



LOK SATTA

Foundation for Democratic Reforms

The Indian Police System -a reform proposal

Ebba Martensson

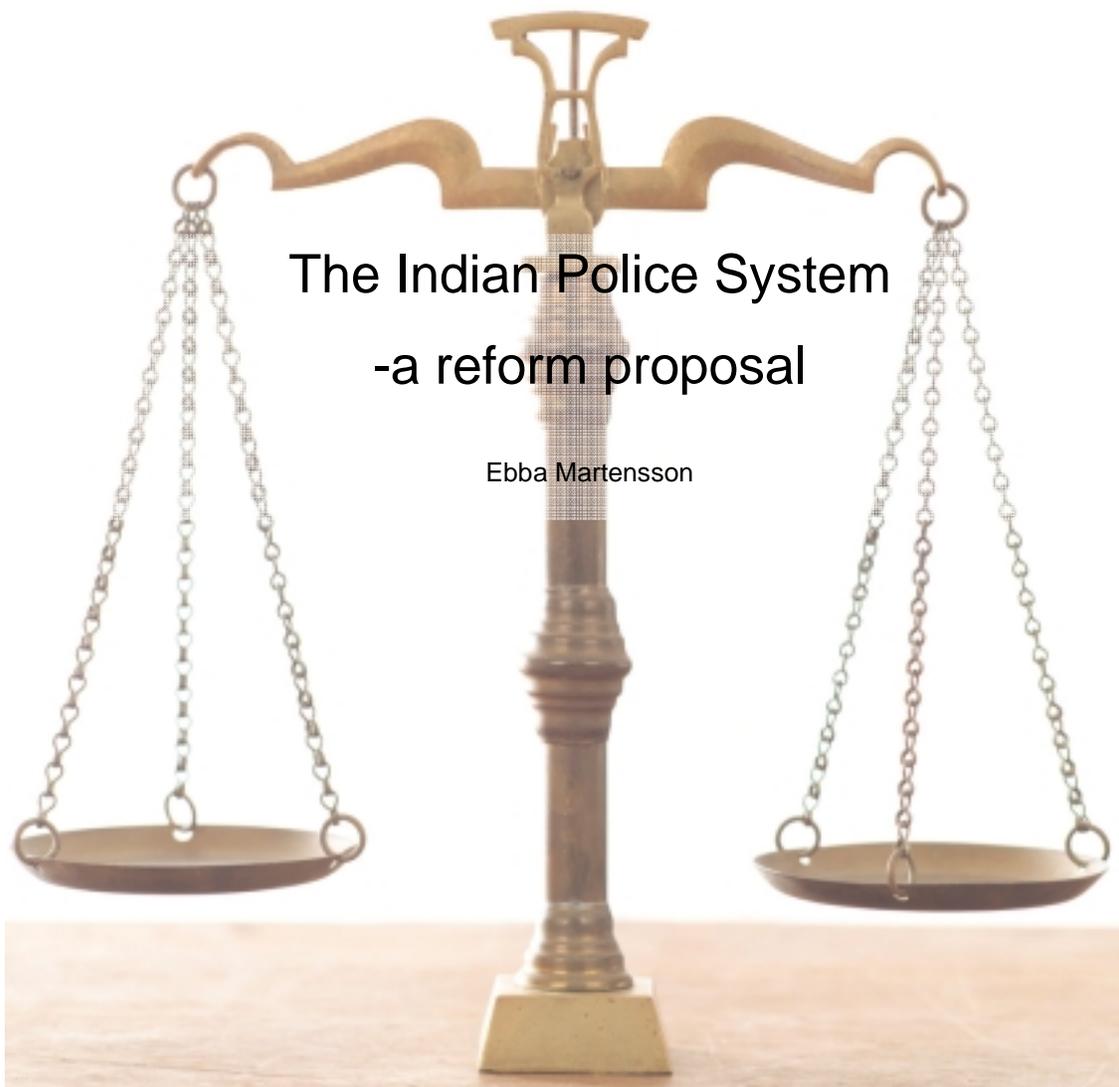


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Acknowledgment

There are many individuals that have made this report possible which otherwise would not be complete without a special gratitude to them.

First of all, Dr Jayaprakash Narayan for handing me this task and for the insight information and support that has made this report possible.

Karthik Chandra, for his patience, guidance and productive discussions on the topic.

They have both helped me understand the insight in a very complex police system and supported me when the cultural differences were a bit too much.

Secondly, two other devoted colleagues need to be acknowledge. Nisar Fatima for helping me to find the information and material I was searching for and Praneeth Ramanavarapu, who has helped me in testing the different ideas in this report, by giving me an insight in the Indian judicial system and contributing with information.

Lastly, I would like to thank the police officers that I have interviewed that took their time introducing me to the Indian police system and for reassuring me that the path I chose is the right one.

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2 September, 2006
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Summary

The current governing instrument of the Indian police force is the Police Act of 1861. Together with the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure it forms the current but outdated police system in India. In India, police is a State subject under the constitution. The police force in modern India is typically burdened with the handling of disparate responsibilities: 1) maintaining routine law and order; 2) riot control; 3) crime investigation; 4) protection of state assets; 5) VIP protection; 6) Traffic control.

The structure in the police force is strictly hierarchical and the decision making is centralised with a few high ranking police officers. Currently there is a four-level entry system to the Indian police force with little or no scope for a fresh recruit rising from the very bottom to the very top within the hierarchy. The minimum age to be recruited is 18 years and the upper limit is 20-27 years depending on the State. Postings and transfers are commonly interfered in, by political influence.

There have been many attempts to reform the Indian police system both on a State level and on a central level. Since 1971 there have been six major reform committees. 1) Gore committee 2) National Police Commission (NPC); 3) Riberio Committee on Police Reforms; 4) Padmanabhaiah Committee on Police Reforms; 5) Group of Ministers on National Security; 6) Malimath Committee on Reforms of Criminal Justice System. However the reform proposals have mostly dealt with the *symptoms* of the crisis rather than with the problems sourced from its *structure* and design. This report has analysed the current structure of the Indian police system and listed 5 structural and design defects with the system: 1) unwarranted political interference and politically driven appointments, transfers and promotions; 2) disparate functions performed by an overburdened police force hindering efficiency and domain specialization; 3) lack of genuine empowerment of personnel; 4) lack of an independent oversight body; 5) inadequate collaboration between the police and the prosecutor.

This report also address issues related to the functional inefficiency in the police system with respect to: 1) hiring of adequate numbers of police personnel 2) training of police personnel 3) technical infrastructure 4) financial resources. In India one police officer is serving approximately 700-750 citizens, while in the UK that number is 1:268 and 1:382 in South Africa. In the Andhra Pradesh only 12% of the state police force is empowered to investigate a criminal case whereas 88% are not. This report also suggests that the current training of the police personnel needs to be strengthened in the regard of specialisation.

Surprisingly, India was also the first country in the world to have a finger print forensic laboratory in 1897. Today there are only 23 labs in the country compared to 203 in the US. Currently there

are only three Central Detective Training Schools in India. The low number of schools causes a problem to ensure continuous training for the Indian police force. Greater resources need to be allocated towards enhancing the capacity of forensic laboratories.

The relation between the police and the public has reached a point where the citizens rather avoid reporting a crime to the police. In a survey done by Transparency International India in 2005, 87% of the respondent to the survey agreed with that there was corruption in the police force, 74% felt that the quality of service they received was inadequate and 47% felt compelled to pay a bribe for their FIR to get filed.

A brief chapter has been included in this Report regarding statistical data, both international and national. While comparing international crime statistics it is important to keep in mind that an absolute comparison can not be made since the definition of the crime can vary from country to country. The crimes compared in this report is 1) homicide; 2) violent crime; and 3) robbery; and is limited to the following 14 countries 1) India; 2) Australia; 3) Canada; 4) Japan; 5) New Zealand; 6) Russia; 7) South Africa; 8) USA; 9) England and Wales; 10) France; 11) Germany; 12) Italy; 13) The Netherlands; and 14) Spain. It showed that the average annual rise of crime in India between the years of 1991 to 2001 is 0.4% while the same was 4.8% in Japan and -1.8% in Canada.

A brief section is also dedicated to the rate of disposal of cases by the police and courts in India. It clearly shows that the courts in the country are backlogged with 84.4% of the murder cases pending trial in the end of 2005. In the police force 40.4% of the murder cases were pending further investigation in the same year.

To substantially improve the functioning of Indian police force and enhance its public accountability the report suggests a three way division of functions into: an independent crime investigation mechanism, maintenance of law and order and local police force (district level) units. To ensure the necessary independence of the police from unwarranted political interference it is suggested that a collegium be set up to appoint a few key officers. Simultaneously, there is a need to constitute an independent oversight body that will have jurisdiction over complaints of obstruction of justice and abuse of authority by the police. At the local level this can be ensured by a local police ombudsman. For a schematic overview see annex A.

Thus it is high time to bring in a new police system in India to ensure greater accountability, efficiency and a citizen service minded approach.

Introduction

This report has been written during the time when the police system and the judicial system have been substantially criticised in the media. Reforms in these areas are required. Normative and ideological changes are crucial, but the immediate and most pressing need is to create a comprehensive police reform.

As the Indian society advances rapidly and the nation itself becomes a major political power in the international arena, domestic institutions are lagging behind and continue to remain inadequate in terms of efficiency.

Without hesitation the Indian police is one such institution, which continues to remain a colonial legacy. The Police Act of 1861, which was drafted by the British as a direct response to the 1857 revolt, still remains as the major governing instrument for the police.

The methodology adopted for writing this paper has involved an extensive collection and analysis of information, in order to understand the existing scenario. This included a review of literature and field interviews of police officers and citizens, in order to gain a first hand understanding of the system.

This report has been written using a descriptive and analytical method. The first section describes the background of the police system today, its function and structure. The second section analyses the problems within the current system and its design defects. The third section gives a brief overview of statistical data in the field both national and international. The fourth section, draw ups the recommendations for a new police system.

It is crucial to understand the root of the problem, which is causing inefficiency in the current police force. Equally important is to focus on constructive solutions, which combat this inefficiency. The main purpose of this report is to explain and understand the problems, as well as to create an effective and workable alternative.

