable should not be above his class." (Para 53)

The Commission summed up that "the duties of a Constable should be of a mechanical character." [Summary of Recommendations (14) ]

**1.4** Between 1903 and 1977-the period of 74 years between the submission of its report by the last Indian Police Commission and the appointment of the present one-many important changes have taken place in the social, economic and political life of the country. Some of these changes have a direct bearing on the role of the police. By far the most important single



event that has occurred since 1903 is the fact that India emerged free from foreign rule and is today over 31 years old as an independent nation. The freedom movement was preceded by a long period of almost 25 years of social reform based on a new liberal philosophy which the educated Indians had largely borrowed from the West. This liberal philosophy emphasised democracy in political life, a measure of equality in social life and a belief in rationality. This liberal basis for the organisation of the freedom movement was very important because in its absence, it would not have been possible to mobilise the various segments of Indian society into the nationalist movement. Secularism and the promise of equality were important in getting different religious and caste groups to work together toward a common goal. After 1930 the egalitarian message of liberalism was further underlined by socialism. In the socialist doctrine it became much more militant and this appealed to the young people who were drawn into the nationalist movement after the 1930s.

1.5 The freedom movement held out certain promises and raised the aspirations of the poor. One of the major causes of tensions that we see in our society today appears to be our failure to redeem the promises that were made, prior to independence and were incorporated in the constitution in the form of Directive Principles and the Preamble. The Preamble, the Directive Principles and the Fundamental Rights between them promise an egalitarian, secular, democratic society. The reality that we experience around us does not wholly correspond to this promise.

1.6 There are also other changes that have been taking place which have made the fulfilment of these promises more and more difficult. The most important of these is the rapid and phenomenal growth of population between 1903 and 1947 and more particularly between 1947 and 1977. The population of our country has doubled since 1941 and nearly trebled since 1911. This has increased the acuteness of the problems that arise out of scarcity in a developing society.

1.7 It is common knowledge that while our population has grown, our gross national product has not kept pace with it. This has meant increasing poverty for the mass of the people. While we speak of a society which promises increasing equality among people, the economic reality is that the inequalities have actually grown. We have got rid of foreign rule and we have established a liberal democracy, but we are still a poor society divided by many languages and religions as also by caste and class distinctions. The increasing acuteness of the economic problems makes it difficult for us to develop any measure of political consensus on the path that we should follow to attain the kind of a society that we have promised ourselves.

1.8 Undoubtedly, there are many things that have been achieved even in the economic realm. We have laid down the infrastructure of a major industrial development. We have also witnessed what has been referred to as the green revolution and we have more than doubled our annual food crop to attain a plausible self-sufficiency in terms of food.

1.9 However, poverty surrounds us on all sides and the condition of the poor seems to be getting worse instead of getting better with every passing year. Recent estimates by economists seem to indicate that about 50% of the population both in the rural as well as in the urban areas live below the poverty line, the poverty being calculated on the basis of minimum food requirements. Increasing population, increasing poverty, increasing inequality have, therefore, nullified in a sense our achievements during the last three decades of independence. They have given rise to a sense of frustration.

1.10 There are also other factors which have aggravated the difficult

situation from the social and political points of view. One of these is that though we now have our own elected representatives ruling the country, the relationship between the government and the people has not basically changed. The attitudes of the elected representatives as well as the government servants towards the common man appear to the latter as the attitude of the ruler towards the ruled. This is probably because of the great gap that divides the mass of people from the elite that occupy offices. Since the common man is inarticulate, at least in terms of reading and writing, and he is not organised, except in the urban areas, in any effective form, he finds that an attitude of outward submissiveness is his best strategy for survival.

1.11 But, even in the rural areas, the spirit of conflict and confrontation is gradually growing. While the formal statements of Governments still support the special compensatory facilities that are to be provided to the Scheduled Castes and Scheduled Tribes as envisaged in the Constitution, the executive actions of Governments do not always vigorously follow these policy pronouncements. Besides the Scheduled Castes and the Scheduled Tribes specified in a Presidential Notification, we have the category of "Backward Classes", notified and amplified by the State Governments from time to time. The consensus that seems to have existed at the time of independence about the identity of backward classes based on their socially, economically or educationally backward condition, has gradually diminished since then. Increasing pressures of certain castes and communities to get listed as 'backward' and their asking for privileges comparable to those that have been granted to Scheduled Castes and Scheduled Tribes are creating a new area of tension in some States.

1.12 The landless agricultural labourer is not yet an organised political force, but in some pockets the extreme leftist groups are providing leadership to this segment of the community. This has led to revolts, confrontations on the part of the landless and to concerted action on the part of governments, which in many cases appear to represent the land-owning upper castes, to put down the least signs of protest.

1.13 In the urban areas the problems are of a different category. Gradually India has built up one of the most extensive industrial infrastructures among the developing countries. However, the conditions of the industrial workers are not very much better than they were prior to independence. In terms of real wages their incomes have not registered any substantial rise. In fact, in some cases, economists argue that the real incomes of industrial workers have fallen. It is true that despite this situation the industrial worker in the organised sectors of industries is in a somewhat privileged position as compared with the rural agricultural worker or workers in the unorganised sectors of industries. But the industrial worker compares himself not with the agricultural labourer but rather with the white-collared individual who sits in the offices of Government and of business firms and with the worker in more privileged areas such as banks, insurance companies

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and others. The industrial workers have attained considerable organised strength. Since they constitute important voting banks for any political party, they command considerable political leverage and their increasing demands for a better share in the economic product is one of the important causes of unrest in the urban scene.

1.14 Another area of strife in the urban area is around universities. Our system of education at one time admirably served the purpose for which it was created, namely, to prepare people for jobs in Governments. But the number of students in the

universities has increased to a point that no Government can possibly provide jobs for all of them within the governmental bureaucracy. Except for those who are equipped as engineers, doctors, architects and other professionals, the rest of the students who graduate from universities are not capable of doing any work other than desk work and there is a limited demand for this category of people. The net result is that more and more students find that their education does not lead them to any jobs. The sense of economic insecurity and the sense of irrelevance of what they do in the class room is at the root of the crisis in the university system and the law and order problems arising therefrom.

1-15 There is a decreasing political consensus and an increasing sense of loss of direction about how to achieve the kind of society that we have envisaged in our Constitution. The absence of a consensus on the rules of the game is at the root of all our problems of law and order. When people lose faith in the possibility of seeking solutions to their problems through democratic and constitutional means, they inevitably tend to resort to means of mass protests and mass agitations. So long as people register their protests through normal constitutional and peaceful action, the police do not come into the picture, but the moment people begin to deviate from constitutional methods and act violently in defiance of law, the police are required to act. The increasing number of riots, whether in the universities, in industries or between religious groups or more recently between caste groups in the rural areas, are indicative of the growing sense of impatience on the part of the people and the increased and deeper involvement of the police for containing the situation.

**1.16** Agitationist politics have now become a prominent feature of the country's public life and agitations are becoming more coercive than communicative in their approach. Public order incidents arising from labour agitations were 2776 in 1968, 2889 in 1970, 3243 in 1972, 2938 in 1974 and 2653 in 1977. The number of workers involved in such incidents has increased. While 3243 incidents of 1972 had involved 1,736,737 workers, 2653 incidents of 1977 involved 1,874,710 workers. Number of incidents arising from student unrest were 2665 in 1968, 3861 in 1970, 6365 in 1972 and 7520 in 1977. Incidents arising from communal clashes were 321 in 1971, 240 in 1972, 242 in 1973, 248 in 1974, 205 in 1975, 169 in 1976 and 188 in 1977.

## **Quantitative and qualitative changes in the duties of Constables**

1.17 With the transition from foreign rule to independent, socialist, democratic and welfare State, the style of police handling of public order situations has had to change from an aggressive and mailed fist attitude to peaceful and persuasive handling of agitating groups. This change in police methodology has meant the involvement of a much larger number of police personnel to handle a given public order situation as compared to pre-Independence situation. This has, in turn, meant the deployment of a larger number of *Constables* for interacting with the public and securing their cooperation by persuasion and appeal for maintaining public order. This is a job which the Constabulary visualised by the 1902 Police Commission were not expected to perform in the old days.

**1.18** Besides crimes arising from public order situations, other professional crimes relating to property have also increased enormously. Though we have good reasons to believe that a good deal of reported crime is not recorded in police stations, even the total recorded crimes cognisable by the police under the Indian Penal Code which stood at 5.56 lakhs in 1954 rose to 13.54 lakhs in 1977. Coupled with the increase of crimes there has also been increase in the number of cases pending in courts year after year. Compared to 1.9 lakh

cases which were pending disposal in courts in 1962 there were 19.7 lakh cases pending in courts in 1975. Phenomenal increase in crimes for investigation coupled with increasing demands on the time of the investigating officers by the cases pending in courts has necessitated the employment of Constabulary on inquiry and investigative work in a much larger measure than visualised by the 1902 Commission.

1.19 Apart from the tremendous increase in the sheer volume of crime work as such, there has also been a distinct change in the quality of police tasks under the compulsions of the fast developing society. In its efforts to bring about the social changes envisaged in the constitution, Government has been systematically adding new laws, rules and regulations through social legislation year after year. A variety of legal measures have also been adopted to deal with economic offenders who evade the requirements of fiscal laws which are meant to protect the nation's economy and preserve its financial health. Increased urbanisation and phenomenal growth of vehicular traffic in urban areas, have naturally given rise to violations of traffic laws, and connected regulations, by increasing number of people who are otherwise law-abiding. Police involvement in the handling of social and economic offences as also traffic violations has meant increased confrontation with a wholly different class of offenders-different from the normal professional property criminal or the rustic, violent goonda. A police force which is used to rough and tough methods has to change its style while dealing with this new class of offenders and every situation connected with them has to be handled with tact and finesse, with due regard to the requirements of law. On the side of police it is the Constabulary who come into contact with a large number of offenders of this category, particularly the traffic offenders, and to that extent the Constable's style of functioning has had to change substantially.

1-20 It is thus seen that the Constable of the present day has moved far from the predominantly mechanical role assigned to him by the 1902 Commission and has now to interact with the public in larger numbers in a variety of situations where he has to apply his mind, exercise his judgment, use his powers of persuasion and appeal and enforce law with public understanding and cooperation. It is the constabulary who form the cutting edge of police administration and face the public most during their visits to police stations and movement on roads. It is the Constable's behaviour and response which create the first and foremost impact on the public mind. The police image in the country is largely determined by the staff who function at the police station level. The Constabulary constitute a large majority of this staff and form the foundation and base for the entire police structure. Any attempt at a meaningful police reform has necessarily to start at their level only, since no restructuring of the system will be practicable or enduring unless the mass base of the system is rendered healthy and efficient. We have, therefore, taken up the Constable's personality, status and role in police as the subject of our first study. Our analysis in this regard is furnished in the following chapters.

FIRST PAGE

## **Chapter-II**

### **THE CONSTABULARY**

## Head Constable And Constable As Viewed By The 1902 Commission

2.1 The Police Commission of 1902-3 entrusted the charge of police stations to the cadre of Sub-Inspectors and held them responsible to handle investigational work with the Head Constable and Constables under them playing a supporting role only. The Head Constables' duties, according to that Commission, were to—

- (i) Command a police party detailed for guard, escort or similar duty;
- (ii) hold charge of an outpost established for the protection of the public, but not as an investigating centre;
- (iii) attend to clerical work in the police station;
- (iv) conduct simple investigations;
- (v) hold charge of the police station in the absence of the

Sub-Inspector; and

(vi) generally assist the Sub-Inspector in police matters.

The duties of the Constable, as propounded by that Commission, were limited to

- (i) escort, guard and patrol work;
- (ii) making arrests (under limited powers);
- (iii) suppression of disturbances (under orders); and (iv) regulation of traffic and the like.

2.2 As quoted in the previous chapter, the 1902-3 Commission had categorically stated that the Constables "should never be themselves entrusted with the investigation of offences or the performance of other duties of a similar responsible character, though the investigating officer may avail himself of their assistance under his direct supervision and orders". Even the Head Constable was not to be entrusted with investigational work except "simple investigation". The thrust of the recommendations of that Commission was that the Head Constables and Constables should not be utilised for duties requiring the exercise of discretion and judgment; such duties were expected to be handled only at the Sub-Inspector's level or above.

2.3 The principle that investigational duties shall invariably be handled above the level of Constable, was also reflected in the then Code of Criminal Procedure in which it was specifically laid down that the duties of an officer in charge of a police station-which include investigational duties enjoined on him by law-can be performed in his absence by a police officer next in rank to him present at the station provided he is above the rank of Constable. The same principle is repeated in the present Code-Code of Criminal Procedure, 1973.

2.4 Police manuals in different States have also embodied the same principle while detailing the duties of Head Constables and Constables. For example, the Andhra Pradesh Police Manual mentions the primary duties of Head Constables as below :

- (i) Supervise the work of the Constables and see to their instructions, catechism and drill;
- (ii) Perform any duties allotted to him by the station house officer whom he will accompany on investigation when required;
- (iii) Be in charge of the guard or escort when deputed on such duty including treasury and sub-jail guard;
- (iv) Visit all the villages in the station jurisdiction at least once a quarter;

- (v) Check all beats, particularly night beats twice a week;
- (vi) Attend to court work under the orders of the Station House Officer;
- (vii) Investigate simple cases when deputed by the Station House Officer under Section 157 Cr.P.C.;
- (viii) Conduct enquiries into beat complaints;
- (ix) Perform clerical work of the police station;
- (x) Assume charge of the police station in the absence of Sub-Inspector and be in charge of an outpost, but not to record the FIR of cognisable offences; and (xi) Maintain order in sessions court during a criminal trial.

2.5 The duties of a Constable, according to the same manual, are to—

- (i) carry out the instructions given by the Station House Officers and other superiors in regard to the duties assigned to these ranks;
- (ii) be in charge of the guard at the police station in the absence of the Head Constable;
- (iii) perform beat duty in both urban and rural areas;
- (iv) save human life and protect property during outbreak of fire;
- (v) evacuate people from the affected area during an epidemic;
- (vi) be courteous and considerate to the public; and
- (vii) maintain a note book in which should be noted the details of properties lost, descriptive particulars of wanted persons and other important matters which they have to remember.

2.6 The emphasis in the police manuals of most of the States is on the fact that the Constable should not be allowed to go about his Jurisdiction without specific instructions and whatever is to be done by him should be limited to the type of duties already mentioned and he should always be covered by specific instructions in doing any particular act. In other words, these manuals do not visualise an independent, positive role for a Constable to show his initiative or react to a situation on his own assessment and judgment thereof. He has been groomed in the existing police system to be an obedient, mechanical functionary, mostly acting in compliance of a specific order from his superior officer and not doing anything positive on his own initiative and judgement.

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

Analysis of Duties Currently Done by Constables

2.8 We set up a small study group in the Commission to determine the quantum of different types of work currently being done by the Constables in police stations. The group made a sample survey of a few police stations in the States of Uttar Pradesh, Punjab and Haryana and the Union Territory of Delhi and prepared a detailed analysis of duties being

actually performed by the Constables. Statistical data for analysis were collected after a detailed discussion with the Constables to ensure accuracy of the basic material collected. This study group's report shows that the duties now performed by Constables can be itemised under 24 different headings, some of which are mostly mechanical in character, some are a combination of mechanical duties with duties requiring application of mind and exercise of judgment and the rest are duties which require considerable initiative and exercise of discretion and judgment, besides interaction with public. The categorisation of different duties is indicated below :

- |  |   |
|--|---|
| (1) sentry duty                              |   |
| (2) escort duty                              |   |
| (3) dak duty                                 |   |
| (4) drill and parade                         | These duties are mostly mechanical in nature              |
| and  |   |
| (5) orderly duty                             | may be referred to 'C' type duties                        |
| (6) messenger duty                           |   |
| (7) arms cleaning                            |   |
| (1) night patrol                             |   |
| (2) surveillance duties                      | These duties involve a combination of mechanical          |
| (3) licence check                            | with duties that require application of mind and exercise |
| (4) conducting raid                          | of judgment. They may be referred to as 'B' type duties.  |
| (5) attending court                          | extreme courtesy, politeness and proper attitude          |
| (6) imparting training                       |   |
| (7) service of summons/execution of warrants |   |
| (8) motor vehicle driving and                | wireless set operation                                    |
| (9) miscellaneous other duties               |   |
| (1) day patrol                               |   |
| (2) traffic control and regulation of        | These duties involve initiative, exercise                 |
| (3) inquiry into complaints interaction      | discretion and judgment and also                          |
| (4) collection of intelligence for           | with public with due regard to the need                   |
| (5) assisting investigating officer          | towards them. They may be called 'A' type                 |
| duties.                                      |   |
| (6) bandobust during VIP visits              |   |
| (7) bandobust on other occasions             | like fairs, festivals, etc.                               |
| (8) clerical work in police station.         |   |

Analysis of the data collected by the study group shows that, excluding the time spent on travelling and brief rest at intervals while waiting at the police station during change of duties, the average percentage of a constable's time spent on the three types of duties is— 'A' type ... 49% 'B' type ... 37% 'C' type ... 14%

It is significant that 'A' and 'B' types of duties which require exercise of discretion and judgment form as much as 86% of the duties currently being done by the Constables. Even among them, 'A' type, which requires interaction with the public, claims 49% of the Constable's time.

## **Bihar Police Commission's view**

The Bihar Police Commission of 1961 had observed :

"A constable should be expected to exercise his discretion and assume responsibility. In all progressive police forces, every constable is a live unit of the force, and thus the constabulary forms a solid corps. It has been stated by many that constables who are recruited and trained to work like automatons generally act as a drag on their officers and the force. The Commission desire that a constable on the beat should be responsible for maintaining the public peace, for protecting the life and property of the citizen, for preventing crime, for arresting offenders and for properly enforcing all laws of which the police have to take cognizance. He should perform his duties intelligently and efficiently and should hold himself in readiness at all times to answer to the calls that are made on him. He should know every one living in his beat and he should always be readily available to give help whenever any legitimate assistance is needed. Above all, he should work, behave and act like an officer. The force and the people should also be ready to show him the necessary courtesy and consideration due to an officer. The Commission visualises that a few amongst them may rise to senior posts and they have now given them the necessary avenue of promotion which may even take them to the highest ranks." (Para 208)

We are in entire agreement with the Bihar Police Commission in their assessment of the Constable's role as it ought to be in our system.

## **Study Groups' reports**

- 2.11 Reports of the State Study Groups which have gone into this matter at our instance also show awareness of this situation. We would like to quote from the report of Madhya Pradesh State Study Group in particular, which has observed that the cadre of Head Constable and Constable is "most frequently seen by the public in beats, bandobust duties, fairs and festivals and in courts and police stations. Unfortunately the wage scale of this cadre has been equated with unskilled labour for historical reasons. The police, therefore, attract only a very unsatisfactory kind of candidate who has not been able to get any other job. A police force composed of such poor specimens of humanity cannot rise very much above the lowest common denominator of its constituents and the effect on the quality of police service provided to the people is disastrous, to say the least". The Maharashtra State Study Group has stated that "almost every body whom the Study Group had met were emphatic that unless the emoluments and service conditions of the subordinate staff were improved and better personnel recruited, no improvement in the police system would be possible". During our tours in States we found unanimity of view among different cross sections of the public that the emoluments and other service conditions of the lower ranks in the police, particularly the constabulary, require immediate and substantial improvement for achieving efficient police performance.

## **Law and the Constable**

- 2.12 The basic criminal laws of the country make no distinction between Head Constable/Constable and the higher ranks in regard to the exercise of police powers in many situations, excepting investigations. The Police Act of 1861 on which the present police system is based prescribes the duties of all police officers as under :

"It shall be the duty of every police officer promptly to obey and execute all



orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gamblinghouse or other place of resort of loose and disorderly characters". (Section 23)

"It shall be the duty of the police to keep order on the public roads and in the public streets, thoroughfares, ghats and landing-places, and at other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed". (Section 31)

According to section 25 of the same Act, "It is the duty of every police officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district". Under section 34 of the same Act, it is lawful for any police officer to take into custody, without a warrant, any person who within his view commits eight different types of offences which are described in that section. Under section 41 of the Code of Criminal Procedure, any police officer may, without an order from the Magistrate and without a warrant, arrest any person who falls under any of the nine categories mentioned in that section. Under section 151 (1) of the same Code "a police officer knowing of 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." Head Constables and Constables derive their powers of search, seizure, arrest etc. under the above provisions of law in common with all police officers. These powers cannot be fairly and justly exercised by a functionary if he is recruited, trained and oriented for performance of duties of a mechanical character only. They require a mature mind which is capable of analysing the merits of a situation and assessing the nature and quantum of executive action called for by that situation and what is more, the requirements of law and procedure. In other words, even under the existing law of the land a Constable is expected to exercise certain powers which demand the application of a mature mind and exercise of judgment.

## **Educational level of Constable recruits**

2.13 Appreciating the changed situation and its implications for the role of Police, the Committee on Police Training (1972) concluded that—

- (i) "Police officers should acquire a high degree of professional competence and be fully aware of the means whereby science and technology can help in police work.
- (ii) They must develop a clear understanding of the social purpose of their activity and a sensitivity to the trends and forces at work in the environment in which they have to act.
- (iii) They must develop attitudes in consonance with the concepts of social justice contained in the Constitution and the development programmes with

particular reference to the weaker sections of the community, including the poor, the minorities and the Scheduled Castes/tribes."

(Para 21 Chapter IV)

The Committee recommended, among other things, "that the High School examination or its equivalent should be the minimum educational qualification for the recruitment of Constables both in the unarmed and the armed branches of the police uniformly throughout the country. The effort, however, should be to ' attract candidates with higher educational qualifications" (para 29 Chapter VI). Consequent on this Committee's recommendations, the minimum educational qualification for recruitment to the rank of Constable has now been raised to Matriculation/SSLC in many States. Even otherwise, we noticed that in the recent years the educational level of new entrants to the Constable's work has been steadily rising. For example, among 2182 persons recruited as Constables in 1976 in Tamil Nadu, 1133 were Matriculates and 63 were graduates. In the same State there were 1395 matriculates and 973 graduates among 2883 persons recruited as Constables in 1977. In Orissa, 76 Matriculates and 4 Intermediates joined the force as Constables in the first batch of 1976. In the second batch, 116 Matriculates, 13 Intermediates and 1 graduate were recruited. In the third batch, 143 Matriculates, 20 Intermediates and 3 graduates were recruited. The number of graduates that have joined the Delhi Police as Constables in 1976, 1977 and 1978 are 36, 41 and 52 respectively. We found one Constable in Delhi Police currently doing his Ph.D !

2.14 The promotional structure within the police system is not conducive to the fulfilment of the legitimate career ambitions of the constabulary. With the system of direct recruitment at the level of SubInspector and the relatively meagre number of Sub-Inspectors' posts compared to the vast numbers of the constabulary, a large majority of the Constables retire as Constables without even one rank promotion in entire career. No system can remain healthy if such a large chunk of its personnel vegetate and waste out after working for nearly 30 years in the same rank at which they entered the system.

2.15 The pay structure of the Constables puts them at a low level compared to other workers handling similar or less onerous jobs in other sectors of Public life. The constabulary, who themselves have no trade union rights, frequently stand out for long hours day after day doing bandobust and maintaining order, during a strike situation arising from trade unionism in industrial centres. Quite often the demands of the striking labourers include an upward revision of their emoluments which, the Constables know, are already much higher than what they themselves get. The grim irony of this situation has its inevitable impact on the Constables' mind and morale and makes them feel thoroughly dissatisfied and dejected with their lot.

2.16 The growing tendency of criminals to resort to violence in the commission of crimes has rendered the police job much more risky and hazardous than before. Quite a number of police men get killed or injured seriously in the discharge of their duties year after year. In the period from 1963 to 1969 the average number of policemen killed or injured per year were 97 and 3118 respectively. In the period 1970-77, these figures were 120 killed and 2438 injured per year. In 1978, the figures were 53 killed and 906 injured till the end of June. Most of the casualties have been from the ranks of Constable/Head Constable.

### **Constable in the revised set up**

2.17 Having regard to the changed needs of policing the country and the importance of

making the Constable function as a responsible functionary with due sense of values, discretion and judgment in his interaction with the public, we feel that the existing system should be immediately changed to achieve the following objectives :—

- (i) The constabulary should no longer be treated as a cadre meant only for duties of a mechanical character as visualised by the 1902 Commission. They should be so recruited and trained that they could be deployed also on duties involving exercise of discretion and judgment, with due regard to the paramount need for securing public cooperation and understanding in any situation.
- (ii) They should be able to assist the Sub-Inspectors in inquiries and investigational work in a positive and purposeful manner.
- (iii) They should pick up experience of such work over a period of 5 or 6 years and be in a position to handle investigational work independently and rise to the level of Assistant Sub-Inspector and upwards by promotion.
- (iv) The promotional structure within the police system should be radically revised to permit a smooth and quick promotional flow from the rank of Constable. It should *be* possible for a Constable to rise by promotion to higher ranks-even the highest-by showing his worth in the performance of police tasks.

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

2.19 However, the present position of the Constable is a far cry from the position described above. A job analysis conducted by the National Productivity Council has shown that the working hours of the subordinate police officers range from 10 to 16 hours every day of seven days in a week. A recent computerised survey conducted by Tamil Nadu Police has shown that an average Constable works for 14 hours every day without any respite. Long and arduous hours of work without facilities for rest and recreation, continuous employment on jobs under extreme conditions of stress and strain, both mental and physical, prolonged stagnation in the same rank without even one rank Promotion throughout their service for a majority of them, constant exposure to criticism and ridicule by a demanding public, a totally inadequate pay structure with no compensation for the handicaps and privation } they undergo in their jobs, low status and lack of involvement in planning and executing field jobs with a full understanding of the objectives set by the police organisation, etc., have all had their telling effect on the morale of the constabulary throughout the country. The increasing educational level of the Constables-a trend noticeable in the recent years-has sharpened the edge of their frustration with their existing lot within the police system. During our visits to several police stations and discussions with the constabulary, their highly demoralised state was strikingly noticeable. They have nothing to motivate them into meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action. They function as automatons in situations where they are required to exercise their discretion and judgment. They function rigidly in circumstances which require

flexibility of approach and understanding of the opposite point of view. We are convinced that mere changes in their training schedule will not bring about the necessary improvement in their motivation or performance unless some serious deficiencies in their living and working conditions which have long been neglected are immediately taken up and remedied. We consider this exercise to be of primary importance in any attempt at police reform and we, therefore, proceed to make recommendations in their regard in the following chapters.

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## **Chapter-III**

### **PAY STRUCTURE**

3.1 Before commencing its deliberations, the commission called on the Union Home Minister on the 22nd December, 1977 for a general discussion when the Chairman of the Commission, inter alia, observed that though the pay structure as such was not explicitly listed in the terms of reference, some reference to this aspect would necessarily have to be made while dealing with matters relating to the living and working conditions of police personnel. This issue is accordingly dealt with the Commission for evolving some general principles which should govern the determination of pay and emoluments of police personnel, particularly the constabulary, having regard to the importance of the general pay structure for sustaining the morale and efficiency of the police force in their interaction with the public as also the other public services in States.

### **Desborough Committee**

3.2 The Desborough Committee (1919-20) of United Kingdom have admirably summed up some characteristics which distinguish members of the police from other State employees and have observed as follows :—

- "(i) A candidate for the police must not only reach certain standards of height and physical development, but must have a constitution, which is sound in every way. The duties the police have to perform are varied and exacting, they are increasingly and will probably increase in variety and complexity, and a man cannot make a good policeman unless his general intelligence, memory and powers of observations are distinctly above the average. His character should be unblemished, he should be humane and courteous and generally he should possess a combination of moral, mental and physical qualities not ordinarily required in other employment. Further when he becomes a Constable, he is entrusted with powers which may gravely affect the liberty of the subject, and he must at all times be ready to act with tact and discretion and on his own initiative and responsibility, in all sorts of contingencies. The burden of individual discretion and responsibility placed upon a Constable is much greater than that of many other public servants of subordinate rank.
- (ii) The police also stand in a special relationship to the community. Each Constable on appointment becomes one of the duly constituted guardians of law and order for and on behalf of the citizens as a whole. He undertakes special responsibilities in regard to the prevention and detection of crime, and while he does not relieve the citizen from all responsibility for the protection of his own property and for bringing offenders to justice, he

claims to be and is the principal agent in the prevention and detection of crime of all kinds, and generally holds a position of trust which it is important he should be able to maintain. We consider it essential that the sense of obligation to the public should be preserved in the police, and the reason we dwell on those considerations at some length is that they are fundamental to the views we have formed as to the status of the Police and *the pay they should receive*. A number of Police witnesses have urged that in various ways a constable is subject to social disabilities by reason of his employment. Moreover he must at all times both on and off duty maintain a standard of personal conduct befitting his position, and this does impose upon him certain restrictions which do not exist in ordinary employments and hardly apply in the same degree even in the case of other public servants. **He** is liable to be called for duty at any time in an emergency, and, in order that he may be available for unexpected calls he may be restricted in his choice of a residence. The special temptations to which a Constable is exposed "are obvious and, as any lapse must be severely dealt with, it is only just that his *remuneration should be such as will not add to any temptations*, the difficulties and anxieties incidental to an inadequate rate of pay.

- (iii) The Policeman is also put to certain special expenses by reason of his employment, for example, he not only requires good and sustaining food but the cost of his house keeping is increased by the irregularity of the hours at which he has to take his meals and the frequent necessity of cooking specially for him and it is generally, and quite correctly, a condition of service that he cannot be concerned directly or indirectly in any trade or business so that he is precluded from supplementing his wages by undertaking employment for profit in his spare time."

**We** consider that the fundamental position of the Indian Policeman remains the same as described by the Desborough Committee and the basic principles would apply equally well to the present Indian situation.

## **Second and Third Central Pay Commissions**

3.3 The Second Central Pay Commission (1959) which went into the question of the pay structure of the police under the Central Government had fixed the pay scale of a Constable at a level equal to that of 'lower semi-skilled' worker. The Third Central Pay Commission (1973) upgraded the status of the Constabulary by taking them out of Class-IV category and fixed their pay scales at a slightly higher level, without specifically expressing an opinion whether or not a Constable should be rated as a skilled worker. The observations of the Third Pay Commission regarding the Constabulary are reproduced below :—

"From the stand-point of authority and personal responsibility, the police personnel stand apart from the other Government employees. The very nature of police work requires that considerable authority should be vested in even the lowest ranks. The Code of Criminal Procedure, the Police Act and various other special Acts clothe police officers with powers of arrest and search and these powers in certain circumstances can be exercised without a warrant or order of a Magistrate. Wide powers are also given to the police for prevention of crime and maintenance of public peace and tranquility. The personnel of armed police and

security forces are subject to certain hazards and dangers which are specially marked during operations along the border and in hostile areas. The standards of discipline required of the police necessarily have to be high. This imposes certain restrictions upon the policemen and empowers superior officers to punish misconduct and offence more quickly and severely than is usual in the case of other civilian employees. There are certain other drawbacks in the life of a policeman. Generally, his social and family life is *more* disturbed than that of persons in other occupations. Personnel in the CRP are frequently moved to trouble spots at short notice. They, as also men of the BSF, have to remain separated from their families for long periods of time. In the civil police too, personnel are not able to participate fully in the social and other activities of the community due to the peculiar nature of their work. Uncertainty of working hours, liability to work at night and on gazetted holidays, are all inseparable features of police work. In combination, they result in a degree of social segregation, to which attention has also been drawn by the Royal Commission on the Police (U. K.)

Certain fundamental changes have taken place since Independence in the role and functions of police personnel. The public is now more vigilant about the way in which the police behave and exercise their authority. On occasions ordinary lapses on the part of the police can result in ugly situations leading to riots, lathi-charges and even firing. The tasks of the civil police have become more complex in several ways. In recent years we have witnessed widespread violence, destruction of Government property and use of firearms and explosives on a large-scale against the police in various parts of the country. In the investigation of crime, there has been a significant change since Independence. Besides the increase in the volume of crime, the nature of offences has undergone a qualitative change with industrialisation, urbanisation, increase in economic activity and the proliferation of controls and licences. There is now greater need and scope for the application of scientific techniques in the detection of crime and collection of security. It also calls for a higher degree of intelligence to comprehend the modus operandi of sophisticated criminals, to thwart their designs, or to bring them to book, specially where economic offences are involved."

3.4 Having appreciated the qualitative change in the duties performed by the Constabulary, the Third Pay Commission merely expressed their views that they were "in general agreement with the views which seek to improve the level of remuneration of the Constabulary and other ranks. A reasonably well-paid and contented police force is essential to good order, internal security and stability. We feel that in the changed circumstances the remuneration of police personnel needs to be fixed after altering the internal relativities in their favour."

3.5 Despite these favourable observations, the pay structure ultimately fixed for the Constabulary, did not secure for them a satisfactory relative position vis-a-vis other employees in public services as would be seen in the comparative statement in Appendix II.

3.6 This statement shows the comparison of emoluments (pay and D.A. only) of unskilled, semi-skilled and skilled workers of Public Sector Undertakings, with the emoluments of Constables. The unskilled, semiskilled and skilled workers of the five Public

Sector Undertakings, viz, Bharat Heavy Electricals Limited, H.S.L., H.M.T., H.A.L. & H.E.C. get much more than a Delhi Police Constable. A maximum amount of Rs. 522/is drawn by the skilled worker of H.M.T. and H.A.L. The minimum of Rs. 421/is drawn by an unskilled worker of B.H.E.L. against Rs. 328.70 of a Constable.

3.7 Another statement showing the total emoluments per month at the minimum and maximum of the scale in some organisations as in June 1977 is furnished in Appendix III. On perusal it appears that the minimum pay of a peon in Chemical/Engineering Organisations is much more than the minimum pay of a Delhi Constable. Similarly the minimum pay of a driver who happens to be a skilled worker far exceeds the minimum pay of a Police Constable. A driver of the Nationalised Bank draws Rs. 690/per month. Again the clerk in Chemical Organisation draws a minimum salary of Rs. 730/per month. So a police Constable gets much less than a Clerk/Driver and Peon of some organisations. The prevailing minimum wages (Basic and DA) in different industries/sectors is shown in Appendix IV. The highest minimum wage is Rs. 495/in H.M.T. The pay and DA of Delhi Police Constable totals to Rs. 328.70 per month, which is much below the minimum wages prevalent in different industries/sectors, except EIL, Sugar Industries and Central Government employees. The minimum emoluments of employees in certain selected industries/undertakings in the organised sectors January, 1978 are given in Appendix V. The total emoluments of Constables are much less than the minimum emoluments of an employee in Railway Workshop, Bombay, Nationalised Banks, Bombay, Public Sector enterprises at Bangalore, Engineering companies at Calcutta/Faridabad and Textile Mill at Ahmedabad. The maximum amount of Rs 723/is drawn by an employee of Public Sector enterprises at Bangalore.

