

NATIONAL POLICE COMMISSION

FIRST REPORT OF NATIONAL POLICE COMMISSION
SECOND REPORT OF NATIONAL POLICE COMMISSION
THIRD REPORT OF NATIONAL POLICE COMMISSION
FOURTH REPORT OF NATIONAL POLICE COMMISSION
FIFTH REPORT OF NATIONAL POLICE COMMISSION
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NATIONAL POLICE COMMISSION
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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. Saxena, 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)
relief from his present post.) the Commission (on

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 feedback 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 nature and | These duties are mostly mechanical in |
| (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 exercise | with duties that require application of mind and |
| (4) conducting raid duties. | of judgment. They may be referred to as 'B' type |
| (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 exercise of | These duties involve initiative, |
| (3) inquiry into complaints interaction | discretion and judgment and also |
| (4) collection of intelligence need for | with public with due regard to the |
| (5) assisting investigating officer duties. | towards them. They may be called 'A' type |
| (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.