Section I

Brief introduction to the current Indian police system

1. Background

The Indian Police Act (IPA) of 1861 is the current basic governing instrument of the Indian police force. It lays down the structure and functions of the police departments in the country. The IPA was drafted by the British colonisers as a direct consequence of the first war of independence to ensure the police system's subservience to the executive and to remain authoritarian in its contact with the public. It also established the dual control at district level as described by G.P. Joshi

*"The same law introduced a system of dual control at the district level. It put police forces under the command of the district superintendents of police but subject to the "general control and direction" of district magistrates."*¹

Hence according to section 4 of the IPA the police falls under the control of *not only* their superior but *also* of the executive. This was created with the intent to maintain the British rule in the districts in India. Needless to say, the police was neither accountable to the people nor to independent institutions. The police system was designed to a strict hierarchical and military structure, based on the colonial distrust of the lower ranks. The decision making authority lays with a few high placed police officers, while the police constables merely followed orders. After independence, efforts were made to change the political system but the police system still remains almost intact.²

The current administration of the police falls under the IPA; the Indian Penal Code (IPC) of 1862 (amended in 1993); the Indian Evidence Act (IEA) of 1872; and the Code of Criminal Procedure (CrPC) of 1861 (revised in 1898 and 1973). Together they form the current, but outdated, police

¹ Joshi, G.P. (2005) "Police Accountability in India: Policing Contaminated by Politics" (electronic version), *Human Rights Solidarity Vol. 15 No 05 Sep 2005* retrieved August 18, 2006, from <<http://www.hrsolidarity.net/mainfile.php/2005vol15no05/2448/>>

² *Ibid.* and Commonwealth Human Rights Initiative (n.d.) *Police Reforms: India – Police Structure and Organisation* (electronic source) retrieved August 18, 2006 from <<http://www.humanrightsinitiative.org/programs/aj/police/india/history/default.htm>>

system in India.³ There have been some efforts to reform the police system at the state level,⁴ but the efforts have all been based on the IPA of 1861 leaving the colonial legacy and philosophy intact in these acts.⁵

1.1 The current structure and functions of the police

1.1.1 Structure

According to article 246 of the Indian Constitution and section 3 of the IPA, the police force is a state subject and not dealt with at central level. Each state government has the responsibility to draw guidelines, rules and regulations for their respectively police forces. These regulations are found in the state police manuals.⁶

If a state is not upholding law and order, the central government can intervene and take control over the police force according to article 356 of the Indian Constitution (as happened in Kerala in 1959, Tamil Nadu in 1976 and Bihar latest in 1999). Even a specific police investigation can be referred to the Central Bureau of Investigation (CBI) on national level, if the state wants an independent investigation (as done in the investigation of the assassination of Rajiv Gandhi case, the Purulia Arms dropping case and in the Priyadarshini Matto case).⁷

A state is divided into administrative police units. Highest in the hierarchy is the Director General of Police (DGP), who is the head of the state police force and is responsible for administration in the police and for advising the government on police issues.⁸ With the DGP as highest responsible for the state police force, the state is divided into several Zones, Ranges and Districts. Further, the districts are separated into sub-divisions, circles and police stations. Each police station is responsible for a particular area, which they divide into beats and assign personnel to it. The structure of the police force can vary slightly from state to state, due to organisational and administrative convenience and depending on its area and population.

³ Commonwealth Human Rights Initiative (n.d.) *Police Reforms: India – Police Structure and Organisation* (electronic source) retrieved August 18, 2006 from <<http://www.humanrightsinitiative.org/programs/aj/police/india/history/default.htm>> and “*Police Organisation in India*” (Commonwealth Human Rights Initiative 2002) p. 3

⁴ For instance in the states of Delhi, Gujerat, Kerala, Karnataka and Maharashtra *supra* note 1

⁵ *Supra* note 1

⁶ Commonwealth Human Rights Initiative (n.d.) *Police Reforms: India – Police Structure and Organisation* (electronic source) retrieved August 18, 2006 from <<http://www.humanrightsinitiative.org/programs/aj/police/india/history/default.htm>> and “*Report of the Review Committee on the Recommendations of National Police Commission & Other Commissions/Committees on Police Reform*” (March 2005), p. ii

⁷ Jain, M.P. (2003) “*Indian Constitutional Law*”, (Wadhwa Publisher) p. 358-360, Noorani, A.G. (2002) “*Constitutional questions in India*” (Oxford University Press) p.272-285 and Central Bureau of Investigation (n.d.) *Judgement* (electronic source) retrieved August 19, 2006 from <<http://cbi.nic.in/>> /Judgements/

⁸ Commonwealth Human Rights Initiative (n.d.) *Police Reforms: India – Police Structure and Organisation* (electronic source) retrieved August 18, 2006 from <<http://www.humanrightsinitiative.org/programs/aj/police/india/history/default.htm>>

Nevertheless the structure is overall, strictly hierarchical and the decision making power is centralised with a few high ranking police officers.⁹

1.1.2 Function of the police

The functions of the police force in India are multi-faceted. Critics of the police force mean that the functions are too varied and some of them should be outsourced. In that case the police force will have time to focus on core activities like crime investigation and crime prevention. Section 23 of the IPA lists the following functions of the police force:

1. obey and execute all orders and warrants lawfully issued to him by any competent authority;
2. collect and communicate intelligence affecting the public peace;
3. prevent the commission of offenders and public nuisances;
4. detect and bring offences to justice; and
5. apprehend all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient ground exists;

These tasks were listed originally in 1861, the duties have expanded and slightly changed since then and a more recent list of duties would be:¹⁰

1. Maintaining law and order
2. Riot control
3. Crime investigation
4. Protection of State assets
5. VIP protection
6. Traffic control

Every police station in a state is assigned an area where the police are upholding local law-and-order. Each area is in turn divided into different beats.¹¹

Examples of typical police duties are patrolling neighbourhoods for security; solving petty crimes; investigating grave criminal offences and assisting the public prosecution; presenting the accused and bringing witnesses to the court during trial; serving court summons; crowd management and riot control;

⁹ "Police Organisation in India" (Commonwealth Human Rights Initiative 2002) p. 8-13

¹⁰ See also N.S. Saksena's classification in Saksena, N.S. (2002) "Police and Politicians" *Policing in India in the new millennium* (editor P.J. Alexander 2002) p. 49, 50

¹¹ *Supra* note 9, p. 9

protecting important material assets like state monuments and vital installations; ensuring physical safety of important public persons; and directing and managing traffic.

While the IPA describes the duties of the police force, the Code of Conduct for the Police (adopted in 1960)¹² describes the responsibilities of the police personnel. The Code is vague in its description and leaves a lot unsaid. One example is point 4 of the Code of Conduct which sets the rules for use of force.¹³ Point 4 does not mentioned in what context and to what extent the force can be used, leaving too much scope for individual interpretation. Point 5 of the Code draws up the criteria for the achievement of the police force:

"The prime duty of the police is to prevent crime and disorder and the police must recognise that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them."¹⁴

However in the light of recent high profile cases (such as the Jessica Lall case, the Priyadarshini Matto case and the Best Bakery case) the police force has been inefficient and even deliberately counteracting the work of the investigation leading to the failure of the police force according to its own definition.

1.2 The police hierarchy

1.2.1 Recruitment

The current recruitment to the Indian police force is made at four different levels.¹⁵ On one hand the recruitment process can be more efficient having one recruitment process at each level, dealing with fewer applicants than having only one recruitment process for all police recruits. But on the other hand it bars the recruits of the lower ranks to be promoted to the next level. In reality this four level system has led to a very discrepant system. The four levels are:

1. Indian Police Service (IPS) level;
2. Deputy Superintendent of Police level (Dy. SP);
3. Sub-Inspector/ Assistant Sub-inspector level (SI/ASI);
4. Constable level

¹² The Code of Conduct for Police was adopted at a Conference of the inspectors General of Police in 1960 and approved by the Government of India see *"Police Organisation in India"* (Commonwealth Human Rights Initiative 2002) p. 23

¹³ See annex D

¹⁴ *Supra* note 9, p. 24

¹⁵ *Supra* note 9, p. 31

The minimum qualifications prescribed for each level is different. While applicants to the three top levels need a graduation degree, an applicant for the constable level only needs a High School degree as minimum qualification. The minimum age is 18 years and the upper age limit varies from 20- 27 years of age depending on the state.¹⁶

Recruitments to the different levels in the police force are done separately from each other. The IPS police officers are directly recruited to their level. Usually, once a police officer is recruited to one level, he or she stays in this level with few possibilities to rise in the ranks. The worst example is the police constables, lowest in ranks and closest to the people, who have no opportunity to reach any higher than Head Constable.¹⁷

The *Indian Police Service* (IPS) recruits through written tests, personality tests and interviews. Police officers who get accepted into the IPS will start with the lowest rank of Assistant Superintendent with the theoretical possibility to get promoted to DGP. The applicants to the IPS need the minimum qualification of a college degree.¹⁸

Recruitment to *Deputy Superintendent* (Dy. SP) is done by a written examination and interview. The Dy. SP and *Sub-Inspectors* (SI) are either directly recruited or promoted. The State Public Service Commission, in general, recruits SI centrally. The test involves physical efficiency tests, written examination, mentally ability test and interview.¹⁹

Constables are recruited on district level directly to the police force. The tests involve physical measurements, efficiency tests, written examination, interview, medical examination and police verification.²⁰

1.2.2 Postings, promotions and transfers

In the current system of *promotions* in the Indian police force the existing scope for political interference is widely used. Subjective promotions exist and the executive is often directly involved. *Postings and transfers* on the other hand are vested in the hands of the higher ranks in the police hierarchy and apply to all levels. Even here there is scope for subjective judgments and

¹⁶ *Supra* note 9, p. 31, 32

¹⁷ National Police Commission (1979), "*First Report of the National Police Commission*" p. 17

¹⁸ *Supra* note 9, p. 33

¹⁹ *Ibid.*

²⁰ *Supra* note 9, p. 32 for general information on recruiting see: Andhra Pradesh State Police Homepage (n. d.) *Andhra Pradesh Police – Join us* (electronic source) retrieved August 19, 2006 from <<http://www.apstatepolice.org/MayIHelpYou/JoinUs.htm>> /May I help/ Be a COP/ Addl Superintendent of Police (I.P.S.); /May I help/ Be a COP/ Deputy Superintendent of Police/; /May I help/ Be a COP/ Sub Inspector of Police/; and /May I help/ Be a COP/ Police Constable/

rulings. Subsequently many police officers fall under heavy political pressure which can influence day to day police work.

Decisions to promote or transfer an *IPS officer* are solely dealt by the state government.²¹ The state government is suppose to ensure that the most competent IPS officers will be appointed, promoted or transferred to the post where the officer is best suited.

In Andhra Pradesh *Sub-Inspectors* are appointed by the Zonal Inspectors General of Police/DIG and the Commissioner of Police. Vacancies are announced once a year.²²

Constable recruits in Andhra Pradesh get appointed by the State Level Police Recruitment Board (PRB). Vacancies are announced once every year. Recruits to the constable level cannot in general be promoted to any other level. A constable can though, apply for the position of *Head Constable*. The selection criteria for this position are to undergo a 2 ½ month training and a written examination, the selection itself will be made based on seniority.²³

1.3 Previous attempts at Police Reforms

1.3.1 Introduction

After independence the need for police reforms was important and many states set up their own police commissions. The first state police commission was set up in 1959 in Kerala.²⁴ Most of the States had the Police Act of 1861 as a model when drafting the state acts, hence the same idea and structure is found in the State police Acts.²⁵ This sub-chapter will not analyse the former police reform attempts but merely describe briefly the reform commissions after independence. The chapter is based solely on “Report of the Review Committee on the Recommendations of National Police Commission & Other Commissions/Committees on Police Reform” (March 2005).