3.8 It may be relevant in this connection, to refer to the Royal Commission formula for fixing pay of Constables in the U.K. The Royal Commission of the United Kingdom of 1960 in its interim report presented to the British Parliament dealt with the fixation of the salary of a Constable elaborately and have evolved the following formula :—

- (i) They began with a factor which they called 'A' as their starting point which according to them was the minimum or standard time rate of wages paid to skilled worker in a wide range of industries representing several millions of employees.
- (ii) To this, a second factor called 'B' which was 45% of factor 'A' was added. This was intended to take into account the hardships and privations which a policeman's work entailed in comparison with the work of skilled industrial worker. This, the Commission thought would fully compensate the constable for his liability to work in shifts, at night during week ends or on holidays without extra payment. It was also intended to take into account the fact that a police constable is not permitted to add to his emoluments by taking up extra professional overtime work which is inseparable from police life.
- (iii) The Commission further went on to state that to the total of the two factors 'A' and 'B' they must add another factor representing the value of the constables' work to this community because of the nature of his duties and the responsibilities which he had to shoulder and also the risks in his exposure to danger, his subjection to discipline and the degree of social segregation which is forced upon him. This third factor 'C' was based on a qualitative judgement of the value of the constable's work, his responsibilities, his way of life, his knowledge, his professional skill and his physical and personal traits. This factor they assessed at 25% of the sum total of the

first two factors.

The Commission considered that the total of the three factors would be an appropriate overall remuneration for the constable at the end of his incremental scale. But, as the constable received some part of his remuneration in the form of subsidiary benefits such as free housing, free uniforms etc., the overall remuneration should be reduced by the amount paid as his house-rent allowance in order to arrive at the correct figure of his pay. The present arrangement for the review of police pay in the United Kingdom is based on the Royal Commission's Report, 1960 and an agreement reached at the Police Council in 1962. Very broadly it can be said that the former determined the basis and level of pay and established a relativity with other work people; and that the latter produced an agreed formula to govern future adjustments of pay at two-yearly intervals having regard to wage fluctuations in outside industry generally.

The pay structure in the Japanese police system provides for extensive allowances amounting nearly to two thirds of the basic pay of a policeman. These allowances include supplements for dependents, housing, commuting, assignment to supervisory position, overtime and compensation for working at nights and on holidays. The largest item is a bonus amounting to about 40% of the basic pay and paid in three instalments during the year. The average salary of all Japanese policeman-basic pay plus bonus and allowance—is 48% above the average for all industrial workers.

It had been argued earlier before different pay Commissions that the Constable should be rated on par with a skilled worker for purposes of pay fixation. On the general question of categorising Government employees as 'semi-skilled', 'skilled', 'highly skilled' and 'supervisory', the first Central Pay Commission of 1946 did not lay down any rigid criteria that could be applied to all personnel. The following extract from their report is relevant in this connection :—

".....The assignment of a particular worker to one category or another must largely be a matter

of opinion based on standards recognised in industry. It seems to us that it will be convenient if each important industrial establishment will constitute a Board, say of three of its officers, to determine the class in which every worker in that establishment is to be based. The classification will of course be reviewed from time to time. In a matter of this kind, no differentiation can be made between the industrial employees of Government and those employed in private industry. The differentiation between the skilled and the highly skilled is again a matter of degree, depending to a certain extent also upon experience and purposeful training. The extent to which a man can be trusted to work by himself or required direction or guidance is also a material ingredient".

The Second Central Pay Commission-1957-59, more or less endorsed the views of the First Pay Commission and did not evolve any separate criteria. The Third Central Pay Commission of 1973 dealt with this question a little more" elaborately. Most of the Heads of Police Organisations had, directly or indirectly, asked for the Constable's pay to be equated to that of 'skilled' industrial worker. The Third Central Pay Commission was concerned with the pay structure of the police personnel under the Central Government and, while evolving their views in this matter, they were conscious of the possible repercussions of the pay scales adopted by the Centre for police personnel on the State Governments. They did not specifically deal with the basic question whether a Constable should be rated as 'skilled' worker, but went on to give their recommendation regarding pay structure having regard to other relevant aspects. Extracts of paragraphs 37 to 46 of Chapter 29 of Vol. II (Part-1) of the



Third Central Pay Commission's report are furnished in Appendix VI.

We feel that the present time is appropriate for evolving a considered view whether or not a Constable should be rated as a 'skilled worker'. This issue has not been squarely tackled so far by the Central Pay Commissions. Punjab Police Commission, 1961-62 had said that "the nearest equivalent to the constable is the 'skilled' artisan". The Delhi Police Commission of 1966-68 were of the view that the formula adopted by the Royal Commission of UK was a very reasonable and rational one. The Royal Commission had proceeded on the basis that the starting point for determining the overall pay and emoluments of a constable was the minimum standard time rate of wages paid to a skilled worker supplemented by further compensatory payments relatable to the hardships, privations, risks etc. involved in the Constable's job.

3.13 Notification No. S-32019(7)/75-WC(MW) dated 8-9-1976 issued by the Government of India in the Ministry of Labour defines the 'unskilled', 'semi-skilled', 'skilled' and 'highly skilled' categories of employees for the purpose of fixing the minimum rates of wages, as follows :—

- (a) 'Unskilled work, means work which involves simple operation requiring little or no skill or experience on the job ;
- (b) 'Semi-skilled work' means work which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance of skilled employees, and includes unskilled supervisory work ;
- (c) 'skilled work' means work which involves skill or competence acquired through experience **on** the job or through training as an apprentice or in a technical or vocational institute and the performance of which calls for initiative and judgement;
- (d) 'Highly skilled work' is one which calls for a high degree of perfection and full competence in the performance of certain tasks, acquired through intensive technical or professional training, or practical work-experience for long years and also requires of a worker to assume full responsibility for the judgement or decision involved in the execution of these tasks.

### **Constable to be rated as skilled worker**

3.14 The minimum qualification for recruitment of a Constable in many States is now fixed as matriculation. Recruitment is followed by a period of intensive training in specialised skills including a course in law which is very important for a police functionary. The duties on which a Constable is even now employed call for considerable initiative and exercise of judgment. In fact, in the revised Police set up we are visualising a role for the Constabulary which will require a lot more initiative and capacity to exercise judgment in dealing with public situations. He will also be required to perform a part of the investigational duties that devolve at the police station level. In many situations he has to function by himself, exercising his judgment of the situation and acting according to its needs under the law. A thorough knowledge of law is now required on the part of every constable and will be required in greater measure for satisfactory performance of his duties. All these requirements of the role and duties of a Constable clearly make out a case for rating him as an operative somewhere between a highly skilled worker and skilled worker, having

regard to the definition mentioned in the Labour Ministry's notification of September, 1976.

3.15 We feel that full justice has not been done in the past to policemen in regard to his pay structure *vis-avis* other services. Despite the relatively low status accorded to him in public services, the policeman has time and again shown commendable loyalty to the call of duty and has always been principally instrumental in maintaining public order even in the most trying situations. In times of crisis brought about by strikes in important and vital sectors of Government as well as Public Undertakings like Railways, civilian employees in Central Government, etc., it is the police that stand by the side of law and maintain order despite severe handicaps and restraints. We strongly feel that the case of the policeman for a rational pay structure should not be deferred any longer but should be resolved in fair and just manner to sustain police morale which is most important in the context of growing developments in the country. The base of all progress in a country is peaceful existence of law and order and no country can afford to ignore the needs of the machinery and personnel responsible for the maintenance of law and order except at considerable peril to orderly progress.

3.16 We are aware that some authorities are inclined to draw a comparison between Army and Police personnel while considering questions of pay and other emoluments. While this comparison may be valid to some extent in regard to Army and Para-Military Forces like Border Security Force, Central Reserve Police Force and Indo-Tibetan Border Police which work in close proximity to Armed Forces in the same field of operation, we consider that there is no rational basis for such comparison between Army and the regular Police. The two services work in entirely different milieu and the styles of their functioning are quite different. Police personnel function openly very much in public view and constantly vulnerable to criticism. Whenever they act in any situation they do so with full awareness that the legal propriety and administrative correctness of every step that they take will be subject to subsequent check and scrutiny by courts and other relevant agencies. This circumstance places a far greater restraint on police action than can be said to be the case in regard to the Defence forces. Unlike Defence forces, Police personnel have always to be on duty-in fact on a twenty four hour call every day of every week during war or peace. The normal working hours of a policeman are about 13 hours a day, day in and day out. Problems of internal security get new dimensions during war time and to that extent impose additional responsibilities on the police during that period. On a careful consideration of the various factors which attend the working of the two services, we feel that there is no rational basis for comparing one with the other. The requirements of each have to be dealt with on its own merits without any comparison as such.

3.17 As for the Armed Police, the Third Pay Commission while fixing the pay of an armed police Constable had observed that—

"in arriving at these conclusions, we have kept in mind the desirability of giving a slight edge to the infantry soldier over the constable in the armed police force after taking into account the various allowances and benefits admissible to the soldiers and the personnel in the armed police and security forces. We feel that this consideration would remain valid in future also unless there is any alteration in the role assigned to any force or in the recruitment and qualifications".

We have carefully examined the qualitative change in the role performed by the armed police in the recent years. Public order situations have increasingly drawn armed police battalions to be on duty on the roads, streets and lanes alongside the civilian police for interacting with the public and maintaining order. In the pre-Independence days, the armed police could afford to take a ruthless view of any situation and maintain order more by the use of force than by persuasion, argument and appeal. Armed police battalions in the present times have to be as much skilled as the civilian police in dealing with public in a manner which will not exacerbate or ruffle their temper or feelings on any issue. Armed policemen are put through several courses of intensified training both at the time of recruitment and later while in service to acquire the necessary skills for crowd control work. Association of armed policemen with civilian police in the present times is not so much for providing arms to the civil police but for providing greater number of police personnel, trained and equipped equally well to deal with civilian public on civilian terms. We are also separately examining a revised scheme for promotion which would facilitate internal movement from the armed police to the civilian police for their promotional career, particularly at the level of constabulary. We, therefore, feel that the basis for the observations of the Third Pay Commission regarding armed police Constable has substantially changed now. There are no longer any ground to hold that the armed police Constable should be rated lower than the civil police Constable. We feel that an armed police Constable as well as a civil police Constable should be rated at the same level with regard to their qualifications for recruitment, professional training and subsequent assessment for further promotion. Having regard to considerations analysed earlier, we recommend that the police Constable, both on the civil side as also the armed side, should be rated as 'skilled worker' for determining his pay structure *vis-avis* other public services in the States.

## **Compensation for the additional demands of duty on the policemen**

**3.18** Having expressed our views on the question of equation between the constable and the skilled worker regarding determination of pay, we would now like to deal with the following aspects of the constable's work which stand out prominently when compared with other services and would, therefore, entitle him for some compensation for the handicaps and privations suffered by him on account of these distinctive factors:—

- (i) An obligation to work even on Sundays which is normally a day off for all workers;
- (ii) An obligation to work on all other gazetted holidays also which are notified as public holidays and are usually occasions for enjoyment and rest by the community at large. Such occasions invariably call for additional deployment of policemen for law and order duties for containing the exuberance of the holidaying public;
- (iii) Inability to avail the normal entitlement of leave every year, being called on to remain on duty to meet the ever increasing demands of manpower for incessant law and order duties;
- (iv) Long and arduous hours of work on every day of duty, very much in excess of the normal eight hours;
- (v) Physical hazards and risks involved in the performance of his duties, the enormous degree of mental stress and strain under which he functions, the

nature of responsibility that devolves **on** his job and the manner in which he deals with the public in any given situation, the constant exposure to criticism and a very strict evaluation of his performance by the public, and the consequent social degradation which his family suffers in the estimate of people in the neighbourhood etc.

3.19 The obligation to work even on Sundays should be compensated by having a strict system of giving one day off in a week by rotation among the constabulary in any working unit. This system is in vogue in some States like Tamil Nadu, Kerala etc. The idea underlying this system is to ensure a day of compulsory rest for every constable once a week. On extraordinary occasions when this is denied to him during one week, this should be given to him in the succeeding week, in addition to that week's rest day. In any case, denial of this off day and compensating him by paying him extra allowance for that day is to be strictly discouraged.

3.20 The obligation to work on other gazetted holidays and inability to avail normal entitlement of leave every year should be compensated by entitling a Constable to 15 days additional leave every year besides what he is normally entitled to in common with other Government servants, and further enabling him to encash the entire leave (including this additional leave) if he is denied Leave in 'public interest'.

### **Overtime Allowance**

3.21 We have carefully examined the question of compensating the policemen for their long and arduous hours of work. The system of overtime allowance provides this compensation to employees in the industrial sector-and the civilian staff under the Central Government who come under a prescribed definition of office staff. A policeman has every right to be considered for similar compensatory payment for the enormous load of overtime work he bears in the normal course of discharge of his duties. We feel it would be grossly unfair to him to hold that under the law he is on a 24 hour call of duty and therefore the matter ends there. It would be invidious to deny him the concept of overtime allowance, while large sections of his brother employees under the government are allowed this facility. We are, however, aware of the practical difficulties that are likely to crop up in working out the overtime allowance system for the police personnel on the same lines as now implemented for the civilian staff. Prior authorisation of overtime work by individual policemen on a day to day basis may not always be practicable because the extent of overtime work is often determined by the developing needs of a growing situation, particularly in the enforcement of public order, as also during investigations of serious crimes which require prolonged pursuit of clues without any let up. We are also aware of the scope for malpractices in the system of maintaining registers and computing overtime allowance on the basis of actual hours of performance of an individual's work from day-to-day. We are anxious that, as a law enforcement agency, police should be particularly guarded against such malpractices creeping into their system. We, therefore, feel that a different methodology has to be adopted for making this overtime payment to police personnel. Rates of overtime allowance to Central Government employees in different pay scales are specified in Government of India, Ministry of Finance, Department of Expenditure O.M. No. 15011/2/E.II(B)/76 dated 11th August, 1976. The normal ceiling for the total overtime allowance payable to a Central Government Servant in terms of these orders is one-third of his monthly emoluments, including all allowances like D.A., winter allowance, hill station compensatory allowance, etc., but excluding house rent allowance. Overtime allowance is not

payable for work done on Sundays and other gazetted holidays which should be compensated by the grant of compensatory leave on some other days.

A job analysis conducted by the National Productivity Council has shown that working hours of the subordinate police officers i.e. from Inspector of Police downwards, range from 10 to 16 hours every day of seven days in a week. A recent computerised survey conducted by the Tamil Nadu Police has shown that an average Constable works for about 14 hours every day without any respite. For computing the quantum of reasonable overtime allowance, we may adopt the figure of 13 hours as the normal working time put in every day by average subordinate police officer employed on public order or crime investigational duties. **On** this reckoning a subordinate police officer is entitled on the analogy of the orders mentioned in para 22 above to be paid overtime for 4 hours every day, deducting the first hour in excess of 8 hours, for which no payment is due. Deducting 4 Sundays and 2 gazetted holidays (on an average) every month, he is entitled to be paid at this rate for 24 days. If we take the Delhi Police as a sample unit, the pay scale of a Constable is Rs. 210-4-250-5-270. His average pay may be taken as Rs. 240, taking into account the fact that most of the Constables are likely to be at different stages in the pay scale. The pay scale of a Head Constable is Rs. 260-6-326-8-350 and his average pay may therefore be taken as Rs. 305. The following table shows the total emoluments, rate of overtime allowance, the total amount payable on that account and the ceiling for payment of overtime allowance in respect of Delhi Policemen.

<i>Rank</i>	<i>Basic/average pay</i>	<i>Total emoluments including DA, ADA &amp; CCA.</i>	<i>Rate of overtime allowance admissible per hour</i>	<i>Total OTA payable in a month (Col. 4 multiplied by 4X24)</i>	<i>Ceiling for payment of OTA (one-third of emoluments).</i>
1	2	3	4	5	6
Constable	Rs. 210	Rs. 343.35	Rs. 1.55	Rs. 148.80	Rs. 114.45
Constable	Rs. 240	Rs. 392.40	Rs. 1.80	Rs. 172.80	Rs. 130.80
Head constable	Rs. 260	Rs. 424.40	Rs. 2.35	Rs. 172.80	Rs. 163.77
Head constable	Rs. 305	Rs. 491.30		Rs. 225.60	Rs. 141.47

It may be seen from the above table that if the calculations presently admissible to the civilian staff are adopted for the Constabulary—as they should rightly be—each of them would be drawing one-third of his emoluments (including D.A. and CCA) as overtime allowance every month. For the reasons already mentioned, we feel that payment of overtime allowance for Policemen need not be individually determined on the basis of registers and computation of hours of work put in day after day, but may straightway be fixed as 30% of his total emoluments, including DA and CCA. This additional payment, which may be designated as "Overtime Pay", may be stipulated as payable to all police personnel from the rank of Constable upto and inclusive of the rank of Inspector working in police units which deal with public order situations and crime investigations. Having regard to the nature of duties and responsibilities of the different branches of the Police, the State Government may notify from time to time the police branches to which the above system of overtime pay will

be admissible. Apart from such notified branches, individual posts in other branches may also be notified for this purpose if the duties attached to the post would entail appreciable overtime work by the subordinate police personnel holding that post. It may further be clarified that the 'overtime pay' as specified above would be in the nature of an allowance only and would not count for pension or other similar matters which are linked with regular pay.

As regards the physical hazards and risks involved in the performance of duties and the other disabilities from which the Constable and his family suffer because of his official situation, we feel that the compensatory arrangement should be through adequate provision of housing, insurance, extra family pension. and similar welfare measures. Our detailed recommendations in this regard are being made separately.

3.25 We further recommend that the facility for encashment of un-availed leave during a year should be extended to the Constabulary in States where the arrangement is not in force now. We notice that in most States the facility for encashment of leave on the date of retirement on superannuation already exists for all police personnel in common with the other Government servants subject to a maximum of 180 days. We would recommend that the maximum be increased to 180 days in all States and that this facility be also made available in cases of retirement on any ground, earlier than the date of superannuation.

3.26 We notice that the conveyance allowance and washing allowance paid to the Constabulary are very low and unrealistic in some States. We would recommend that each of these allowances to the Constabulary be raised to Rs. 10 per month.

### **Special Qualification pay**

3.27 The Constabulary should also be provided with financial incentives for acquiring special qualifications as they progress in service which could be useful for bettering their professional performance. For example, knowledge of driving a motor vehicle and motor mechanism is a distinct advantage for a policeman and would help him to perform his duties more efficiently in certain situations. Even now there is a system of paying some additional allowance to policemen who are employed as drivers and cleaners in two motor vehicles branch but we find that the allowances paid are very low and disproportionate to the importance of the professional skill acquired by the policemen. Civilian drivers get paid handsomely when employed on any public duty like Election Bandobust, Festival Bandobust etc., but police personnel employed on similar duties get much less pay and allowances. We, therefore, recommend that a special qualification pay should be paid to policemen who acquire the following skills or technical/academic knowledge :—

- I
- (i) proficiency in driving and motor mechanism;
  - (ii) Proficiency in handling wireless equipment for transmitting and receiving messages ;
  - (iii) proficiency in handling computers and electronic data processing machinery;
  - (iv) acquiring a University degree higher than what he had already secured at the time of entering service in a subject which would be of professional use to him. For example, criminology, forensic sciences etc. The quantum of special pay payable to each of these categories may be determined realistically, having regard to the pay and emoluments drawn by similarly qualified personnel working in other services or the Private Sector in the States.

## Chapter-IV

### HOUSING

- Free housing to non gazetted police personnel—an accepted service condition
- 4.1 Ever since 1861, when the present police system was created, provision of free housing to nongazetted police personnel has been recognised as the responsibility of the State. Proposition number 46 of the Police Commission of 1860-62, stated 'that quarters should be provided for the Police at the cost of the State; and that the accommodation of the families of the police should be discretionary with the Local Government.' The State Police Manuals/Regulations/Orders give expression to this responsibility and diner only in regard to the rank of Inspector. For example, the Bombay Police Manual lays down that "All Police Officers of and below the rank of Inspector, including all trainees at the various Police Training Institutions, are entitled to free quarters or to house rent allowance where no such quarters are available" (Volume I page 201). The Andhra Pradesh Police Manual Part I—Orders states : "In the Police department no rent shall be charged to Reserve Inspectors, Reserve Sub-Inspectors, Sub-Inspectors, Head Constables and Constables and such other officers as may be notified by Government from time to time for Government quarters occupied by them" (page 180). The Madhya Pradesh Police Regulations state : "Free quarters are provided for all police officers of and below the grade of Sub-Inspector. They are also provided for Subedar, Reserve, Cantonment and Town Inspectors and for Inspectors of the Madhya Pradesh Police College and Constable's Schools and Inspectors on the railway but not for any other Inspectors" (page 99). The office Manual of the Madras Police states : "No rent shall be charged to Sergeant-Major, Sergeants, Sub-Inspectors, Jamadars, Head Constables and Constables for Government quarters occupied by them". In Madras city, Inspectors are also entitled to rent free quarters. In Gujarat all Police Officers of and below the rank of Inspector are entitled to rent free accommodation. In Kerala this facility is available for police officers of and below the rank of Sub-Inspector.

### Present situation

- 4.2 As against the general principle enunciated over 100 years ago regarding provision of 100% accommodation (barrack or family type) to the non-gazetted police personnel, the actual position in the field at present is that more than 50% of the non-gazetted police ranks all over the country have not been provided with Government accommodation of any kind whatsoever. Even among those provided with Government accommodation, a very small percentage alone have family accommodation and the rest are lodged in barracks. For example, in Bihar which has about 49,000 Head Constables/Constables, family accommodation has been provided for only 4% among them. Percentage of family accommodation in the rank of Sub-Inspector/Assistant Sub-Inspector in this State is 27.5 and in the rank of Inspectors it is 31.1. In Punjab it is only 10.3% of the constables who have family accommodation. Percentage of family accommodation for the ranks of Assistant Sub-Inspector and Sub-Inspector and Inspector in this State is 17.6, 39.3 and 48.7 respectively. In Uttar Pradesh it is only 14.9% of the constables that have family accommodation. In Delhi it is only 20.7% of the constables who have family accommodation. The overall picture that emerges is that the percentage of family

accommodation provided to police personnel is very low, and lowest in the rank of constables. The position in regard to other ranks also is only marginally better but intrinsically poor. Securing private accommodation has become increasingly difficult over the years. Payment of house rent allowance operates under very restrictive rules and procedures which do not take a realistic account of the existing high rentals. In one State we find an empirical rule that only 25% of the constabulary are entitled to be paid even this house rent allowance. When we asked in a police station how they ensured equity even in this restricted payment, we were told that they have a system of rotating this payment among all the constables periodically ! The deficiency in housing and increasing hardship in paying high rents for private accommodation secured with great difficulty operate as the largest single factor responsible for grievous loss of morale in police ranks, particularly the constabulary. We, therefore, consider it a matter of great urgency that this condition of service which has remained neglected for many years be taken up for immediate fulfilment. Details of the present position of housing in the different States is furnished in Appendix VII. It may be seen therefrom that among the police personnel yet to be provided with Government accommodation of any kind, as many as 89.1% are in the ranks of Head Constable/Constable.

4.3 The importance of providing accommodation to the Constabulary, who have to perform long and arduous hours of work, who have to be available for taking up duties on a 24-hour-call and who, on some occasions, have literally to be on duty continuously without any relief in a 24-hour period, has also been recognised by the various State Police Commissions and is reflected in the general policy of the State Governments and the Government of India in this regard. We, however, find some serious failings in the

implementation of this policy and would like to point out three necessary and urgent requirements in this respect. The first relates to Some basic principles in housing programme; the second to the pace of investment; and the third to the speed of construction of houses.

### **Principles of Construction**

4.4 The Indian Police Commission of 1902-3 had, while recommending provision of suitable quarters "for every police officer of and below the rank of Sub-Inspector", attached "greater importance to the provision of more married quarters". (Para 88). Various State Police Commissions have made recommendations regarding the extent to which family accommodation should be provided. Delhi Police Commission-1968 recommended 100% family accommodation for the members of the police force with the proviso that Constables should, following recruitment, stay in barracks for the first three years. The U.P. Police Commission 1960-61 recommended 60% family accommodation for constables and 100% for Head Constables in the Civil Police and 50% for Head Constables and constables in the Provincial Armed Constabulary. The Madhya Pradesh Police Commission 1965-66 stated that according to the State Police Regulations, 75% Constables are to be provided with family quarters. The actual situation also differs from State to State . In Karnataka there is no fixed percentage; in Orissa Head Constables and above are entitled to 100% family accommodation and Constables 50% family accommodation; in Punjab it is 100% for Head Constables and above and 60% for Constables; in Maharashtra it is 60% for Head Constables and 50% for Constables; in Tamil Nadu there is no fixed percentage. The Central Government has been pursuing a target of 14% family accommodation and 86% barrack



accommodation for the Constabulary. With increasing urbanisation and greater pressure on land and the erosion of Joint family system, small and separate families would in future be the order of the day. The arrangement of some personnel keeping their families in their ancestral house in the village while they themselves live in barrack accommodation at their places of duty, is bound to become progressively difficult and unworkable. This situation would lead to a much greater demand for family accommodation for the personnel at their places of duty. We, therefore, recommend that in future, excepting for the requirements of trainees in a training institution or some sections of armed police units, all ranks of non-gazetted police personnel be provided with *family type accommodation*. The existing barrack accommodation may also be replaced by fresh construction of family quarters as and when the barrack accommodation is switched over for the requirements of a training institution or a similar purpose.

4.5 We do not find any rationale for the differences in the targets for family accommodation adopted by the States in their police housing programmes for different ranks. The general picture that emerges is that a higher percentage of family accommodation is programmed for the higher ranks among the non-gazetted police personnel as compared to the Constabulary. We recommend that this distinction be immediately given up and the target of 100% family accommodation be uniformly applied to all ranks of non-gazetted police personnel. Having regard to the fact that the existing deficiency of family accommodation is largest in the ranks of Head [Constable/Constable we would further recommend that the future police housing programme should be so evolved that the percentage of satisfaction regarding family accommodation for the Constabulary is brought to level with that which obtains for the upper subordinates.

### **Pace of Investment**

4.6 In 1956-57, the Government of India started a Police Housing [Scheme for the non-gazetted police personnel under which upto 1977-78, Rs. 71 crore had been provided by way of Central (loan) assistance to the States. Details of the assistance provided are given in Appendix VIII. The initial requirement of matching contribution from the States was given up within two years of the operation of the scheme. The States had till 1977-78 expended over Rs. 88 crore on this scheme from their own resources. With effect from 1974-75 this became a Central Plan scheme and Rs. 23 crore were provided in the Fifth Five Year Plan. In actual operation, Rs. 2 crore were released in 1974-75, Rs. 4 crore in 1975-76, Rs. 4.50 crore in 1976-77, Rs. 6.25 crore in 1977-78 and Rs. 7.25 crore in 1978-79 making a total of Rs. 24 crore. While planning this investment, the Central Government had intimated the States that the target would be 100% family accommodation for upper subordinates, i.e., non-gazetted officers of the ranks of Assistant Sub-Inspector and above, and 14% family accommodation and 86% barrack accommodation for lower subordinates, i.e. Head Constables and Constables. In spite of the additional assistance made available by the Centre from 1956-57, the shortage of accommodation at the end of 1977-78 remained in respect of 3.86 lakh out of a total of 7.4 lakh personnel. High percentage of shortage of accommodation has persisted for several years owing to low pace of investment coupled with increase in the numbers of police personnel. In fact the Ministry of Home Affairs have computed that at the present pace of investment, the numbers of police personnel remaining the same, it would, at the average cost of Rs. 25,000/per quarter, take over 100 years to provide accommodation to those members of the police force who are entitled to it !

4.7 We feel that the indifferent handling of this problem in the past and a persistent tendency to accord low priority to it on account of financial considerations have allowed

this problem to assume its present formidable dimensions which now make it appear intractable. We would strongly urge that from the point of view of improving police efficiency and sustaining the sagging morale of the force, the provision of housing to the Constabulary should be given high priority in financial allocations and the pace of investment should be substantially increased so that this problem may be solved within ten years.

4.8 We are, however, gratified to see some evidence of better appreciation of the urgency of this requirement in the fact that **Rs. 105 crore** have been proposed for Police Housing in the draft Five Year Plan for 1978-83. The Seventh Finance Commission (1978) after concluding "that there is urgent need to provide for adequate housing in these States in the interest of discipline and morale of the police" have recommended capital outlay of Rs. 82.86 crore in the non-Plan budgets, during the period 1979-80-1984-85, of 15 States in which the housing satisfaction for the subordinate ranks of police is at low levels. These are Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Manipur, Meghalaya, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Tripura and West Bengal. Considering the magnitude of the problem, we would emphasise that the State Governments will have to give this requirement a high degree of priority and allocate more resources to it than what they have done in the past.

### **Ten year plan for housing**

4.9 We have computed the approximate cost of construction of family accommodation for all the entitled personnel in all the States who are yet to be provided with Government accommodation of any kind. Details are furnished in Appendices IX and X. The total expenditure involved in the project to complete the entire housing programme from the position as obtains today is about Rs. 1045 crore. If this programme were to be spread over ten years, the outlay in the first five year period will be Rs. 523 crore. The draft Five year Plan for 1978-83 provides for Rs. 105 crore for police housing within the Plan scheme. We understand that this is made up of Rs. 60 crore for the State Plans and Rs. 45 crore for the Central Plan. A part of Rs. 45 crore set apart for the Central Plan will be utilised by the Ministry of Home Affairs in the normal course to render financial aid to the States for implementing their police housing programmes under the scheme of Central aid for such programmes. Having regard to the importance of housing for sustaining police morale and efficiency in the increasingly difficult conditions in which police personnel have to perform their tasks, we would strongly recommend that the outlay on police housing under the State Plans in the Five Year Plan (1978-83) be increased to Rs. 523 crore. Of this amount, Rs. 262 crore could be the investment by the States from their own resources and the balance of Rs. 261 crore could be the financial assistance from the Centre. The quantum of Central assistance in this scheme would be inclusive of the amount recommended by the Seventh Finance Commission for allocation to the States for this purpose on the non-Plan side. (The Seventh Finance Commission has recommended capital outlay of Rs 82.86 crore in the non-Plan budget during the period 1979-84 for police housing in 15 States where the housing deficiency is comparatively large). We would not consider the total outlay of Rs. 523 crore in a Five Year Period as financially unreasonable or impracticable if the importance of this scheme is realised as it should be. In this context we would like to observe in passing that where the States are determined to make an investment in a scheme they consider important in any context, they are apparently able to find the money without great difficulty, as may be seen from the fact that in 1977-78, nine States, in which Assembly elections were due to be held, had announced several tax concessions and

measures of relief to employees which amounted to an additional commitment of Rs. 326 crore from the States' resources in one single financial year, after the State Plans had earlier been finalised—*vide* statement made by the Finance Minister in the Lok Sabha on the 22nd July, 1977. Given the desire to alleviate the hardship of 3.86 lakh police personnel all over the country who have at present no Government accommodation of any kind whatsoever, family or even barrack type, and provide them with suitable accommodation to enable them discharge their heavy duties more efficiently to the satisfaction of the public, the Central Government and the State Governments should be able to find their way to make this investment in the first spell of five years, to be followed by a similar plan in the next five year period which would then see the completion of the entire programme.

### **Formula for Central aid**

4.10 We have ascertained from the Ministry of Home Affairs the manner in which the quantum of Central financial assistance for the different States is determined. For each State a factor R is determined as the product of two other factors P and Q, P representing the percentage of the police strength of that State to the total police strength in all the states and Q representing the percentage of police personnel requiring accommodation in that State with reference to the total police strength of that State. Having determined This R factor for each State, the R factor of all the States are totaled up and the percentage of the R factor of each State with reference to this total is determined. The total amount available for allotment is thereafter divided among the States according to this percentage. Some further refinements are introduced in the calculation if it is found that a particular State had not fully utilised the previous year's allotment. If X is the unspent balance in a State from the previous year's allotment, and if Y is the amount to which it will be entitled for the current year according to the calculations described above, its actual entitlement for the current year is fixed as Y minus one half of X, one half of X being the penalty for the State's default in the previous year. Allowing for the amount of X which has remained with the State unspent from the previous year's allotment, the amount that is finally distributed to the State for the current year comes to  $Y - X/2$ , that is  $Y - 3X/2$ . The amount that is left with the Ministry by this process of penalty is distributed to the other States, having regard to their comparative percentage of deficiency in police housing. The Ministry have also been adopting the principle that in all these calculations the net amount that is allocated to a State in a particular year should not be less **than** the previous year's allocation. The above principle of allocation is linked with the twin factors of the total police strength in a State viewed on an all-India basis and the existing percentage of deficiency of police housing in that State. States with a larger deficiency will naturally get a higher multiplying factor and, therefore, this method of computation appears to us to be generally reasonable. We would, however, recommend that this scheme of financial aid from the Centre be limited to housing programmes in States which have not yet reached 80% satisfaction of family accommodation for the different ranks. If a higher level of satisfaction has been reached for any particular rank in a State, further outlay on police housing for that rank should not have the benefit of Central aid. This would also imply that when a State reaches 80% level of satisfaction of housing for all the non-gazetted ranks, the scheme of Central assistance to that State will terminate.

4.11 Having fixed the limiting figures of 80% of family accommodation for Central

assistance, it would be necessary to ensure that the demands from the States are based on uniform criteria. We now find that even the existing targets adopted by the Ministry of Home Affairs are not correctly enforced. For example, the figures furnished by one State in response to a detailed circular from the Ministry of Home Affairs in 1976 showed that family accommodation was available to 28.8% of upper subordinates and 27.9% of lower subordinates which meant that even then that State had exceeded the Ministry of Home Affairs target of 14% family accommodation for lower subordinates. Yet, in its subsequent assessment of housing requirements that State has continued to show the deficiency of family accommodation for lower subordinates and the Ministry of Home Affairs have continued to take the demand into account. The figures furnished by another State in 1976 showed existing family accommodation for 52.3% of lower subordinates. Yet, that State has continued to show the deficiency of family accommodation for lower subordinates in its subsequent returns to the Ministry.

4.12 We have looked into some of the relevant files in the Ministry of Home Affairs and also briefly discussed the matter with the Ministry officials. The following gaps are noticed in the information and data that are being periodically obtained by the Ministry from the States :—

- (i) Existing deficiency of accommodation is not categorised separately as family/barracks both are lumped together in one number.
- (ii) Existing percentage of family accommodation/barrack accommodation available in the States is not known, excepting in a few States which happen to have furnished this figure of their own accord.

4.13 We also notice that the release of Central assistance to the States has generally taken place late in the financial year, which creates difficulties in implementing the construction programme. This delay appears to be the result of late receipt in the Ministry of Home Affairs of utilisation reports which are required to be sent by the State by the 30th of April every year. In some cases, information regarding the authorised police strength and similar matters was also received late and incomplete.