²¹ *Supra* note 9, p. 41

²² *Andhra Pradesh Police Homepage* (n.d.) (electronic source) retrieved August 20, 2006 from <http://www.apstatepolice.org/html/appm/chart/IG%20RECRUITjr_off%20CHAPTER4.htm>

²³ *Andhra Pradesh Police Homepage* (n.d.) (electronic source) retrieved August 20, 2006 from <http://www.apstatepolice.org/MayIHelpYou/joinus_constable.htm>

and <http://www.apstatepolice.org/html/appm/chart/IG%20RECRUITjr_off%20CHAPTER4.htm>

²⁴ For exhaustive list of State Police Commissions see: “*Report of the Review Committee on the Recommendations of National Police Commission & Other Commissions/Committees on Police Reform*” (March 2005), p. 3, 4

²⁵ Joshi, G.P. (2005) “Police Accountability in India: Policing Contaminated by Politics” (electronic version), *Human Rights Solidarity Vol. 15 No 05 Sep 2005* retrieved August 18, 2006, from <<http://www.hrsolidarity.net/mainfile.php/2005vol15no05/2448/>>

1.3.2 Gore Committee on Police Training 1971 - 1973

The Gore Committee on Police Training was set up to review the training of the state police from constabulary level to IPS level. The committee made 186 recommendations, 45 of those were related to police reforms. The recommendation that relates to the police training has mostly been implemented however the reforms relating to the structure of the police system has on the other hand been overlooked.²⁶

1.3.3 National Police Commission (NPC) 1977 - 1981

The National Police Commission (NPC) was the first commission to exhaustively review the Indian police system. NPC wrote eight reports in four years. The eight reports suggested all together 291 recommendations all related to police reforms. Most of the recommendations have not been implemented.²⁷

The First Report addresses the constabulary and administrative issues such as pay-structure, housing, redressal of grievances, career planning for constabulary etc. 28 recommendation were suggested but the most important recommendations still need to be implemented in the states.²⁸

The Second Report deals with welfare measures for police families and how to avoid political and executive pressure on the police force. The recommendations propose a new police act to reclassify police duties and responsibilities, postings and tenures of Chiefs of Police, constitution of state security commissions, protection against subjective transfers/suspensions. 33 recommendations were made in the second report, where both the centre government and the state governments need to take action.²⁹

The Third Report focuses on the police force and weaker sections of the society, village police, corruption in the police, economic offences and modernisation. Some of the 54 recommendations are related to postings of Station House Officers /Superintendent of Police, how to combat corrupt police officers as well as guidelines for making arrests. Most of the recommendations have not been implemented.³⁰

The Fourth Report concentrates on the issues of investigation, trial and prosecution, industrial /agrarian issues, social legislation and prohibition. The suggestions deal with registration of the

²⁶ "Report of the Review Committee on the Recommendations of National Police Commission & Other Commissions/Committees on Police Reform" (March 2005), p. 5

²⁷ *Supra* note 26, p. 7, 8

²⁸ *Supra* note 26, p. 6

²⁹ *Ibid.*

³⁰ *Ibid.*

First Information Report (FIR), recording of statements of witnesses, arrest, remand and confession, amongst others. 59 recommendations were suggested, most of them have not been implemented and many of them need amendments of laws.³¹

The Fifth Report attends to issues like recruitment of constables and sub-inspectors, training of police personnel, district police and magistracy, women police and police public relations. 27 recommendations were made in this report. The commission has once again raised the demand for a new police act.³²

The Sixth Report takes up the issues of the IPS, police and students, communal riots and urban policing. 23 recommendations were made, some of them dealing with creation of IPS cadres for central police organisations, compulsory training for promotions for IPS officers.³³

The Seventh Report focuses on the organisation and structure of the police, state armed police battalions and district armed reserves, delegation of financial powers to police officers, traffic regulation, performance appraisal of police personnel, disciplinary control, role of the centre in planning, evaluation and coordination and policing in the North-East of India. 60 recommendations were made, some of them related to restructuring of police stations, separating crime investigation from law and order.³⁴

The Eighth Report addresses the subject of accountability for police performance. This report suggests amongst other 7 major recommendations such as complaints against the police should be defended at governments cost, it also contains a draft bill of a new police act.³⁵

1.3.4 Ribeiro Committee on Police Reforms 1998

The Ribeiro Committee was set up in 1998 on the order of the Supreme Court following a Public Interest Litigation (PIL) on police reforms. The committee proposed five major recommendations related to state security, selection of DGP and complaints against the police, the recommendations have not been implemented.³⁶

³¹ *Supra* note 26, p. 6,7

³² *Supra* note 26, p. 7

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Supra* note 26, p. 8

1.3.5 Padmanabhaiah Committee on Police Reforms 2000

Former Union Home Secretary Shri K. Padmanabhaiah was appointed chairman of the Padmanabhaiah commission in 2000 by the Home Ministry of Affairs. The commission inspected the recruitment to the police force, training, duties and responsibilities, police officers behaviour, police investigations, prosecution, amongst others. The committee suggested 99 actionable recommendations, of which 54 need to be implemented by the central government and 69 needs to be implemented by the state governments.³⁷

1.3.6 Group of Ministers on National Security 2000 – 2001

The Group of Ministers on National Security was worked on four tasks namely a) the intelligence system b) internal security c) border management and d) the management of defence. 62 recommendations were made, 54 needs action taken by the central government and 42 by the state governments.³⁸

1.3.7 Malimath Committee on Reforms of Criminal Justice System 2001 – 2003

The Malimath Committee addressed the principles of the Criminal Justice System, investigation, prosecution, judiciary, crime and punishment. The report has been heavily criticised by human rights organisation for its suggestion of changing the burden of proof.³⁹ The committee made 158 observations and recommendations. There are 55 major recommendations of which 42 have to be implemented by the central government and 26 by the state governments.⁴⁰

³⁷ *Supra* note 26, p. 8, 9

³⁸ *Supra* note 26, p. 9, 10

³⁹ See Amnesty International *“Amnesty International India: Report of the Malimath Committee on Reforms of the Criminal Justice System: Some observations”* (September 19, 2003) (electronic version) retrieved August 22, 2006 from <<http://web.amnesty.org/library/Index/ENGASA200252003>> and International Commission of Jurists *“Criminal Justice Reform in India: ICJ position paper Review of the Recommendations made by the Justice Malimath Committee from an international human rights perspective”* (August 9-10, 2003) (electronic version) retrieved August 22, 2006 from <http://www.icj.org/IMG/pdf/India_crim_justice_reform.pdf#search=%22Criminal%20Justice%20Reform%2C%20ICJ%22>

⁴⁰ *Supra* note 26, p. 10

Section II

Problems in the current Indian police system

2. Police inefficiency

2.1 Introduction

The inefficiency in the current police force can be a result of various factors and can differ from state to state. Many police forces are overburdened and struggling with backlog investigations. To combat these problems it is important to see the reasons *behind* the problem. One reason can be inadequate human resources and inadequate financial means. In the following chapter four policy issues have been analysed and given a short description. The four identified issues are:

1. Training of police personnel;
2. Hiring of police personnel;
3. Technical equipment
4. Financial resources

These four areas together with the structural design defects (chapter 4) gravely affect the outcome of the police force. "Financial resources" will be left out in this report due to limited time for a thorough research in this filed.

2.2 Training of police personnel

Training of police personnel is compulsory at all the four levels in the system. The general training programme for the police recruits is satisfactory, but could be improved in the field of police investigators, according to the Malimath Committee.

"There is, thus, a great need to develop and sharpen investigative skills of the officers through regular training programmes at the induction stage and periodical in-service training courses."⁴¹

⁴¹ "Committee on Reforms of Criminal Justice System Report Volume 1" (India March 2003) Government of India, Ministry of Home Affairs p. 101

Currently there are only three Central Detective Training Schools in India. The small number of qualified training schools complicates the possibility to send police personnel on continuous training.⁴² Apart from the inadequacy of specialised training of police investigators many investigators are opposed to transfers and rearrangements in the force (chapter 4.2). These shortages, together with the inadequacy in modern equipment, result in unprofessional conduct and poor investigations.

2.3 Hiring of police personnel

To ensure an efficient and modern police force it is crucial to have sufficient number of and well trained personnel. Currently in India, one police officer serves 700-750 citizens, compared to 242 in Australia or 382 in South Africa.⁴³

Table 1: Police – Population ratio

Australia 1 : 242 (2003)	United Kingdom <i>England and Wales</i> 1 : 268 (2004)	United States 1 : 392 (2003)
Canada 1 : 188 (2004)	United Kingdom <i>metropolitan area</i> 1 : 420 (2004)	South Africa 1 : 382 (2006)

Data Source: South Africa Police Service Home page⁴⁴

The high figures in India can be explained by a large number of unfilled vacancies in the police forces, this applies to all levels and all over the country. This is not a new phenomenon. Already in the year of 1980 the National Police Commission (NPC) addressed the issue of the understaffed Indian police force in their fourth report. It was established that one police officer was handling 122 cases per year.⁴⁵ The NAC wrote:

"The enormous burden of investigational workload that falls on the available investigating officers is too heavy to be borne with any reasonable efficiency. There is urgent need for increasing the cadre of Investigating Officers."⁴⁶

⁴² The Central Detective Training Schools are located in Kolkata, Chandigarh and Hyderabad. There are state training institutions, but according to the Malimath Committee these institutions seem to be unable to facilitate the required courses. "Committee on Reforms of Criminal Justice System Report Volume 1" (India March 2003) Government of India, Ministry of Home Affairs p. 101

⁴³ *Supra* note 9, p. 26 and South African Police Service Home page (n.d.) (electronic source) retrieved on August 23, 2006 from

<http://www.saps.gov.za/_dynamicModules/internetsite/buildingBlocks/basePage4/BP445.asp>
/SAPS Profile/International comparison

⁴⁴ South African Police Service Home page (n.d.) (electronic source) retrieved on August 23, 2006 from
<http://www.saps.gov.za/_dynamicModules/internetsite/buildingBlocks/basePage4/BP445.asp>
/SAPS Profile/International comparison

⁴⁵ "Fourth Report of the National Police Commission", (Government of India, June 1980) p. 3

⁴⁶ *Ibid.*

It has also been stated that an investigating officer in Hyderabad today has a case work load of approximately 250-300 cases a year which is double compared to the national equivalent in 1980.

Table 2 a: Vacancies in Andhra Pradesh police force

Sanctioned number of personnel	Actual number of personnel	Vacancies
49536	46613	2923

Data source: Crime in Andhra Pradesh 2004⁴⁷

Table 2 b: Vacancies in the ranks

Head-constables and constables	Inspector, SI and ASI	Above ASI
2522	384	17

Data source: Crime in Andhra Pradesh 2004⁴⁸

It is further stated that a desired number of cases per investigating officer per year would be 50 to 60 cases to ensure efficient and fair investigations.⁴⁹ However the Malimath Committee stretch it to a maximum of 10 cases per investigating officer per year.⁵⁰ To enable this aim, for e.g. in Hyderabad the case load on each investigating officer must decrease by 96 percent. To ensure the aim it is either required to employ more investigative officers into the police force, which would demand increased financial resources or to empower already existing personnel in the force to investigate minor criminal offences. The investigative powers lies with ASI and above ranked officers, in Andhra Pradesh this would mean that only 12% of the states police force is currently empowered to investigate a criminal case, whereas 88% is not. Therefore one suggestion to increase the number of investigators would be to empower the 88% to solve minor criminal cases and consequently decrease the number of pending investigations.

Table 3: Police strength in Andhra Pradesh

No. of Head-constables and constables	No. of Assistant Sub-Inspectors and above	Total strength
41088 (88%)	5525 (12%)	46613

Data source: Crime in Andhra Pradesh 2004⁵¹

Never the less a shortage of personnel inevitable results in the overburdening of the police force which will affect the whole judicial system, from investigation to prosecution and ultimately, to the judgement of the case.

⁴⁷ State Crime Records Bureau, "Crime in Andhra Pradesh 2004" (Crime Investigation Department, 2004) p. 165

⁴⁸ *Supra* note 47, p. 165, 166

⁴⁹ Interview with the Indian Police Force in Hyderabad, conducted on 15 February, 2006

⁵⁰ "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. 92

⁵¹ *Supra* note 47, p. 165, 166

2.4 Technical equipment

The world's first finger-print forensic laboratory was established in Kolkata in 1897 and India was during this time the world leader in finger print identification.⁵² Almost 110 years later the situation is different. Today, the forensic science laboratories (FSL) in India are in need of large-scale modernisation, up-gradation and expansion. There are 23 central forensic science laboratories and approximately 17 regional laboratories in total in the country. This can be compared with 203 FSLs in the USA (including private sector laboratories) and 11 FSLs for England and Wales (which is almost the same size and population as Tamil Nadu).⁵³ Currently, only around 5-6% of the registered criminal cases are being referred to the FSLs and the Fingerprint Bureau in India. It is stated in the Malimath Committee report that the present level of equipment and professional training investment are not enough.⁵⁴

The knowledge of cordoning a crime scene and the procedure of collecting evidence has been reported to be inadequate amongst police personnel. Apart from increased education in the field it has also been recommended to have a 'CLUES' team at every police station, a team with basic knowledge and equipment in forensic science to secure important evidence at the crime scene.⁵⁵

Owing to the shortcomings in the training of forensic personnel and in the FSLs, many cases are built solely on oral statements and evidence.⁵⁶ The major problem with oral statements and evidence is that they can easily be withdrawn by the witness or victim at a later stage in court leading to a collapse of a case.

2.5 Conclusion

The neglected areas described are all contributing to the inefficiency of the system today and have to be attended to, in order to have a functioning police force. It is not acceptable that the training facilities and forensic science laboratories are not up to standard. It is equally unacceptable that there are permanent vacancies at all levels of the police force. The easiest solution to this would be to increase the financial resources to the police force to enable it to fulfil minimum standards. If these deficiencies are not properly addressed, even a system with a good structure will not work satisfactorily.

⁵² *Supra* note 9, p. 21

⁵³ "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. 102, 103 and The Forensic Science Service (FSS) UK Homepage (n.d.) (electronic source) retrieved August 24, 2006 from <http://www.forensic.gov.uk/forensic_t/inside/about/index.htm>

⁵⁴ "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. 102-103

⁵⁵ Interview with Indian Police Force in Hyderabad conducted on 15 February, 2006

⁵⁶ Verma, Arvind (July 21, 2005) "Combatting terrorism: lessons from London" (electronic version), *India Together*, retrieved August 24, 2006 from <<http://www.indiatogether.org/2005/jul/gov-policesys.htm>>

3. The relation between the public and the police force

3.1 Introduction

The distrust of the Indian police has reached a point where citizens rather avoid the police than report an incident due to harassment and the discomfort at the police station. Those who are compelled to go to the police sometimes even turn to less legal approaches, such as bribing, using influence or even approaching middlemen.⁵⁷ The current prevailing public attitude is that criminals are getting away from justice.⁵⁸ However this mostly applies to suspects associated with political influence and money. The suspects who have neither are detained by the system and face the risk of third degree measures being used against them after their arrest. The following chapter will display some facts and figures on the relation between the public and the police force, the chapter is solely based on Transparency International India's study "*India Corruption Study 2005*".⁵⁹

3.2 Interaction with the police

Many of the people who participated in Transparency International India's study in 2005 were of the perception that the police personnel had an indifferent attitude towards their complaints.

Table 4: Type of difficulties

SI No	Difficulties faced	Total in (%) percent
1.	Indifferent attitude	64
2.	Corruption	61
3.	Procedural (e.g. use of English language)	43
4.	Non-availability of forms and guidelines	29
5.	Interference of middlemen	11

Data source: "*Corruption Study India 2005*"⁶⁰

It is further displayed that a high number of the participants were of the opinion that corruption is prevailing in the system and the participants did not protest due to fear of retribution (table 5a).

⁵⁷ "*India Corruption Study 2005*" (Transparency International India) p. 31, 33

⁵⁸ Based on recent high profile cases of Jessica Lall, Best Bakery and Priyadarshini Matto, which all stirred a national outrage against the police and the judicial system

⁵⁹ *Supra* note 57, p. 29-38

⁶⁰ *Supra* note 57, p. 31

Table 5a: Perception of corruption

SI No	Perception of corruption	Total in (%) percent
1.	Agree	87
2.	Neither agree nor disagree	7
3.	Disagree	5

Data source: "Corruption Study India 2005"⁶¹

Not only is the perception of corruption high amongst the respondents, but nearly two-thirds of the participants felt that the police was not dedicated to fight this phenomenon within the police force as displayed in table 5b.

Table 5b: Commitment of the police to fight corruption

SI No	Difficulties faced	Total in (%) percent
1.	Committed	20
2.	Indifferent	14
3.	Not committed	64

Data source: "Corruption Study India 2005"⁶²

3.3 The service provided by the police

The Transparency International India study also investigated the respondents' opinion about the service of the police. A vast majority felt that they got an inadequate and low quality service by the police.

Table 6a: Quality of service received

SI No	Quality of service	Total in (%) percent
1.	Inadequate	74
2.	Neither inadequate nor good	14
3.	Good	11

Data source: "Corruption Study India 2005"⁶³

Interesting to note is that many of the respondents adopted alternate ways of ensuring the service of the police. According to the study these alternate methods were bribes, influence and approaching middlemen etc. as stated below.

⁶¹ *Supra* note 57, p. 31

⁶² *Supra* note 57, p. 32

⁶³ *Ibid.*

Table 6b: Alternate avenues used

SI No	Alternate procedures used	Total in (%) percent
1.	Paying additional amount	80
2.	Putting extra efforts	27
3.	Using influence	16
4.	Using political influence	11
5.	Bureaucrats/officials' influence	9
6.	Approaching middlemen	5

Data source: "Corruption Study India 2005"⁶⁴

The study has also listed nine services for which the respondents had paid bribes. Worth noticing is that almost half of the respondents paid a bribe to get their First Information Report (FIR) registered. The FIR is the first step in a police investigation and has to be filed at the police station to start an investigation.

Table 6c: Services for which bribes are paid for

SI No	Services	Total in (%) percent
1.	Registering FIR	47
2.	For avoiding being challaned for traffic offences	16
3.	For avoiding arrest/serving of notices	11
4.	Other activities (bail, other challan, etc)	8
5.	Avoiding arrest	6
6.	Verification of passport	5
7.	Ensuring the case is followed up actively	5
8.	Verification for job	4
9.	Filling of charge sheet in court	3

Data source: "Corruption Study India 2005"⁶⁵

3.4 Conclusion

The numbers displayed above gives a sour picture of the reality in the police force today. It is important to combat these flaws with proper education and training as well as to minimise the scope of corruption by changing the structure in the police force. However it should be emphasised that a new structure and better education will not compulsory change the attitude. Therefore it is essential to separately address these problems.

⁶⁴ *Supra* note 57, p. 33

⁶⁵ *Ibid.*

4. Design Defects in the Indian Police System

4.1 Introduction

It is regarded as an undisputed fact that the crime investigations in India today are inadequate and inefficient. This has been stated repeatedly by the media, committees and expert groups. In 2003 the Malimath Committee stated in their report that:

"The standard of police investigation in India remains poor and there is considerable room for improvement."⁶⁶

They continued by citing the Bihar Police Commission (1961), the Punjab Police Commission (1961-62) and the West Bengal Police Commission (1960-61), all of whom criticise the police investigations for insufficiency and deterioration, in the standards of investigations. The Punjab Police Commission even reports:

"[...] public complained of rudeness, intimidation, suppression of evidence, concoction of evidence and malicious padding of cases."⁶⁷

This reveals that the trust the police enjoyed in India was low in the early 60s but what is worse is that the trend still prevails. The survey done by Transparency International India in 2005 indicates that 74% of the respondents who have been interacting with the police stations in the country feel the police service is inadequate.⁶⁸ The significant high level of distrust is a direct result of insufficient police work connected to inadequate education, training, forensic facilities and structural deficiencies such as arbitrary transfers of police officers.

Despite the criticism over the last forty years, few improvements have been made. The most recent committee to investigate the Indian police and the Indian criminal justice system is the Malimath committee in 2003. In its report the committee identified thirteen obstacles police officers at all levels are currently facing.⁶⁹ Of the above, nine focuses on the *inefficiency* of the system and only four addresses the genuine problem of the police force *structure*. Lok Satta has carefully analysed the current police force and its shortcomings and identified the following five *structural defects* (for a schematic overview see annex B):

⁶⁶ "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. 90

⁶⁷ *Supra* note 66, p. 90, 91

⁶⁸ *Supra* note 57, p. 32

⁶⁹ For further details "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. "Committee on Reforms of Criminal Justice System Report Volume 1" (Government of India, Ministry of Home Affairs, March 2003) p. 89, 90

1. Unwarranted political interference and politically driven appointments, transfers and promotions;
2. Disparate functions performed by an overburdened police force;
3. Lack of genuine empowerment;
4. Lack of an independent oversight body;
5. Inadequate collaboration between the police and the prosecutor

4.2 Unwarranted political interference

As mentioned earlier there are a certain scope for political interference in the police force today, this is particular true in the field of crime investigation, promotions and transfers. The following discussion will focus on these problems and the suggested solutions will be presented later in this report (section IV).