4.14 We would recommend the following corrective measures to eliminate the gaps in information and delay in release of funds :—

- (i) The Ministry of Home Affairs should indicate to the State Governments the allocation from the Central Plan outlay for police housing well before the commencement of the financial year, immediately after the Central Plan is finalised. This would enable the State Governments chalk out their police housing programme well in advance.
- (ii) The physical target in the form of specified number of dwelling units to be constructed with the investment of the proposed allocation of Central assistance should also be indicated in advance.
- (iii) Achievement of physical targets from time to time should be monitored.
- (iv) Funds may be released in instalments commencing with a provisional release at the very beginning of the year, followed by subsequent releases on receipt of progress reports from the States which shall indicate the total provision made in the State budget for police housing, the physical targets reached and the amount spent till then.
- (v) During discussions with the Planning Commission regarding their Annual Plan outlays, State Governments should clearly indicate their proposed

Plan outlay for police housing. The Plan approval communicated by the Planning Commission should specifically indicate the approved outlay on police housing separately, instead of clubbing it with general housing, as has been done in several letters of approval of the Annual Plan 1978-79 issued in 1978. A copy of the Annual Plan approval letter from the Planning Commission to the State, which is normally issued before the presentation of the State and Central budgets, should be marked to the Ministry of Home Affairs so that they could suitably plan the allocation of Central assistance well in time for implementation during the year covered by the Plan.

- (vi) If persistent failures are noticed in any State in the timely implementation of approved housing programmes, the Ministry of Home Affairs should send an official team to visit the State for identifying the difficulties and deficiencies in the field so that appropriate corrective action could be taken in time.
- (vii) A standard proforma for the periodic submission of all relevant information and data from the States to the Ministry of Home Affairs regarding police housing is indicated in Appendix XI.

## **Speed of Construction**

**4.15** We felt very disappointed to see that, even after funds had become available, construction of police quarters in certain States did not make any progress apparently for want of proper planning and adequate machinery for taking up the construction task. On 31.3.1977 two major States had surrendered Rs. 38.25 lakh and 41.30 lakh respectively, the entire quantum of Central assistance allocated to them. Unspent balances as on 1.4. 1978, in the various States amounted to 184 29 lakhs. Sadly enough, some of the States which had considerable unspent balances had as many as 54%, 48%, 53% of its personnel requiring housing.

**4.16** The construction machineries available in the States are the Public Works Department, the Housing Boards and Police Housing Corporations. We would recommend the constitution of the requisite number of special divisions in the P.W.D. of each State for implementing the police housing programmes. These divisions should be earmarked for the Police housing projects only and should not be deployed on other work. While these divisions would be under the administrative and technical control of the Chief Engineer of the PWD, their outturn of work should be subject to a close quarterly review by a Committee consisting of the Inspector General of Police, the Chief Engineer, PWD, and a representative each from the Home and Finance Departments.

## **Police Housing Corporations**

**4.17** We understand that the Housing and Urban Development Corporation provides funds for employers to build houses on rental basis for their employees. This assistance is provided to private companies and public sector organisations such as the Housing Boards. It is stated that HUDCO provides 70% of the total project cost and charges interest at 12-1/2%. The loan is repayable over 7 years. We found that Maharashtra, Andhra Pradesh and Bihar have set up Police Housing Corporations, to handle the construction programmes for police personnel. These Corporations in Maharashtra and Andhra Pradesh have received loan assistance from HUDCO in

varying amounts. The Maharashtra Police Housing and Welfare Corporation which was set up in March, 1974, took up a scheme of construction of 304 Constabulary quarters in Bombay with a loan of Rs. 51 lakh from HUDCO in October, 1974 and completed the project by March, 1977. In June, 1978, they submitted another scheme to HUDCO for construction of 970 Constabulary quarters at a cost of Rs. 213 lakh. Repayment of these loans is ultimately the responsibility of the State Government. The Bihar Police Building Construction Corporation set up in 1956 has constructed 602 quarters for different categories of policemen and barrack accommodation for 919 Constables. Other States could Consider the setting up of similar Police Housing Corporations to handle this task.

4.18 Several States have set up Housing Boards to handle the general housing schemes in the State. We found that the State Housing Board in one State was entrusted with the construction of Police quarters at certain places and they did it with loan assistance from Housing and Urban Development Corporation. The Government subsequently paid the cost of these works to the Housing Board in instalments. We would recommend the association of State Housing Boards with Police Housing schemes wherever possible. This arrangement could conveniently secure financial assistance from HUDCO.

4.19 Even after specific housing projects are sanctioned, the process of actual construction is time consuming and its progress is subject to variables in the field situation. For example, an unforeseen labour situation or a shortage of building material may hold up a project. It is, therefore, necessary to strengthen the survey and planning organisations in the police and PWD to ensure that at any given time an adequate number of planned building projects with land already acquired and estimates duly approved are kept ready for commencement of work at short notice. Unless all these factors are taken care of at the planning stage, we will continue to have the paradox of paucity of resources on the one side and surrender of funds on the other. Whatever special arrangements are devised, it would be necessary for the police department to maintain close contact with the actual progress in the processing of housing schemes and the execution of sanctioned construction works. For this purpose, it would be advantageous if an officer of the appropriate rank from the **P.W.D.** is taken on deputation to the Police Department to function as liaison and monitoring officer. This system has been tried in one State with very useful results.

4.20 In some places it has been noticed that construction programmes are held up on account of nonavailability of land. In this context we recommend that Nazul land and the excess land that becomes available for disposal by the Government under the provisions of Urban Land (Ceiling and Regulation) Act of 1976 could and should be utilised for police housing schemes wherever feasible. The extent to which this could be implemented in all the urban areas covered by the above mentioned Act, can be gone into by a small working group in each State consisting of representatives of the Revenue, Housing and Police Departments.

4.21 *Ad hoc* and piecemeal establishment of police stations and out posts resulting from sporadic responses to local demands have aggravated the problem of accommodation for the police personnel who are deputed to man these stations and out posts. It would be a good arrangement if in all future cases of sanction of police stations and out posts the provision of residential accommodation for the police staff concerned is also settled simultaneously and all sanction orders are issued together.

4.22 We observe that in rural areas private accommodation is not easily available for rent and even when available it may imply some measure of obligation to the landed

gentry in the village which would not be desirable. In the metropolitan cities, accommodation is available but rents are prohibitively high. We would, therefore, recommend that in the future programme for construction of police housing, rural areas and metropolitan cities should be grouped together and given first priority followed by other cities and towns in that order. Availability of family accommodation in rural areas would also act as an incentive for willing acceptance of rural posting by police personnel. We would further recommend that as far as possible police quarters be built in the vicinity of police stations to facilitate group briefing and quick mustering of men as and when required.

### **House rent allowance**

4.23 Until such time as the required number of quarters are built for police personnel, house rent allowance should be paid to them as is being done in many States. We notice that the present quantum of house rent allowance is unrealistic compared to the actual amount police personnel are obliged to pay for renting private houses. The norms and certificates required to be obtained from Public Works Department and Revenue authorities peg down the allowance to very low rates without regard to realities. We would strongly recommend that police personnel entitled to free accommodation should be fully reimbursed the actual house rent paid on their producing a certificate from their supervisory officer of the rank of Dy.S.P. that the accommodation occupied by them is not more than what they are entitled to under Government Rules or Regulations made in this behalf by the Inspector General of Police. This payment may be subject to a ceiling determined for each rank at the district level by the chief revenue authority in the district in consultation with PWD. These ceilings shall be notified in advance for each district and shall be reviewed every three years. In this arrangement there shall be no need for certificates from the Rent Controller or any other similar authority for deciding individual cases so long as the ceiling limits are observed.

4.24 In addition to 100% family accommodation for all non-gazetted ranks in the Civil and in the Armed Police, some barrack accommodation should be available for Constables who come from the mofussil to district headquarters on various duties. This is very important because they cannot afford to stay in hotels or lodges nor can they be left to fend for themselves by finding some corner somewhere for rest and sleep. Barrack accommodation should also be available for personnel who are called for in-service training. But, in no case should this barrack accommodation be used for residential purposes by personnel posted in the district headquarters.

4.25 We are of the view that owing to differences in living habits, climate and varying availability of construction material, a model plan of family quarter for the policemen on a uniform basis for the entire country is not feasible. We recommend that the minimum living accommodation for Constabulary i.e. Head Constables and Police Constables should consist of two rooms, a kitchen and a bath-room. As the norms of actual floor space depend on the general housing pattern adopted in each State and the availability of land, we refrain from recommending any minimum floor-space at the all-India level.

4.26 Another cause of anxiety and concern for police personnel, particularly the Constabulary, that has been brought to our notice is the problem of their accommodation after retirement. Most of them have no house of their own

and view with alarm their accommodation problem which they would face after they retire from service. It would be appropriate in the present context for the Government to aid police personnel in building small houses for themselves. The aid can be in the form of a housing loan repayable in convenient installments with the condition that the loanee would either live in the house himself or hand it over to the Government in the event of his transfer to some other place, and the Government would pay him monthly rent calculated on the current percentage of return on cash investment of corresponding value. The Government could then utilise the same house for accommodating another policeman posted at that place. We understand that such a scheme is in vogue in Maharashtra and would commend its adoption in all States.

### **Policemen's cooperative housing society**

4.27 Construction of such houses by the policemen themselves with aid from the Government would be further facilitated by setting up a cooperative housing society in each district for all policemen. This arrangement would help in securing financial assistance from other bodies like the life Insurance Corporation. Successful management of such cooperative housing societies will need the whole time attention of a senior officer and we, therefore, recommend that an officer of the rank of Superintendent of Police in the welfare wing of the police department be entrusted with the responsibility for promoting these cooperative housing societies in each district. It should be deemed a legitimate charge on the welfare side of police budget to provide expert personnel for running these societies efficiently.

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## **Chapter-V**

### **SUPPLY OF ESSENTIAL COMMODITIES**

5.1 Low salaried employees like the Constabulary are the worst hit by the pressures of steep inflation and sharply rising prices of essential commodities. Police personnel are specially handicapped in this regard because of the arduous nature and long hours of their duties and their special position among the public services which severely limit their seeking any alternate employment during off-hours to augment their income. Domestic situations and related economic factors, which heavily depress the Constabulary's mind and pull down their morale, ultimately affect their efficiency. We have examined in this context some possible arrangements for providing relief to the non-gazetted police personnel from the increasingly severe economic pressure. We find an arrangement in West Bengal for the supply of some essential commodities to subordinate police officers at rates which remain fixed irrespective of the rise in prices. In this scheme, which is in force from 1966, all subordinate police officers from the rank of Sub-Inspector/Sergeant downwards including wireless Supervisors, Wireless Operators, crew of police launches, Subedars and Jamadars of the Eastern Frontier Rifles etc., are supplied rice, wheat, sugar, dal and mustard/rapeseed oil at fixed concessional rates according to a prescribed scale. The supply covers the family members of each police personnel up to a maximum limit of 4 including the personnel himself. The scheme is operated through supply centres which are opened at convenient places in a district and run



by internal arrangement with the existing staff under the Superintendent of Police. The scale of supply at the fixed rates is furnished below :—

Item	Qty. per head per week	Rate per Kg
<b>Rice</b>	<b>1Kg.</b>	<b>0.50P</b>
Wheat or Wheat products(1.50 Kg. for policemen)1 Kg. for family member)		0.25P
Sugar	300gms.	0.70P
<b>Dal</b>	<b>750gms.</b>	<b>0.60P</b>
Mustard Oil	250gms.	2.00P
Rapeseed Oil		

5.2 These concessions are not ordinarily admissible to a police officer on leave, but the Superintendents of Police may permit at their discretion an officer to continue to draw the ration from the police ration stores even while on leave, if he or his family remains at the station at which he was posted while on duty. The concession is also admissible to officers who are under suspension or are undergoing treatment in hospitals.

5.3 All purchases of rationed commodities are made by Superintendents of Police through the Food & Supplies Department. As regards non-rationed articles, purchases are made through contractors at the most favourable rates obtained through open tenders. Constabulary are also represented on the purchase committees which settle these contracts.

5.4 Advances are sanctioned by the State Government on a quarterly basis to the Superintendents of Police to finance the purchases for carrying out the schemes. Personal Ledger Accounts have been opened by the officers and the advances sanctioned by Government are deposited in the Personal Ledger Accounts. All payments are made by withdrawal from the respective Personal Ledger Account. Sale proceeds of commodities realised each day are credited to the Treasury/Sub-Treasury the same day under a prescribed head. The net cost of the scheme is adjusted at the close of the year under the head relating to loss on sale of subsidised food.

5.5 All losses incurred by the sale of these commodities at subsidised rates are borne by the State Government. Supply centres are manned by the existing operational staff under the command of Superintendents of Police without involving extra expenditure on the staff.

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5.6 Expenditure incurred by the State Government on this scheme in the last 5 years is furnished below :-

<i>Year</i>	<i>Amount</i>
1973-74	<b>Rs. 4,08,50,000.</b>
1974-75	<b>Rs. 5,12,05,000.</b>
1975-76	Rs. 9,20,01,000.

1976-77

Rs. 6,47,97,000.

1977-78

Rs. 6,32,68,000.

5.7 A copy of the Government of West Bengal, Home Department (Police) Memo No. 5734-PL/P61/66 dated 12th November, 1966, which introduced this scheme is furnished in Appendix XII.

5.8 We find this scheme has served as an excellent morale booster for the West Bengal Police and is gratefully acknowledged as a great boon by the rank and file of the force. It has sustained their morale while working under severe economic strain and increasing pressure of duties all round. We would recommend the immediate adoption of this scheme for the police in all States.

5.9 Apart from the above scheme, we would further recommend that on occasions when police personnel are required to remain on duty for more than 8 hours at a stretch without relief, arrangements should be made for the supply of food packets to them at their places of duty at Government cost. This will be in addition to any daily allowance which they may be entitled to under the normal rules for the duty done that day.

## Chapter-VI

### ORDERLY SYSTEM

6.1 There has been a system in the Police Department of attaching Constables to senior police officers to work as their orderlies in their office as also residence. The following duties are generally done by the Constable orderlies :—

(i) Attend to petitioners, complainants and other visitors who come to see the officer.

(ii) Attend to telephone calls, particularly during the officer's absence, and furnish helpful replies to enable the caller to speak to some other appropriate functionary for action.

(iii) Pass on messages on telephone to subordinate officers.

(iv) Carry messages and files from the officer to the local staff stationed nearby.

(v) Accompany the officer on his field work and be present with him to afford security and assistance in dealing with any situation.

(vi) Assist the officer in keeping his uniform and arms in a neat and smart condition.

(vii) Maintain the officer's reception room and office premises in a neat and tidy condition for receiving visitors and transacting official business.

6.2 In the recent years there has been mounting criticism that the Constabulary posted as orderlies to officers are misused for doing a lot of domestic chores and unauthorised personal work relating to the officers and his family like cooking, washing clothes, fetching grocery, etc. Shri Ramanand Tiwari, M. P. from Bihar, who is an acknowledged champion of the Constabulary, has vehemently criticised this

orderly system and says in his book entitled "Sipahion ki kahani ankron ki jubani" that most of the senior police officers treat such Constables as their slaves and take even lowliest work from them. It is generally said that the Constabulary are forced to perform orderly duties of this kind against their will and that they are not able to resist this exploitation in individual cases because of fear of vindictive reprisals in their regular official work.

6.3 On the side of the police officers, it is argued that this system provides an opportunity for the men serving in the lowest rung of the ladder to come into contact on an unofficial level with his commander and see him as a fellow human being. Such a relationship generates trust, respect and affection, apart from providing the availability of a trained Constable to receive visitors, spot suspects, question them intelligently besides attending to telephone calls and generally acting as security assistant to the officer to whom he is attached. This close relationship with a member of the Constabulary helps the officer also to have a perspective of the living and working conditions of the Constabulary in general and provides him with a very useful channel of information on several matters relevant to the Constabulary.

6.4 There can be no two opinions regarding the impropriety of utilising Constable orderlies on domestic chores of the kind mentioned earlier. The Constables are rightly agitated over this practice which smacks of a feudal set up and is highly derogatory to their sense of self-esteem and morale. Repeated instructions in this regard for the avoidance of this malpractice have been issued by some State Governments as also by Inspectors General of Police from time to time. In the Central Reserve Police, it has been codified in their manual that "orderlies should not be employed in menial duties in households". However, there is reason to believe that breaches of these instructions continue to occur and some members of the Constabulary continue to be exploited in the performance of these duties. We are convinced that the orderly system as is now in vogue is vulnerable to malpractices which cannot be effectively got over by mere exhortations or instructions. Apart from the aspect of misuse, there is also the aspect of wastage of a fully trained police personnel for doing certain duties which do not require such a trained functionary to perform. After careful consideration of all aspects of the matter, we recommend that the orderly system as it exists at present be abolished.

6.5 However, we recognise the need for some kind of assistance from a trained Constable to officers to deal with certain situations in the performance of their duties. Police officers are essentially field officers and cannot possibly confine the reception of petitioners, complainants and visitors to office hours only. Quite often they have to be out on field work during the day and, therefore, are unable to deal with such visitors and also attend to files except at their residence out of office hours either in the morning or late in the evening or night. In such a situation they do need assistance at their residence for attending to visitors. Telephone calls have also to be attended to at the residence of the police officers, at all hours of the day and night during his absence and presence. The person attending the call has not only to be helpful in his response over the phone, but should also be in a position to appreciate the significance of the information and take necessary follow-up action on his own in the absence of the officer and pass on appropriate message to another functionary. On some occasions he may also have to send or carry urgent messages and documents. We, therefore, recommend that one Constable may be attached to an officer for performing these duties which are enumerated in items (i), (ii), (iii) and (v) of para 6.1. Entitlement to such

assistance may be determined, not by the rank of the officer, but by the actual need for such assistance with reference to the nature of his duties and responsibilities. The Constable detailed on such duty with an officer may be called his Security Aide or by some other appropriate name.

6.6 For handling the duties mentioned in items (iv), (vi) and (vii) of para 6.1, we feel that]the officers hitherto entitled to orderlies for the performance of these duties should continue to have assistance, but it should be by an arrangement of paying the officer a suitable monthly allowance for employing a private person of his choice for performing these duties. The quantum of the monthly allowance may be fixed with reference to the provisions of the Minimum Wages Act, 1948, as applicable to an unskilled worker. The Governments responsibility will be limited to the payment of the monthly allowance to the officer. Employment of the . private hand and payment of wages to him will be the officer's responsibility. We feel that this arrangement would act as a further check on the misuse of the Constabulary as described earlier.

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## **Chapter-VII**

### **MACHINERY FOR REDRESSAL OF GRIEVANCES OF POLICE PERSONNEL**

7.1 Efficient performance of any system largely depends on the morale of the personnel who constitute the system and the extent to which they feel satisfied that the system takes good care of their well-being. Morale, in turn, can be sustained only when the system has a satisfactory mechanism for identification and redressal of grievances of its personnel. This mechanism, besides being inherently satisfactory, should also appear satisfactory and carry credibility and conviction to the personnel. We have carefully examined the existing facilities in the Police for identification and redressal of policemen's grievances. Presently, there is the system of holding weekly orderly room and monthly Sammelan/Darbar/Alochana Sabha in different police units at the district and sub-divisional level. The orderly room gives an opportunity to individual policemen to represent their grievances to the commanding officer, who is usually of the rank of Superintendent of Police, and the latter is expected to take appropriate remedial measures. At the monthly Sammelans and Darbars some collective grievances get ventilated and superior officers get an opportunity to know them and initiate suitable corrective steps. Some grievances of policemen and redressable by appropriate action within the police system, but quite a number of grievances require action at the government level. We find that the system of holding orderly rooms and Sammelans is by and large useful only for halfhearted articulation of grievances but not always for their effective redressal. Moreover, the system of orderly room has, over the years, acquired a punitive character, and is now used mainly for awarding punishments for delinquencies which are announced by the intermediary officer who marches the delinquent into the orderly room. There is an urgent need for devising a satisfactory system through which grievances can be effectively voiced and, what is more, some solutions can be found with a proper understanding and assessment of the issues involved.

## **Policemen's Associations**

7.2 At present in most States there is no machinery at the State level to articulate grievances of policemen and to seek their redress at government level except that the Inspector General of Police writes to the State Government from time to time regarding certain matters which have a bearing on the morale and welfare of the forces and they are dealt with in correspondence in a routine manner. In certain States there are associations of policemen, un-recognised as well as recognised, which enable collective presentation of grievances. In this context we have looked into the concept of associations for policemen and their recognition under our Constitution. Under Article 33 of the Constitution, the Parliament may by law determine to what extent any of the Fundamental Rights conferred by part III of the Constitution shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and maintenance of discipline among them. In pursuance of this article, the Police Forces (Restriction of Rights) Act, 1966, was enacted by the Parliament. According to Section 1 of that Act, it extends to the whole of India and shall come into force in the States/Union Territories on such dates as may be respectively appointed by the State Governments/Central Government in that behalf. According to information available to us at present the Act has been brought into force in all the Union Territories and in all the States excepting Maharashtra, Meghalaya and Sikkim. This Act does not outright prohibit a member of a police force from being a member of or being associated in any other way with a trade union, labour union or similar association. It merely stipulates that such membership would require express sanction of the Central Government or the prescribed authority. In other words, this Act implies the recognition of the concept of such an association for members of a police force with due sanction from a prescribed authority who, it is to be expected, would satisfy itself that the membership of the association would be accompanied by appropriate conditions to ensure the proper discharge of duties by the members of the police force and the maintenance of discipline among them.

According to information available to us. Associations of policemen covering the State Police Service Officers and subordinate Police ranks already exist in Uttar Pradesh, Bihar, West Bengal, Madhya Pradesh, Orissa, Tripura, Manipur and Delhi. Some of these associations have been formally recognised by the State Governments under the aforesaid Act, while some are yet to be recognised but are functioning in some form or the other. Some are defunct. Officers of the Indian Police Service have their central association and its branches in the States.

Police Commissions constituted from time to time in different States have also expressed some views on this subject. The Assam Police Commission (1971) was "strongly of the opinion that in a disciplined Force like the police, redressal of grievances should be an automatic process through departmental channels." But aware that collective grievances need policy decisions which are beyond the competence of departmental authorities, it recommended formation, at government level, of a High Power Committee comprising the Home Minister, the Finance Secretary and the Inspector General of Police to examine, at least once a quarter, all pending proposals relating to policemen's grievances. The Bihar Police Commission (1961) and West Bengal Police Commission (1960-61) were in favour of the Whitley Council pattern and endorsed the recommendations of the Second Central Pay

Commission (1957-59). The Bihar Commission recommended that every district council composed of six members and a Chairman, three members of the council to be elected through secret ballot by all the constables of the district and three nominated by the Superintendent of Police. These six were then to elect a Chairman. The Commission added that for the time being there was no need to start an association but after the work of the council progressed satisfactorily the constables also should be given the privilege of starting their own association in due course, care being taken that only the serving personnel were entitled to be members of the association. The Delhi Police Commission (1966-68) observed that "the formation of an association or union by policemen is not a circumstance at which we may justifiably feel horrified though there can be no question of a Trade Union of policemen within the meaning of the Trade Union Act. Associations constituted for the purpose of safeguarding the interests of individuals, subject to a common body of rules, regulations and conditions of service and of redressing their grievances are wholly unobjectionable." The Tamil Nadu Police Commission (1971) thought conditions were not suitable to change the rules which prohibit these associations. The Police Commissions of Madhya Pradesh, Maharashtra, Punjab, the Uttar Pradesh Reorganisation Committee (1947) and the two Commissions of that State (1960-61 and 1971-72) did not express any view in the matter.

## **Guidelines**

While the right of police personnel to form associations is already recognised in law, subject to prescribed rules and regulations, we feel it would be useful to set down some general principles which should govern the formation and working of such associations, having regard to the paramount need for guarding against factors that might prejudice the proper discharge of duties by policemen and the maintenance of discipline among them. We recommend that the following guidelines be kept in view by the prescribed authorities while granting recognition to policemen's associations :

(i) Membership shall be restricted to serving policemen only. No outsiders, whether a government servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in any advisory or other capacity. (ii) Members shall not have the right to strike work or withhold their services or otherwise delay

the performance of their duties in any manner.

(iii) The Association shall not resort to any coercive method or agitation for obtaining redressal of grievances.

(iv) The Association shall not do anything which may affect the efficiency of the force or undermine its discipline.

(v) The Association shall be absolutely non-political in character and shall not be connected directly or indirectly with political activity of any kind.

It would be desirable to have the above stipulations embodied in the Memoranda of Association of these bodies before they are recognised.

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## **Election of Office Bearers**

7.6 We have looked into the existing practice for the election of office bearers of these associations in some States. We appreciate that unless the office bearers come up through some process of election, they will not have the representative character

which is important in the entire scheme of ventilation of grievances. We are, however, equally anxious that any electoral process adopted for this purpose among the police personnel should not provide the unintended scope for political forces to operate in a manner prejudicial to the maintenance of discipline and, what is more, the impartial character of the Police as a whole. In our view a process of indirect election of the type we will be explaining in detail in the subsequent paragraphs dealing with the formation of Police Staff Councils could be adopted for the election of office bearers of police associations. State Governments may also like to consider other alternate methods of indirect election, having regard to local conditions and experience of working of police associations already existing in the State. We further recommend that policemen's associations may be of the following four categories:

- (i) **One** association may cover Constables and Head Constables and equivalent ranks.
- (ii) A second association may cover all Assistant Sub-Inspectors, Sub-Inspectors, and Inspectors and equivalent ranks.
- (iii) A third association may cover all officers of State Police Service upto and above the **rank** of Deputy Superintendent of Police.
- (iv) Existing Indian Police Service Association will cover all I.P.S. officers. Associations covering the ranks of Constable/Head Constable, Assistant Sub-Inspector/Sub-Inspector/Inspector may be formed on district basis. Representatives of the District Associations may constitute the State level Associations for these ranks. The Association of State Police Service Officers of and above the rank of Deputy Superintendent **of Police** may be organised on State basis.

## **Forum for Discussion**

7.7 Having said all this, we would like to observe that police associations may only facilitate collective articulation of grievances but that would not by itself help in evolving practicable solutions. Our discussions with the office bearers of two important Associations of policemen in a large State brought out the admission that while they had effectively voiced the grievances of policemen, they have not always been able to get the Government to sit with them in earnest for quickly evolving remedial measures. The existing system does not provide an adequate sense of participation for all members of the police force, particularly at the lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances which stand in the way of efficient performance of duties. We have reasons to believe that the Constabulary in particular, are progressively getting alienated from the system and they lack a sense of belonging to the police force with well-defined inspiring objectives. There are growing indications of a developing gap between the supervisory cadre and the constabulary. We are of the view that it would greatly enhance the morale and help the police force if a system could be devised for associating the rank and file in a joint examination and discussion of important problems affecting their professional performance, morale, welfare and allied matters. We have therefore to devise a **forum** at which representatives of policemen's associations can sit together in a kind of federal body and discuss the problems for evolving concrete and practicable solutions.

7.8 The Central Civil Services have the scheme for Joint Consultative Machinery and Compulsory Arbitration which provides them with such a forum, but this scheme specifically excludes police personnel from its purview.

7.9 We have ascertained that from March, 1975, the Border Security Force have a scheme of Border Security Force Staff Council of which the Director-General is the Chairman and other members are drawn from different ranks as indicated below :—

Inspector General	1
Deputy Inspector General	1
Superintendent of Police	1
Additional Superintendent of Police	3
Deputy Superintendent of Police	2
Inspector	2
Sub Inspector	4
Head Constable, Naik, Constable	6

In this scheme, the Staff Council has meetings with the Home Minister once in six months to discuss important matters pertaining to morale, welfare and other establishment problems. Home Secretary and other senior officers of the Ministry of Home Affairs are present during these discussions with the Home Minister. There is satisfaction all round that all the relevant factors connected with the issues raised at the meeting are objectively discussed and mutually understandable and acceptable decisions are taken thereon. We are told that these meetings have been a great morale booster for the force and quite a number of pending problems have been sorted out to mutual satisfaction. The most significant and satisfying element in this scheme is the facility it affords to the rank and file of the force for direct discussions with the Home Minister across the table.

### Staff Councils

7.10 Some of the Study Groups set up in the States at our instance to examine various issues arising from our terms of reference have also expressed their views on this subject, more or less reiterating the need for associating the rank and file in the working of Staff Committees or Councils for redressal of grievances. Taking into account these views and recognising the urgent need for evolving a satisfactory forum for a meaningful examination and discussion of the problems articulated separately by the policemen's associations, we recommend the immediate formation of a Joint Consultative Machinery in the shape of staff councils for the police personnel and a scheme for compulsory arbitration on the lines detailed in the following paragraphs.

7.11 There shall be a Police Staff Council at the district level for every district of comparable police unit in each State Police. This shall be called the District Police Staff Council (DPSC) and shall be made up of the following :—

Superintendent of Police	1 (ex-official Chairman)
<b>Dy. Superintendent of Police</b>	1 (Member-Secretary)
<b>Inspector of Police</b>	1 (Member)
Sub Inspector and Assistant	
Sub Inspector	2 (Member)
Head Constable and	
Constable	4 Member

Total : 9

*Note :* Representatives from the rank of Head Constable/Constable shall include at least 2 Constables. Representatives in the rank of Sub



Inspector/Assistant Sub Inspector shall include at least one Assistant Sub-Inspector.

The four members from the rank of Head Constable/Constable shall be nominated by the recognised policemen's association in the State which covers these ranks. If no such association exists, these members shall be elected by and from an electoral college consisting of representatives drawn from each police station or comparable unit in the district police. Each such representative shall be elected in a primary election from amongst themselves by the Constables and Head Constables in each such unit. Primary elections in all such units shall be held simultaneously on a specified date that would be determined by the Superintendent of Police and communicated to all police stations and similar units with not more than three days' notice of the proposed election. Representatives thus elected from all police stations and comparable units shall thereafter be assembled in the district headquarters on a notified date and the Head Constable/Constable members shall be elected from among them. This secondary election at the district level shall be supervised either by the Superintendent of Police or by a senior Deputy Superintendent of Police nominated by him.

7. 12 Members in the rank of Sub-Inspector/Assistant Sub Inspector shall be nominated by the recognised policemen's association in the State which covers these ranks. If no such association exists, they shall be elected by and from an electoral college consisting of representatives of these ranks who come up through a process of primary election conducted at the sub-divisional level covering all Sub-Inspectors/Assistant Sub-Inspectors working in the sub-division or comparable unit. Secondary election from these representatives shall be held at the district level under the supervision of the Superintendent of Police or a senior Deputy Superintendent of Police nominated by him.

7.13 Members in the rank of Inspector and Deputy Superintendent of Police shall be nominated by the respective policemen's associations which cover these ranks or, in the absence of such associations, shall be elected from all officers of the respective rank serving in the district. Elections for this purpose shall be held at the district headquarters under the supervision of Superintendent of Police.

7.14 At the State Police Headquarters there shall be constituted a State Police Staff Council (SPSC) composed of the following :

Inspector General of Police	1(Ex officio Chairman)
Deputy Inspector General of Police in charge of Welfare Wing	1(Ex officio Member)
Assistant Inspector General of Police in charge of Administration	1(Ex officio Member Secretary)
Superintendent of Police/Asstt. Superintendent of Police	2(Members)
Deputy Superintendent of Police	2(Members)
Inspector	2(Members)
Sub-Inspector and Assistant Sub-Inspector	4(Members)
Head Constable and Constable	8(Members)

Total : 21

*Note* : Representatives from the rank of Head Constable/Constable shall include at least 4 Constables. Representatives in the rank of Sub-Inspector/Assistant Sub-Inspector shall include at least 2 Assistant

### Sub-Inspectors.

Members in the rank of Superintendent of Police and Assistant Superintendent of Police shall be nominated by the State Branch of the Indian Police Service Association. Members in the ranks of— (i) Deputy Superintendent of Police:

(ii) Inspector;

(iii) Sub Inspector and Asstt. Sub Inspector; and

(iv) Head Constable and Constable

shall be nominated by the recognised policemen's association in the State which covers these respective ranks. If no such association exists, these members shall be elected from amongst themselves by the personnel of the respective rank who are members of the DPSCs. Elections for the SPSC shall be held at the State headquarters under the supervision of the Assistant Inspector General of Police in charge of Administration.

7.15 A candidate has to satisfy the following conditions to be eligible for membership of these Councils either through election or nomination as described above :—

(i) He shall have put in at least five years of service in the police force on the first day of January of the year in which the election is held;

(ii) He shall not have received any major punishment in the previous three years.

*Note :* Major punishment for this purpose shall mean reduction in rank or to a lower stage in the time scale and suspension from service, if imposed as a specific punishment.

7.16 Elected members of the DPSCs and SPSC shall hold office for a term of two years at a time. On expiry of one term, a member shall be eligible for re-appointment in either of these councils if he comes up again through the same process of election as detailed above, but no such member shall hold office for more than two consecutive terms. A term of office held in either of these councils shall count for membership of the other council under this rule. Vacancies caused by death, retirement or transfer shall be filled for the unexpired term.

*Note:* An association may replace on the Staff Councils such of its representatives who have ceased to be its office bearers at annual elections or by exigencies such as a vote of no confidence.

7.17 DPSC shall meet once in three months and the SPSC shall meet once in six months and discuss all matters pertaining to morale, welfare and other allied establishment problems which fall within the administrative purview of the State Government. They shall, however, be precluded from discussing individual cases of disciplinary proceedings or postings or transfers or similar establishment matters. The DPSC shall dispose of all matters regarding which remedial measures are feasible at the district level. Matters requiring further consideration and decision at higher levels shall be remitted to the SPSC. Service conditions of officers of the Indian Police Service or any other related matter which will require decision at the Central Government's level, shall be beyond the purview of DPSCs and SPSCs.

7.18 There shall be a Joint Consultative Council (JCC) at the State headquarters to deal with matters which require consideration and decision at the government level. This Council shall consist of an official side and a staff side. The official side shall be appointed by the Government and may consist of upto 7 members including the Chief Secretary, Secretary in-charge of police. Finance Secretary and Personnel Secretary in the State Government. The entire body of the SPSC, as described earlier, shall constitute the staff side of the Joint Consultative Council. The Minister in-charge of Police shall be the Chairman of the Joint Consultative Council. It shall meet as often as necessary to deal with matters that arise from

the deliberations of the SPSC or otherwise.

7.19 No person who is not an employee or an honourably retired employee of the State Government shall be a member of the JCC.

7.20 The scope of the JCC shall include all matters relating to conditions of service and work, welfare of the police personnel and improvement of efficiency and standards of work, provided, however, that (i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles and (ii) individual cases shall not be considered.

7.21 The official side shall conclude matters at meetings of the Council and shall not reserve them for later decision by the Government.