4.2.1 Unwarranted political interference in crime investigation

In theory, the police force functions independently from the executive and is according to the Indian constitution accountable to the state government.⁷⁰ In reality, police personnel are subjected to frequent and arbitrary transfers and they are exposed to unwarranted political pressure. The reasons for this pressure are two fold: corruption and political patronage of criminals.

Financial reasons

The Chief Minister (CM) is dependent on the support of the legislators. This has created a scope for the legislators to pressurise the CM (in exchange for their support) to transfer, promote and appoint certain police officers at various levels. Leading to the transfer of unwanted and inconvenient police officers who can get transferred to a less attractive post or district, while those who are easily influenced can be posted to 'rewarding' or powerful positions. In return for this service these legislators get payments from the involved police officers. This money can be understood to be a return for these legislators, on the massive investments made by them during elections. This is the purely monetary, totally illegitimate, side of political interference. In addition, police officials or politicians may be bribed for suppressing or distorting evidence and to undermine prosecution of a criminal case.

⁷⁰ Seventh Schedule Article 246 List II, the Constitution of India (annex E)

Where does the scope for political interference arise?

In the Indian political system, the voters elect the Members of Legislative Assembly (MLA) and the MLAs vote for their Chief Minister (CM). In theory, the CM and his/her government is accountable to the citizens. But in reality, the CM is accountable primarily to the MLAs because it is their support that keeps him/her in office.

Again, in theory, the government headed by the CM *alone* decides all appointments, transfers and promotions of police officers in a state. But again reality is different. The MLAs (well aware of the government's dependence on their support for survival) can and actually do influence the appointments, transfers and promotions of individual officers, to their benefit.

Huge amounts of money change hands during this process, where chosen officers are posted in and disfavoured officers are shunted out to less 'rewarding' posts. Hence creating the scope for political interference.

Personal reasons

Over the last thirty years, candidates to the state legislature first took the help from less legitimate elements to get elected; and now, increasingly, these elements themselves are getting elected. This has led to known criminals being elected to the state legislature.⁷¹ The police personnel once again get pressured from the legislators for an investigative officer to neglect or close an ongoing investigation. The police investigation officers as well as the public prosecutors are under tremendous pressure *not* to present a strong case in the courts. This is the more dangerous side of political interference, where rule of law and the existence of democratic institutions are being threatened.

Because of the two reasons stated above, it is common that the Chief of Police is changed to suit the legislators whenever a new government is elected. The changes do not merely affect the top levels, but can go all the way down to the Station House Officer, to please the new regime.⁷²

To survive in such a system, police personnel feel compelled to surrender to political influence in their work. This in turn gravely affects the police work, and specifically the criminal investigations. A police investigator, who is one day leading an investigation, can find him/herself transferred the next day to conduct traffic, if he or she resists the pressure of a local MLA.

⁷¹ In 1999 approximately 700 of 4072 legislators had criminal records *source*: Lok Satta Homepage (n.d.) (electronic source) retrieved on August 25, 2006 from <www.loksatta.org > /criminalisation of politics

⁷² *Supra* note 10, p. 65

4.2.2 Appointments, transfers and promotions

In the present police force, appointments, transfers and promotion are mostly based on subjective opinions. Promotion to higher positions directly involves the executive, while transfers and postings are vested in the hands of higher ranked police officer and applied to all levels. Even here the political executive has an important say. A new government usually appoints, transfers and promotes policemen they know are loyal to them.

The same applies to the appointments of prosecutors. In theory, the District Magistrate shall prepare a panel of names of persons that are fit to be prosecutors for the district. The list shall be put forward by the Magistrate and a Judge shall appoint who he or she seems to be fit.⁷³ In practice, it is different. It happens that the state government first recommends names to the Magistrate, which he puts on the panel and hands it back. The listing of the names is based on personal loyalties and political affiliations, rather than on merits and skills.

The result of this is a police force and a prosecution system that rather serve the politicians than the public. Hence the police force cannot function independently under this system.

4.3 Disparate functions performed by an overburdened police force

The current Indian police force is in charge of vast and multi-faceted functions due to vague descriptions of the police duties in the IPA (chapter 1.1.2) and is consequently overburdened by the shortage of trained police personnel. Hence a police officer might be in charge of a sensitive crime investigation one day and the next he or she might be made responsible to conduct traffic or controlling a crowd due to the current structure in the police force.

To ensure a modern and professional police force, the police personnel should be able to specialise in a specific field and work in that field without fear of being transferred. The modern police work includes multi-faceted tasks and it is neither fair nor realistic for a police officer to handle all sorts of duties (ranging from crime investigation to traffic control). If this is the system, it is inevitable that some duties will not be given priority and may even be neglected leading to bad police work and low public trust.

It is therefore recommended in this report to clearly separate the police duties to ensure a professional, efficient and specialised police force (chapter 8).

⁷³ Section 24 (1), (4), (5), (7) and (8) The Code of Criminal Procedure

4.4 Empowerment of police personnel

The hierarchical structure laid down in the IPA originates from the colonial structure and mindset. Hence only a few high ranking police officer have true decision making powers while the manpower is concentrated at the lowest level—constable level. This hierarchical system does not encourage, nor expects the constables to think independently or to take their own initiatives. The constables are strictly following their superiors' orders and acting merely as messenger boys. In Andhra Pradesh 88 % in the police force are ranked Head-constables or Constables, which forms a much skewed system (chapter 2.3). Even the police officers with higher ranking can feel disempowered, their decisions can be undermined either by orders of their superior, or by unwarranted political interference.

This lack of empowerment together with absence of meaningful career growth has contributed to the generally low degree of morale and decreased sense of public responsibility. Therefore this report suggests that empowerment of all police personnel is essential (chapter 8.8).

4.5 Absence of an independent oversight body

The police work today is heavily influenced by unwarranted political interference (chapter 4.2) and police officers can feel compelled to use drastic methods to obtain a confession. Excessive force by police officers are sadly common and the National Police Commission stated already in 1980:

"Police are frequently criticised of their use of third degree methods during investigations while examining suspected or accused persons"⁷⁴

There is also pressure on district police to keep crime statistic low. Often, this is accomplished by merely suppressing crimes, by the simple expedient of not recording complaints and registering the FIR (47% in the *Transparency International India study* felt compelled to bribe the police officer to ensure their FIR got recorded – chapter 3.3). This has lead to both obstruction of justice and abuse of authority, which in the best of cases get investigated by the superior officers unless they themselves are pressured. The Transparency International India concludes that the police force is found to be the most corrupt department in the public service in India. India itself was ranked 90th (of 146 countries) in the Transparency International's 2004 Corruption study.⁷⁵

⁷⁴ National Police Commission (1980), "Fourth Report of the National Police Commission" p. 8

⁷⁵ *Supra* note 57, p. 219

To restore public trust in the police force, an independent oversight body should be created to investigate all allegations of police abuse. Therefore this report suggests the creation of an independent oversight body (chapter 8.6).

4.6 Collaboration between the police and the prosecutor

Article 50 of the Indian Constitution provides the provision of separation between the judiciary and the executive. A clear separation between the both entered into effect after the amendment of the Code of Criminal Procedure in 1974. However, the separation between the police and the prosecutor was taken to such an extent that there is hardly any cooperation between the two. Consequently there is no legal guidance during police investigations, which increase the risk of fragmented cases. Currently the prosecutor will only be involved after the police have filed the charge sheet.⁷⁶

At the same time the prosecutors too are largely opposed to undue political interference. Both investigation and prosecution, which ought to be quasi-judicial functions, are largely driven by subjective political influences.

Therefore this report suggests increased cooperation between the police force and the prosecution as well as an independent prosecution wing (chapter 8.4).

4.7 Conclusion

The above discussed structural design defects are the reasons for the low conviction rates in the country today. The conviction rate of criminal offences (IPC-offences)⁷⁷ has decreased from 65 percent in 1970s to a mere 40 percent in 2000.⁷⁸ It has been indicated that the IPC-conviction rate are as low as 30 percent and approximately two-third of these are admission cases (i.e. the accused admits to the offence without a court hearing). When a charge is contested, tried and convicted in court the true number of conviction rates drops to 10 percent in reality.⁷⁹

⁷⁶ *Supra* note 9, p. 5

⁷⁷ Indian Penal Code-offences, i.e. the offences listed in this specific law

⁷⁸ Law Commission of India (2004) "*189th Report on Revision of Court Fees Structure*" (electronic version) retrieved August 26, 2006 from < <http://www.lawcommissionofindia.nic.in/reports.htm> > and Joshi, G.P. (2005) "Police Accountability in India: Policing Contaminated by Politics" (electronic version), *Human Rights Solidarity Vol. 15 No 05 Sep 2005* retrieved August 18, 2006, from <<http://www.hrsolidarity.net/mainfile.php/2005vol15no05/2448/> >

⁷⁹ Interview with the Indian Police Force in Hyderabad, conducted on 21 February, 2006

Section III

Statistical data

International and national

5. Statistical data

5.1 International comparison of crime rates

5.1.1 Introduction

Countries' legal and administrative systems and in specific the definitions of crimes in various countries remain diverse despite the internationalisation and globalisation of the world. However there are efforts to harmonise the legal area and find universal definitions of crimes between countries and legal disciplines.⁸⁰

While reading this chapter it is crucial to keep in mind that an absolute international comparison of crime statistics and in specific recorded crime levels can be misleading. G. Barclay and C. Travers identified the following six essential factors that affect the recorded crime levels:⁸¹

- a) Different legal and criminal justice systems;*
- b) Rates at which crimes are reported to the police and recorded by them;*
- c) Differences in the point at which crime is measured. For some countries, this is the time at which the offence is reported to the police while for others recording does not take place until a suspect is identified and the papers are forwarded to the prosecutor;*

⁸⁰ This has been done in many international convention and treaties relating to i.e. war crimes, e.g. the *Convention on the prevention and punishment of the crime of Genocide* that has been ratified by 138 countries [source: Office of the United Nations High Commissioner for Human Rights homepage (8 May 2006) "*Convention on the Prevention and Punishment of the Crime of Genocide New York, 9 December 1948*" (electronic source) retrieved August 26, 2006 from <<http://www.ohchr.org/english/countries/ratification/1.htm>> /Countries/ Ratification and Reservations/ Convention on the Prevention and Punishment of the Crime of Genocide/] but there are also efforts in Europe, through the Schengen agreement, to harmonise laws and regulations, specifically in preventing and detecting criminal offences. E.g. Police officers in one Schengen country are allowed to continue the observation of a criminal in another Schengen country and has in urgent cases the right to do so without prior authorisation [source: "Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders" (electronic version in English) *Official Journal L 239*, 22/09/2000 P. 0019 - 0062 retrieved August 26, 2006 from <[http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922\(02\):EN:HTML](http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922(02):EN:HTML)>]

⁸¹ Barclay, G. and Tavares, C. (2001) "International comparisons of criminal justice statistics" *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

- d) Differences in the rules by which multiple offences are counted;
- e) Differences in the list of offences that are included in the overall crime figures;
- f) Data quality

The tables in this chapter are copied from the UK Home Office Statistical Bulletin 12/2003 and modified with external data to fit the specific purpose with this report.⁸² The study is limited in its comparison to the following three crimes due to space:⁸³

1. Homicide
2. Violent crime
3. Robbery

and limited to the following fifteen countries and region:

- | | | |
|-----------------------|---------------------|---------------|
| 1. India | 2. Australia | 3. Canada |
| 4. Japan | 5. New Zealand | 6. Russia |
| 7. South Africa | 8. USA | 9. EU average |
| 10. England and Wales | 11. France | 12. Germany |
| 13. Italy | 14. The Netherlands | 15. Spain |

The aim of this chapter is to try to give an international comparison of the Indian crime rate and police performance.