7.22 The JCC may appoint committees to study and report on any matters falling within its scope.

7.23 Subject to the final authority of the State Cabinet, agreements reached between the two sides of the JCC will become operative.

7.24 If there is no agreement between the two sides, the matter may be transmitted to a committee of the JCC for further examination and report. But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. In other cases, the Government will take action according to its own judgment.

7.25 A matter disposed of by the JCC in any manner will not be placed on the agenda during the following 12 months, unless for any special reason, the Chairman of the JCC directs otherwise.

7.26 JCC shall frame its own rules for the conduct of its business.

## **Arbitration**

7.27

Arbitration shall be limited to—

(i) pay and allowances;  
(ii) leave; and (iii) any other matter that the SPSC and the State Government mutually agree to refer to arbitration.

7.28 Cases of individuals shall not be subject to arbitration.

7.29 A dispute shall not be referred to arbitration unless it has been considered by the JCC and final disagreement between the two sides has been recorded.

7.30 On a final disagreement being recorded as mentioned above, the State Government shall appoint a Board of Arbitration as soon as possible, in any case not later than one month from the date of recorded disagreement. The Board shall consist of three members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the JCC and a Chairman who shall be an independent person, preferably a retired or serving Judge of the High Court or senior administrator. The members

and the Chairman shall be selected by the Minister in-charge of Police.

7.31 In determining a dispute, the Board of Arbitration shall examine the merits of the case presented by both the official and staff sides and take into account all other relevant factors including the principles enunciated in any recent report of a Commission of Inquiry, etc.

7.32 Matters determined by the State Government in accordance with the recommendations of a Commission will not be subject to arbitration for a period of five years from the date of the recommendation, after which they shall become arbitrable with reference, as far as possible, to the factors referred to in para 7.31 above.

7.33 Subject to the overriding authority of the State Legislative Assembly, recommendations of the Board of Arbitration shall be binding on both sides.

7.34 If, for reasons to be recorded in writing, the State Government is of opinion that all or any of the recommendations of the Board of Arbitration should on grounds affecting national economy or social justice be modified, the State Government, shall, as soon as may be, lay before the State Legislative Assembly the report of the Board containing such recommendations together with the modification proposed and the reasons therefor, and thereupon the Legislative Assembly may make such modifications in the recommendations as it may deem fit.

7.35 Orders made by the State Government in pursuance of the recommendations of the Board of Arbitration shall, unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of three years.

7.36 In making these recommendations, we have taken into account the currently growing trend of attitudes and feelings among the rank and file of the police force and the urgent need for the officer cadres and the leadership of the force to start a joint endeavour with the rank and file for a meaningful and collective discussion of service problems and evolve solutions in a manner which would satisfy the rank and file and foster in them feelings of professional pride, dignity and sense of participation in the decision-making processes in the system. We are fully convinced that unless the steps as envisaged above are taken on hand quickly, the rank and file will soon be enveloped by growing demoralisation and the entire system would get dangerously weakened.

7.37 We would recommend that the Staff Councils and the Joint Consultative Council as detailed above may be brought into being in the first instance through administrative orders. After gaining practical experience in working the scheme for some time, they may be given a statutory cover by appropriate modifications and additions to the Police Forces (Restriction of Rights) Act, 1966 and the rules framed thereunder.

### **Amendments to the Police Forces (Restriction of Rights) Act, 1966 and the rules**

7.38 We would like to point out at this juncture that the above mentioned Act and rules would also require to be amended immediately to set right some anomalies and deficiencies now noticed. Section 3 of the aforesaid Act merely prohibits an individual member of the police force from joining an association without sanction of the Central Government or the prescribed authority. The prohibition is not against the formation of an association itself. For example, if a non-policeman were to announce the formation of an association, it does not appear to constitute an offence under this Act. Again, for example, if the wives of policemen were to form an association, it would not appear to attract any penal provision. There is no enabling provision in the Act or the rules under which the prescribed authority may impose

conditions before granting recognition.

7.39 Under Rule 8 of the Police Forces (Restriction of Rights) Rules, 1966, an association of policemen cannot get recognition if it covers more than one rank. In other words, the statutory rules, as they stand at present, envisage a separate association for each rank. This would mean that even Head Constables and Constables cannot together remain in the same association. Under Rule 11 of the same rules, any recognition granted to any association prior to 19th December, 1970 (the date on which these rules came into force) shall automatically stand revoked on expiry of 30 days from that date if the Articles of Association are not recast to conform to the revised rules of membership. It appears to us that even the Indian Police Service Association as constituted now does not conform to the legal requirements, and therefore, its earlier recognition by the Government should be deemed to have been revoked! There is an immediate case for amending the aforesaid Act and rules to set right these anomalies and deficiencies.

7.40 **We** would, therefore, recommend that this Act be appropriately amended straightway to—

- (i) enable the Central Government or the prescribed authority impose such conditions as may be deemed fit to ensure the proper discharge of police duties and the maintenance of discipline among policemen before granting sanction to any proposed association;
- (ii) include the guidelines for the working of the associations as detailed in paragraph 7.5;
- (iii) enable the formation of associations to cover more than one rank, on the lines indicated in paragraph 7.6; and
- (iv) impose the same obligations on members of the families of policemen as applicable to policemen themselves in regard to their membership or other links with such associations.

7.41 The arrangements detailed in the foregoing paragraphs would deal with collective grievances of police personnel. Individual grievances have to be looked into by the departmental authorities at the supervisory levels. A rigid insistence on rituals in the name of discipline before a subordinate police officer could approach the senior ranks for redressal of his grievances should be avoided. Any officer with a grievance should feel free to articulate it before his own superiors. Any attempt to stifle such articulation would only result in the affected personnel airing their grievances outside the system and that would lead to undesirable results. Supervisory officers should take the initiative and avail every opportunity to identify individual grievances in the normal course of their tours and inspections and take effective remedial measures. One of the points for assessing the supervisory capacity of an officer should be the measure of success achieved by him in identifying and redressing the grievances of his subordinates. Expeditious sanction and payment of increments and such other allowances as fall due from time to time, prompt settlement of leave, pension, Provident fund, gratuity, etc., are matters that require close and constant attention from the supervisory officers to avoid build up of individual grievances on that account. A substantial impact can be achieved in this matter if senior officers set an example and demonstrate the quick spotting of such grievances and their prompt redressal in day to day work.

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## Chapter-VIII

### WELFARE MEASURES FOR POLICE FAMILIES

8.1 Organisation of adequate welfare measures for police personnel and their families is a must for the maintenance of their morale in the midst of difficult and taxing working conditions. During our visits to States we had a look at some welfare centres and acquainted ourselves with the existing arrangements for looking after police families. We also took note of the special facilities that are available in some States to take care of the families of police personnel who die or get seriously injured and disabled while discharging their duties. While practically every State has organised welfare measures of some kind or the other, we feel there is urgent need and scope for considerable improvement. We have entrusted a study to the National Council of Applied Economic Research, Delhi and Tata Institute of Social Sciences, Bombay to examine in depth the economic profile of a police Constable's family by making a sample survey of a *large* number of police families in Delhi, Uttar Pradesh and Maharashtra. Their study report is expected to reveal the actual gaps and needs in the welfare requirements of police families. We have also set up a subcommittee under the Chairmanship of the Director General, Border Security Force, to examine the organisation and funding of welfare measures. Our recommendations in this regard will follow as soon as these study reports are received. Our suggestions then would also be covering medical facilities and educational facilities for police personnel and their families.

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## Chapter-IX

### RECRUITMENT, TRAINING AND CAREER PLANNING

9.1 The Committee on Police Training (1972) had given an exhaustive report with several recommendations regarding recruitment and training of different ranks in police. In regard to Constables they had recommended that "the high school examination or its equivalent should be the minimum educational qualification for the recruitment of Constables both in the unarmed and the armed branches of the police uniformly throughout the country. The effort, however, should be to attract candidates with higher educational qualifications. To this end, we recommend further that suitable advance increments should be given to candidates who have passed the intermediate or higher examinations". We wholly endorse the views of the Committee on Training in this regard. We find that the educational level for recruitment of Constable has been raised to Matric/SSLC in only 9 States and one Union Territory following the Training Committee's recommendation. We would strongly advise the immediate adoption of this recommendation by the remaining States and Union Territories. This reform is fundamental and urgent for the rank of Constable, in view of the proposed restructuring of the police hierarchy on the lines indicated in para 2.17 of chapter II. Even now a Constable trainee in the civil as well as armed wing, is required to read several books of instructions pertaining to enforcement of law and

the handling and maintenance of arms and other equipment given to him. The standard of lessons in these books requires a minimum academic competence on the part of the trainee to be able to absorb the essence of the instructions. We consider the educational qualification of Matric/SSLC as the very minimum for a Constable recruit to get trained properly and fit into the police system and in due course assume higher positions of responsibility as envisaged by us.

9.2 In the revised system as visualised by us, the Constable will have to be trained and developed as a potential investigating officer who can, with experience, handle investigational work independently. When he picks up that requisite experience, which in our view should be around five or six years, he should enter the rank of Assistant Sub Inspector/Sub Inspector by promotion. The present syllabus of his training as a Constable and further inservice training courses wherever organised, will have to be given a second look to see if they provide for adequate training in the basic principles of investigational work and allied interaction with the public. We are examining this matter separately and will be making our recommendations in our next report.

9.3 We have already stated that we envisage a promotional channel for the Constable to rise to higher levels—even the highest—by promotion on the basis of his performance at each level. The principle of promotion from the lower ranks is being followed even now for filling up either all the posts or a certain percentage of posts in the ranks of Assistant Sub Inspector, Sub Inspector, Inspector and Deputy Superintendent of Police. The existing scheme of promoting officers from the State Police Service to the Indian Police Service provides the opening for the rank promotee to rise to the level of Superintendent of Police and above. In actual practice, however, the number of posts in each of these ranks are so limited compared to the number in the lower ranks that even the most brilliant and exceptionally qualified Constable cannot hope to rise by promotion beyond the rank of Inspector. We have already observed that prolonged stagnation at the level of Constable for a very large number of personnel who enter the police system at this level, acts as a big depressant and demotivating factor in the performance of their duties. The hierarchical structure has to be radically revised to provide for greater numbers at the levels of Assistant Sub Inspector/Sub Inspector/Inspector for ensuring a smooth and quick promotional flow from below. While designing the revised structure, we have to take note of the functional needs of a certain number of posts at each level and balance the number suitably to take care of the promotional needs also. We have entrusted a study of this problem to the Administrative Staff College of India at Hyderabad and will be evolving our recommendations in this matter as soon as we receive their report.

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## Chapter-X

# MODALITIES FOR INQUIRY INTO COMPLAINTS AGAINST POLICE

10.1 One of the fundamental requisites of good government in a democracy is an institutionalised arrangement for effectively guarding against excesses or omissions by the executive in the exercise of their powers or discharge of their mandatory duties which cause injury, harm, annoyance or undue hardship to any individual citizen. This arrangement has not only to include internal checks and balances to minimise the scope for such misconduct but also to ensure an effective inquiry into any specific complaint of an alleged excess or omission and expose it promptly for corrective as well as penal action. This is specially necessary in the police who have vast scope for exercise of powers by a large number of personnel affecting the rights and liberty of individual citizens in daily life. Powers of arrest, search, seizure, institution of a criminal case in court, preparation of reports on the alleged anti-social conduct of any specified individual, etc., mark several stages in executive police action which afford vast scope for misconduct by police personnel in different ranks, particularly at the operational level, causing harm and harassment to the citizens. Apart from positive acts of misconduct, policemen cause extreme annoyance to public by not performing their mandatory duties in a variety of situations. A large number of persons are affected by the malady of non-registration of complaints when crimes are reported at police stations. Even when cases are registered, slackness and indifference in follow-up action are another cause for public complaints. Police ineffectiveness, owing to the operation of extraneous influences or otherwise, in dealing with goondas and other persons believed to be responsible for crime, is another cause for public criticism against police. We are aware that a considerable number among the persons who are aggrieved on account of police inactivity or indifference belong to the weaker sections of society who do not have enough resources to pursue their complaints in higher quarters. We are also aware that the alleged partisan conduct of police on some occasions is the result of extraneous influences and pressures that operate on the system. The compulsions of a statistical evaluation of police performance which is frequently played up in public forums lead to malpractices like non-registration of crime, adoption of improper methods of investigation in a bid to solve cases somehow or other, etc., which are a source of great annoyance and harassment to the public. In our examination of the entire police system we will be dealing with the factors which induce such misconduct, and the recommendations we propose to make in that regard may reduce the scope for such misconduct. However, the need for an effective machinery to deal with public complaints that may continue to come up against the police in some form or the other in the normal course will still exist.

### **Statistical Analysis**

10.2 We have studied in this regard some relevant statistics received from the States. Analysis of complaints against police officers received by Superintendents of Police in Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Nagaland, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and Delhi shows that in 1977 out of a total of 68,275 complaints inquired into by the departmental officers, allegations were substantiated either wholly or partly in 4797 complaints only, which amounts to about 7%. Another interesting feature is that of the total of 76,444 complaints received by Superintendents of Police, 45,953 were received by them directly from the complainants and the remaining 30,491 were



received through higher officers. The percentage of complaints received from higher officers is strikingly large in certain States as compared with others. This, perhaps, may be taken as a measure of confidence with which aggrieved persons seek redress at the level of Superintendent of Police in the respective States.

10.3 Complaints regarding police misconduct are also sometimes laid before the District Magistrate (executive). Quite a number of such complaints are usually transmitted by him to the Superintendent of police for disposal in the normal course. Some are looked into by the District Magistrate himself or his subordinate officers. In some cases, he calls for a report from the Superintendent of police. Analysis of statistics in this regard from the States of Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Punjab, Rajasthan, Tamil Nadu and Delhi shows that in 1977 out of a total of 7960 complaints received by the District Magistrates, 5239 were transmitted to the Superintendents of police for disposal, 378 were inquired into by the District Magistrates themselves or their subordinate officers and in the remaining 2343 cases the District Magistrates called for reports from the Superintendents of Police. Among 378 cases looked into by the District Magistrates or their subordinate officers, allegations were substantiated in 45 cases only. Among 2343 cases in which reports of inquiry were obtained from the Superintendents of Police, allegations were substantiated in 437 cases only.

10.4 Analysis of complaints of police torture dealt with in Haryana, Madhya Pradesh, Maharashtra, Meghalaya, Punjab, Rajasthan, Tamil Nadu and Delhi in 1977 shows that 82 complaints were dealt with by magisterial inquiries, 17 by judicial inquiries and 430 by inquiries by other agencies like State C. I. D., Vigilance etc. Number of instances in which police were held to blame were 37 out of 82 magisterial inquiries, 11 out of 17 judicial inquiries and 23 out of 430 inquiries by other agencies. Percentage of inquiries which disclosed actionable material is highest in the case of judicial inquiries, lower in magisterial inquiries and lowest in inquiries conducted by other agencies.

10.5 In quite a few cases parties have gone to courts with private criminal complaints against police officers for their alleged misconduct. Analysis of such complaints dealt with in 1975, 1976 and 1977 in Haryana, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Punjab, Rajasthan, Tamil Nadu, Delhi, Goa and Pondicherry shows that a total of 2618 complaints were filed. 1131 complaints were decided in court during the same period. Among them only 54 ended in conviction of the accused police officers, while 1077 were either discharged or acquitted or otherwise disposed of.

10.6 From these statistical statements, it is observed that—

- (a) a sizeable percentage of complaints of police misconduct are preferred before police authorities higher than the Superintendent of police;
- (b) the percentage of substantiated complaints is low both in regard to the inquiries held by the District Magistrates and their officers and the inquiries held by the Superintendents of police;
- (c) percentage of substantiated complaints of police torture is highest in judicial inquiries, lower in magisterial inquiries and lowest in inquiries conducted by other agencies; and
- (d) a very large number of private criminal complaints filed against police officers in courts have failed.

10.7 Statistically speaking, the position against police officers is not all that bad. Having regard to the large number of police personnel interacting with the public every day,

the number of complaints received against them and the percentage of complaints held substantiated after inquiry are comparatively small. It may, however, be argued that quite a number of instances of misconduct may not have come up in the form of complaints because of ignorance or lack of facilities for the victim to make a complaint. It may also be argued that departmental inquiries do not always bring out the truth and are mostly biased in favour of the policemen. We appreciate the imperative need to ensure that the complaints that are made, irrespective of their number, are handled in a manner that affords maximum satisfaction and carries credibility to the complainant in particular and the public in general.

10.8 The police Act of 1976 is the special legislation in the United Kingdom to deal with complaints from the public against the members of police forces in England and Wales. This Act envisages a police Complaints Board consisting of not less than 9 members appointed by the Prime Minister. None of the members shall be a person who is or has been a Constable in any part of the United Kingdom. This Board is deemed to be a body corporate and is not to be regarded as the servant or agent of the Crown. A person appointed as a member of the Board shall not hold office for more than three years at a time. While complaints against police are handled in the normal course by the police Chiefs, this Act requires the police Chief, subject to certain specified exceptions, to furnish to the Board copies of complaints and the nature of action taken thereon including the commencement of disciplinary proceedings, if any, against any police personnel following the inquiry into the complaint. The Board has powers to call for additional information from the police Chief and also direct him to initiate fresh disciplinary action if they disagree with his earlier decision not to initiate such action. Disciplinary charges shall not be withdrawn except with the leave of the Board. Disciplinary Tribunals are also set up by this Act to determine whether or not the accused is guilty of a charge on conclusion of disciplinary proceedings. The Tribunal consists of a Chairman, who shall be the Police Chief and two members of the Police Complaints Board nominated by the Board who would not have been concerned with the case earlier. The essence of the UK Scheme appears to be to preserve the responsibility of the Police Chief for initiating inquiries into complaints against police and have a non police body to over-see the disposal of inquiries into such complaints and ensure fairness.

10.9 Having regard to the structure of police as a disciplined force and the need for an effective chain of command to hold it together, it is stressed by police officers that the superior officers within the police department have to bear full responsibility for ensuring good behaviour and proper conduct on the part of their subordinates. This responsibility should not be diluted in any manner. Any complaint of police misconduct should, therefore, normally be looked into by the departmental officers themselves at the appropriate level. If anything is done to give the impression that the superior police officers cannot be trusted to discharge this responsibility, it would weaken their command of the force and this would lead to loss of morale and confidence. Having regard to the vulnerability of police for being ready targets of attack by anti-social elements and related vested interests, it is specially necessary to strengthen the position of the commanding officers in the department to act as corrective influence at their respective levels.

10.10 As against the above mentioned aspect which is important from the policemen's point of view, we have the complainant's point of view in which any inquiry conducted by the departmental officers, however high their level may be may not infuse confidence in him that they have been objective in their inquiry. This is particularly so when the alleged acts of misconduct have been committed in the course of pursuing an objective which has the overall approval of the departmental hierarchy. In all such cases, it is not enough if the inquiry is

held objectively. It is equally important that it should appear to be held objectively, in the view of the complainant and other aggrieved persons. In devising a new arrangement we have, therefore, to strike a reasonable balance between these two requirements. It should be acceptable both to the police and to the public as fair and just, not favouring one at the expense of the other and not damaging the morale of the police and reducing their effectiveness in maintaining law and order.

### **Deficiencies in the existing system**

10.11 A large number of complaints against police can legitimately and rightly be looked into and disposed of by the supervisory ranks in the police hierarchy itself. An inquiry by the supervisory rank will also have the added advantage of promptly making good an omission in the performance of a task by the lower level. However, we have to ensure that the mode of inquiries by the departmental authorities carries conviction to the aggrieved persons regarding its fairness, impartiality and objectivity. Some points of criticism against the existing system of inquiries by departmental officers are listed below :—

- (i) The Inquiry Officer is obsessed by a feeling that the exposure of the misconduct of any of his subordinates will be deemed as a stigma on his own administration and is, therefore, inclined to suppress a full exposure of the alleged misconduct.
- (ii) He also feels that too frequent exposures of this kind will make him unpopular with the rank and file and he, therefore, likes to avoid such a situation.
- (iii) If the allegations are against a police officer who is generally known for his professional competence, the Inquiry Officer prefers to softpedal the inquiry to avoid harm to his subordinate who is otherwise doing a good professional job.
- (iv) An Inquiry Officer, who is himself corrupt and dishonest, does not feel enthusiastic in exposing the misconduct of his subordinates.
- (v) Witnesses are casually and indifferently examined in many such inquiries. Their full statements are not recorded, but a mere gist of their oral deposition is mentioned by the Inquiry Officer in his report.
- (vi) Witnesses are sometimes advised by the Inquiry Officer not to make much of certain acts of misconduct and the Inquiry Officer thereafter proceeds to write his report stating that the complainant himself does not want to press his complaint.
- (vii) The Inquiry Officer does not himself take the initiative to find out the truth but insists on the complainant himself producing all the witnesses and proving his complaint. This acts as a serious handicap to the complainant, particularly when he happens to be poor, ignorant and ill-informed.
- (viii) The tendency to suppress the alleged misconduct becomes marked when the misconduct is said to have occurred in the course of discharge of duties by the police. Examples are : allegations of torture when a person is being interrogated by police during investigation, allegations of excessive use of force when police deal with riotous mobs, etc.
- (ix) Inquiries lose their objectivity and fairness when the police officer against whom allegations are made happens to have political contacts of a nature which would influence the ultimate decision on the result of inquiry.

10.12 Some of the above points of criticism cannot be satisfactorily eliminated by the mere issue of instructions because they are linked with essential attitudes and approaches and the "administrative culture" developed in the day to day working of

the police. It is, therefore, necessary to have some institutionalised arrangements to counter these deficiencies and difficulties.

## **Departmental inquiries**

**10.13** As a first principle, we propose that the inquiries into any complaint of police misconduct shall be conducted by an officer of the rank of Inspector of Police or above only, on the following pattern:

<i>Complaints Against</i>	<i>To be Inquired into by</i>
Head Constables/Constables	An officer not below the rank of Inspector of Police.
Sub-Inspectors/Asst. Sub-Inspector	An officer not below the rank of Deputy Superintendent of Police
Inspectors of Police/Deputy Superintendents of Police/Assistant Superintendents of Police.	An officer not below the rank of Superintendent of Police
Superintendent of Police and above.	Complaint Cells directly supervised by the Deputy Inspector General or Inspector General, as the case may be.

## **Complaint cells**

**10.14** While the above categorisation would apply to inquiries conducted by the authorities in the hierarchy in the normal course, there shall be a special complaint cell headed by a Deputy Superintendent of Police in each district working under the Superintendent of Police to handle inquiries into allegations of police misconduct in which the normal hierarchical levels are likely to take a biased view for any local reason. The discretion to entrust special inquiries to this cell shall be exercised by the Superintendent of Police having regard to the circumstances of each case. The Deputy Superintendent of Police in charge of this cell shall have two or three Inspectors for assistance in field work. In major districts this post of Deputy Superintendent of Police shall be created exclusively for dealing with this work with supporting staff specially sanctioned for it. In smaller districts this work may be entrusted to a Deputy Superintendent of Police at headquarters who may be in charge of a district-wide unit like the District Crime Branch or the District Intelligence Bureau or any similar set up at district headquarters functioning directly under the Superintendent of Police with district wide jurisdiction. Personnel for these cells shall be specially selected with reference to their integrity and record of service. Their postings shall have the prior approval from the Range Deputy Inspector General concerned.

**10.15** There shall be a similar cell working directly under each Range DIG for handling inquiries which may involve scrutiny of the part played by the Superintendent of Police himself in any particular situation. At the State headquarters, there shall be a special cell under a Superintendent of Police with supporting staff of Deputy Superintendents of Police and Inspectors working directly under the Inspector General of Police to handle such inquiries which require attention at the State level.

**10.16** All field officers from the rank of Inspector of Police upwards and all officers in charge of special cells mentioned above shall maintain registers with appropriate columns to record the receipt and disposal of every complaint handled by them. The special cell under each Superintendent of Police shall frequently check and ensure the proper maintenance of these registers by all the field officers in the district and the expeditious disposal of complaints handled by them. The special cells under the Deputy Inspector General and Inspector General shall conduct surprise checks in the districts to see if the complaints are

properly and expeditiously disposed of.

## **Guidelines**

- 10.17 Regarding the actual manner of conducting inquiries, we recommend the following points to be kept in mind by Inquiry Officers :
- (i) The complainant should be heard in detail and every effort must be made by the Inquiry Officer himself to ascertain the truth by examining such other witnesses as he may deem necessary, without insisting on the complainant himself to secure the presence of witnesses.
  - (ii) Important witnesses shall as far as possible be examined in the presence of the complainant so that he has the satisfaction of hearing what they depose.
  - (iii) Throughout the conduct of inquiry, the Inquiry Officer shall scrupulously avoid doing anything which might create a doubt in the complainant's mind about the objectivity and impartiality of the inquiry.
  - (iv) The inquiry shall, as far as practicable, be conducted in an appropriate public building or place, in or near, the complainant's resident village.
  - (v) If the Inquiry Officer reports that the complainant himself does not want to press his complaint in any particular case, the facts and circumstances of that case shall again be verified by either the next superior officer or the district complaint cell.

## **Mandatory judicial inquiries**

- 10.18 Even if the above precautions are taken in departmentally conducted inquiries, there would still be a category of complaints of serious misconduct by police in which the aggrieved person would feel dissatisfied about the impartial and objective nature of the inquiry unless it is conducted by some independent authority outside the police. This category will cover such instances of misconduct which arise when the police are engaged in an operation under the direct control and guidance from the higher ranks for achieving a professional objective. Examples are : police operation in dealing with unruly mobs in a serious law and order situation, police encounters with dacoit gangs, interrogation of suspects in a case that has evoked a lot of sensation and for whose detection lot of pressure has built up, etc. In such cases, a magisterial inquiry also fails to carry conviction to the aggrieved persons because a Magistrate (executive) is in practice looked upon as an integral part of the Establishment. We are aware of the growing number of instances of alleged police misbehaviour in which demands for judicial inquiries, i. e. inquiries by a member of the judiciary, have been repeatedly voiced by several sections of people. In fact, the very demand for a judicial inquiry in to a specific instance, when it is not immediately conceded by the State authorities, becomes the main issue around which further tension and pressure build up and escalate the law and order situation, regardless of the nature of the original incident. Whether or not to concede the demand for a judicial inquiry in such situations becomes a kind of prestige issue if the demand happens to be voiced by some political groups. This aspect complicates the situation further. A judicial inquiry, if ordered considerable time after an alleged incident, gets handicapped by the intervening delay and would not have the advantage of a detailed version from witnesses based on their immediate recollection of what had happened. Having regard to all these aspects of the matter and having in view the fundamental requirement of such inquiries, namely that they should be conducted promptly in a manner that will carry conviction to the aggrieved party, we

recommend that in regard to certain categories of complaints against police, a judicial inquiry shall be mandatory and be held immediately according to a set procedure as soon as the alleged incident occurs. We proceed to detail the connected arrangements in the following paragraphs.

**10.19** The following categories of complaints shall invariably be covered by such judicial inquiries :

- (i) alleged rape of a woman in police custody;
- (ii) death or grievous hurt caused while in police custody; and
- (iii) death of two or more persons arising from police firing in the dispersal of an unlawful assembly as defined in Section 141 of the Indian Penal Code.

*Note* : "Grievous hurt" for this purpose means—

- (a) emasculation;
- (b) permanent privation of the sight of either eye or the hearing of either ear;
- (c) permanent disfiguration of the head or face;
- (d) fracture or dislocation of a bone; or
- (e) destruction or permanent impairing of the use of any limb or member thereof.

## **District Inquiry Authority**

### **10.20**

A judicial inquiry in the above cases shall be held by an Additional Sessions Judge nominated for this purpose in every district by the State Government in consultation with the High Court. He will be designated as the District Inquiry Authority—hereinafter referred to as DIA. Normally one of the existing Additional Sessions Judges in the District shall be nominated to function as DIA in addition to his other duties. But if the workload generated by such incidents/complaints in any district or group of districts happens to be too heavy to be handled expeditiously by a part-time DIA, a separate Additional Sessions Judge may be appointed to function exclusively as the DIA for a district or a group of districts as the case may be. In conducting the inquiry the DIA shall be assisted by an assessor, who shall be an Additional SP or a senior Dy. S. P, nominated for this purpose in each district or group of districts as required by the IG of Police. An officer under whose direct supervisory jurisdiction the alleged incident has taken place shall not function as an assessor in the connected inquiry. In such a contingency it may sometimes be necessary to nominate an officer of appropriate rank from a neighbouring district to perform the assessor's role.

10.21 Police officers in a district shall forthwith report the connected facts to the Superintendent of Police as soon as an event occurs, coming under the specified categories. The Superintendent of Police shall thereupon inform the DIA about the information received and simultaneously direct the assessor to secure all the connected departmental records in safe custody and await intimation from the DIA regarding the commencement of his inquiry. The DIA shall commence his inquiry on receipt of the report from the Superintendent of Police or a complaint about such an event received in the form of a duly sworn affidavit from the aggrieved party, whichever is earlier. The assessor shall assist the DIA in evaluating the evidence available from the departmental witnesses and records, having regard to the day to day working procedures in the department.

10.22 Complaints received by post by the DIA without an affidavit shall be transmitted to the Superintendent of Police for being looked into. If his inquiry discloses it to be a *prima facie* case of the specified category he shall retransmit the papers to the DIA for further action.

10.23 The inquiry by the DIA shall be in the nature of a fact-finding inquiry and shall, as far as possible and consistent with the provisions of this scheme, conform to the procedure prescribed in the Commissions of Inquiry Act, 1952. The inquiry shall also cover the circumstances leading to the alleged incident and any other matter which the DIA may consider relevant for the inquiry. Proceedings before the DIA shall normally be open to the public. They may, however, be held in camera at the discretion of the DIA on the application made by the complainant or the Superintendent of Police, furnishing reasons therefor. The DIA may take the assistance of an Additional Public Prosecutor or Assistant Public Prosecutor in the district for examining witnesses, but no one shall be entitled to be represented by a legal practitioner in any proceedings before the DIA.

10.24 Existing inquiries by executive magistrates under Section 176 Cr. P.C. shall continue for the purpose of holding an inquest, and, thereafter the papers shall be passed on to the DIA for further action.

10.25 An inquiry taken up by the DIA under this scheme shall be given priority in his work and shall be proceeded with expeditiously through day to day hearings and completed within four months from the date on which the DIA receives the report or complaint on which the inquiry is started. If in any exceptional case the inquiry is held up beyond the specified period of four months, the DIA shall immediately inform the Government of the reasons for the delay and the probable time for the completion of inquiry.

10.26 On completion of inquiry, the DIA shall send his report with his findings to the State Government, simultaneously marking a copy to the Inspector General of Police. Thereupon the State Government shall, in consultation with Inspector General of Police, decide the course of further action, whether to prosecute the accused persons in court or deal with them in departmental disciplinary proceedings or dispose of the case in any other appropriate manner. It shall be mandatory on the part of the State Government to publish the report of the DIA and the State Government's decision thereon, within two months of receipt of DIA's report by the Government. If the DIA's inquiry had commenced on a complaint, a copy of the DIA's report and the State Government's decision thereon shall be furnished to the complainant simultaneous with aforesaid publication of the report.

10.27 While the incidents as specified in para 10.19 shall be inquired into by the DIA in the normal course, it will be open to the State Government, having regard to the importance of an alleged incident and the public interest involved, to have the judicial inquiry conducted by a judge of the High Court. If and when such a decision is taken by the State Government in a specific case, papers of the inquiry till then conducted by the DIA under this scheme shall be transmitted to the High Court judge for further action.

**10.28** Some advantages in the above-mentioned arrangement would be—  
(i) the induction of a judge for making the inquiry at the earliest stage

- which gives it the stamp and content of a judicial inquiry; and
- (ii) the association of a senior police officer as assessor to assist the judge in securing the departmental records without delay and getting their evidence evaluated properly so that the department's view is taken into account objectively and impartially.

10.29 While recommending the scheme for mandatory judicial inquiries in certain cases, as detailed in paragraph 10.19, we are aware of the misgivings expressed by some police officers that the principle of a judicial inquiry in every case of death by police firing may severely inhibit the police from effectively dealing with unruly and violent mobs in a serious law and order situation. They particularly point out that with increasing proneness to violent outbursts by the agitating sections of the public in a variety of situations, this might result in police ineffectiveness on the law and order front. We would like to point out that it is not every case of police firing that is sought to be covered by a mandatory judicial inquiry. The underlying intention in the scheme as proposed by us is to guard against excesses by police. In this context we feel that any occasion in the dispersal of an unlawful assembly by Police firing, which results in the death of two or more persons is prima facie a case where public interest demands an immediate, impartial probe to make sure that police action was not on the side of excess. If police operations in any such situation have conformed to the actual needs of the situation, there should be no difficulty on the part of police to establish the bona fides and justification of their action before a judicial authority. In fact, it would be in their interest vis-a-vis police public relationship to be willing and ready to face a judicial inquiry in such a situation. Our recommendations in this regard have to be viewed on this assessment of the matter.

The DIA shall also serve as an independent authority to oversee the ultimate disposal of a complaint dealt with by the departmental officers themselves in the normal course. It shall be laid down as a rule that the result of inquiry conducted by any departmental authority under this scheme shall be intimated to the complainant as soon as the inquiry is completed. Any complainant aggrieved by the disposal given on the conclusion of an inquiry by the departmental authorities into his complaint of police misconduct shall have the right of appeal to the DIA. The DIA shall be authorised to call for the connected records from the department and deal with the appeal.

### **Police Complaints Board**

It has been suggested to us in another context that public confidence in the impartiality and objectivity of police functioning would be greatly enhanced if Government's control over police is exercised through a Board of which the Minister in charge of Police can be the Chairman and Members may be drawn from the judiciary, academicians, including sociologists of public standing and prominent non-political publicmen. The Inspector General of Police will function as Member-Secretary of this Board. Police performance in the State will be periodically reviewed by this Board which will be responsible for giving appropriate policy directions and guidelines from time to time. We are separately examining this suggestion and would be coming up with our recommendations in this regard in our next report. Such a Board, if constituted, can separately appoint a Police Complaints Board, to function as a kind of sub-committee of the main control Board and generally over-see the satisfactory implementation of this entire scheme throughout the State.

The DIA would require to be clothed with some statutory powers for summoning witnesses and securing material evidence whenever required. Appropriate powers for this



purpose may be secured for the DIA by invoking the provisions of the Commissions of Inquiry Act, 1952 or any other similar statute that may be locally available.

If a complaint against the police prima facie discloses a specific cognizable offence, the statutory responsibility for a proper investigation thereon under Chapter XII of the Criminal Procedure Code would immediately arise. It would, therefore, be desirable that irrespective of the commencement of fact finding inquiry by any authority under the scheme envisaged above, a formal First Information Report be registered immediately in the police station having jurisdiction over the place of alleged occurrence of misconduct. This First Information Report shall be based on the complaint as made or on the information as available at that point of time. Having registered the First Information Report under Section 154 Cr. P. C., the police will take note of the result of the fact finding inquiry for proceeding with further investigation. In cases where the fact finding inquiry is to be conducted by a police agency like the departmental superior officer or one of the Complaint Cells at the district/Range/State level under the above scheme, that inquiry itself can be in the form of a regular investigation on the basis of the registered FIR.

Sometimes complaints against police are linked with the conduct of police in some specific case under investigation. For example, when a robbery case is under investigation, it may be alleged that the investigating officer has unauthorisedly detained some persons for interrogation. It would prejudice the course of investigation if such complaints are immediately taken up for inquiry by somebody outside the investigating hierarchy. Complaints in such cases are best looked into by the supervisory ranks at some appropriate level, unless the complaint relates to some serious misconduct of a type which would automatically involve the DIA in the scheme of inquiry as envisaged above.

Complaints against police which predominantly involve a corruption angle are best looked into by the State Anti-corruption Department who have the experience and expertise to deal with such complaints. **Here** again, if a complaint of corruption comes up when some specific case is under active investigation, it would be desirable to process the corruption inquiry in such a manner as not to prejudice the normal course of the regular investigation of the main case. Modalities for conducting inquiries in such situations should be settled by discussion between the Police and Vigilance branch at the level of DIG/IG.

10.36 Arrangements for conducting inquiries into different categories of complaints against police on the lines indicated in the foregoing paragraphs may be introduced in the first instance through administrative instructions from the Government with the concurrence of the High Court. After watching its practical impact for a period of six months or a year, the arrangements could be given appropriate statutory cover through special legislation which can then include specific powers for DIA to summon witnesses and secure documentary and other material evidence.

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## **Chapter-XI**

# **SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS**

## **Preamble**

11.1 Police performance in India today is under close review and critical assessment by a demanding public in far greater measure than at any time in the past. 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, agrarian unrest, problems and difficulties of students, political activities including the cult of extremists, enforcement of economic and social legislations, 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. (Para 1.1)

11.2 In public estimate the police appear as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as such as an independent and impartial agency. The dividing line between the objectives of Government as such on one side and the interests and expectations of the ruling political party as such on the other side gets blurred in actual practice and the image of police as an impartial law enforcement agency suffers in consequence. (Para 1.1)

11.3 The basic and fundamental problem regarding the police today is how to make them function 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 liberties of the people. (Para 1.1)

11.4 In the view of the 1902 Commission, the duties of a Constable were to be of a mechanical character and he was not to be entrusted with duties requiring the exercise of discretion and judgment. (Para 1.3)

11.5 With the transition from foreign rule to independent, socialist, democratic and welfare State, the style of police handling of public order situations has had to change from an aggressive and mailed fist attitude to peaceful and persuasive handling of agitating groups. This change in police methodology has meant the involvement of a much larger number of police personnel to handle a given public order situation as compared to pre-Independence situation. This has, in turn, meant the deployment of a larger number of Constables for interacting with the public and securing their cooperation by persuasion and appeal for maintaining public order. This is a job which the Constabulary visualised by the 1902 Police Commission was not expected to perform in the old days. (Para 1.17)

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

## **The Constabulary**

11.7 The Constable has been groomed in the existing police system to be an

obedient, mechanical functionary, mostly acting in compliance of a specific order from his superior officer and not doing anything positive on his own initiative and judgment. (Para 2.6)

11.8 A sample survey of the actual work currently being done by the Constables in a few police stations in three States and one Union Territory has shown that 49% of their time is spent on duties which require initiative, exercise of discretion and judgment and also interaction with the public, 37% is spent on duties which are of a similar nature but do not involve interaction with public, and only 14% on duties which are mostly mechanical in nature. (Para 2.9)

11.9 The promotional structure within the police system is not conducive to the fulfilment of the legitimate career ambitions of the Constabulary. With the system of direct recruitment at the level of Sub Inspector and the relatively meagre number of Sub Inspector's posts compared to the vast numbers of the Constabulary, a large majority of the Constables retire as Constables without even one rank promotion in their entire career. No system can remain healthy if such a large chunk of its personnel vegetate and waste out after working for nearly 30 years in the same rank at which they entered the system. (Para 2.14)

**11.10** Having regard to the changed needs of policing the country and the importance of making the Constable function as a responsible functionary with due sense of values, discretion and judgment in his interaction with the public, we feel that the existing system should be immediately changed to achieve the following objectives:—

- (i) The Constabulary should no longer be treated as a cadre meant only for duties of a mechanical character as visualised by the 1902 Commission. They should be so recruited and trained that they could be deployed also on duties involving exercise of discretion and judgment, with due regard to the paramount need for securing public cooperation and understanding in any situation.
- (ii) They should be able to assist the Sub-Inspectors in inquiries and investigational work in a positive and purposeful manner.
- (iii) They should pick up experience of such work over a period of 5 or 6 years and be in a position to handle investigational work independently and rise to the level of Assistant Sub-Inspector and upwards by promotion.
- (iv) The promotional structure within the police system should be radically revised to permit a smooth and quick promotional flow from the rank of Constable. It should be possible for a Constable to rise by promotion to higher ranks-even the highest-by showing his worth in the performance of police tasks. (Para 2.17)

**11.11** In the revised set up a Constable would thus be looked upon as a potential investigating officer who could be entrusted with higher responsibilities in field jobs as he picks up experience and rises further by promotion on the basis of his performance at each level. (Para 2.18)

**11.12** The crux of efficient policing, in our view, is the effective and amiable street presence of a well qualified, trained and motivated Constable. (Para 2.18)

**11.13** The present position of the Constable is afar cry from the position described above. Long and arduous hours of work without facilities for rest and recreation, continuous employment on jobs under extreme conditions of stress and strain, both mental and physical, prolonged stagnation in the same rank without even one rank promotion

throughout their service for a majority of them, constant exposure to criticism and ridicule by a demanding public, a totally inadequate pay structure with no compensation for the handicaps and privations they undergo in their jobs, low status and lack of involvement in planning and executing field jobs with a full understanding of the objectives set by the police organisation, etc., have all had their telling effect on the morale of the Constabulary throughout the country. The increasing educational level of the Constables-a trend noticeable in the recent years-has sharpened the edge of their frustration with their existing lot within the police system. During our visits to several police stations and discussions with the Constabulary, their highly demoralised state was strikingly noticeable. They have nothing to motivate them into meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action. They function as automatons in situations where they are required to exercise their discretion and judgment. They function rigidly in circumstances which require flexibility of approach and understanding of the opposite point of view. We are convinced that mere changes in their training schedule will not bring about the necessary improvement in their motivation or performance unless some serious deficiencies in their living and working conditions which have long been neglected are immediately taken up and remedied. (Para 2.19)

## **Pay Structure**

- 11.14 The Second Central Pay Commission (1959) which went into the question of the pay structure of the police under the Central Government had fixed the pay scale of a Constable at a level equal to that of 'lower semi-skilled' worker. The Third Central Pay Commission (1973) upgraded the status of the constabulary by taking them out of Class-IV category and fixed their pay scales at a slightly higher level, without specifically expressing an opinion whether or not a constable should be rated as a skilled worker. (Para 3.3)
- 11.15 The minimum qualification for recruitment of a constable in many States is now fixed as matriculation. Recruitment is followed by a period of intensive training in specialised skills including a course in law which is very important for a police functionary. The duties on which a constable is even now employed call for considerable initiative and exercise of judgment. In fact, in the revised Police set up we are visualising a role for the Constabulary which will require a lot more initiative and capacity to exercise judgment in dealing with public situations. He will also be required to perform a part of the investigational duties that devolve at the police station level. If many situations even now he has to function by himself, exercising his judgment of the situation and acting according to its needs under the law. A thorough knowledge of law is now required on the part of every constable and will be required in greater measure for satisfactory performance of his duties. All these requirements of the role and duties of a Constable clearly make out a case for rating him as an operative somewhere between a highly skilled worker and skilled worker, as defined in a notification issued by the Ministry of Labour in September, 1976. (Para 3.14)
- 11.16 We feel that full justice has not been done in the past to policeman in regard to his pay structure *vis-a-vis* other services. Despite the relatively low status accorded to him in public services, the policeman has time and again shown commendable loyalty to the call of duty and has always been principally instrumental in maintaining public order even in the most trying situations. In times of crisis brought about by strikes in important and vital sectors of Government as well as Public Undertakings like Railways, civilian employees in Central Government, etc., it is the police that stand by the side of

law and maintain order despite severe handicaps and restraints. We strongly feel that the case of the policeman for a rational pay structure should not be deferred any longer but should be resolved in a fair and just manner to sustain police morale which is most important in the context of growing developments in the country. The base of all progress in a country is peaceful existence of law and order and no country can afford to ignore the needs of the machinery and personnel responsible for the maintenance of law and order except at considerable peril to orderly progress. (Para 3.15)

11.17 On a careful consideration of the various factors which attend the working of the Defence Forces and the Police, we feel that there is no rational basis for comparing one with the other in regard to pay and other emoluments. The requirements of each have to be dealt with on its own merits without any comparison as such. (Para 3.16)

11.18 We feel that an armed police Constable as well as a civil police Constable should be rated at the same level with regard to their qualifications for recruitment, professional training and subsequent assessment for further promotion. Having regard to considerations analysed earlier we recommend that the police Constable, both on the civil side as also the armed side, should be rated as 'skilled worker' for determining his pay structure *vis-a-vis* other public services in the States. (Para 3.17)

11.19 Policemen are obliged to work even on Sundays which are normally off days for all workers. They should be compensated for this extra requirement of duty by having a strict system of giving one day off in a week by rotation among the Constabulary in any working unit. The idea underlying this system is to ensure a day of compulsory rest for every Constable once a week. On extraordinary occasions when this is denied to him during one week, this should be given to him in the succeeding week, in addition to that week's rest day. In any case, denial of this off day and compensating him by paying him extra allowance for that day is to be strictly discouraged. (Para 3.19)

**11.20** Policemen are also obliged to work on other gazetted holidays which are notified as public holidays and are usually occasions for enjoyment and rest by the community at large. Such occasions invariably call for additional deployment of policemen for law and order duties for containing the exuberance of the holidaying public. Many policemen are unable to avail their normal entitlement of leave every year, being called on to remain on duty to meet the ever increasing demands of manpower for incessant law and order duties. This obligation to work on other gazetted holidays and inability to avail normal entitlement of leave every year should be compensated by entitling a Constable to 15 days' additional leave every year besides what he is normally entitled to in common with other Government servants, and further enabling him to encash the entire leave (including this additional leave) if he is denied leave in 'public interest'. (Para 3.20)

11.21 Policemen work for long and arduous hours on most days of duty, very much in excess of the normal eight hours. A survey has shown that the normal working time put in every day by an average subordinate police officer employed on public order or crime investigational duties is 13 hours. We have carefully examined the question of compensating the policemen for their long and arduous hours of work. The system of overtime allowance provides this compensation to employees in the industrial sector and the civilian staff under the Central Government who come under a prescribed definition of office staff. A policeman has every right to be considered for similar compensatory payment for the enormous load of

overtime work he bears in the normal course of discharge of his duties. We feel it would be grossly unfair to him to hold that under the law he is on a 24 hour call of duty and therefore the matter ends there. It would be invidious to deny him the concept of overtime allowance, while large sections of his brother employees in the public sector or under the Government are allowed this facility. We are, however, aware of the practical difficulties that are likely to crop up in working out the overtime allowance system for the police personnel on the same lines as now implemented for the civilian staff. Prior authorisation of overtime work by individual policemen on a day to day basis may not always be practicable because the extent of overtime work is often determined by the developing needs of a growing situation, particularly in the enforcement of public order, as also during investigations of serious crimes which require prolonged pursuit of clues without any let up. We are also aware of the scope for malpractices in the system of maintaining registers and computing overtime allowance on the basis of actual hours of performance of an individual's work from day to day. We are anxious that, as a law enforcement agency, police should be particularly guarded against such malpractices creeping into their system. We, therefore, feel that a different methodology has to be adopted for making this overtime payment to police personnel. (Para 3.21)

**11.22** After a careful examination of all aspects of the matter, we feel that payment of overtime allowance for policemen need not be individually determined on the basis of registers and computation of hours of work put in day after day, but may straightway be fixed as 30% of his total emoluments, including DA and CCA. This additional payment, which may be designated as "Overtime Pay", may be stipulated as payable to all police personnel from the rank of Constable upto and inclusive of the rank of Inspector working in police units which deal with public order situations and crime investigations. Having regard to the nature of duties and responsibilities of the different branches of the Police, the State Government may notify from time to time the police branches to which the above system of overtime pay will be admissible. Apart from such notified branches, individual posts in other branches may also be notified for this purpose if the duties attached to the post would entail appreciable overtime work by the subordinate police personnel holding that post. (Para 3.23)

**11.23** The facility for encashment of un-availed leave during a year should be extended to the Constabulary in States where the arrangement is not in force now. In most States the facility for encashment of leave on the date of retirement on superannuation already exists for all police personnel in common with the other Government servants subject to a maximum of 180 days. In a few States the maximum is fixed at 120 days. We would recommend that the maximum be increased to 180 days in all States and that this facility be also made available in cases of retirement on any ground, earlier than the date of superannuation. (Para 3.25)

11.24 The conveyance allowance and washing allowance paid to the Constabulary are very low and unrealistic in some States. We would recommend that each of these allowances to the Constabulary be raised to **Rs. 10**/per month. (Para 3.26)

11.25 The Constabulary should also be provided with financial incentives for acquiring special qualifications as they progress in service which would be useful for bettering their professional performance. We, therefore, recommend that a special qualification pay should be paid to policemen who acquire the following skills or technical/academic knowledge :—

- (i) proficiency in driving and motor mechanism;
- (ii) proficiency in handling wireless equipment for transmitting and receiving messages;
- (iii) proficiency in handling computers and electronic data processing

machinery;

- (iv) acquiring a University degree higher than what he had already secured at the time of entering service in a subject which would be of professional use to him. For example, criminology, forensic sciences etc.

The quantum of special pay payable to each of these categories may be determined realistically, having regard to the pay and emoluments drawn by similarly qualified personnel working in other services or the Private Sector in the States. (Para 3.27)

## Housing

11.26 Ever since 1861, when the present police system was created, provision of free housing to nongazetted police personnel has been recognised as the responsibility of the State. (Para 4.1)

11.27 As against the general principle enunciated over 100 years ago regarding provision of 100% accommodation (barrack or family type) to the non-gazetted police personnel, the actual position in the field at present is that more than 50% of the non-gazetted police ranks all over the country have not been provided with Government accommodation of any kind whatsoever. Even among those provided with Government accommodation, a very small percentage alone have family accommodation and the rest are lodged in barracks. For example, in Bihar which has about 49,000 Head Constables/Constables, family accommodation has been provided for only 4% among them. Percentage of family accommodation in the rank of Sub-Inspector/Assistant Sub-Inspector in this State is 27.5 and in the rank of Inspector it is 31.1. In Punjab it is only 10.3% of the constables who have family accommodation. Percentage of family accommodation for the ranks of Assistant Sub-Inspector and Sub-Inspector and Inspector in this State is 17.6, 39.3 and 48.7 respectively. In Uttar Pradesh it is only 14.9% of the constables that have family accommodation. In Delhi it is only 20.7% of the constables who have family accommodation. The overall picture that emerges is that the percentage of family accommodation provided to police personnel is very low and lowest in the rank of constables. (Para 4.2)

11.28 The deficiency in housing and increasing hardship in paying high rents for private accommodation secured with great difficulty operate as the largest single factor responsible for grievous loss of morale in police ranks, particularly the constabulary. We, therefore, consider it a matter of great urgency that this condition of service which has remained neglected for many years be taken up for immediate fulfilment. (Para 4.2)

11.29 Among the police personnel yet to be provided with Government accommodation of any kind, as many as 89.1% are in the ranks of Head Constable/Constable. (Para 4.2)

11.30 We recommend that in future, excepting for the requirements of trainees in a training institution or some sections of armed police units, all ranks of non-gazetted police personnel be provided *with family type accommodation*. The existing barrack accommodation may also be replaced by fresh construction of family quarters as and when the barrack accommodation is switched over for the requirements of a training institution or a similar purpose. (Para 4.4)

11.31 We do not find any rationale for the difference in the targets for family accommodation adopted by the States in their police housing programmes for different ranks. The general picture that emerges is that a higher percentage of family accommodation is programmed for the higher ranks among the non-gazetted police personnel as compared to the constabulary. We recommend that this distinction be

immediately given up and the target of 100% family accommodation be uniformly applied to all ranks of non-gazetted police personnel. Having regard to the fact that the existing deficiency of family accommodation is largest in the ranks of Head Constable/Constable we would further recommend that the future police housing programme should be so evolved that the percentage of satisfaction regarding family accommodation for the constabulary is brought to level with that which obtains for the upper subordinates. (Para 4.5)

11.32 We feel that the indifferent handling of this problem in the past and a persistent tendency to accord low priority to it on account of financial considerations have allowed this problem to assume its present formidable dimensions which now make it appear intractable. We would strongly urge that from the point of view of improving police efficiency and sustaining the sagging morale of the force, the provision of housing to the Constabulary should be given high priority in financial allocations and the pace of investment should be substantially increased so that this problem may be solved within ten years. (Para 4.7)

11.33. We have computed the approximate cost of construction of family accommodation for all the entitled personnel in all the States who are yet to be provided with Government accommodation of any kind. The total expenditure involved in the project to complete the entire housing programme from the position as obtains today is about Rs. 1045 crore. If this programme were to be spread over ten years, the outlay in the first five year period will be Rs. 523 crore. The draft Five Year Plan for 1978-83 provides for Rs. 105 crore for police housing within the Plan scheme. We understand that this is made up of Rs. 60 crore for the State Plans and Rs. 45 crore for the Central Plan. A part of Rs. 45 crore set apart for the Central Plan will be utilised by the Ministry of Home Affairs in the normal course to render financial aid to the States for implementing their police housing programmes under the scheme of Central aid for such programmes. Having regard to the importance of housing for sustaining police morale and efficiency in the increasingly difficult conditions in which police personnel have to perform their tasks, we would strongly recommend that the outlay on police housing under the State Plans in the Five Year Plan (1978-83) be increased to Rs. 523 crore. Of this amount, Rs. 262 crore could be the investment by the States from their own resources and the balance of Rs. 261 crore could be the financial assistance from the Centre. The quantum of Central assistance in this scheme would be inclusive of the amount recommended by the Seventh Finance Commission for allocation to the States for this purpose on the non-Plan side. (The Seventh Finance Commission has recommended capital outlay of Rs. 82.86 crore in the non-Plan budget during the period 1979-84 for police housing in 15 States where the housing deficiency is comparatively large). We would not consider the total outlay of Rs. 523 crore in a Five Year Period as financially unreasonable or impracticable if the importance of this scheme is realised as it should be. In this context, we would like to observe that where the States are determined to make an investment in a scheme they consider important in any context, they are apparently able to find the money without great difficulty, as may be seen from the fact that in 1977-78, nine States, in which Assembly elections were due to be held, had announced several tax concessions and measures of relief to employees which amounted to an additional commitment of Rs. 326 crore from the States' resources in one single financial year, after the State Plans had earlier been finalised—*vide* statement made by the Finance Minister in the Lok Sabha on the 22nd July, 1977.



Given the desire to alleviate the hardship of 3.86 lakh police personnel all over the country who have at present no Government accommodation of any kind whatsoever, family or even barrack type, and provide them with suitable accommodation to enable them discharge their heavy duties more efficiently to the satisfaction of the public, the Central Government and the State Governments should be able to find their way to make this investment in the first spell of five years, to be followed by a similar plan in the next five year period which would then see the completion of the entire programme. (Para 4.9)

11.34. We would recommend that the scheme of financial aid from the Centre be limited to housing programmes in States which have not yet reached 80% satisfaction of family accommodation for the different ranks. If a higher level of satisfaction has been reached for any particular rank in a State, further outlay on police housing for that rank should not have the benefit of Central aid. This would also imply that when a State reaches 80% level of satisfaction of housing for all the non-gazetted ranks, the scheme of Central assistance to that State will terminate. (Para 4.10)

11.35 We would recommend the following corrective measures to eliminate the gaps in information in the Ministry of Home Affairs and delay in release of funds:

- (i) The Ministry of Home Affairs should indicate to the State Governments the allocation from the Central Plan outlay for police housing well before the commencement of the financial year, immediately after the Central Plan is finalised. This would enable the State Governments to chalk out their police housing programme well in advance.
- (ii) The physical target in the form of specified number of dwelling units to be constructed with the investment of the proposed allocation of Central assistance should also be indicated in advance.
- (iii) Achievement of physical targets from time to time should be monitored.
- (iv) Funds may be released in instalments commencing with a provisional release at the very beginning of the year, followed by subsequent releases on receipt of progress reports from the States which shall indicate the total provision made in the State budget for police housing, the physical targets reached and the amount spent till then.
- (v) During discussions with the Planning Commission regarding their Annual Plan outlays, State Governments should clearly indicate their proposed Plan outlay for police housing. The Plan approval communicated by the Planning Commission "should specifically indicate the approved outlay on police housing separately, instead of clubbing it with general housing, as has been done in several letters of approval of the Annual Plan 1978-79 issued in 1978. A copy of the Annual Plan approval letter from the Planning Commission to the State, which is normally issued before the presentation of the State and Central budgets, should be marked to the Ministry of Home Affairs so that they could suitably plan the allocation of Central assistance well in time for implementation during the year covered by the Plan.
- (vi) If persistent failures are noticed in any State in the timely implementation of approved housing programmes, the Ministry of Home Affairs should send an official team to visit the State for identifying the difficulties and deficiencies in the field so that appropriate corrective action could be taken in time.

(vii) A standard proforma for the periodic submission of all relevant information and data from the States to the Ministry of Home Affairs regarding police housing is indicated in Appendix XI.

(Para 4.14)

11.36 We would recommend the constitution of the requisite number special divisions in the PWD. of each State for implementing the police housing programmes. These divisions should be earmarked for the Police housing projects only and should not be deployed on other work. While these divisions would be under the administrative and technical control of the Chief Engineer of the **P W D**, their outturn of work should be subject to a close quarterly review by a Committee consisting of the Inspector General of Police, the Chief Engineer, PWD, and a representative each from the Home and Finance Departments. (Para 4.16)

11.37 Maharashtra, Andhra Pradesh and Bihar have set up Police Housing Corporations to handle construction programmes for police personnel. These corporations get financial aid from HUDCO also to pursue their construction plans. Other States could consider the setting up of similar Police Housing Corporations. (Para 4.17)

11.38 We would recommend the association of State Housing Boards with Police Housing schemes wherever possible. This arrangement could conveniently secure financial assistance from HUDCO. (Para 4.18)

11.39 It is necessary to strengthen the survey and planning organisation in the police and PWD to ensure that at any given time an adequate number of planned building projects with land already acquired and estimates duly approved are kept ready for commencement of work at short notice. Unless all these factors are taken care of at the planning stage, we will continue to have the paradox of paucity of resources on the one side and surrender of funds on the other. Whatever special arrangements are devised, it would be necessary for the police department to maintain close contact with the actual progress in the processing of housing schemes and the execution of sanctioned construction works. For this purpose, it would be advantageous if an officer of the appropriate rank from the PWD is taken on deputation to the Police Department to function as liaison and monitoring officer. This system has been tried in one State with very useful results.

(Para 4.19)

**11.40** Nazul land and the excess land that becomes available for disposal by the Government under the provisions of Urban Land (Ceiling and Regulation) Act of 1976 could and should be utilised for police housing schemes wherever feasible. The extent to which this could be implemented in all the urban areas covered by the above mentioned Act, can be gone into by a small working group in each State consisting of representatives of the Revenue, Housing and Police Departments. (Para 4.20)

11.41 *Ad hoc* and piecemeal establishment of police stations and outposts resulting from sporadic responses to local demands have aggravated the problem of accommodation for the police personnel who are deputed to man these stations and outposts. It would be a good arrangement if in all future cases of sanction of police stations and outposts the provision of residential accommodation for the police staff concerned is also settled simultaneously and all sanction orders are issued together. (Para 4.21)

11.42 We would recommend that in the future programme for construction of police housing, rural areas and metropolitan cities should be grouped together and given first

priority followed by other cities and towns in that order. Availability of family accommodation in rural areas would also act as an incentive for willing acceptance of rural posting by police personnel. We would further recommend that as far as possible police quarters be built in the vicinity of police stations to facilitate group briefing and quick mustering of men as and when required. (Para 4.22)

11.43 We would strongly recommend that police personnel entitled to free accommodation should be fully reimbursed the actual house rent paid on their producing a certificate from their supervisory officer of the rank of Dy.S.P. that the accommodation occupied by them is not more than what they are entitled to under Government Rules or Regulation made in this behalf by the Inspector General of Police. This payment may be subject to a ceiling determined for each rank at the district level by the chief revenue authority in the district in consultation with PWD. These ceilings shall be reviewed every three years. In this arrangement there shall be no need for certificates from the Rent Controller or any other similar authority for deciding individual cases so long as the ceiling limits are observed. (Para 4.23)

11.44 In addition to 100% family accommodation for all non-gazetted ranks in the Civil and in the Armed Police, some barrack accommodation should be available for Constables who come from the mofussil to district headquarters on various duties. Barrack accommodation should also be available for personnel who are called for in-service training. But, in no case should this barrack accommodation be used for residential purposes by personnel posted in the district headquarters. (Para 4.24)

11.45 We recommend that the minimum living accommodation for Constabulary, i.e., Head Constables and Police constables should consist of two rooms, a kitchen and a bath-room. (Para. 4.25)

11.46 Another cause of anxiety and concern for police personnel, particularly the Constabulary, that has been brought to our notice is the problem of their accommodation after retirement. Most of them have no house of their own and view with alarm their accommodation problem which they would face after they retire from service. It would be appropriate in the present context for the Government to aid police personnel in building small houses for themselves. The aid can be in the form of a housing loan repayable in convenient installments with the condition that the loanee would either live in the house himself or hand it over to the Government in the event of his transfer to some other place, and the Government would pay him monthly rent calculated on the current percentage of return on cash investment of corresponding value. The Government could then utilise the same house for accommodating another policeman posted at that place. We understand that such a scheme is in vogue in Maharashtra and would comment its adoption in all States. (Para 4.26)

11.47 Construction of such houses by the policemen themselves with aid from the Government would be further facilitated by setting up a cooperative housing society in each district for all policemen. This arrangement would help in securing financial assistance from other bodies like the Life Insurance Corporation.

Successful management of such cooperative housing societies will need the whole time attention of a senior officer and we, therefore, recommend that an officer of the rank of Superintendent of Police in the welfare wing of the police department be entrusted with the responsibility for promoting these cooperative housing societies in each district. It should be deemed a

legitimate charge on the welfare side of police budget to provide expert personnel for running these societies efficiently. (Para 4.27)

## Supply of essential commodities

11.48 We find an arrangement in West Bengal for the supply of some essential commodities to subordinate police officers at rates which remain fixed irrespective of the rise in prices. In this scheme, which is in force from 1966, all subordinate police officers from the rank of Sub Inspector/ Sergeant downwards including Wireless Supervisors, crew of police launches, Subedars and Jamadars of the Eastern Frontier Rifles etc., are supplied rice, wheat, sugar, dal and mustard/rapeseed oil at fixed concessional rates according to a prescribed scale. The supply covers the family members of each police personnel upto a maximum limit of 4 including the personnel himself. The scheme is operated through supply centres which are opened at convenient places in a district and run by internal arrangement with the existing staff under the Superintendent of Police. The scale of supply at the fixed rates is furnished below :—

<i>Item</i>	<i>Quantity per head per week</i>	<i>Rate per Kg</i>
, Rice	1 kg.	0.50 p.
Wheat or Wheat products	(1.50 kg. for policemen. (1 kg. for family member	0.25 p.
Sugar	300 Grams	0.70 p.
Dal	750 Grams	0.60 p.
Mustard Oil —————	250 Grams	2.00 p.
Rapeseed Oil		

we find this scheme has served as an excellent morale booster for the West Bengal Police and is gratefully acknowledged as a great boon by the rank and file of the force. It has sustained their morale while working under severe economic strain and increasing pressure of duties all round. We would recommend the immediate adoption of this scheme for the police in all States. (Para 5.8)

11.49 Apart from the above scheme, we would further recommend that on occasions when police personnel are required to remain on duty for more than 8 hours at a stretch without relief, arrangements should be made for the supply of food packets to them at their places of duty at Government cost. This will be in addition to any daily allowance which they may be entitled to under the normal rules for the duty done that day. (Para 5.9)

## Orderly system

11.50 We recommend that the orderly system as it exists at present be abolished. (Para 6.4)

11.51 In lieu of this system, one constable maybe attached to an officer for attending to (i) petitioners, complainants and other visitors who come to see the officer; (ii) attend to telephone calls particularly during the officer's absence and furnish helpful replies to enable the caller to speak to some other appropriate functionary for action; (iii) pass on messages to subordinate officers and (iv) accompany the officer on his field work and be present with him to afford security and assistance in dealing with any situation. Entitlement to such assistance may be determined, not by the rank of the officer but by the actual need for such assistance with reference to the nature of his duties and responsibilities. (Para 6.5)

11.52 For carrying messages and files from the officer to the local staff stationed nearby, for assisting the officer in keeping his uniform and arms in a neat and smart condition and for maintaining the officer's reception room and office premises in a neat and tidy condition for receiving visitor? and transacting official business, we *feel* that officers hitherto entitled to orderlies for the purpose of this work should continue to have assistance, but by an arrangement of paying the officer a suitable monthly allowance for employing a private person of his choice for performing these duties. The quantum of the monthly allowance may be fixed with reference to the provisions of the Minimum Wages Act, 1948, as applicable to an unskilled worker. The Government's responsibility will be limited to the payment of the monthly allowance to the officer. Employment of the private hand and payment of wages to him will be the officer's responsibility. (Para 6.6)

### **Machinery for redressal of grievances**

11.53 There is an urgent need for devising a satisfactory system through which grievances can be effectively voiced and, what is more, some solutions can be found with a proper understanding and assessment of the issues involved. (Para 7.1)

11.54 The Police Forces (Restriction of Rights) Act, 1966 enacted by Parliament implies the recognition of the concept of an association for members of a police force, with due sanction from a prescribed authority. (Para 7.2)

11.55 While the right of police personnel to form associations is already recognised in law, subject to prescribed rules and regulations, we feel it would be useful to set down some general principles which should govern the formation and working of such associations, having regard to the paramount need for guarding against factors that might prejudice the proper discharge of duties by policemen and the maintenance of discipline among them. We recommend that the following guidelines be kept in view by the prescribed authorities while granting recognition to policemen's associations :

- (i) Membership shall be restricted to serving policemen only. No outsiders, whether a government servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in any advisory or other capacity.
- (ii) Members shall not have the right to strike work or withhold their services or otherwise delay the performance of their duties in any manner.
- (iii) The Association shall not resort to any coercive method or agitation for obtaining redressal of grievances.
- (iv) The Association shall not do anything which may affect the efficiency of the force or undermine its discipline.
- (v) The Association shall be absolutely non-political in character and shall not be connected directly or indirectly with political activity of any kind.

It would be desirable to have the above stipulations embodied in the Memoranda of Association of these bodies before they are recognised. (Para 7.5)

11.56 We have looked into the existing practice for the election of office bearers of these associations in some States. We appreciate that unless the office bearers come up through some process of election, they will not have the representative character which is important in the entire scheme of ventilation of grievances. We are, however, equally anxious that any electoral process adopted for this purpose among the police personnel should not provide the unintended scope for political forces to operate in a

manner prejudicial to the maintenance of discipline and, what is more, the impartial character of the Police as a whole. In our view a process of indirect election of the type we are separately recommending in regard to Police Staff Councils could be adopted for the election of office bearers of police associations. State Governments may also like to consider other alternate methods of indirect election, having regard to local conditions and experience of working of police associations already existing in the State. (Para 7.6)

11.57 We further recommend that policemen's associations may be of the following four categories :— (i) One association may cover Constables and Head Constables and equivalent ranks.

(ii) A second association may cover all Assistant Sub-Inspectors, Sub-Inspectors and Inspectors and equivalent ranks.

(iii) A third association may cover all officers of the State Police Service of and above the rank of Deputy Superintendent of Police.

(iv) Existing Indian Police Association will cover all I.P.S. officers.

Associations covering the ranks of Constable/Head Constable, Assistant Sub-Inspector/Sub-Inspector/ Inspector may be formed on district basis. Representatives of the District Associations may constitute the State level Associations for these ranks. The Association of State Police Service Officers of and above the rank of Deputy Superintendent of Police may be organised on State basis. (Para 7.6)

11.58 Police Associations may only facilitate collective articulation of grievances but that by itself would not help in evolving practicable solutions. The existing system does not provide an adequate sense of participation for all members of the police force particularly at the lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances which stand in the way of efficient performance of duties. We have, therefore, to devise a forum at which representatives of Policemen's Associations can sit together in a kind of federal body and discuss the problems for evolving concrete and practicable solutions. (Para 7.7)

11.59. We recommend the immediate formation of a Joint Consultative Machinery in the shape of Staff Councils for the police personnel at the district level and the State level to provide such a forum and also a scheme for compulsory arbitration. (Para 7.10)

11.60 The District Police Staff Council—hereinafter referred to DPSC—shall be made up of the following :—

Suprintendent of Police	1 (ex officio Chairman)
Dy. Superintendent of Police	1 (Member Secretary)
Inspector of Police	1 (Member)
Sub-Inspector and Assistant Sub-Inspector	2 (Member)
Head Constable and Constable	4 (Member)
Total	9

*Note* : Representatives from the rank of Head Constable/Constable shall include at least 2 Constables. Representatives in the rank of Sub-Inspector/Assistant Sub-Inspector shall include at least one Assistant Sub-Inspector.

Members from the rank of Constable up to Deputy Superintendent of Police shall be nominated by the respective Service Associations. But, where no such associations exist, these members shall be elected through a process of indirect election covering all the personnel in the district. (Para 7.11)

11.61 At the State Police Headquarters, there shall be a State Police Staff Council-hereinafter referred to as SPSC-composed of the following :—

Inspector General of Police	1 ( ex-officio Chairman)
Deputy Inspector General of Police in charge of Welfare Wing.	1 ( ex-officio Member )
Assistant Inspector General of Police in charge of Secretary Administration.	1 (ex-officio Member)
Suprintendent of Police/Asstt. Superintendent of Police.	2 (Member)
Deputy Superintendent of Police	2 (Member)
Inspector	2 (Member)
Sub-Inspector and Assistant Sub-Inspector	4 (Member)
Head Constable and Constable	8 (Member)

Total 21

*Note :* Representatives from the rank of Head Constable/Constable shall include at least 4 Constables. Representatives in the rank of Sub-Inspector/Assistant Sub-Inspector shall include at least 2 Assistant Sub-Inspectors.