5.1.2 Rise of crimes

As shown in the table 7 (below) the average rise of crime in India is 0.4% a bit higher than the EU average but definitely lower than Japan and Russia with an annual increase of 4.8% and 3.2% respectively. Looking at the year of 2000-2001 it shows that India had a decrease of crime -0.1% while all the listed countries in the EU (except for Italy) had an increase between 3%-10%.

⁸² *Supra* note 81

⁸³ For a comprehensive comparison please see the "European Sourcebook of Crime and Criminal Justice Statistics – 2003, 2nd edition" (ISBN 90-5454-408-2) (electronic version) retrieved June 26, 2006 from Wetenschappelijk Onderzoek – en Documentatiecentrum, the Netherlands, <http://www.wodc.nl/onderzoeken/onderzoek_212.asp?loc=/onderwerp>

Table 7: Rise of crime, crimes⁸⁴ recorded by the police (percentage changes)

SI No	Country	1991- 2001	1997-2001	2000-2001	Average annual 1991-2001
1.	India ⁸⁵	5.4%	2.8%	-0.1%	0.4%
2.	Australia ⁸⁶	N/A	18%	3%	N/A
3.	Canada ⁸⁷	-17%	-5%	2%	-1.8%
4.	Japan ⁸⁸	60%	44%	12%	4.8%
5.	New Zealand	-4%	-10%	0%	-0.5%
6.	Russia	37%	-6%	-4%	3.2%
7.	South Africa	N/A	N/A	N/A	N/A
8.	USA ⁸⁹	-20%	-10%	2%	-2.0%
9.	EU average ⁹⁰	-1%	4%	3%	-0.1%
10.	England and Wales ⁹¹	-11% ⁹²	-2% ⁹³	7%	N/A
11.	France	8%	16%	8%	0.8%
12.	Germany ⁹⁴	N/A	-3%	2%	N/A
13.	Italy	-18%	-11%	-2%	N/A
14.	The Netherlands	13%	10%	4%	1.2%
15.	Spain	3%	10%	10%	0.3%

5.1.3 Homicide

Regarding crime specific statistical change and in this case the crime of homicide between the year of 1997 and 2001, India is below the average in the EU but higher than Japan, South Africa and the USA as shown in table 8 below. New Zealand has an incredible decrease with 38% and

⁸⁴ More serious offences. In many countries defined as against the “penal code” or “criminal code” and excludes less serious crimes (misdemeanours). The range of offences covered differs between each country and comparisons based upon absolute figures are therefore misleading.

⁸⁵ Incidence of cognizable IPC crimes in India. Source: National Crime Records Bureau (NCRB) “*Incidence of Cognizable Crimes (IPC) Under Different Crime Heads During 1953 To 2004*”, (n.d.) (electronic version) retrieved August 29, 2006 from <<http://ncrb.nic.in/crime2004/cii-2004/1953-2004.pdf>> /Publications/ Crime in India/ Crime in India 2004/ Excerpts National/

⁸⁶ Data selected violent and property crimes. By financial year until 1992 and by calendar year from 1993 onwards. Figures before 1995 are not comparable with later years due to differences in the offences included.

⁸⁷ Includes Criminal Code incidents (violent, property and other crimes within the Criminal Code – e.g. prostitution, arson, mischief). Does not include drugs, traffic, provincial or municipal bylaw violations.

⁸⁸ Excludes traffic, professional negligence and offences against special penal codes such as drugs, firearms and sword control offences.

⁸⁹ FNI Uniform Crime Index covering murder and non-negligent manslaughter, manslaughter by negligence, forcible rape, robbery aggravated assault, burglary, larceny-theft, and the theft of motor vehicles but excludes arson and drugs offences. Excludes the murder and non-negligent homicides that occurred as a result of the attacks on 11 September 2001

⁹⁰ In calculating the EU average, all the countries have been given equal weight.

⁹¹ By financial year from 1994 (e.g. 1994 = 1 April 1994 to 31 March 1995) Expanded offence coverage and revised counting rules from 1 April 1998. *England and Wales*.

⁹² Comparisons between the earlier year and 2001/2002 are based on figures for the financial year 2001/2002 which have been adjusted to take account of the effect of the new counting rules and also using financial year data for the earlier years

⁹³ Comparisons between the earlier year and 2001/2002 are based on figures for the financial year 2001/2002 which have been adjusted to take account of the effect of the new counting rules and also using financial year data for the earlier year.

⁹⁴ From 1992, including former East Germany but only part of East Germany in 1991.

N/A = Data not available

Source (if not otherwise indicated): Barclay, G. and Tavares, C. (2001) “International comparisons of criminal justice statistics” *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

closest follower is Germany with a decrease of 26%. The highest increase of homicide during this period is in Spain with 34% followed by England and Wales with 19%.

Table 8: Homicide,⁹⁵ crimes⁹⁶ recorded by the police

SI No	Country	1997	1998	1999	2000	2001	% change 1997 - 2001	% change 2000 - 2001	Homicides per 100,000 population average per year 1999 to 2001
1.	India ⁹⁷	37543	38584	37170	37399	36202	-3.6%	-3.2%	
2.	Australia	360	332	386	346	340	-6%	-2%	1.87
3.	Canada ⁹⁸	586	558	538	546	554	-5%	1%	1.77
4.	Japan	1282	1388	1265	1391	1340	5%	-4%	1.05
5.	New Zealand	151	99	99	99	93	-38%	-6%	2.50
6.	Russia ⁹⁹	29285	29551	31140	31829	33583	15%	6%	22.05
7.	South Africa	24588	24875	23823	21683	N/A	-16% ¹⁰⁰	-9% ¹⁰¹	55.86 ¹⁰²
8.	USA ¹⁰³	18208	16974	15522	15586	15980	-12%	3%	5.56
9.	EU average	N/A	N/A	N/A	N/A	N/A	11%	33%	1.59
10.	England and Wales ¹⁰⁴	748	750	766	850	891	19%	5%	1.61
11.	France	963	961	953	1051	1047	9%	-0%	1.73
12.	Germany ¹⁰⁵	1178	975	1005	961	868	-26%	-10%	1.15
13.	Italy ¹⁰⁶	924	918	854	818	N/A	-18% ¹⁰⁷	-4% ¹⁰⁸	1.50 ¹⁰⁹
14.	The Netherlands ¹¹⁰	230	207	230	226	264	15%	17%	1.51
15.	Spain	370	429	416	460	494	34%	7%	1.12

⁹⁵ Intentional killing of a person excluding attempts: murder, manslaughter (excluding death by dangerous driving), euthanasia and infanticide; excluding abortion and help with suicide.

⁹⁶ Definitions of offences vary between countries both due to legal differences and statistical recording methods; comparisons may be affected by these differences.

⁹⁷ Source: National Crime Records Bureau (NCRB) "Incidence of Cognizable Crimes (IPC) Under Different Crime Heads During 1953 To 2004", (n.d.) (electronic version) retrieved August 29, 2006 from <<http://ncrb.nic.in/crime2004/cii-2004/1953-2004.pdf>> /Publications/ Crime in India/ Crime in India 2004/ Excerpts National/

⁹⁸ Includes murder, manslaughter and infanticide

⁹⁹ Includes attempts

¹⁰⁰ 1996-2000

¹⁰¹ 1999-2000

¹⁰² 1998 to 2000

¹⁰³ Excludes the murder and non-negligent homicides that occurred as a result of the attacks on 11 September 2001

¹⁰⁴ By financial year from 1997(e.g. 1997=1 April 1997 to 31 March 1998)

¹⁰⁵ Includes homicides recorded by the ZERV (Central Group for the investigation of crime associated with the government and reunification), which were committed in former East Germany or at the border before reunification of the country

¹⁰⁶ Includes murder, manslaughter and infanticide

¹⁰⁷ 1996-2000

¹⁰⁸ 1999-2000

¹⁰⁹ 1998 to 2000

¹¹⁰ Excludes euthanasia

N/A = Data not available

Source (if not otherwise indicated): Barclay, G. and Tavares, C. (2001) "International comparisons of criminal justice statistics" *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

5.1.4 Violent crime

In the category of violent crime during the years between 1997 and 2001 India is doing better than the average of the countries listed in the tables, while India only had an increase of 16.7% of the violent crimes, Australia and the EU average had an increase of 22% and Spain and France 49% respectively 50%. According to the table the biggest decrease was in Russia with -18%

Table 9: (Violent crime),¹¹¹ crimes¹¹² recorded by the police

SI No	Country	1997	1998	1999	2000	2001	% change 1997 - 2001	% change 2000 - 2001
1.	India ¹¹³	271 764	282 677	281 971	289 026	317 209	16.7%	9.7%
2.	Australia ¹¹⁴	162 063	171 012	172 972	179 773	197 219	22%	10%
3.	Canada ¹¹⁵	296 890	296 166	291 327	302 098	309 101	4%	2%
4.	Japan	40 570	41 751	43 822	64 418	72 801	79%	13%
5.	New Zealand	43 442	43 734	42 712	44 887	47 133	8%	5%
6.	Russia ¹¹⁶	119 041	92 697	97 153	93 290	97 954	-18%	5%
7.	South Africa	645 737	661 779	768 932	N/A	N/A	N/A	N/A
8.	USA	1 636 096	1 533 887	1 426 044	1 425 486	1 436 611	-12%	1%
9.	EU average ¹¹⁷	N/A	N/A	N/A	N/A	N/A	22%	5%
10.	England and Wales ¹¹⁸	352 873	605 797	703 107	733 387	813 271	26% ¹¹⁹	11%
11.	France	186 006	194 873	215 698	243 166	279 324	50%	15%
12.	Germany	186 447	186 306	186 655	187 103	188 413	1%	1%
13.	Italy ¹²⁰	64 945	71 775	76 823	74 136	N/A	20% ¹²¹	-3% ¹²²
14.	Netherlands	74 691	76 666	86 587	90 944	101 141	35%	11%
15.	Spain	87 775	91 099	128 496	119 923	130 545	49%	9%

5.1.5 Robbery

In the case of robbery in the period between 1997 and 2001 India had a decrease of 10% which is much better than the EU average which is an increase of 24%. The largest decrease was in New Zealand with -18% and Japan had an exceptional increase with 128%. Exactly what is

¹¹¹ Violence against the person, robbery and sexual offences.