All Members of the SPSC, excepting the ex-officio functionaries, shall either be nominated by the State level Service Associations covering the respective ranks or shall be elected through a process of indirect election. (Para 7.14)

**11.62** A candidate has to satisfy the following conditions to be eligible for membership of these Councils either through election or nomination as described above : —

- (i) **He** shall have put in at least five years of service in the police force on the first day of January of the year in which the election is held;
- (ii) **He** shall not have received any major punishment in the previous three years.

Note: Major punishment for this purpose shall mean reduction in rank or to a lower stage in the time scale and suspension from service, if imposed as a specific punishment. (Para 7.15)

11.63 Elected members of the DPSCs and SPSC shall hold office for a term of two years at a time. On expiry of one term, a member shall be eligible for re-appointment in either of these Councils if he comes up again through the same process of election as detailed above, but no such member shall hold office for more than two consecutive terms. A term of office held in either of these councils shall count for membership of the other council under this rule. Vacancies caused by death, retirement or transfer shall be filled for the unexpired term. (Para 7.16)

**11.64** DPSC shall meet once in three months and the SPSC shall meet once in

six months and discuss all matters pertaining to morale, welfare and other allied establishment problems which fall within the administrative purview of the State Government. They shall, however, be precluded from discussing individual cases of disciplinary proceedings or postings or transfers or similar establishment matters. The DPSC shall dispose of all matters regarding which remedial measures are feasible at the district level. Matters requiring further consideration and decision at higher levels shall be remitted to the SPSC. Service conditions of officers of the Indian Police Service or any other related matter which will require decision at the Central Government's level, shall be beyond the purview of the DPSCs and SPSCs. (para 7.17)

11.65 There shall be a Joint Consultative Council (JCC) at the State headquarters to deal with matters which require consideration and decision at the government level. This Council shall consist of an official side and a staff side. The official side shall be appointed by the Government and may consist of upto 7 members including the Chief Secretary, Secretary in charge of police. Finance Secretary and Personnel Secretary in the State Government. The entire body of the SPSC, as described earlier, shall constitute the staff side of the Joint Consultative Council. The Minister in charge of Police shall be the Chairman of the Joint Consultative Council. It shall meet as often as necessary to deal with matters that arise from the deliberations of the SPSC or otherwise. (Para 7.18)

11.66 The scope of the JCC shall include all matters relating to conditions of service and work, welfare of the police personnel and improvement of efficiency and standards of works, provided, however, that

(i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles, and

(ii) individual cases shall not be considered. (Para 7.20)

11.67 The official side shall conclude matters at meetings of the Council and shall not reserve them for later decision by the Government. (Para 7.21)

11.68 If there is no agreement between the two sides, the matter may be transmitted to a committee of the JCC for further examination and report. But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. In other cases, the Government will take action according to its own judgement. (Para 7.24)

11.69 Arbitration shall be limited to—

(i) pay and allowances;

(ii) leave; and

(iii) any other matter that the SPSC and the State Government mutually agree to refer to arbitration. (Para 7.27)

11.70 Cases of individuals shall not be subject to arbitration. (Para 7.28)

11.71 A dispute shall not be referred to arbitration unless it has been considered by the JCC and final disagreement between the two sides has been recorded. (Para 7.29)

11.72 On a final disagreement being recorded as mentioned above, the State



Government shall appoint a Board of Arbitration as soon as possible, in any case not later than one month from the date of recorded disagreement. The Board shall consist of three members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the JCC and a Chairman who shall be an independent person, preferably a retired or serving Judge of the High Court or senior administrator. The members and the Chairman shall be selected by the Minister in charge of Police. (Para 7.30)

A 11.73 Subject to the overriding authority of the State Legislative Assembly, recommendations of the Board of Arbitration shall be binding on both sides. (Para 7.33)

11.74 If, for reasons to be recorded in writing, the State Government is of opinion that all or any of the recommendations of the Board of Arbitration should on grounds affecting national economy or social justice be modified, the State Government shall, as soon as may be, lay before the state Legislative Assembly the report of the Board containing such recommendations together with the modification proposed and the reasons therefor, and thereupon the Legislative Assembly may make such modifications in the recommendations as it may deem fit. (Para 7.34)

11.75 Orders made by the State Government in pursuance of the recommendations of the Board of Arbitration shall, unless other-wise specified in these recommendations or modified by mutual agreement, remain in operation for a period of three years. (Para 7.35)

11.76 In making these recommendations, we have taken into account the currently growing trend of attitudes and feelings among the rank and file of the police force and the urgent need for the officer cadres and the leadership of the force to start a joint endeavour with the rank and file for a meaningful and collective discussion of service problems and evolve solutions in a manner which would satisfy the rank and file and foster in them feelings of professional pride, dignity and sense of participation in the decision making processes in the system. We are fully convinced that unless the steps as envisaged above are taken in hand quickly, the rank and file will soon be enveloped by growing demoralisation and the entire system would get dangerously weakened. (Para 7.36)

11.77 We would recommend that the Staff Councils and the Joint Consultative Council as detailed above may be brought into being in the first instance through administrative orders. After gaining practical experience in working the scheme for some time, they may be given a statutory cover by appropriate modifications and additions to the Police Forces (Restriction of Rights) Act, 1966 and the rules framed thereunder. (Para 7.37)

11.78 We would further recommend that this Act be appropriately amended straightway to-

- (i) enable the Central Government or the prescribed authority impose such conditions as may be deemed fit to ensure the proper discharge of police duties and the maintenance of discipline among policemen before granting sanction to any proposed association;
- (ii) include the guidelines for the working of the associations as

detailed in para 7.5;

(iii) enable the formation of associations to cover more than one rank, on the lines indicated in para 7.6; and

(iv) impose the same obligations on members of the families of policemen as applicable to policemen themselves in regard to their membership or other links with such associations. (Para 7.40)

11.79 Individual grievances have to be looked into by the departmental authorities at the supervisory levels. A rigid insistence on rituals in the name of discipline, before a subordinate police officer could approach the senior ranks for redressal of his grievances should be avoided. Any officer with a grievance should feel free to articulate it before his own superiors. Any attempt to stifle such articulation would only result in the affected personnel airing their grievances outside the system and that would lead to undesirable results. Supervisory officers should take the initiative and avail every opportunity to identify individual grievances in the normal course of their tours and inspections and take effective remedial measures. One of the points for assessing the supervisory capacity of an officer should be the measure of success achieved by him in identifying and redressing the grievances of his subordinates. Expeditious sanction and payment of increments and such other allowances as fall due from time to time, prompt settlement of leave, pension, provident fund, gratuity, etc., are matters that require close and constant attention from the supervisory officers to avoid build up of individual grievances on that account. (Para 7.41)

#### Recruitment, Training and Career Planning

11.80 We consider the educational qualification of Matric/SSLC as the very minimum for a Constable recruit to get trained properly and fit into the police system and in due course assume higher positions of responsibilities as envisaged by us. (Para 9.1) Modalities for inquiry into Complaints against Police

**11.81** One of the fundamental requisites of good government in a democracy is an institutionalised arrangement for effectively guarding against excesses or omissions by the executive in the exercise of their powers or discharge of their mandatory duties which cause injury, harm, annoyance or undue hardship to any individual citizen. This is specially necessary in the police who have vast scope for exercise of powers by a large number of personnel affecting the rights and liberty of individual citizens in daily life. (Para 10.1)

**11.82** Statistics regarding complaints against police in many States reveal that—

- (a) a sizeable percentage of complaints of police misconduct are preferred before police authorities higher than the Superintendent of Police;
- (b) the percentage of substantiated complaints is low both in regard to the inquiries held by the District Magistrates and their officers and the inquiries held by the Superintendents of Police;
- (c) percentage of substantiated complaints of police torture is highest in Judicial inquiries, lower in magisterial inquiries and lowest in inquiries conducted by other agencies; and
- (d) a very large number of private criminal complaints filed against police officers in courts have failed. (Para 10 6)

11.83 There is imperative need to ensure that the complaints that are made, irrespective of their number, are handled in a manner that affords maximum satisfaction and carries credibility to the complainant in particular and the public in general.

(Para 10.7)

11.84 Any arrangement for inquiry into complaints against police should be acceptable both to the police and to the public as far and just, not favouring one at the expense of the other and not damaging the morale of the police and reducing their effectiveness in maintaining law and order. (Para 10.10)

**11.85** A large number of complaints against police can legitimately and rightly be looked into and disposed of by the supervisory ranks in the police hierarchy itself. (Para 10.11)

**11.86** Inquiries into any complaint of police misconduct shall be conducted by an officer of the rank of Inspector of Police or above only, on the following pattern :

<i>Complaints against</i>	<i>To be inquired into by</i>
Head Constables/Constables	An officer not below the rank of Inspector of Police.
Sub-Inspectors/Assistant Sub-Inspectors	An officer not below the rank of Deputy Superintendent of Police.
Inspectors of Police/Deputy Superintendents of Police/Assistant Superintendents of Police.	An officer not below the rank of Superintendent of Police
Superintendents of Police and above.	Complaint Cells directly supervised by the Deputy Inspector General or Inspector General, as the case may be. (Para 10.13)

11.87 While the above categorisation would apply to inquiries conducted by the authorities in the hierarchy in the normal course, there shall be a special complaint cell headed by a Deputy Superintendent of Police in each district working under the Superintendent of Police to handle inquiries into allegations of police misconduct in which the normal hierarchical levels are likely to take a biased view for any local reason. The discretion to entrust special inquiries to this cell shall be exercised by the Superintendent of Police having regard to the circumstances of each case. (Para 10.14)

11.88 There shall be a similar cell working directly under each Range DIG for handling inquiries which may involve scrutiny of the part played by the Superintendent of Police himself in any particular situation. At the State headquarters, there shall be a special cell under a Superintendent of Police with supporting staff of Deputy Superintendents of Police and Inspectors working directly under the Inspector General of Police to handle such inquiries which require attention at the State level. (Para 10.15)

11.89 Regarding the actual manner of conducting inquiries, the following points have to be kept in mind by Inquiry Officers:

- (i) The complainant should be heard in detail and every effort must be made by the Inquiry **Officer** himself to ascertain the truth by examining such other witnesses as he may deem necessary, without insisting on the complainant himself to secure the presence of witnesses.
- (ii) Important witnesses shall as far as possible be examined in the presence of the complainant so that he has the satisfaction of hearing what they depose.
- (iii) Throughout the conduct of inquiry, the Inquiry Officer shall scrupulously avoid doing anything which might create a doubt in the complainant's mind about the objectivity and impartiality of the inquiry.
- (iv) The inquiry shall, as far as practicable, be conducted in an appropriate public building or place, in or near, the complainant's resident village.
- (v) If the Inquiry Officer reports that the complainant himself does not want to

press his complaint in any particular case, the facts and circumstances of that case shall again be verified by either the next superior officer or the district complaint cell. (Para 10.17)

**11.90** In regard to the following categories of complaints against police, a judicial inquiry shall be mandatory and be held immediately according to a set procedure described in the Report :— (i) alleged rape of a woman in police custody;

(ii) death or grievous hurt caused while in police custody; and

(iii) death of two or more persons arising from police firing in the dispersal of an unlawful assembly as defined in Section 141 of the Indian Penal Code. (Para 10-19)

11-91 A judicial inquiry in the above cases shall be held by an Additional Sessions Judge nominated for this purpose in every district by the State Government in consultation with the High Court. He will be designated as the District Inquiry Authority—hereinafter referred to as 'DIA'. (Para 10.20)

11.92 In conducting the inquiry the DIA shall be assisted by an Assessor who shall be an Additional Superintendent of Police or senior Deputy Superintendent of Police nominated for this purpose in each district or group of districts as required by the Inspector General of Police. (Para 10.20)

11.93 The inquiry by the DIA shall be in the nature of a fact finding inquiry and shall, as far as possible and consistent with the provisions of the scheme described in the Report, conform to the procedure prescribed in the Commissions of Inquiry Act, 1952. (Para 10.23)

11.94 The inquiry shall also cover the circumstances leading to the alleged incident and any other matter which the DIA may consider relevant for the inquiry. (Para 10 23)

**11.95** Proceedings before the **DIA** shall normally be open to the public. They may, however, be held in camera at the discretion of the **DIA** on the application made by the complainant or the Superintendent of Police, furnishing reasons therefor. (Para 10.23)

11 96 The DIA may take the assistance of an Additional Public Prosecutor or an Assistant Public Prosecutor in the district for examining witnesses, but no one shall be entitled to be represented by a legal practitioner in any proceedings before the DIA. (Para 10.23)

11.97 An inquiry taken up by the DIA under this scheme shall be given priority in his work and shall be proceeded with expeditiously through day to day hearings and completed within four months from the date on which the DIA receives the report or complaint on which the inquiry is started. If in any exceptional case the inquiry is held up beyond the specified period of four months, the DIA shall immediately inform the Government of the reasons for the delay and the probable time for the completion of inquiry.

11.98 On completion of inquiry, the DIA shall send his report with his findings to the State Government, simultaneously marking a copy to the Inspector General of Police.

Thereupon the State Government shall in consultation with the Inspector General of Police, decide the course of further action, whether to prosecute the accused persons in court or deal with them in departmental disciplinary proceedings or dispose of the case in any other appropriate manner. It shall be mandatory on the part of the State Government to publish the report of the DIA and the State Government's decision thereon, within two months of receipt of DIA's report by the Government. If the DIA's inquiry had commenced on a complaint, a copy of the DIA's report and the State Government's decision thereon shall be furnished to the complainant simultaneous with the aforesaid publication of the report. (Para 10.26)

11.99 The DIA shall also serve as an independent authority to oversee the ultimate disposal of complaints dealt with by the administrative officers themselves in the normal course. Any complainant aggrieved by the disposal given on the conclusion of an inquiry, by the administrative authorities into his complaint of police misconduct, shall have the right of appeal to the DIA. The DIA shall be authorised to call for the connected records from the department and deal with the appeal. (Para 10.30)

**11.100** A Police Complaints Board set up at the State level will generally oversee the satisfactory implementation of the new scheme throughout the State. (Para 10.31)

11.101 Complaints against police which are linked with their conduct in a specific case under active investigation, are best looked into by the supervisory ranks at some appropriate level so that the investigation of the main case is not prejudiced. Even in such instance if the complaint refers to a serious misconduct of the type which would automatically attract the jurisdiction of the DIA for inquiry, it shall be inquired into by the DIA only. (Para 10.34)

11.102 Complaints against police which predominantly involve a corruption angle are best looked into by the State Anti-Corruption Department who have the experience and expertise to deal with such complaints. Modalities for conducting inquiries into such complaints when they arise in the course of active investigation of a specific case should be settled by discussion between the police and Vigilance Branch at the level of DIG/IG. (Para 10 35)

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## **Chapter-XII**

### **FINANCIAL IMPLICATIONS**

12.1 The likely financial implications of the recommendations made in the different chapters of this report are briefly indicated in the following paragraphs :

Chapters I and II : Preamble and the Constabulary

12.2 No cost is involved because these chapters contain some fundamental and basic observations only, relating to the police structure in general and the Constabulary in particular.

Chapter III : Pay Structure

12.3 (i) An important recommendation having a cost factor is that a Constable should be rated as a "skilled" worker for determining his pay structure vis-a-vis other public services in the State, in view of his revised role in the new set up as visualised by us, where he will be employed on inquiry and investigational work and other duties requiring frequent interaction with the public with due exercise of discretion and judgment. We are not making any recommendations for any particular pay scale as such. The cost of implementing this recommendation will vary from State to State, depending on the existing degree of difference between the skilled worker's pay and the pay of a Constable in the State. In one State, the Constable's pay has already been revised to this level and, therefore, it will not mean any cost as far as that State is concerned. All that we are projecting in this recommendation is a recognition of a fundamental principle so that the policemen's pay structure will have a particular status in the overall pay structure of the services in the State.

(ii) In view of the fact that several policemen are required to work even on gazetted holidays which are normally occasions for rest and holidaying by the general public and several other services, a recommendation has been made that, besides his normal entitlement to leave, a Constable/Head Constable should be entitled to additional leave for 15 days every year with facility to encash that leave if it is denied to him in public interest. The extent to which this additional leave is denied to the Constables will be a variable factor and, therefore, the cost involved in payment of equivalent cash cannot be precisely estimated.

(iii) In view of the prolonged and arduous hours of work put in by policemen in certain branches of the police on every working day, we are recommending overtime pay at the rate of 30% of total emoluments including DA and CCA for all police personnel from the rank of Constable upto and inclusive of the rank of Inspector working in police units which deal with public order situations and crime investigations. It is for the State Governments to notify from time to time the police branches to which the above system of overtime pay will be admissible and, therefore, it will not be possible to estimate the actual cost right now.

(iv) It is recommended that the conveyance allowance and washing allowance paid to the Constabulary which are low and unrealistic in some States should each be raised to Rs. 10/p. m. The cost involved in this recommendation will vary from State to State. In Delhi, it will amount to about Rs. 8.6 lakh per year.

(v) It is recommended that a special qualification pay be paid to policemen, who acquire the following skills or technical/academic knowledge :—

- (a) proficiency in driving and motor mechanism;
- (b) proficiency in handling wireless equipment for transmitting and receiving messages;
- (c) proficiency in handling computers and electronic data processing machinery; and
- (d) acquiring a University degree higher than what he had already secured at the time of entering service in a subject which would be of professional use to him. For example, criminology, forensic sciences, etc.

We are not recommending any particular quantum of special pay but are leaving it to the State Governments to fix it realistically, having regard to the pay and emoluments drawn by similarly qualified personnel working in other services or the private sector in the States.

## Chapter IV : Housing

12.4 (i) The approximate cost of construction of family accommodation for all the entitled personnel in the States who are yet to be provided with Government accommodation of any kind is Rs. 1045 crore. If this programme is spread over 10 years, the total outlay in the first 5 year period will be Rs. 523 crore, of which we are recommending Rs. 262 crore to be met by the States from their own resources and the balance of Rs. 261 crore to be the financial aid from the Centre.

(ii) For speeding up the construction programme we have recommended constitution of the requisite number of special divisions in the PWD of each State for looking after these programmes exclusively. The actual number of divisions will have to be determined in each State depending on the existing workload of their PWD set up. Cost on this account cannot possibly be calculated at this stage.

## Chapter V: Supply of Essential Commodities

12.5 We have recommended a scheme similar to the one that obtains in West Bengal for supply of certain essential commodities like rice, dal, etc., at fixed rates, which are to be maintained independent of the inflationary price rise in the market. In West Bengal the cost of this scheme is of the order of Rs. 6.5 crore per year.

## Chapter VI : Orderly System

12.6 The existing system is proposed to be abolished and replaced by a system in which some officers will get a regular Constable for their assistance in the performance of certain duties and some others will get a monthly allowance to engage a civilian servant for purposes of certain other types of duties currently being done by a uniformed orderly. The number of officers to whom this monthly allowance may be paid is to be determined by the State authorities. The exact cost cannot, therefore, be calculated, but since this arrangement is in lieu of an existing orderly who gets paid more as a Constable, it is likely to result in some saving to Government.

## Chapter VII : Machinery for Redressal of Grievances of Police Personnel

12.7 No cost is involved in the proposed formation of Staff Councils as such, but some small additional cost may arise on account of movement of the Members of the Councils to the District headquarters and State headquarters from time to time in connection with the Council elections and other connected work. If a Board of Arbitration is set up, some minimal secretariat assistance has to be provided for the Board.

## Chapter VIII : Welfare

### Measures for Police Families

## Chapter IX : Recruitment,

### Training and Career Planning

12.8 Our detailed recommendations are yet to be made and no cost is involved in the

preliminary observations we have made in this report.

## Chapter X : Modalities for Inquiry into Complaints against Police

12.9 Cost is involved in—

- (a) setting up Complaint Cells at the district level/range level and State level; and
- (b) setting up of the District Inquiry Authority.

As regards the Complaints Cells we are recommending that an existing functionary may be asked to look after this work and an exclusive post for this purpose may be created in major districts only. In regard to the DIA set up also, we have left it to the State authorities to nominate an existing functionary in the district judiciary as the DIA and create an exclusive post for this purpose only where the workload is heavy. The cost cannot, therefore, be precisely estimated at this stage. It will depend on the arrangements actually made on the needs of the situation.

## APPENDICES

### Appendix-I

( Para 10—Preface)

## NATIONAL POLICE COMMISSION QUESTIONNAIRE

To

*Dated : 20th  
December. 1978*

**Dear Sir/Madam,**

The Government of India, Ministry of Home Affairs, in their Resolution No. VI-24021/36/77-GPA. I dated 15th November, 1977, have set up a National Police Commission to make a comprehensive review at the national level of the police system, having regard to the far-reaching changes that have taken place in the country after the enactment of the Indian Police Act, 1861 and the report of the last Police Commission of 1902, particularly during the last 30 years of Independence. The present Commission has been given wide-ranging terms of reference for a fresh examination of the role and performance of the police, both as a law enforcement agency and as an institution to protect the rights of the citizens enshrined in the Constitution. A copy of the Government Resolution setting out the terms of reference of the Commission is enclosed.

2. There has been a tremendous increase in the quantum and complexity of police tasks in the country. In the decade from 1965 to 1975 crimes (cognizable by police) have increased by 54% as compared to 25% increase in population. Crime figures have shot up to 13.54 lakhs in 1977 compared to 5.56 lakhs in 1954. Rising population, increased migration from rural to urban areas, accommodation pressure and traffic congestion in urban centres, communal tension, growing expectations of backward classes, minority groups and weaker



sections and the resultant friction in their interaction with the other groups in the community, activities of extremists and agitations of different kinds arising from labour disputes, agrarian unrest, student problem and political activities have all contributed to severe demands on police resources and capacity. In an atmosphere of increasing stress and strain all round, police performance has to strike a balance between the individual rights of citizens to articulate their grievances on the one hand and the paramount need for maintenance of public order on the other. Any attempt at police reform has to take a realistic note of the new dimensions of police work arising from these factors.

3. Police are only a part of the criminal justice system and deal with offenders at the stage of investigation. The manner in which subsequent court proceedings are conducted and the nature of treatment given to prisoners in jails and the style of functioning of probation and correctional services have their overall effect on persons who pass through them and determine their subsequent conduct and behaviour towards society. The ultimate state of security and peace achieved in society is, therefore, the sum total of all these processes.

4. Pendency of cases under-trial has risen enormously in the recent years. Compared to about 2 lakhs of criminal cases pending in courts in 1962, there are about 20 lakhs of cases pending in courts now. Protracted court proceedings tend to dilute the deterrence of prosecution for containing the activities of criminals. Gross delays in the disposal of Court cases have also resulted in increase of under-trial prisoners in jails. In September, 1978 there were about 97,000 under-trial prisoners in all the jails in India compared to about 72,000 convicted prisoners. Deplorable conditions of custody in jails influence the conduct and attitude of the prisoners after their release. It is significant that the number of recidivists coming to notice in crimes has been increasing year after year. Their number has risen from about 74,000 in 1971 to over 1 lakh in 1975.

5. While seeking to reorganize the police system we have also necessarily to look at some important aspects of the other wings of the criminal justice system as mentioned above which have a substantial impact on the ultimate state of peace and order in society.

6. The Commission has gone round some States and had preliminary group discussions with local people. Recommendations have been received from some Study Groups set up in the States at the instance of the Commission. Some representations/suggestions have also been received from certain organisations and individuals. On the basis of these discussions/reports/suggestions, a questionnaire has been prepared posing some specific ideas and suggestions regarding a remodeled police system. A copy of the questionnaire is attached.

7. The Commission would be very grateful to have your views, ideas and suggestions in reply to the questionnaire. It is not necessary that all the questions should be answered in your reply. You may cover only those questions in which you are interested and those regarding which you may have relevant information. If there is any other matter not expressly included in the questionnaire which you would like the Commission to examine, you may kindly indicate it and send your opinion or suggestions thereon at the end of your reply.

8. For facilitating quick analysis and study of the replies received, it is requested that—  
(i) answers to the questions may be furnished on one side of the paper only and sent in duplicate, if possible;

and

please be typed, if possible.

(ii) answers may

9. If you desire any part of your replies to be treated as confidential, this may

please be indicated and your reply will be treated accordingly.

10. While furnishing replies, you may kindly mention your full name, address and designation/profession.

11. The Commission is anxious to conclude its work expeditiously and, therefore, would be most grateful if you could kindly send your reply to reach us by 10th February, 1979.

12. Your reply may please be sent to the following address:

Shri C.V. Narasimhan Member Secretary, National Police Commission,  
9th Floor, XII Storey Block, N. D. M. C. Building,  
Khan Market,  
New Delhi-110003.

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS (GRIH  
MANTRALAYA)

New Delhi-110001, the 15th November, 1977

## **RESOLUTION**

No. VI-24021/36/77-GPA. I.—Far-reaching changes have taken place in the country after the enactment of the Indian Police Act, 1861 and the setting up of the second Police Commission of 1902, particularly during the last thirty years of Independence. Though a number of States have appointed Police Commissions after Independence to study the problems of the Police in their respective States, there has been no 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. A fresh examination is necessary of the role and performance of the Police—both as a law enforcement agency, and as an institution to protect the rights of the citizens enshrined in the Constitution. The Government of India have, therefore, decided to appoint a National Police Commission composed of the following :—

- |  |   |
|--|---|
| 1. Shri Dharma Vira  | Chairman (retired Governor)   |
| 2. Shri N. K. Reddy  | Member (retired Judge Madras High Court)  |
| 3. Shri K. F. Rustamji<br>and ex-Special Secretary, Home Ministry) | Member ( <b>ex-IGP</b> , Madhya Pradesh)  |
| 4. Shri N. S. Saksena<br>and at present. Member, UPSC)             | Member ( <b>ex-IGP UP</b> and <b>ex-DG CRP</b> )                                      |
| 5. Prof. M. S. Gore,<br>Social Sciences, Bombay)                   | Member (Professor, Tata Institute of  |
| 6. Shri C. V. Narasimhan<br>(presently Director, CBI)              | full-time Member-Secretary of<br>the Commission (on relief from<br>his present post.) |
2. The following will be the terms of reference of the Commission :—

- (1) Re-define the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
- (2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the

system, identify the basic weaknesses of inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.

- (3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.
- (4) Inquire into the system of investigation and prosecution, the reasons for delay and failure; the use of improper methods, and the extent of their prevalence; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.
- (5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.
- (6) Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.
- (7) Examine the system of policing required in non-rural and urbanised areas including metropolitan areas, and suggest the pattern that would be the most suitable.
- (8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer net-work, scientific laboratories and agencies for research and development, and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of Police forces, streamlining of its functions and its re-structuring, it would be possible to economise in the manpower in the various areas of its activities.

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- (9) Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.
- (10) Recommend measures and institutional arrangements :—
  - (i) to prevent misuse of powers by the police, and to examine whether police behaviour, out-look, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
  - (ii) to prevent misuse of the Police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;
  - (iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
- (iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare;  
**and**
  - (v) for a periodic objective evaluation of police performance in a metropolitan area/District/State in a manner which will carry credibility before the public.
- (11) Examine the manner and extent to which police can enlist ready and willing co-operation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such co-operation and measures for the growth of healthy and friendly public-police relationship.
- (12) Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.

- (13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.
- (14) Consider and make recommendations and suggestions regarding any other matter which the Government may refer to the Commission; and
- (15) Any other matter of relevance or importance having an impact on the subject.

3. The Headquarters of the Commission will be at Delhi.

4. The Commission will devise its own procedure and may consult such advisers as it may consider necessary **for any** particular purpose. It may call for such information and take such evidence as it may consider necessary. Ministries and Departments of the Government of India will furnish such information and documents and other assistance as may be required by the Commission. The Government of India trust that the State Governments, **Union** Territories Administrations, Service Associations and others concerned will extend to the Commission their **fullest** co-operation and assistance.

5. The Commission will make its recommendations as soon as practicable.

#### ORDER

ORDERED that a copy of the Resolution be communicated to all State Governments, Administrations of Union Territories and Ministries/Departments of the Government of India, Planning Commission, Cabinet Secretariat, Prime Minister's Office, Lok Sabha and Rajya Sabha Secretariats.

2. ORDERED also that the Resolution be published in the Gazette of India for general information.

Sd/-(T.C.A.  
**SRINIVASAVARADAN)**  
Secretary to the Government  
of India

#### NATIONAL POLICE COMMISSION QUESTIONNAIRE

*Sl.No. Code No.* Basic role and responsibility of police

- 1 1.1 Police are now looked upon as a department of the Government, fully subject to executive control and direction. As a law enforcement agency, police have necessarily to function as per requirements of law. It has been held forth as a fundamental proposition that in the discharge of their duties and responsibilities as required under the law, the police cannot in law and should not in practice be restrained or otherwise influenced by directions from the Government or the executive. Would you support this proposition ?
- 2 1.2 Under the existing law the superintendence of police vests in the State Government. In the normal course, the State Government is expected to exercise this power in conformity with the Constitution and the laws of the land. However, in the context of politically inspired State-wide bundhs, agitations for location of steel plants or other projects, labour agitations,

industrial strikes, language agitations, etc., there have been several instances in which law enforcement had allegedly failed to be effective owing to inhibiting and discriminatory instructions and directions, mostly oral and sometimes written, emanating from political leadership in the State Governments. In a few cases courts have had to intervene on individual complaints to direct effective police action for securing life and property. What arrangement would you suggest to prevent State Governments from issuing such illegal, improper or unjust directions, oral or written, which result in ineffective law enforcement ?

- 3 1.3 Do you think that a system of exercising control through an non-political board would achieve this objective ? (Please see question Sl. No. 105 Code No. 10.2.5 for the suggested constitution of this board).
- 4 1.4 What forum can be devised at the State level which can be moved by sections of the population (example : linguistic or religious minorities) who are aggrieved by ineffective law enforcement and remain defenceless, against the depredations of anti-social elements, who indulge in large-scale vandalism and destruction of property in the wake of politically motivated agitations ?
- 5 1.5 What arrangements would you suggest for effective penal action against those in Government who are found to have issued illegal/improper/unjust orders to law enforcement officers ?
- 6 1.6 Police Act of 1861, on which the present police system is based, visualises the role of police as a mere law enforcement agency. It is now suggested that police should assume a service-oriented role of which law enforcement will only be a part. In this context the duties of police will be to— (i) Promote and preserve public order;  
(ii) investigate crimes and, where appropriate, apprehend the offenders and participate in subsequent legal proceedings connected therewith;  
(iii) identify problems and situations that are likely to result in commission of crimes;  
(iv) reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures;  
(v) aid and co-operate with other relevant agencies in implementing other appropriate measures for prevention of crime;  
(vi) aid individuals who are in danger of physical harm;  
(vii) create and maintain a feeling of security in the community;

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- (viii) protect weaker sections of the community from exploitation and harassment;  
(ix) facilitate movement of people and vehicles;  
(x) aid in resolving conflict and promoting amity by appropriate measures, including mediation and counselling; and  
(xi) provide other appropriate services in an emergency to afford relief to people in a distress situation.

Do you agree with this view ? Have you any additions/deletions or modifications to suggest to the above list ?

- 7 1.7 After independence several legislative measures have been adopted in our country for securing social changes appropriate to a socialist, secular, democratic, welfare State. Police have been increasingly involved in the

enforcement of such social, legislation. It is now suggested that police shall be primarily concerned with the enforcement of laws which are relatable to— (i) preservation of public order and peace;

(ii) protection of life and property;

(iii) protection of weaker sections of the community from exploitation and harassment;

(iv) maintenance of essential services and supplies;

(v) preservation of rectitude and integrity in public life including services;

(vi) preservation of national integrity and security; and (vii) preservation of national economy and wealth;

As regards social legislation which does not fall under any of the above categories, police should

have only a limited role for maintaining order, where necessary.

Do you agree with this view ? If not, please give your alternate views With reasons.

- 8 1.8 Would you agree with the view that, while detection of crime can be held as the exclusive responsibility of the police, prevention of crime has to be accepted as a joint responsibility of the police and the other wings of the criminal justice system with the active involvement of and co-operation from the community as a whole ?
- 9 1.9 What specific measures, legal as well as administrative, would you recommend for the association of the community at large as well as volunteer organisations for— (i) maintenance of public order; and (ii) prevention of crime ?
- 10 1.10 Section 23 of the Police Act, 1861, refers to the responsibility of police for collecting intelligence affecting the public peace only. In actual practice, police collect intelligence regarding political activities, corruption in public services, economic offences, etc. What are your views in this matter ?

Policing system—Supervisory structure—Role of executive magistrates

- 11 2.1 Judiciary has been fully separated from the executive by the enactment of Criminal Procedure Code of 1973. Policing has become a highly professionalised service requiring a well-structured and unified command and control. Though the district police administration is vested in the Superintendent of Police, the administration is now subject to 'general control and direction' of the District Magistrate. A view has been expressed that this dual control at the district level from a functionary outside the police system erodes the sense of full responsibility that should be rightly borne within the system and therefore this dual control should be done away with. What are your views in this matter ?
- 12 2.2 It has been suggested that the function of District Magistrate should be strictly limited to a co-ordinating role between the police and other Governmental agencies in the district

*Sl. No. Code No.* while the responsibility for maintenance of law and order should be fully borne by the Superintendent of Police himself.

What are your views in this matter ? If you agree with the aforesaid

suggestion, what specific duties would you assign to the District Magistrate as a co-ordinator ?

- 13 2.3 A view has been expressed that after the separation of judiciary from the executive, the concept of 'executive magistracy' as spelt out in the Criminal Procedure Code, 1973, does not appear rational. It has been suggested that the existing powers and functions of the 'executive magistracy' as laid down in the Criminal Procedure Code, 1973, may be suitably divided among the judiciary and senior ranks in Police.  
What are your views in this matter ?
- 14 2.4 Constabulary form about 80% of the force and a large majority of them retire as constables without even one rank promotion in their entire career. Long and arduous hours of work, performance of duties under enormous stress and strain, exigencies of duties which deny them holidays and normal leave which are availed by other services and lack of promotional opportunities within the system are serious demotivating factors that badly affect the quality of performance at constable's level. This also seriously affects police image and fouls police-public relationship, particularly at the police station level. It has been suggested that the police hierarchy from constable to Deputy Superintendent of Police may be restructured to increase the number of personnel **at** the level of Sub-Inspector/Assistant Sub-Inspector with corresponding reduction in the ranks/of constabulary so that there is quicker promotional flow from the constable upwards and there will be more investigating officers in the rank of Sub-Inspector/Assistant Sub-Inspector to interact with the public at the police station level and render service to greater public satisfaction. This restructuring would imply the following :
- (i) Direct recruitment will hereafter be made at the level of Constable and Sub-Inspector only, the intake at the Sub-Inspector's level being gradually reduced in a phased manner  
and finally eliminated to provide for increased promotional flow from Constable to higher levels. (ii) Direct recruitment at the level of Assistant Sub-Inspector and Deputy Superintendent of Police will be abolished. (iii) Constables with good education and aptitude for police work can hop to rise to the level of Inspector by promotion in a reasonable time. More brilliant among them can even rise to higher positions.  
What are your views on this suggestion ?
- 15 2.5 It is frequently complained that most of the police personnel are now deployed on law and order and VIP Bandobust duties to the detriment of investigational work in individual crimes reported by public. It has been Suggested that separate staff should be earmarked exclusively for crime investigation. Do you consider it feasible that such functional division could be effected at :— (i) metropolitan police stations or (ii) city police stations or (iii) town police stations or (iv) semi-urban police stations or (v) rural police stations or (vi) all police stations ?  
The above mentioned classification of police stations is proposed to be made

- on the basis of population of the cities/towns where the police stations are located. What norms would you suggest for the above classification ?
- 16 2.6 In regard to railway police it has been suggested that the responsibility for maintaining law and order, surveillance over bad characters and allied crime preventive functions may be taken over by the respective district police for the part of railway area falling in that district, while the
- Sl. No. Code No.* responsibility of investigation of crimes that occur within railway premises including running trains shall be retained by the existing Government Railway Police which may then be developed and maintained as an expert crime investigating wing of the State **CID**.
- Do** you agree with this view ? If not, what are your alternate suggestions ?
- 17 2.7 A suggestion has been made that the members of the Railway Protection Force may be conferred with powers and made to investigate different forms of railway crime affecting the person and property of railway passengers.
- Would you support this suggestion ?
- 18 2.8 If so, would you also agree that similar powers may be conferred on members of the Central Industrial Security Force in regard to their area of operation ?
- 19 2.9 A suggestion has been made that specialist agencies should be developed within the police system for handling crimes by juveniles, economic crimes, crimes on the highways, airways, high seas, etc.
- What are your views in this matter ? What other areas of crime work will require handling by specialist agencies within the police system ?
- Police administration, disciplinary control and accountability
- 20 3.1 All action by police has to be within the framework of law. However, the result of police action does not always go before a court for adjudication. Several steps taken by police which affect the rights and liberties of individuals may not come to court's notice if they are not relatable to cases that come up for court trial. It is, therefore, felt that there should be some arrangement for independently monitoring the action taken by police in situations which give rise to complaints or criticism against police. While acts or omissions by individual police personnel could be looked into by either departmental or judicial inquiries, as the case may be, collective performance by the police as a whole requires to be called to account by some agency which can command the confidence of the public. It has been suggested that a Committee of the State Legislature to be called as "Public Security Committee" and constituted on the same lines as the Public Accounts Committee or Estimates Committee can be given this task. The Committee will require to be aided in its work by a small professional directorate which may be called 'Directorate of Inspection or Evaluation' which can evaluate police performance over a given period and put up a report for consideration by the Committee. While seeking clarification on issues that remain doubtful or vague, the Committee will have the power to call for and scrutinise original records, subject to limitations of preserving secrecy in matters affecting national security. What is your reaction to this arrangement as broadly suggested ?
- 21 3.2 Do you think there should be a similar arrangement at the district level also? If so, how should it be constituted ? Should it involve Zila Parishad



functionaries. Members of Parliament/Members of Legislative Assembly/Members of Legislative Council and representatives of local bodies in the district ?

- 22 3.3 Having regard to the enormous increase in the tasks the police are required to perform in a variety of situations of increasingly complex nature, it has been suggested that the command structure of a State Police force exceeding a specified number, say 30,000 should be headed by a new functionary designated as Director General who will be assisted at headquarters by the required number of Inspectors General who will assume different functional responsibilities dealing with such matters like specialised agencies for crime investigation, intelligence, armed police battalions, general administration, transport and communications, forensic science laboratories and scientific aids for investigation, recruitment and training, etc. Supervision over the work of district police

*Sl. No. Cod No.* will be through Deputy Inspectors General as now. The new functionary called Director General of Police will be given appropriate status and rank, consistent with the need for upholding the dignity and primacy of the police as an integral part of the criminal justice system. What are your views in this matter ?

3.4 A suggestion has been made that the ministerial staff in the police department should also be encadred as police personnel. Do you agree with this view ? If not, please give reasons ?

3.5 It has further been suggested that the technical personnel attached to specialist wings like police wireless branch, computer network, etc., may also be encadred as police officers, having in view their crucial role in police operations. What are your views in this matter ?

- 25 3.6 What are your specific suggestions for reducing scriptory work in police, which at present is felt to be needlessly heavy and impedes effective field work ?

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3.7 It has been suggested that adequate financial powers should be delegated to the IG and DIG/SP to enable them rectify deficiencies and afford quick relief in situations which call for repair and redress. In particular, it has been suggested that there should be far greater delegation of powers in regard to— (i) purchase and maintenance of motor vehicles; (ii) purchase of furniture, stationery and other equipment relevant to police work; (iii) maintenance and repairs to police buildings including residential quarters of police personnel; (iv) creation of posts up to the level of Deputy Superintendent of Police within the sanctioned budget. Have you any specific suggestions in this regard ?

3.8 It is said that officers in charge of police stations have frequently to draw from private

sources for meeting several items of legitimate expenditure connected with police work for which Government funds are not allotted at all or, even if allotted, are hopelessly inadequate. Could you describe some instances of such expenditure and also indicate the required allotment of funds for such purposes in an average police station ?

3.9 What are the drawbacks and deficiencies in the existing system of disciplinary control in police ? What are the factors which contribute to delay in disciplinary proceedings and harassment to the police personnel involved ? What are the remedial measures you can suggest in this regard ?

29 3.10 Have you any suggestion regarding special allowances that could be recommended for **police** personnel, having regard to the nature of duties they are required to perform ? Suggestions have been made that they may be given allowance for maintenance of motor cars, motor cycles, typewriters for their scriptory work, performance of duties in specialist wings of the police like **CID**, Intelligence and training establishments. What specific allowances and to what ranks would you recommend in this regard ?

30 3.11 A suggestion has been made that the holding of arms by the civil police in police stations should be considerably reduced, if not eliminated altogether. It has been further suggested that any situation requiring the use of arms can be tackled by the regular armed police units in the State while the civil police may always be required to interact with the public in a helpful and friendly manner to provide relief in a distress situation. What are your views in this matter ?

31 3.12 Badges of rank in police bear close resemblance to those of Army ranks. A view is held that this circumstance generates needless comparison and controversy over the rank to rank equation **and** the rank-wise duties and responsibilities in the Army and the police, while in fact they function

57. *No, Code No.* in totally different milieu and have totally different tasks to perform. It has been suggested in this context that the police may evolve their own badges of rank of a different pattern. What are your views in this matter ? If you agree with the aforesaid view, please suggest some sample badges of rank.

#### Investigation

4.1 Do you agree with the view that several crimes are not reported to police and, even among those reported, several crimes are either minimised or not registered at all by police ?

4.2 What is your estimate of the percentage of—  
(i) unreported crimes to the number of crimes that actually occur; and (ii) unregistered crimes to the number of crimes that are reported to police ?

4.3 What are the reasons, in your opinion, for under reporting of crime and non-registration/minimisation of reported crimes ?

4.4 There is a view that our present criminal justice system extending from police to law

courts, jails and the after care services is packed with excessive concern for the criminal while it operates to the harassment of the law-abiding citizen who figures as the complainant or witness. Those who see criminals taking advantage of this system advocate more powers for police, restrictions on liberal grant of bail and a general tightening up of law and procedure, even to the extent of shifting the burden of proof on the accused. Those who find the system oppressive to the general people advocate automatic bail including anticipatory bail, abolition of preventive detention and adoption of numerous procedural safeguards with as many checks on police as possible. Any reform of the police as a part of the criminal justice system has, therefore, to strike a realistic balance between the two requirements, having in view the overall objective of security of the community. Would you agree with this approach ?

4.5 What practical steps would you suggest for co-ordinating the preventive functions of non-police agencies like courts, jails, correctional services, corporations, municipalities and other local bodies in regard to several factors which induce or facilitate the commission of crime ?

4.6 A suggestion has been made that witnesses to search conducted under Section 102 Cr. P. C. may also be drawn from the category of public servants (other than police officers) having jurisdiction over the area of proposed search. Do you agree with this suggestion ?

4.7 To overcome the growing phenomenon of prosecution witnesses turning hostile in court and disowning their earlier statements recorded by the police, it has been suggested that Section 162 Cr. P. C. may be amended to enable the police get a witness to sign and date the statement if the witness can read for himself what has been recorded. Such a signed statement would further help enforcement of the legal obligation cast by the amended form of Section 161 (2) Cr.P.C. according to which a witness is bound "to answer truly all questions" relating to the case put to him by the investigating officer. Would you support this amendment ?

4.8 Case diaries of police investigation are to be written daily under Section 172 Cr. P.C. This causes practical difficulties when the examination of certain witness is spread over more than one day and a witness comes forth with his full statement only after a process of immediate verification of the points made out by him in the course of his examination. A suggestion has, therefore, been made that Sections 161 (3) and 172 Cr. P. C. may be suitably modified to give more time to the investi-

*Sl. No. Code No.* gating officer to write his diaries.

Have you any suggestions in this regard ?

40 4.9 A proper and full examination of the accused person is an important requisite for impartial investigation. A view is held that the existing provisions in Cr.P.C. do not give adequate time for the investigating officer to examine the accused person in detail after his arrest. This process of examination has necessarily to be combined with a process of simultaneous verification of facts as stated by the accused person to the extent it can be done expeditiously. This will be possible only if the accused person is continued to be held in police custody for reasonable time after arrest. It has, therefore, been suggested that Sections 151 and 167 Cr.P.C. may be suitably amended to enable the magistrate authorise the continued detention of the arrested person in police custody, if so required by the investigating officer, for a maximum period of fifteen days after arrest for the specific purpose of his detailed examination by police and verification of facts as stated by him.

Would you support this suggestion ? What safe-guards would you further suggest to prevent abuse of this facility, if granted ?

- 4.10 Under the existing law, the accused person is not bound to state his defence in the course of investigation by police. The present tendency of accused is to decline to make any statement to the police and reserve his right to build up his defence at a later stage of the subsequent proceedings in court. This results in delay and distortion of the evidentiary picture as a whole. It has been suggested that even at the stage of investigation the accused should be given an opportunity to make a statement regarding his defence, after perusing the statements of witnesses recorded under Section 161 Cr.P.C., and the statement of the accused so made shall be a part of the record of investigation. The facts of this statement, if so made, or the fact of his declining to make a statement at that stage, shall be taken judicial notice of during subsequent proceedings in court. What are your views in this matter ?
- 42 4.11 There is a view that the provision in the Cr. P. C. (Section 438) regarding anticipatory bail has in practice resulted in the hampering of the normal course of investigation and has prevented the detailed examination of a suspected person by the police. What is your view in this matter and what modifications in law would you suggest in this regard ?
- 43 4.12 It has been noticed that in quite many cases professional criminals are able to secure bail release easily from courts and continue to commit further offences while on such bail. A suggestion has been made that the existing provisions regarding bail in the Cr. P. C. should be suitably tightened to avoid this situation. What are your views and specific suggestions in this regard ?
- 44 4.13 Quite a large number of complaints received at police stations involve non-cognizable offences. Some of them have the potential of aggravating the situation further, leading to the commission of more serious offences and even a breach of public peace, if the offenders involved in the first incident get the impression that the police have no power even to question them regarding what had happened. It has, therefore, been suggested that a new section after the existing Section 154 of Cr. P. C. may be introduced to enable the police make an enquiry even in non-cognizable cases if they consider that such an enquiry would be in the interests of preventing the commission of further offences and a possible breach of public peace. The new provision will also lay down a procedure for maintaining a record of such an enquiry, which may be followed up either with appropriate cautioning of the accused by the police officer himself on record or remitting the case for proceedings in court if the evidence warrants it. It has been emphasised that the new arrangement will be particularly relevant in regard to complaints from the weaker sections arising from exploitation and harassment by or at the instance of influential groups or individuals, particularly in rural areas. What are your views in this matter ?
- 54 4.14 A suggestion has been made that rape cases should invariably be investigated by an officer of or

*Sl. No. Code No.* above the rank of Inspector of Police and that this insistence should be

statutorily spelt **out in** the Criminal Procedure Code it-self.

Would you support this suggestion ?

- 46 4.15 Certain offences are compoundable under Section 320 Cr. P. C., but this procedure can be resorted to only after a charge-sheet has been laid in the court. It has been suggested that in certain categories of cases, having regard to local situations and the attitudes of the parties concerned, the police themselves should have the power to compound the offence before filing charge-sheet and report the matter accordingly to the court.

Do you agree with this view ? If so, can you specify the categories of offences for this purpose ?

- 47 4.16 Section 173 of the Cr. P. C. lays down the procedure for the submission of a police report to the competent magistrate on completion of investigation. In this report the police can only refer to the adequacy or otherwise of the evidence gathered during investigation and mention whether any offence appears to have been committed with reference to such evidence. A suggestion has been made that this section may also authorise the police to inform the court in appropriate cases the fact of the parties having compromised and recommend, the closure of the case on that ground.

Would you support this suggestion ?

- 48 4.17 The concepts of "de-criminalisation" and "de-penalisation" are in vogue in some countries. Their implication is that certain acts cease to be offences if committed in certain circumstances and certain offences cease to be formally punishable when committed in certain situations. With these concepts in view, would you recommend that some offences which are presently cognizable by police may be non-cognizable and that certain offences, when proved in court, may not be visited by a formal punishment, but may be closed with appropriate advice ? What, in your opinion, should be the nature and category of offences that could be brought under the above scheme ?

- 49 4.18 Police have the power to arrest without an order from a magistrate and without a warrant, any person who is concerned in any cognizable offence. A reasonable complaint or credible information or a reasonable suspicion of a person being so concerned is enough to make this arrest under Section 41 Cr.P.C. In practice the police invariably arrest the accused concerned in cognizable cases. In some cases they are released on bail immediately after arrest and in others they are produced in court for further orders regarding their release on bail or continued custody. It has been suggested that in cases where the police themselves consider bail release justifiable, it need not be preceded by a formal arrest, but can be effected by merely serving an appropriate notices on the accused and obtaining a bond from him for his continued availability for purposes of investigation and connected legal proceedings. Avoidance of formal arrest in such cases will remove the existing scope for harassment and humiliation through arrests which may not be really necessary in the interest of the case, but may be resorted to on malafide considerations. Do you agree with this view ?

- 50 4.19 A suggestion has been made that petty crime which occur in a locality could be expeditiously investigated on the spot by some specially selected members

of the public of the locality, who could be enrolled as special police officers under the Police Act and given some minimal training and powers for discharging this responsibility. Petty cases investigated by them could appropriately be handled by the special judicial magistrates set up under Section 13 of the Cr. P. C.

Would you support this suggestion ? .

51 4.20 A criticism has been made that expansion of police in the recent years has mostly been in the armed wing and that most of the armed police personnel are increasingly deployed on duties connected with maintenance of public order, as distinct from investigative work in individual crimes. It is said that the development of the civil police has been progressively neglected.

*Sl. No. Code No.* Would you share this criticism ? If so, what are your specific suggestions to remedy the position ? In this context would you advocate increased association of the Central Police Organisations with the investigative work of the State police ?

52 4.21 Would you further advocate changes in law to facilitate increased participation of Central Police Organisations in investigative work in the States ?

53 4.22 Would you recommend any specific provisions in the Criminal Procedure Code for the conduct of identification parades ?

54 4.23 The police have to deal with the problem of growing violence, particularly in urban areas, by anti-social elements, goondas, hoodlums, etc. There is a view that any action taken against them under the normal law for any specific offence does not have the desired deterrent effect on them. It has been suggested that new provisions should be evolved in the Cr. P. C. to provide for— (i) externing them from the urban areas, where they normally operate;

(ii) segregating them and confining them to settlements where they can be gainfully employed

under proper supervision;  
and (iii) preventive  
detention in extreme cases.

These provisions will be made applicable only to professional criminals involved in violent crimes. What is your reaction to this suggestion ?

55 4.24 Section 106 Cr. P. C. empowers a Sessions Court or a First Class Magistrate to bind over a person for keeping the peace for a period up to 3 years at the time of convicting him of an offence which involves assault or use of criminal force or committing mischief, criminal intimidation, etc. In actual experience, quite a number of such cases involving violence are dealt with in Second Class Magistrate's Courts. Second Class Magistrate would seldom pass on a case file to a First Class Magistrate at the time of conviction for the mere purpose of applying Section 106 Cr. P. C. It has been suggested that, in actual practice, it would facilitate effective control over the activities of criminals who come to notice in offences involving violence if the powers under Section 106 Cr. P. C. can be exercised by Second Class Magistrates also. Would you support an amendment of Section 106 Cr. P. C. to this effect ?

56 4.25 People are generally very reluctant to co-operate with the police during

investigations. Do you think it is because of—

- (i) discourteous and harassing treatment meted out to them by police officers at various stages of investigation;
  - (ii) their having to spend long hours with the police to the detriment of their normal avocation for which they are not compensated;
  - (iii) the likelihood of their continued involvement in subsequent court proceedings where they will be harassed by protracted procedures and humiliating cross-examination;
  - (iv) lack of facilities in courts for reasonable comfort and compensation for their absence from their normal work;
  - (v) insufficient number of courts and their centralised location which involves long journeys for the parties concerned; and (vi) public lack of confidence in satisfactory outcome of police investigation or court trial ?
- Besides the above are there any other reasons, in your view, which make the public shy away from the police ?

57 4.26 What are your specific suggestions for eliminating the use of third degree methods by police during investigations ?

#### Prosecution

*Sl.No. Code No.*

58 4.27 What are the reasons, in your opinion, for the failure of quite a few criminal cases in court ? What remedial measures would you suggest in this regard ?

59 4.28 What practical measures would you suggest for close co-ordination of work between the investigating staff and the prosecuting staff within a district ?

60 4.29 A view has been expressed that after the Criminal Procedure Code, 1973, came into force, the interaction between the investigating staff and the prosecuting staff has become ineffective and this has affected the progress of cases in court. Do you agree with this view ? If so, what remedial measures would you suggest ? Have any measures been implemented in your State ? If so, what has been their effect ?

61 4.30 In particular, would you agree that effective co-ordination between the two wings can be brought about by placing the prosecuting staff under the control of Inspector General of Police ?

62 4.31 What set up would you recommend for the recruitment, training and posting of prosecuting staff in a district, having regard to the need for—  
(i) adequate knowledge on the part of prosecutors about the realities of investigational work in the field;  
(ii) close interaction with the investigating staff; and (iii) a satisfactory promotional career for the prosecutors within their system ?

63 4.32 Would you recommend any modifications in Section 321 Cr. P. C. relating to withdrawal of prosecution ? One criticism of the existing procedure is that the decision to move the Court for withdrawal can be taken by the executive on grounds which are not required to be disclosed fully in Court ? What revised procedure would you suggest to ensure that the grounds for withdrawal would be fully subject to judicial scrutiny ?

- 64 4.33 Under the existing practice, a criminal offence that is prima facie disclosed in the report of inquiry conducted under the Commissions of Inquiry Act, 1952, is once again gone into by a process of regular investigation by a police agency under the Cr. P. C. and then the matter is taken to court on the basis of available evidence. This entails considerable delay in the disposal of the entire matter. A view has been expressed that the Commissions of Inquiry Act may be suitably amended to provide for a draft complaint to be recommended by the Commission itself while giving its report and the Government can, after considering the Commission's report, file that complaint straightway in court for further proceedings. Would you agree with this view ? Or, do you have any other suggestions in this regard ?

#### Court Trials

- 65 4.34 Pendency of cases under trial has risen enormously in the recent years. Compared to about 2 lakhs of criminal cases pending in courts in 1962, there are about 20 lakhs of cases pending in courts now. Gross delays in the disposal of court cases tend to dilute the deterrence of prosecution for containing the activities of criminals.  
What, in your opinion, are the main causes for delays in the disposal of court cases ? What remedial measures would you suggest in this regard ?
- 66 4.35 A suggestion has been made that a large volume of ordinary crimes can be handled and disposed of by village or ward level courts, on the lines of Nyaya Panchayats, assisted by a trained executive. It is further suggested that the emphasis in the proceedings before these courts will be on compounding or levy of fine with adequate compensation to the victim of crime.

107 57. No. Code No. Would you support

this suggestion ?

- 67 4.36 Do you feel there is scope for reducing procedural delays in court proceedings ? If so, please give your specific suggestions for amending the Criminal Procedure Code in this regard.
- 68 4.37 Section 162 Cr. P. C. prohibits the use of statements recorded by police for any purpose other than contradicting a witness during court proceedings. Arguing that a statement which is considered credit-worthy for purposes of contradiction should be held equally credit-worthy for purposes of corroboration also, it has been suggested that this section may be amended to permit statements recorded by police being used for all purposes, subject to the rules of the Evidence Act. Would you support the suggestion ?
- 69 4.38 It has been suggested that the provisions of Section 206 Cr. P. C. may be amplified to cover any offence which is compoundable under Section 320 or any offence punishable with imprisonment upto one year or with fine or with both. What is your view in this matter ?
- 70 4.39 Would you recommend any modifications in the existing procedure for summary trial to eliminate protraction of proceedings ?
- 71 4.40 In the existing procedure for summary trials the initiative has to be taken by the



- court whether to apply the procedure or not. Would you suggest that the procedure be made mandatory in certain categories of offences or that the procedure may be followed on the application made by the prosecuting agency ?
- 72 4.41 Some legal provisions like Sections 25, 26 and 27 of the Evidence Act breathe a total distrust of the Police and this general prejudice, which is implicit in the statute itself, influences the attitudes of other functionaries of the criminal justice system towards the Police.  
Would you recommend suitable changes in law to make the police officers' evidence stand on the same footing as any other person's evidence ?
- 73 4.42 It has been suggested that a new procedure may be evolved in the Criminal Procedure Code for the police themselves to serve infringement notices on the offenders for petty violations of traffic laws and such other regulations, specifying the fine amounts that may 'be prescribed by Government from time to time and authorising the closure of the case if the prescribed fine is paid by the offender either on the spot or at a specified place within a specified period. Would you support this suggestion ?
- 74 4.43 Would you further agree that similar powers of detection and on-the-spot disposal could be given to other functionaries like Home Guards, Traffic Wardens, etc. on a selective basis ?
- 75 4.44 It has been suggested that magistrates and judges should also be exposed to the significance and importance of scientific evidence and the modern aids that are available to police to establish such evidence. This would help a proper appreciation of such evidence in court proceedings. Would you support this suggestion ?

#### Rural Policing

- 76 6.1 The traditional institutions of village chowkidar (or village watchman or talayari as he is called in some States) exists in some areas. Would you recommend any modifications in this system to make it more effective or would you favour its total replacement by some other arrangement of village homeguards or village defence force, etc., on the basis of a new law to be enacted for this purpose ?

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- 77 6.2 Are any changes called for in the policing of rural areas ? Have any new experiments been tried in your State in this matter ? If so, with what results ?
- 78 6.3 It has been suggested that villages could be grouped into an area and a suitable literate villager with an occupation of his own may be selected and enrolled as a Special Police Officer to perform elementary preventive police functions in his area. He will be a paid functionary and can be assisted by a few village chowkidars who may be formally enrolled as Home Guards so that they all act under statutory power and control. A public telephone accessible to all residents shall be installed in the residence of the village Special Police Officer. A scheme of systematic in-service training may be

arranged to cover all such village police officers.

What are your views on this suggestion ?

- 6.4 What is your assessment of the functioning of Nyaya Panchayats in your State in dealing with criminal cases ? Have you any suggestions for improving the system and insulating it from possible political influences ?
- 80** 6.5 Certain tribal areas and remote regions have an indigenous system of inquiries and punishments through the agency of village elders. It has been suggested that such indigenous systems should be further strengthened with appropriate modifications to guard against politicisation of the system. What are your views in this matter ?
- 81** 6.6 To enable quicker disposal of ordinary crimes, in rural areas, it has been suggested that a large number of suitable retired Government officers living in these areas may be empowered to function as Special Judicial Magistrates under Section 13 of the Cr.P.C., 1973. They will require some training and minimal clerical assistance to handle the trial of these cases. What is your reaction to this suggestion ?
- Urban Policing
- 82** 7.1 The minimum population for a city or town to be notified as a metropolitan area under Section 8 of the Cr. P. C. is 10 lakhs. A suggestion has been made that this limit may be reduced to 5 lakhs. Would you support this suggestion ?
- 83** 7.2 What is your assessment of the quality of policing in towns where the police commissionership system is in vogue ?
- 84** 7.3 It has been suggested that the police commissionership system may be extended to all towns with population exceeding five lakhs. Do you support this suggestion ? If not, please give your alternate views with reasons.
- 85** 7.4 In the present system, the police station is the basic unit at the ground level for receiving complaints and initiating police action. A suggestion has been made that the lowest unit may be a police service post which should function merely as a reception centre for receiving any kind of complaint from the public and initiating service oriented action immediately wherever called for. Staff at the service post will be limited and designed for this service role. Matters which require a regular investigation as such involving arrests, searches, seizures, etc. would be bandied by the officer oriented staff located at a mother police station, to which the service posts will be attached. Prompt response of either kind from the mother police station as well as the service post will be ensured by effective telephone/wireless network covering all service posts and the mother police stations. Would you recommend a revised structure as broadly envisaged above ? Or have you any alternate suggestions in this regard ?

*Sl. No. Code No.*

- 86** 7.5 Contraventions of some laws like the Arms Act, Explosives Act, Places of Public Resort Act, Dramatic Performances Act, etc. have a bearing on the local law and order and crime situation. It has been suggested that the executive magisterial powers exercised under these laws by the District Magistrate

may be transferred to the Superintendent of Police to bring about a greater measure of co-ordinated control over the law and order as also crime situation arising from the enforcement of these laws. What are your views in this matter ?

- 87 7.6 It has been suggested that the complement of women police in urban areas may be substantially increased to handle the increasing crimes involving women as victims. What are your specific ideas and suggestions in this regard ?
- 88 7.7 What is your experience of the working of police control room in important cities/towns in your State ? Have you any suggestions for their improvement ?
- 89 7.8 Agitations of different kinds having repercussions on public order have increased, particularly in urban areas. Railways, buses, public buildings and other public property frequently become targets of attack by vandals and anti-social elements under cover of such agitations. Action under the normal law does not always appear effective and deterrent enough to contain such agitations [and secure the safety of public property. A suggestion has been made that a separate self-contained law may be enacted to deal with such public order situations, which would include provisions for— (i) defining new offences relating to damage to public property, even without the element of  
intention;  
(ii) fixing responsibility on the organisers of the agitation or demonstration or procession, etc., for  
acts done by participants thereof;  
(iii) arrest of accused without enlargement on bail for a specified period;  
(iv) placing the burden of proof on the accused to explain the incriminating circumstances established  
against him; and (v) assessment of damage caused by the acts of the participants of the agitation, demonstration,  
etc., and recovery of proportionate amount from the organisers. This new law may initially apply to urban areas that may be notified in this behalf by the State Governments and may be extendable to other areas from time for specified periods. What is your reaction to this suggestion ? Would you suggest any further specific ideas or concepts for inclusion in the new law ?

Modernisation of aids for law enforcement Development of Wireless and *Computer* net work, forensic science laboratories and research

- 90 8.1 While computer facilities and sophisticated wireless network may be organised at the district/ regional/State level, what scientific and mechanical aids and equipment can be practically provided at the operational level at police stations and circles ?
- 91 8.2 Are mobile scientific aid units available in your State ? If so, what are their distribution and operational structure ? What is your assessment of their actual use and practical utility ?

Police and the weaker sections of the community

- 92 9.1 What are the special arrangements in your State for protecting the interests of weaker sections and ensuring for them—  
(a) prompt investigation of crimes in which they are victims;  
(b) adequate employment in the reserved quota; and

*Sl. No. Code No.* (c) social equality and justice in daily life ?

What is your assessment of the efficacy of these arrangements ? Have you any suggestions for improvement in this regard ?

- 93 9.2 A number of complaint from the weaker sections alleging harassment and exploitation fall under the category of non-cognizable offences. Would you recommend that some of these offences be made cognizable ? If so, please specify the offences.

- 94 9.3 What has been the practical effect of the enforcement of the Protection of Civil Rights Act, 1955, in your State ?

- 95 9.4 What special machinery would you suggest for looking into complaints from weaker sections alleging inaction or misconduct by police ?

- 96 9.5 It has been alleged that police handling of communal riots in certain instances has been ineffective.

What, in your opinion, are the reasons for this failure and what remedial measures would you suggest in this regard ?

Prevention of misuse of powers by police

- 97 10.1.1 What are the various situations in which there is scope for misuse of powers by police and what remedial measures would you suggest to eliminate this scope ?

- 98 10.1.2 Would you agree with the view that police response to any complaint from the public is heavily conditioned by :

(i) grossly inadequate manpower, equipment and facilities for performance of work by the police;

(ii) enormous stress and strain in day-to-day performance of duties by the police; and (iii) general apathy and callousness that are seen in different sections of society ?

- 99 10.1.3 What special measures would you recommend in the recruitment procedures to ensure that persons with proper behaviour and responsiveness to public service alone are inducted into the force at various levels ?

- 100 10.1.4 What special measures would you recommend during initial training and also the later in-service training to inculcate in a police officer the proper attitudes to his work and conduct towards the public.

Insulating police from extraneous, illegal, unjust or improper pulls and pressures, administrative and political

- 101 10.2.1 There is a view that the fairness and impartiality of police work are frequently impaired by considerations of the status and wealth of the parties concerned and/or by extraneous pulls and pressures from politicians, executives in Government and other influential groups and individuals. Do you agree with

this view ?

- 102 10.2.2 At what level do you think such pulls and pressures frequently operate in the police ? Is it at the level of—  
(a) constabulary, or  
(b) Sub-Inspectors, or  
(c) Inspectors, or  
(d) Sub-divisional police officers, or  
*Sl. No. Code No. (e) Superintendents of Police, or  
(f) Deputy Inspector General/Inspector General of Police ?*
- 103 10.2.3 Can you specify some typical examples of situations in which such pressures are exerted for securing police action or inaction ?
- 104** 10.2.4 A view is held that straight and honest officials who do not yield to improper suggestions or pressures are often threatened with transfers and that a large number of such transfers actually take place all the year round.  
Do you agree with this view ? Can you also furnish some statistics or typical instances of this kind ? Can you suggest measures for effectively protecting the interests of such officers ?
- 105 10.2.5 It has been suggested that public confidence in the impartiality and objectivity of police functioning would be greatly enhanced if Government's control over police is exercised through a Board of which the Minister in charge of Home portfolio can be the Chairman and Members may be drawn from the Judiciary, Academics including Sociologists of public standing and eminent non-political public men. The Chief of Police will function as Member Secretary of this Board. Police performance in the State will be periodically taken note of by this Board which will be responsible for giving appropriate policy directions and guide lines from time to time. Would you support this suggestion ? If so, would you further indicate some guidelines for selecting the persons to constitute the Board ?  
(This Board will be distinct and different from the Public Security Committee envisaged in question Sl. No. 20, Code No. 3.1).
- 106 10.2.6 A further suggestion has been made that improper pulls and pressures from extraneous sources can be successfully resisted by the police if the Head of the Police force and his senior assistants, i.e., the Director General and Inspectors General are statutorily assured of a tenure of office, with appropriate exceptions to cover the contingencies of promotion, illness, etc. Any transfer within the tenure period should be with the approval of a specially constituted standing body which may be called the State Establishment Board with which the Chairman, UPSC and the Union Home Secretary will also be associated. Would you agree with this suggestion ?
- 107 10.2.7 It has further been suggested that the initial appointment of the Director General of Police and his Inspectors General of Police should be with due regard to seniority and availability from a panel of IPS officers of the State cadre prepared by the State Establishment Board mentioned above. Would you agree with this suggestion ?
- 108 10.2.8 It has also been suggested that appointments, postings, transfers and

suspensions of all the officers of the rank of SP and below will be the exclusive statutory responsibility of the departmental officers at appropriate levels. Some suitable provisions will have to be made in the statute for resolving the situation when the Government and the Head of the Police have different views in any specific case in this matter.

What are your views and what specific statutory provisions would you recommend in this regard ?

#### Mechanism for Inquiry into Public Complaints Against Police

109 10.3.1 Any mechanism for inquiry into alleged police excesses has to command public confidence in the impartiality and objectivity of the inquiry. There is a view that, while ordinary complaints can be legitimately and rightly looked into by the departmental officers themselves, complaints of serious misconduct by police would require handling by an outside agency. Frequent demands are now voiced in Public for judicial inquiries in cases of this kind. A suggestion has been made that in every district there should be an arrangement for an automatic judicial inquiry by a

*Sl. No. Code No.* nominated Sessions or Additional Sessions

Judge into any incident of— (i) death in police custody;

(ii) death or grievous hurt arising from alleged police torture;

(iii) death resulting from police firing; and

(iv) alleged rape of women in police custody.

In conducting this judicial inquiry, the Judge will be assisted by a senior police officer as assessor

who shall be responsible for promptly securing all the connected departmental records as soon as

the specified event occurs.

What is your reaction to this suggestion ?

110 10.3.2 What special measures can be devised to deal effectively with corruption in police at different levels ?

111 10.3.3 What are the aspects of the methods and style of functioning of the police, particularly at the police station level, which cause harassment and inconvenience to public and what remedial measures would you suggest ?

#### Grievance Redressal Machinery Within the Police System

112 10.4.1 The nature of work handled by police officers exposes them to vexatious criminal or other proceedings at the instance of vested interests and anti-social elements. A view is held that the existing provisions in the Police Act and the Criminal Procedure Code (Section 197) are not adequate to protect police officers in the discharge of their duties and responsibilities. What measures would you suggest to ensure effective protection to police officers from such vexatious proceedings ?

## Evaluation of Police Performance

- 113 10.5.1 What norms and determinants would you suggest for evaluating police performance at the level of police station/circle/sub-division/district/range/State ? Existing methods mainly based on statistics of crime detection have led to distortions and gross abuses to the detriment of public satisfaction with police performance and the actual feeling of security enjoyed by the public in any specified area. Can you suggest some workable scheme for ascertaining public opinion about police performance in any given area through a kind of poll that may be organised through nonpolitical volunteer agencies ?

### Public-Police Relationship

114 11.1 There is a view that speculative and distorted reporting in press regarding crimes at the stage of investigation by police causes practical difficulties and prejudices the normal course of investigation. Do you agree with this view ? If so, what remedial measures would you suggest ?

115 11.2 What measures can be devised to bring about a better understanding of police by the public in day to day life and secure public co-operation in police work ?

116 11.3 What role can be played by the press in promoting healthy police-public relationship ?