¹¹² Definition of offences vary between countries both due to legal differences and statistical recording methods; comparisons may be affected by these differences.

¹¹³ Includes: Rape, sexual harassment, hurt and robbery; excluding: attempt to commit murder, culpable homicide and theft. Source: National Crime Records Bureau (NCRB) "Incidence of Cognizable Crimes (IPC) Under Different Crime Heads During 1953 To 2004", (n.d.) (electronic version) retrieved August 29, 2006 from <<http://ncrb.nic.in/crime2004/cii-2004/1953-2004.pdf>> /Publications/ Crime in India/ Crime in India 2004/ Excerpts National/

¹¹⁴ Includes murder, attempt murder, manslaughter, driving causing death, sexual assault, kidnapping and abduction, robbery, blackmail and extortion, and assault.

¹¹⁵ Includes homicide, attempt to murder, sexual and non-sexual assault, other sexual offences, abduction and robbery

¹¹⁶ Violence against the person, aggravated assault and sexual offences only

¹¹⁷ In calculating the EU average, all EU countries have been given equal weight.

¹¹⁸ By financial year (e.g. 1997 = 1 April 1997 to 31 March 1998) Revised counting rules from 1 April 1998

¹¹⁹ Comparisons between the earlier year and 2001/2002 are based on figures for the financial year 2001/2002 which have been adjusted to take account of the effect of the new counting rules.

¹²⁰ Includes homicide, injuries, sexual assault, robbery, extortion and kidnapping

¹²¹ 1996-2000

¹²² 1999-2000

behind the huge increase of robbery is not explained in the original source but possible factors can be an actual increase of the crime or a new way of recording robbery with the police or a new legal definition of the crime.

Table 10: Robbery,¹²³ crimes¹²⁴ recorded by the police

SI No	Country	1997	1998	1999	2000	2001	% change 1997 - 2001	% change 2000 - 2001
1.	India ¹²⁵	22 141	23 603	21 332	20 926	19 901	-10%	-4.8%
2.	Australia	21 305	23 801	22 606	23 314	26 565	25%	14%
3.	Canada ¹²⁶	29 587	28 963	28 740	27 037	27 414	-7%	1%
4.	Japan	2 809	3 426	4 237	5 173	6 393	128%	24%
5.	New Zealand	2 032	2 004	1 585	1 779	1 658	-18%	7%
6.	Russia	146 369	160 879	180 111	171 830	193 600	32%	13%
7.	South Africa	122 369	150 430	178 080	197 837	208 932	71%	6%
8.	USA	498 534	447 186	409 371	408 016	422 921	-15%	4%
9.	EU average ¹²⁷	N/A	N/A	N/A	N/A	N/A	24%	5%
10.	England and Wales ¹²⁸	62 652	66 835	84 277	95 154	121 370	92% ¹²⁹	28%
11.	France	80 498	84 291	94 947	109 836	134 281	67%	22%
12.	Germany	69 569	64 405	61 420	59 414	57 108	-18%	-4%
13.	Italy	69 993	73 289	72 836	67 424	66 671	-5%	-1%
14.	Netherlands	14 186	14 447	17 462	18 630	21 064	48%	13%
15.	Spain	104 008	104 475	100 716	93 504	104 735	1%	12%

5.1.6 Police Officers

When comparing crime statistic it can also be useful to know the strength of the police force in the different countries. The table below show the strength of the police force between the periods of 1997-2001. Many of the police forces have increased personnel in the police force except for

¹²³ Stealing from a person with force or threat of force. Includes muggings (bag-snatching) and theft with violence; excludes pick-pocketing, extortion and blackmailing. This table is based on Table 1.4, page 13, the bulletin report

¹²⁴ Definitions of offences vary between countries both due to legal differences and statistical recording methods; comparisons may be affected by these differences.

¹²⁵ Source: National Crime Records Bureau (NCRB) "Incidence of Cognizable Crimes (IPC) Under Different Crime Heads During 1953 To 2004", (n.d.) (electronic version) retrieved August 29, 2006 from <<http://ncrb.nic.in/crime2004/cii-2004/1953-2004.pdf>> /Publications/ Crime in India/ Crime in India 2004/ Excerpts National/

N/A = Data not available

Source (if not otherwise indicated): Barclay, G. and Tavares, C. (2001) "International comparisons of criminal justice statistics" *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

¹²⁶ Includes attempt

¹²⁷ In calculating the EU average, all EU countries have been given equal weight.

¹²⁸ By financial year (e.g. 1997 = 1 April 1997 to 31 March 1998) Revised counting rules from 1 April 1998

¹²⁹ Comparisons between the earlier year and 2001/2002 are based on figures for the financial year 2001/2002 which have been adjusted to take account of the effect of the new counting rules.

N/A = Data not available

Source (if not otherwise indicated): Barclay, G. and Tavares, C. (2001) "International comparisons of criminal justice statistics" *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

France that has a decrease of -10%, the reason for this is not stated in the original source but can be due to structural changes in the police force and increasing the efficiency in the police force.

Table 11a: Number of police officers¹³⁰

SI No	Country	1997	1998	1999	2000	2001	% change 1997 - 2001	% change 2000 - 2001	Police officers per 100 000 population average per year 1999 to 2001
1.	Australia	40 270	40 776	40 570	40 573	40 779	1%	1%	212
2.	Canada ¹³¹	54 719	54 763	55 321	55 974	57 076	4%	2%	182
3.	Japan	226 401	226 401	226 401	226 351	228 843	1%	1%	179
4.	New Zealand	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5.	Russia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6.	South Africa	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7.	USA	618 127	641 208	637 551	654 601	659 101	7%	1%	230
8.	EU average ¹³²	N/A	N/A	N/A	N/A	N/A	3%	0%	337
9.	England and Wales	127 158	126 814	126 096	124 170	125 682	-1%	1%	241
10.	France	224 693	223 582	227 123	233 484	211 258	-6%	-10%	381
11.	Germany ¹³³	229 424	237 786	N/A	237 198	N/A	N/A	N/A	289 ¹³⁴
12.	Italy ¹³⁵	261 082	265 093	273 422	273 211	270 696	4%	-1%	472
13.	Netherlands	39 917	40 340	41 370	42 930	46 341	16%	8%	274
14.	Spain	188 143	187 620	187 152	185 012	184 604	-2%	0%	457

South Africa that has long been struggling with an increase of crime and has one sworn police officer per 384 citizens (table 11b) compared to India with one sworn officer on 700-750 citizens (chapter 2.3 and table 11c).

¹³⁰ All ranks of police officers including criminal police traffic police, border police, gendarmerie, uniformed police, city guard, municipal police. Excludes civilian staff, customs officers, special duty police reserves, cadets, court police.

¹³¹ Excludes border police. Includes part-time officers which are converted to full-times equivalents.

¹³² In calculating the EU average, all EU countries have been given equal weight.

¹³³ Up to 1997, all personnel counted; from 1998 only established (permanent) posts included.

¹³⁴ In 2000

¹³⁵ Includes Polizia di Stato, Arma dei Carabinieri and Corpo della Guardia di Finanza

N/A = Data not available

Source (if not otherwise indicated): Barclay, G. and Tavares, C. (2001) "International comparisons of criminal justice statistics" *Home Office Statistical Bulletin 12/2003*, published October 2003 (electronic version) retrieved August 26, 2006 from <<http://www.crimereduction.gov.uk/statistics30.htm>>

Table 11b: Numbers of police officers in South Africa

Country	Total Number of Police officers	Total population	Ratio of Police Officers
South Africa ¹³⁶	122 070 ¹³⁷	46 888 200 ¹³⁸	1:384

Table 11c: Numbers of police officers in India

Country	Civilian Police 2001	Armed police 2001	Total police strength 2001	Police per 10 000 population in 2001
India ¹³⁹	1 077 415	372 346	1 449 761	14.1

5.2 Disposal of cases by police and courts in India

5.2.1 Introduction

This chapter will give a brief national comparison between cases disposed of by the police force in India and cases disposed of by the Indian courts. The tables displayed are copied from the National Crime Statistic Bureau's Annual Report 2005,¹⁴⁰ due to space limitations some crime headings have been left out in the tables below.¹⁴¹

5.2.2 Cases disposed of by the police

During 2005 no cases were withdrawn by the government in the case of murder, 0.1% of the cases were not investigated, 1.8% was found to be false, 59.5% of the cases were completed and the charge sheet was submitted, 84.7% of the 59.5% were submitted to court and 40.4% were pending for further investigation (table 12a).

In the case of kidnapping and abduction 0.1% was withdrawn by the government, 11.1% of the charges were found false or mistaken of fact, 56.8% of the cases of investigation were completed and 77.0% were submitted to the courts while 42.9% were pending further investigation (table 12a).

¹³⁶ Source: South African Police Service Home page (n.d.) "Police Population Ratio" (electronic source) retrieved on August 23, 2006 from <http://www.saps.gov.za/_dynamicModules/internetsite/buildingBlocks/basePage4/BP444.asp>

¹³⁷ By May 2006

¹³⁸ Mid-year 2005

¹³⁹ *Supra* note 9, p. 26, 27

¹⁴⁰ National Crime Records Bureau (NCRB) "TABLE - 4.3 Percentage of IPC cases disposed of by the police during 2005" *Crime in India 2005* (n.d.) (electronic version) retrieved August 30, 2006 from <<http://ncrb.nic.in/crime2005/cii-2005/Table%204.3.pdf>> /Publications/ Crime in India/ Crime in India 2005/ Tables/ Disposal of cases by police and courts and National Crime Records Bureau (NCRB) "TABLE - 4.11 Percentage of IPC cases disposed of by the courts during 2005" *Crime in India 2005* (n.d.) (electronic version) retrieved August 30, 2006 from <<http://ncrb.nic.in/crime2005/cii-2005/Table%204.11.pdf>> /Publications/ Crime in India/ Crime in India 2005/ Tables/ Disposal of cases by police and courts

¹⁴¹ Crime headings that are cut out are: Kidnapping & abduction of (1) women & girls and (2) others; Preparation & assembly for dacoity; Theft; riots; criminal breach of trust; Cheating; counterfeiting; other IPC crimes; total cognizable crimes under IPC

The crime with the highest percentage of withdrawn investigation in the abstracted table (table 12 a) was the crime of kidnapping and abduction (0.2%); this crime also had the highest percentage of the charge found false or mistaken of fact (11.1%). The crime with the highest final report submitted (in percentage) was the crime of theft (40.7%) and the case with the highest percentage of charge sheets submitted was the crime of sexual harassment (87.1%). The percentage of cases which were pending investigation in the end of the year, importation of girls represented the highest percentage (72%) and sexual harassment the lowest (10.1%).