117 11.4 A suggestion has been made that police-public relationship would benefit largely by increased association of police with the running of Boys' Clubs to promote games and sports among the youngsters and helping them generally with facilities and advice for improving their sports talents. Would you support this suggestion ?

### Sl. No. Code No.

118 11.5 What should be the guidelines for day to day interaction between police and press ?

### Police training, development and career planning

119 12.1 With the proposed abolition of direct recruitment of Deputy Superintendent of Police (vide question at Sl. No. 14 Code No. 2.4), it has been suggested that a small quota should be reserved in each State Cadre of IPS for special recruitment through a limited competitive examination from the rank of Inspectors and Sub-Inspectors in the State, subject to specified minimum educational qualifications and age limitations. Would you support this suggestion ?

120 12.2 What aspects of service conditions in the Indian Police Service affect the morale of Police leadership ? What remedial measures would you suggest in this regard ?

121 12.3 What modifications would you suggest in the existing system of performance appraisal of police personnel so that it may reflect the measure of public satisfaction generated by police performance ?

122 12.4 A suggestion has been made that eligibility for promotion to the ranks of

**SP/DIG/IG** should be conditional on satisfactory performance in special training courses and professional tests organised at a Police Staff College specially designed for this Purpose. What are your views in this matter ?

#### Police and the future problems

- 123 13.1 **It** has been suggested that a Directorate of Planning, Evaluation and Co-ordination may be set up at the Centre with responsibility for—
- (i) co-ordinating the development of computer/wireless network and Forensic Science Laboratories at the Centre and in the States;
  - (ii) overseeing the work of training institutions set up by the Centre;
  - (iii) administration of the Central Crime Record Office;
  - (iv) supervising the work of research and development at the Centre and co-ordinating and analysing similar work done by the research and development units in States;
  - (v) setting norms and evaluating police performance in the States and assisting the Public Security Committees in States in their work;
  - (vi) convening periodic conferences of State Police Chiefs and over-seeing the implementation of ideas/suggestions/recommendations emanating therefrom;
  - (vii) functioning as a focal point for consultation and advice to Government from the enforcement point of view at the stage of drafting of legislation; and
  - (viii) maintaining liaison with police systems in other countries wherever possible and undertaking studies for police development with their co-operation. What is your reaction to this suggestion ?

#### Miscellaneous

- 124 15.1 Senior Police Officers have stated that police involvement in the enforcement of prohibition results in disproportionately large time and man-power being spent on this work to the detriment of prevention and detection of other crimes affecting life and property. This has also induced the spread of corruption, seriously undermining police efficiency. They, therefore, recommend the dissociation of police from this work and its entrustment to some other specialised agency under separate supervision and control.

*Sl. No. Code No.* Would you agree with this view ? If not, please give your alternate views with reasons.

- 125 15.2 Do you feel that the police should continue to be associated with the enforcement of Suppression of Immoral Traffic Act or that they should be dissociated from this work which may be allotted to some other specially recruited agency involving social welfare organisations in a large measure ?
- 126 15.3 In some existing laws police have concurrent jurisdiction along with other specialised agencies like custom, central excise etc.  
**Do** you think that such concurrent jurisdiction should continue ? Or, would you advocate any modifications in this regard ?
- 127 15.4 What norms would you suggest for the location of police stations *vis-a-vis*



population, area and crime ?

- 128 15.5 What norms would you suggest for determining the staff required at police stations and higher supervisory levels ?
- 129 15.6 What guidelines would you specify for the police handling of law and order situations arising from the agitational activities of—  
(a) students.  
(b) industrial labour,  
(c) peasant labour, and  
(d) political parties ?
- 130 15.7 Would you consider the provisions of the Children's Act to be adequate for the protection of juveniles ? If not what amendments would you suggest in the law ?
- 131 15.8 What is your assessment of the working of Probation of Offenders' Act in your State ? What are the existing deficiencies, if any, and what remedial measures would you suggest ?
- 132 15.9 What is your assessment of the performance of home guards in your State ? What specific suggestion do you have for their increased association with police functions, particularly in the prevention of crime and maintenance of public order ?
- 133 15.10 Traffic problems in urban areas are now handled by multiple authorities. For example, the planning and erection of traffic signal lights is the responsibility of one department while their day-to-day maintenance is looked after by yet another department. **It** has been suggested that every major city should have a unified traffic authority under the chairmanship of the chief of police of the city with members drawn from the engineering wing of the local body and the highways department of the State Government besides suitable representatives of the public. This body should be statutorily set up with sufficient finance and powers for handling the traffic problems in a rational and scientific manner. What are your views in this regard ?
- 134 15.11 There is a common complaint that medical attention to the injured in traffic accidents either on the road or on the rail is badly delayed owing to procedural rituals of police investigation on the spot and also lack of adequate number of ambulances at the command of the police. What remedial measures would you suggest in this regard ?
- 135 15.12 A suggestion has been made that the civil police and the armed police may have different colour for their uniform, to make them mutually distinguishable on sight. What are your views on this suggestion ?

## Appendix-II

(Para 3.5-Chapter III)

Statement showing the

**comparison of Emoluments (Pay & D. A.) of Unskilled, Semi-skilled and skilled workers**

of Public Sector Undertakings with the emoluments of Constables

(Rupees)

<i>Emoluments (Pay+DA)</i>	<i>Constable Delhi Police</i>			<i>Bharat Heavy Elect.</i>			<i>Hindustan Steel Ltd.</i>			<i>Hindustan</i>	
	<i>Grade A (NonMatric )</i>	<i>Grade B (Matric)</i>	<i>Unskill ed</i>	<i>Semi skille d</i>	<i>Skille d</i>	<i>Unskill ed</i>	<i>Semi skille d</i>	<i>Skilled</i>	<i>Unskil led</i>	<i>To Se ski d</i>	<i>Se ski d</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	
Pay	210.00	225.00	250	275	320	300	310	330	200	23	
D.A.	118.70	128.25	171	171	171	140	140	140	237	23	
Total	328.70	353.25	421	446	491	440	450	470	437	47	

  

<i>Emoluments (Pay+DA)</i>	<i>Hindustan Aeronautics Ltd.</i>			<i>Hindustan Elect. Corp.</i>			<i>Central Governm</i>		
	<i>Unskilled</i>	<i>Semiskill ed</i>	<i>Skilled</i>	<i>Unskill ed</i>	<i>Semiskil led</i>	<i>Skilled</i>	<i>Peon</i>	<i>Daft</i>	
	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>	
Pay	200	230	265	267	276	320	196.00	200.0	
D.A. Total	237 437	237 467	257 522	165 432	165 441	165 485	112.60 308.60	114.0 314.0	

(Source : Bureau of Public Enterprises, New Delhi)

### Appendix-III

(Para 3.7 Chapter-III)

Total Emoluments Per Month at the Minimum and Maximum of  
Scale in Different Organisations as in June, 1977

Sl. No.	Organisation	peon		Driver		Min. Clerk		Steno (Lowest Min.
		Min.	Max.	Min	Max.	Max.	Max.	
1.	Central Government	337	398	445	572	445	632	478
2.	State Government							
(i)	Maharashtra	324	432	393	639	406	728	431
(ii)	U.P.	238	310	—	—	286	446	476
3.	BEST Undertakings	440	525	470	525	480	915	—
4.	L.I.C.	427	799	553	1006	496	1558	—
5.	Banks (Nationalised)	396	675	690	839	493	1546	—
6.	Engineering	464	865	525	1212	527	2225	—
7.	Pharmaceuticals	420	918	665	1082	708	2383	—
8.	Chemicals	488	986	630	1333	730	2164	—
9.	Fabrication & Forging	433	631	463	768	600	1428	—
10.	Bombay University	347	451	434	560	478	901	—
11.	ONGC (Dehra Dun)	367	445	—	—	—	—	507
12.	B.H.E.L. (Bhopal)	408	498	—	—	468	625	592
13.	H.M.T. (Bangalore)	416	528	—	—	451	595	501

14.	Hindustan Steel (Ranchi)	418	466	—	—	458	758	458
15.	Heavy Eng. Corpn. (Ranchi)	408	438	—	—	493	747	—
16.	Triveni Structural (Naini)	397	472	—	—	477	598	652

*Note* : Serial numbers 1, 2 (i), and 3-10 show emoluments at Bombay. Units at serial number 6-9 relate to the private sector.

Source : Boothalingam Committee Report. May, 1978.

## Appendix IV

(Para 3.7 Chapter IV)

### Prevailing Minimum Wages (Basic+D.A.) in Different Industries/Sectors

Sl. No.	Industry/Sector	Minimum Wages (Rs.)	
		Basic	D.A.
<i>Monthly Rates</i>			
1.	Cotton Textile:	282.52	282.85
	(i) Bombay	160.00	381.10
	(ii) Ahmedabad		202.65
	(iii) Madras		
	(iv) Kanpur (v) Calcutta		
2.	Jute (West Bengal)	160.00	217.40
3.	Iron and Steel (H.S.L.)	300.CO	129.60
4.	Engineering :		

5.	Sugar: (i) Tamil Nadu (ii) U.P.	110.00 110.00	234.00 209.00
6.	Coal	286.00*	131.30
7.	Nationalised Banks	116.00	264.48
8.	General Insurance Corpn.	125.00	285.00
9.	Life Insurance Corporation	125.00	285.00
10.	Central Government	196.00	112.60

\*This includes Rs. 26.00 attendance bonus.

Source : Boothalingam

Committee Report

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*Appendix-V* (Para 3.7 Chapter-III)

Minimum Emoluments of Employees in Certain select Industries/Undertaking in the Organised Sector—January 1978

<i>Sl.No.</i>	<i>Establishments</i>	<i>Basic pay and DA</i>	<i>Basic Pay, DA and Cash allowances</i>	<i>Basic Pay, D allowances a benefits</i>
1.	P & T Workshop, Bombay	Rs. 309	Rs. 350	Rs. 400
2.	Railway Workshop, Bombay	309	350	478
3.	A nationalised Bank at Bombay	380	409	514
4.	A public sector enterprise at Bangalore	424	513	723
5.	Another public sector enterprise at Bangalore	437	549	684

6.	An engineering company at Calcutta	385	418	473
7.	An engineering company at Faridabad	293	384	463
8.	A textile mill at Ahmedabad	421	455	534

*Note :* (i) Total earnings are exclusive of subsidy on account of housing and children's education, except in case of serial nos. 2 and 4.

(ii) Subsidy on account of medical facilities are included except in the case of

serial nos. 1 and 8. *Source :* Boothalingam Committee Report, May 1978.

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*Appendix VI* (Part 3—11, Chapter III)

Extracts from the Report of the Third Pay Commission, 1973 Volume II (Part I — Pages 162-164)

37. We now deal With the police posts below the gazetted level in organisations controlled by the Ministry Of Home Affairs, viz., the Central Reserve Police (CRP), Border Security Force (BSF), Indo Tibetan Border Police (ITBP) and the Intelligence Bureau (IB). Even though posts in the Delhi Police are under the Delhi Administration, We have covered them in this section because of the marked similarities between their pay scales and structure and those of the Central Police Forces. We have also covered here the Police posts in the Central Bureau of Investigation (CBI) which was taken out of the Ministry of Home Affairs in 1970 and attached to the Department of Personnel in the Cabinet Secretariat.

38. The heads of police organisations are of the view that the remuneration provided to the police personnel is inadequate and net commensurate with either their duties and responsibilities or the specially arduous conditions of work. Various bodies like the Punjab Police Commission the Delhi Police Commission and the ARC Working Group *on* Police Administration have all commended the approach enunciated by the Royal Commission on the Police in Great Britain in their interim report (1960). At present, the equation of a Constable's pay (Scale Rs.75-95) is with that of the lower semi-skilled worker. The recommendations of the bodies mentioned above put the Constable, taking the special factors into account, at slightly above the starting salary of a skilled worker. Most of the heads of police organisations have, directly or indirectly, asked for the Constable's pay to be equated to that of a skilled industrial worker.

39. From the stand point of authority and personnel responsibility the police personnel stand apart from the other Government employees. The very nature of police work requires that considerable authority should be vested in even the lowest ranks. The Code of Criminal Procedure, the Police Act and various other special Acts clothe police-officers with powers of arrest and search and these powers in certain circumstances can be exercised without a

warrant or order of a magistrate. Wide powers are also given to the police for prevention of crime and maintenance of public peace and tranquillity. The personnel of armed police and security forces are subject to certain hazards and dangers which are specially marked during operations along the border and in hostile areas. The standards of discipline required of the police necessarily have to be high. This imposes certain restrictions upon the policeman and empowers superior officers to punish misconduct and offences more quickly and severely than is usual in the case of other civilian employees. There are certain other drawbacks in the life of a policeman. Generally, his social and family life is more disturbed than that of persons in other occupations. Personnel in the CRP are frequently moved to trouble spots at short notice. They as also men of the BSF, have to remain separated from their families for long periods of time. In the civil police too personnel are not able to participate fully in the social and other activities of the community due to the peculiar nature of their work. Uncertainty of working hours, liability to work at night and on gazetted holidays, are all inseparable features of police work. In combination, they result in a degree of social segregation, to Which attention has also been drawn by the Royal Commission on the Police (UK).

40. Certain fundamental changes have taken place since Independence in the role and functions Of police personnel. The public is now more vigilant about the way in which the police exercise their authority. On occasions, ordinary lapses on the part of the police can result in ugly situations leading to riots, Lathi-charges and even firing. The tasks of the civil police have become more complex in several ways. In recent years we have witnessed widespread violence, destructions of Government property and use of firearms and explosives on a large scale against the police in various parts of the country. In the investigation of crime, there has been a significant change since Independence. Besides the increase in the volume of crime, the nature of offences has undergone a qualitative change with industrialisation, urbanisation, increase in economic activity and the proliferation of controls and licences. There is now greater need and scope for the application of scientific techniques in the detection of crime and collection and analysis Of intelligence vital to the maintenance of security. It also calls for a higher degree of intelligence to comprehend the modus operandi of sophisticated criminals, to thwart their designs, or to bring them to book, specially where economic offenders are involved. These factors have resulted, in recent years, in the raising of pre-entry qualifications and the view is generally held that Constables of the civil police should be matriculates while those of the armed police may have lower qualifications.

41. We are, therefore, in general agreement with the views which seek to improve the level of remuneration of police personnel. A reasonably well-paid and contented police force is essential to good order, internal security and stability. We feel that in the changed circumstances, the remuneration of police personnel should be fixed after altering the internal relativities in their favour. Our official witnesses shared this view, but they felt that the example of the United Kingdom was not strictly analogous because the conditions in India and the United Kingdom differ materially. We think that it would not be appropriate or rational to single out only one category of Government employees, viz., the Constable, for fixing his pay on the basis of a precise formula like one enunciated by the Royal Commission on the Police in Great Britain, which nevertheless still retain a large subjective element. Having fixed police scales on a some what liberal basis, we are of the view that any further demands for Special Pay, other allowances, or various concessions, (except in those cases specially commented upon by us), for overtime work, calling out on holidays, or special

knowledge of arms etc., should be firmly discouraged.

42. The various police organisations in India can be broadly classified into two groups, the first consisting of the armed police including forces like the BSF, CRP, ITBP and the Delhi Armed Police; and the second comprising the civil and investigatory police serving in the Intelligence Bureau, CBI and the Delhi Civil Police. The special features that we have noted in relation to the duties and responsibilities of the policeman are not identical as between the armed police and the civil police. Most of the witnesses, including senior police officers, were of the view that a distinction in pay scales should be made between the Constable recruited to the civil police and the constable in the armed police. Even today the scales of Constables in the CBI and the IB are better than in the armed police forces like the BSF and CRP. The qualifications are also higher for the constables directly recruited to the CBI, IB and Delhi Civil Police, being matriculation as against 6th or 8th standard for the armed police forces. We have considered it appropriate therefore to prescribe a slightly higher scale for the constables in the civil police.

43. Constables in the CRP, BSF and the Delhi Police are on the scale of Rs. 75-1-85-2-95. Constables in the Delhi Civil Police are now being recruited from among matriculates and they are given 5 advance increments. Constables in the CBI and the IB are recruited from among matriculates to the scale of Rs. 85-2-95-3-110. In the proposals received from several heads of police forces, the main demand is for parity with the scales prescribed for the Punjab Police where the scale has been prescribed in relation to the wages paid to skilled industrial workers. Since the bulk of the police force in the country is employed in the States, we have examined the emoluments admissible to constables serving under the various State Governments. We find that while emoluments under the Central Government lag behind those in five or six States, the emoluments compare favourably with those admissible to the Constables in the majority of State Police forces. There are also certain allowances which are admissible to Constables in the Central Police forces but are not available to the constables in the State Police. We are conscious of the possible repercussions of the pay scales adopted by the Centre for police personnel on the State Governments, and we have, therefore, been careful, when increasing police salaries to see that differences between the scales proposed by us and those prevailing for the corresponding ranks in the States are justified on merits.

44. In our view, the Constable in the armed police forces should be given the scale of Rs. 200-260. In arriving at this conclusion, we have kept in mind the desirability of giving a slight edge to the infantry soldier over the constable in the armed police forces after taking into account the various allowances and benefits admissible to the soldiers and the personnel in the armed police and security forces. We feel that this consideration would remain valid in future also unless there is any alteration in the role assigned to any force or in the recruitment qualifications.

45. In the case of matriculate constables recruited to the Delhi Civil Police, the IB and the CBI considering the qualification prescribed for recruitment, the duties and the degree of individual responsibility, frequent contacts with the public and other factors, we recommend the scale of Rs.225-308. The non-matriculate constables in Delhi Civil Police should be on the scale of pay recommended for the Constables in the Armed Police.

46. The scale of Rs. 225-308 should be admissible to constables discharging police duties and not to those assigned purely orderly duties. In our view, the employment of constables in this scale as orderlies would amount to gross under-utilisation of trained manpower, which could be put to more effective use in the service of the community. We



would, therefore, suggest that the overall strength of Foot Constables should be reviewed and, to the extent possible, such posts as involve purely orderly duties, should be taken out of the cadre of the Foot Constables. Where it is considered necessary in the interest of discipline and other factors to employ constables on orderly duties, they should be remunerated on the scale that we have recommended for the constables of the armed Police viz. Rs. 200-260 without any special pay.

### Appendix-VII

(Para 4.2, Chapter IV)

### Achievement and balance of requirement for police housing

States	Non-gazeted police strength	No. (out of Col. 2) provided housing upto 77-78 end	Percentage No. still of Col. 3 to requiring Col. 2 {Col. 2-Col. 3}		Break-up of Col. 5		Col. 7 perce ofCol
			Upper subordinate	Lower subordinate			
1	2	3	4	5	6	7	8
1. Andhra Pradesh	45,584	14,908	32.7	30,676	2,608	28,068	91.5
2. Assam	29,187	8,382	28.7	20,805	3,200	17,605	84.6
3. Bihar	55,163	23,345	42.3	31,818	4,655	27,163	85.4
4. Gujarat	43,044	31,730	73.7	11,314	728	10,586	93.6
5. Haryana	16,075	7,148	44.5	8,927	1,040	7,887	88.4
6. Himachal Pradesh	7,292	2,669	36.6	4,623	198	4,425	95.7
7. Jammu & Kashmir	13,373	554	4.1	12,819	641	12,178	95.0
8. Karnataka	34,247	17,796	32.0	16,451	1,224	15,227	92.6
9. Kerala	21,719	9,414	43.3	12,305	1,172	11,133	90.5
10. Madhya Pradesh	57,294	31,755	55.4	25,539	1,316	24,223	94.9

11. Maharashtra	82,570	43,507	52.7	39,063	2,489	36,574	93.7
12. Manipur	6,330	683	10.8	5,647	133	5,514	97.6
13. Meghalaya	4,592	1,115	24.3	3,447	536	2,941	84.6
14. Nagaland	8,387	2,069	24.7	6,318	431	5,887	93.2
15. Orissa	26,026	15,367	59.0	10,659	4,253	6,406	60.1
16. Punjab	27,137	13,831	51.0	13,306	1,377	11,929	89.7
17. Rajasthan	40,770	22,895	56.2	17,875	2,103	15,772	88.2
18. Sikkim	1,048	99	9.4	949	47	902	95.0
19. Tamil Nadu	41,388	17,637	42.6	23,751	1,931	21,820	91.9
20. Tripura	5,640	1,790	31.7	3,850	591	3,259	84.7
21. Uttar Pradesh	106,549	70,268	66.0	36,281	3,084	33,197	91.5
22. West Bengal	66,474	16,734	25.2	49,740	8,227	41,513	83.5
<b>Total</b>	<b>739,889</b>	<b>353,696</b>	<b>47.8</b>	<b>386,193</b>	<b>41,984</b>	<b>344,209</b>	<b>89.1</b>

Source : Report of Seventh Finance Commission, 1978

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### Appendix-VIII

(Para 4.6, Chapter IV)

### Amount invested in police housing during 1956-57 to 1977-78

(Rs. Lakhs)

<i>STATES</i>	<i>Central Assistance</i>	<i>State's own Resources</i>	<i>Total</i>	<i>Percentage distributed</i>
<i>total investment</i>				

1	2	3	4	5
1. Andhra Pradesh	635.00	623.44	1258.44	7.87
2. Assam	266.14	391.09	657.23	4.11
3. Bihar	366.44	376.43	742.87	4.64
4. Gujarat	323.52	809.26	1132.78	7.08
5. Haryana	89.50	108.78	198.28	1.24
(67-68 to 77-78)				
6. Himachal Pradesh	72.60	49.43	122.12	0.76
(71-72 to 77-78)				
7. Jammu & Kashmir	278.91	N.A.	278.91	1.74
8. Karnataka	406.67	796.97	1203.64	7.53
9. Kerala	354.81	383.40	738.21	4.62
10. Madhya Pradesh	520.58	128.06	648.64	4.06
11. Maharashtra	634.55	1833.64	2467.99	15.43
12. Manipur	19.80	50.48	70.28	0.44
(71-72 to 77-78)				
13. Meghalaya (72-73 to 77-78)	39.88	12.76	52.64	0.33
14. Nagaland (69-70 to 77-78)	27.61	177.14	204.75	1.28
15. Orissa	371.00	177.00	548.00	3.43
16. Punjab	253.18	264.94	518.12	3.24

17.	Rajasthan	405.28	15.00	420.28	2.63
18.	Sikkim	14.31	N.A.	14.31	0.09
19.	Tamil Nadu	536.66	506.80	1043.46	6.52
20.	Tripura	39.33	16.91	56.24	0.35
21.	Uttar Pradesh	680.00	1566.50	2246.50	14.05
22.	West Bengal	764.80	604.51	1369.31	8.56
Total		7100.46	8892.54	15993.00	100.00

Source : Report of Seventh Finance Commission, 1978.

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*Appendix-IX*

(Para 4.9, Chapter IV)

**Housing for Police Personnel**

—(Lower Subordinates)

Statement showing the total expenditure involved in a programme for providing one hundred per cent housing satisfaction to the Lower Subordinate Head Constables and Constables police personnel

<i>Sl. No.</i>	<i>Name of the States</i>	<i>Non-Gazetted Police Strength</i>	<i>No. of the personnel provided housing accommodation</i>	<i>Percentage of Col. 4 to Col. 3</i>	<i>No. of lower Subordinates still requiring housing accommodation</i>	<i>Cost of construction (Rs.)</i>	<i>Total expenditure involved</i>
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	45,584	14,908	32.7	28,068	24,000	67,36
2.	Assam	29,187	8,382	28.7	17,605	40,000	70,42

3.	Bihar	55,163	23,345	423	27,163	18,000	48,89
4.	Gujarat	43,044	31,730	73.7	10,586	20,000	21,17
5.	Haryana	16,075	7,148	44.5	7,887	35,000	27,60
6.	Himachal Pradesh	7,292	2,669	36.6	4,425	25,000	11,06
7.	Jammu & Kashmir	13,373	554	4.1	12,178	34,200	41,64
8.	Karnataka	34,247	17,796	32.0	15,227	22,500	34,26
9.	Kerala	21,719	9,414	43.3	11,133	19,200	21,37
10.	Madhya Pradesh	57,294	31,755	55.4	24,223	27,000	65,40
11.	Maharashtra	82,570	43,507	52.7	36,574	15,000	54,86
12.	Manipur	6,330	683	10.8	5,514	29,541	16,28
13.	Meghalaya	4,592	1,115	24.3	2,941	25,000	7,35,
14.	Nagaland	8,387	2,069	24.7	5,887	23,750	13,98
15.	Orissa	26,026	15,367	59.0	6,406	29,250	18,73
16.	Punjab	27,137	13,831	51.0	11,929	27,300	32,56
17.	Rajasthan	40,770	22,895	56.2	15,772	25,700	40,53
18.	Sikkim	1,048	99	9.4	902	31,000	2,79,
19.	Tamil Nadu	41,388	17,637	42.6	21,820	17,500	38,18
20.	Tripura	5,640	1,790	31.7	3,259	26,000	8,47,
21.	Uttar Pradesh	106,549	70,268	66.0	33,197	19,200	63,73

22.	West Bengal	66,474	16,734	25.2	41,513	39,400	163,5
						Total	870,2

*Note :* For Lower Subordinates the cost in the average of the cost of quarters excluding cost of land for Constables and Head Constables as intimated by States.

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*Appendix-X* (Para 4.9, Chapter IV)

Housing for Police Personnel (Upper Subordinates)

Statement showing the total expenditure involved in a programme for providing one hundred percent housing satisfaction to the Upper Subordinate police personnel. (Non-Gazetted police personnel from above the rank of Head Constable to Inspector line)

<i>Sl. No.</i>	<i>Name of the State</i>	<i>Non-Gazetted police strength</i>	<i>No. of police personnel provided housing accommodation</i>	<i>%of Col. 4 to Col. 3</i>	<i>No. of Upper subordinates still requiring housing accommodation</i>	<i>Cost of construction (Rs.)</i>	<i>Total expenditure (Rs.)</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
1.	Andhra Pradesh	45,584	14,908	32.7	2,608	46,000	11,
2.	Assam	29,187	8,382	28.7	3,200	58,333	18,
3.	Bihar	55,163	23,345	42.3	4,655	31,667	14,

4.	Gujarat	43,044	31,730	73.7	728	32,500	2,3
5.	Haryana	16,075	7,148	44.5	1,040	46,667	4,8
6.	Himachal Pradesh	7,292	2,969	36.6	198	54,667	1,0
7.	Jammu & Kashmir	13,373	554	4.1	641	47,750	3,0
8.	Karnatak	34,247	17,796	32.0	1,224	40,000	4,8
9.	Kerala	21,719	9,414	43.3	1,172	28,250	3,3
10.	Madhya Pradesh	57,294	31,755	55.4	1,316	39,600	5,2
11.	Maharashtra	82,570	43,507	52.7	2,489	36,000	8,9
12.	Manipur	6,330	683	10.8	133	35,041	46,
13.	Meghalaya	4,592	1,115	24.3	536	54,667	2,9
14.	Nagaland	8,387	2,069	24.7	431	31,333	1,3
15.	Orissa	26,026	15,367	59.0	4,253	44,000	18,
16.	Punjab	27,137	13,831	51.0	1,377	32,850	4,5
17.	Rajasthan	40,770	22,895	56.2	2,103	37,367	7,8
18.	Sikkim	1,048	99	9.4	47	44,000	20,
19.	Tamil Nadu	41,388	17,637	42.6	1,931	34,690	6,6
20.	Tripura	5,640	1,790	31.7	591	37,000	2,1
21.	Uttar Pradesh	106,549	70,268	66.0	3,084	31,867	9,8
22.	West Bengal	66,474	16,734	25.2	8,227	50,100	41,

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Total 17:  
8

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*Note* : For Upper Subordinates the cost of construction 'excluding cost of land'; taken, is the average of the cost of quarters for ASIs (where applicable) S. Is. and Inspectors as intimated by States.

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*Appendix XI* (Para 4.14 Chapter **IV**)

Name of the State .....

Police Housing—Annual progress report for the financial year ending 31-3-19—.

**A. Financial data**

1. State Plan outlay during the year for housing of non-gazetted police personnel from State's own resources :
2. Provision in the State Budget for housing of non-gazetted police personnel during the year :
3. Central assistance received during the year:
4. Amount of Central assistance which remained unutilised at the end of the year :
5. Total expenditure incurred on housing for the non-gazetted policemen during the year out of :
  - (a) State Plan :
  - (b) Central assistance received during the year :
6. Reasons for shortfall, if any :

**B. Physical data**

7. Targets for family quarters (rank-wise):
8. (a) No. of family quarters (rank-wise) which were proposed to be constructed during the year :
- (b) No. of family quarters (rank-wise) actually completed during the year :
9. No. of family quarters under construction (rank-wise) at the end of the year :
10. Total sanctioned police strength (non-gazetted) at the beginning and at the end of the year :
  - (a) Upper Subordinates (rank-wise) =
  - (b) Lower Subordinates (rank-wise) =
11. Total number of non-gazetted police personnel already provided with family accommodation at the **end** of the year :
  - (a) Upper Subordinates (rank-wise) =
  - (b) Lower Subordinate (rank-wise) =
12. Total number of non-gazetted police personnel (rank-wise) still requiring family



accommodation at the end of the year : (This will exclude the family quarters under construction given against S. No. 9)

13. Total number of non-gazetted police personnel (rank-wise) provided with government accommodation of non-family type i.e. barrack or single room :

*Notes :* (1) The word 'year' used in the above columns means the financial year under reference.

- (2) The term "Upper Subordinates" covers police officers of the rank of Inspectors, Sub-Inspectors and Assistant Sub-Inspectors.  
(3) The term "Lower Subordinates" covers Head Constables and Constables.  
(4) The information where asked for rank-wise in the above columns should be given separately for each of the subordinate ranks, namely. Inspectors down below to Constables.

*Appendix XII* (Para 5.7, Chapter V)

Government of West Bengal Home Department

Police

From.-Shri A.C.Maitra,  
Asstt. Secretary to the Govt. of West Bengal,  
To : The Inspector General of Police,  
West Bengal.

Memo No. : 5 734-PL/P61/66 Dated, Calcutta, the 12th Nov., 1966.

The undersigned is directed by order of the Governor to say that the Governor is pleased to accord sanction to the supply of certain items of essential food-stuff, viz., rice, wheat, wheat products, sugar, dal and mustard oil, to all subordinate police officers from the ranks of Sub-Inspectors/Sergeants downwards including wireless Supervisors, Wireless Operators, Mounted Police Sowars and Crew of police boats and Launches, Subedars and Jamadars of the E.F.R. enrolled under the Calcutta Police Act, 1866, Police Act, 1861 and the E.F.R. (Bengal Battalion) Act, 1920 and also to wholetime N.V.F. Personnel on the pay roll of Government at concessional rates and scales as shown in the enclosed Schedules I and II with immediate effect. All losses incurred by the sale of these items at Subsidised rates will be borne by Government.

2. The Governor is also pleased to direct that in carrying into effect the above decision the following instructions should be strictly followed :

- (i) Necessary administrative and operational arrangements should be made by the respective Superintendents of Police, Commandants of Armed Police Battalions (including E.F.R.) and the Commissioner of Police for the Supply of the ration at the scales and rates shown in Schedules I and II without incurring any extra expenditure to Government for operational

staff.

- (ii) For the purpose of operating the scheme supply centres should be opened at convenient places and the existing family ration cards of the police personnel (both in the Statutory and modified rations areas) upto a maximum of 4 adult units should be registered with the supply centres.
- (iii) The scales of ration shown in Schedules I and II are liable to modification should the supply position or the introduction of any separate form of general rationing in any part of the State, so require.
- (iv) The provisions in Para I above do not give any police officer a right to claim that any particular item shown in Schedules I and II shall be provided where, in the opinion of the Superintendents of Police, Commandants or Commissioner of Police, the supply of that article is difficult or cannot be arranged for reason beyond control or without incurring undue expenses.
- (v) The privilege of purchasing rations at the concessional rates and scales as shown in Schedules—I and II will be extended to dependents upto the limit of 4 including self (i.e. self, wife and two children) only but the scale of ration in respect of Schedule—I is not applicable to dependents for whom the scale laid down in Schedule II will be applicable.
- (vi) These concessions will not ordinarily be admissible to a police officer or N.V.F. personnel on leave, but the Superintendents of Police, Commandants or Commissioner of Police, may permit an officer to continue to draw the rations from the police stores if, though on leave, he or his family remains at the station at which he was posted while on duty. This concession will also be admissible to officers on suspension or who are undergoing treatment in hospitals. In the case of persons in hospital, only the family will be entitled to these concessions.
- (vii) All purchases of rationed commodities for the purposes of this scheme will be made by the Commissioner of Police, Superintendents of Police and Commandants through the Food and Supplies Department. As regards non-rationed articles purchases may be made through contractors by inviting open tenders and at the lowest rates. Common varieties of the commodities should be purchased at the discretion of the Commissioner of Police, Superintendents of Police and Commandants. (viii) The Commissioner of Police, Superintendents of Police and Commandants will ensure that no loss to Government is incurred from the supply of articles which may not be drawn by the police personnel by reasons of its poor quality so that these may have to be disposed of at an undue loss to Government.

3. The Governor is pleased to sanction advances totalling Rs. 30,00,000 (Rupees thirty lakhs) only to the officers as detailed in Schedule III annexed hereto to finance the purchases for carrying out the scheme, the advances which will be initially debited to the head "Deposits and Advances-Suspense-Suspense Account-Objection Book Suspense-124-Capital outlay Suspense" will be subsequently adjusted under a new head "supply of food stuff to police Force and whole time N.V.F. personnel at Concession rates-Cost of purchase of food stuff", the opening of which is hereby sanctioned, under the head "124-capital outlay on schemes of Government trading-other Miscellaneous Scheme" in the current year's budget.

4. Governor is further pleased to authorise, as a special case under Rule 9 (1) of the Treasury Rules, Vol.

I, the opening of P.L. Accounts by the Officers with the above mentioned advances in the Treasuries/ Sub-Treasuries as indicated in Schedule III annexed here to.

5. Instructions regarding the detailed accounting

procedure will follow. 6. The Accountant-General,

West Bengal has been informed.

Sd/(A.C. Maitra) Asstt. Secy. to the Govt. of  
West Bengal.

#### SCHEDULE-1

(Scale of ration for police personnel)

<i>Items</i>	<i>Quantity per head per week</i>	<i>Subsidised rate p</i>
Rice Wheat or Wheat products Sugar Dal	1kg. 1.5kg. 300 grams 750 grams	0.50
Mustard Oil	250 grams	paise
		0.25
		0.70
		0.60
		2.00

#### SCHEDULE-11

<i>Items</i>	<i>Quantity per head per week</i>	<i>Subsidised kg.</i>
Rice	1kg. 1kg. 300 grams 750	0.50 paise

Sd/(A. C. Maitra) Asstt. Secy. to the Govt. of West Bengal

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