Table 12a: Percentage of IPC crime cases disposed of by police during 2005

Sl. No	Crime Head	Cases withdrawn by Government	Percentage of cases to total cases for investigation					Percentage of cases pending investigation at the end of the year	Charge sheet rate {(7) / (6) + (7) x100}
			Investigation was refused	In which trials were completed					
				Charge found false/ mistake of fact or law etc.	Final report true submitted	Charge sheets were submitted	Total {(5) + (6) + (7) }		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Murder	0.0	0.1	1.8	8.8	48.8	59.5	40.4	84.7
2.	Attempt to commit murder	0.0	0.1	2.9	6.7	57.9	67.4	32.5	89.7
3.	C.H. not amounting to murder	0.0	0.1	2.4	8.1	56.9	67.4	32.5	87.5
4.	Rape	0.1	0.1	4.4	2.9	61.8	69.1	30.7	95.5
	Custodial rape	0.0	0.0	0.0	25.0	37.5	62.5	37.5	60.0
	Other rape	0.0	0.1	4.4	2.9	61.9	69.2	30.7	95.5
5.	Kidnapping and abduction	0.1	0.2	11.1	10.5	35.2	56.8	42.9	77.0
6.	Dacoty	0.1	0.1	1.8	11.4	30.1	43.3	56.5	72.5
7.	Robbery	0.0	0.1	3.1	18.8	38.1	60.0	39.9	67.0
8.	Burglary	0.0	0.1	2.1	40.7	28.9	71.7	28.2	41.5
9.	Theft	0.0	0.2	2.3	38.6	29.5	70.4	29.4	43.3
10.	Arson	0.0	0.1	8.1	19.0	42.1	69.2	30.7	69.0
11.	Hurt	0.0	0.1	3.4	4.1	76.6	84.1	15.8	94.9
12.	Dowery death	0.0	0.1	3.2	3.0	59.1	65.2	34.7	95.2
13.	Molestation	0.0	0.0	4.8	2.4	77.1	84.2	15.7	97.0
14.	Sexual harassment	0.0	0.0	1.5	1.3	87.1	89.9	10.1	98.6
15.	Cruelty by husband and relatives	0.0	0.1	8.2	3.6	63.7	75.5	24.4	94.6
16.	Importation of girls	0.0	0.0	2.1	3.4	22.5	28.0	72.0	86.9
17.	Causing death by negligence	0.0	0.1	2.7	13.3	64.9	80.9	18.9	83.0

In a 44 year time period the total cases that were investigated have risen from 586 279 to 1 793 835. In 1961 53.6% were charge sheeted while in 2005 the number of charge sheeted

cases had risen to 80.7% as shown in table 12b below. This indicates that despite the huge increase of crime investigation, the police force is managing to charge sheet 80% of the cases.

Table 12b: Disposal of IPC crime cases by police decadal picture¹⁴²

Sl. No	Year	Total no. of cases for investigation (including pending cases)	No. of cases investigated					
			Found False/non cognisable / mistake of fact	Charge sheeted	Total true cases (excluding where investigation was refused)	Total {(4) + (6)} (cases charge sheeted + final report true submitted	Investigated {(7) / (3) x 100	Charge sheeted {(5) x 100 / (6)}
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	1961	696155	54128	285059	532151	586279	84.2	53.6
2.	1971	1138588	83663	428382	810691	894354	78.5	52.8
3.	1981	1692060	127655	740881	1208339	1335994	79.0	61.3
4.	1991	2075718	118626	1091579	1530861	1649487	79.5	71.3
5.	2001	2238379	105019	1303397	1658258	1763277	78.8	78.6
6.	2002	2246845	116913	1335792	1670339	1787252	79.5	80.0
7.	2003	2169268	105383	1271504	1586562	1691945	78.0	80.1
8.	2004	2303354	103249	1317632	1651944	1755193	76.2	79.8
9.	2005	2365658	100183	1367268	1693652	1793835	75.8	80.7

5.2.3 Cases disposed of by the courts

During the year of 2005, the government withdrew 0.0 cases from the court in the case of murder, 0.1% of the cases were compounded or withdrawn, 5.4% were convicted, 10.1% acquitted or discharged and 84.4% were pending trial (table 13a).

In the case of molestation 4.1% of the cases were found compounded or withdrawn, 4.2% were convicted, 9.7% acquitted or discharged while 82% were still pending trial.

The crime with highest percentage of compounded or withdrawn cases in the abstracted table 13a was the case of hurt (4.8%), the crime with the highest percentage of conviction rate was sexual harassment with 13.6% of its cases convicted. The crime with highest percentage of acquitted or discharged cases was the crime of rape (14.6%) and the crime with the highest percentage of its cases pending trials was importation of girls with 88.3% (table 13a).

¹⁴² National Crime Records Bureau (NCRB) "Percentage of IPC cases disposed of by the police during 2005" *Crime in India 2005* (n.d.) (electronic version) retrieved August 30, 2006 from <<http://ncrb.nic.in/crime2005/cii-2005/CHAP4.pdf>> /Publications/ Crime in India/ Chapters/ Disposal of cases by police and courts/ Table 4(A)

Table 13a: Percentage of IPC cases disposed by courts during 2005

Sl. No	Crime Head	Cases withdrawn by Government	Percentage of cases to total cases				Conviction Rate { (4) / (6) x 100}	
			Compounded or withdrawn	In which trials were completed				Pending Trial at the end of the year
				Convicted	Acquitted of discharged	Total {(5) + (6)}		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Murder	0.0	0.1	5.4	10.1	15.5	84.4	34.6
2.	Attempt to commit murder	0.0	0.3	5.4	12.2	17.6	82.1	30.5
3.	C.H. not amounting to murder	0.0	0.2	5.2	10.7	15.8	84.0	32.6
4.	Rape	0.0	0.4	5.0	14.6	19.6	80.0	25.5
	Custodial rape	0.0	0	0	0	0	100	0
	Other rape	0.0	0.4	5.0	14.6	19.6	80.0	25.5
5.	Kidnapping and abduction	0.1	0.7	3.2	10.0	13.2	86.1	24.5
6.	Dacoty	0.0	0.0	2.7	9.2	11.9	88.0	22.8
7.	Robbery	0.0	0.2	3.5	8.1	11.6	88.2	30.1
8.	Burglary	0.0	0.4	4.3	7.6	11.9	87.7	35.8
9.	Theft	0.0	0.4	4.8	7.3	12.1	87.5	39.9
10.	Arson	0.0	0.7	3.2	11.7	14.9	84.4	21.4
11.	Hurt	0.1	4.8	4.5	9.0	13.6	81.6	33.5
12.	Dowery death	0.0	0.5	6.4	12.7	19.1	80.4	33.4
13.	Molestation	0.0	4.1	4.2	9.7	13.9	82.0	30.0
14.	Sexual harassment	0.0	2.5	13.6	11.8	25.4	72.1	53.5
15.	Cruelty by husband and relatives	0.0	2.3	2.5	10.6	13.1	84.7	19.2
16.	Importation of girls	0.0	0.9	3.7	7.0	10.7	88.3	34.8
17.	Causing death by negligence	0.0	0.8	6.2	9.5	15.7	83.5	39.3

Table 13b shows number of cases disposed of in a ten year period from 1961. As clearly shown in the table the percentage of completed trials has decreased with almost 50% from 30.3% to merely 14.5% in 2005. The reason for this has not been stated in the original source but can be due to huge increase in fresh cases as well as backlog of cases and that trials are postponed due to that any of the parties do not show up in court.

5.3 Conclusion

In all the three crimes that have been compared in this chapter the number in India is neither too high nor too low compared to the international statistic. Regarding the disposal of cases by the police force and the courts it clearly shows that a huge percent of cases are pending investigation

and even higher number is pending in trial. When aiming for an efficient police and judicial system efforts and resources have to be increased to combat these huge backlogs.

Table 13b: Disposal of IPC crime cases by courts (decadal picture)¹⁴³

SI No.	Year	Total no. of cases for trial (including pending cases)	No. of cases		Percentage of	
			Tried (excluding withdrawn/composed cases)	Convicted	Trial completed {(4) / (3)}	Conviction {(5) / (4)}
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	1961	800784	242592	157318	30.3	64.8
2.	1971	943394	301869	187072	32.0	62.0
3.	1981	2111791	505412	265531	23.9	52.5
4.	1991	3964610	667340	319157	16.8	47.8
5.	2001	6221034	931892	380504	15.0	40.8
6.	2002	6464748	981393	398830	15.5	40.6
7.	2003	6577778	959567	384887	14.6	40.1
8.	2004	6768713	957311	406621	14.1	42.5
9.	2005	6991508	1013240	430091	14.5	42.4

¹⁴³ National Crime Records Bureau (NCRB) "Percentage of IPC cases disposed of by the police during 2005" *Crime in India 2005* (n.d.) (electronic version) retrieved August 30, 2006 from <<http://ncrb.nic.in/crime2005/cii-2005/CHAP4.pdf>> /Publications/ Crime in India/ Chapters/ Disposal of cases by police and courts/ Table 4(B)

Section IV

A reform proposal:

the new Indian police force

6. Reforming a police force in general

Reforming any police force requires time and patience, close cooperation and involvement of the police force itself. The aim of this report is merely to point towards the structural problems in the modern Indian police force and suggest changes in a larger picture. Details will be left out on *how* to implement the new structure. However, as David H. Bayley points out in *“Democratizing the Police Abroad: What to Do and How to Do it”* there are four general principals that ought to be used to establish a democratic police force. These four principals are (quote):

1. *Police must give top operational priority to servicing the needs of individual citizens and private groups*
2. *Police must be accountable to the law rather than to the government*
3. *Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy*
4. *Police should be transparent in their activities*¹⁴⁴

Principal two and four will be discussed in this report and suggestions will be made how to implement them in the new structure. Since the police force in a country is supposed to uphold law and order, the force is constantly undergoing reforms and changes, some reforms are undertaken solely by national expertise others are undertaken with the help of international expertise and in some instances both. As David H. Bayley writes in his report, few of the lessons learnt have been documented leaving knowledge and lessons to be forgotten. He has therefore collected 17 core lessons in the work of reforming a police system mainly based on academic observations. When undertaking the major task of reforming the Indian police system, the author of this report strongly recommend the implementers to study these 17 points and as far as possible ensue them.

¹⁴⁴ David H. Bayley (June 2001) *“Democratizing the Police Abroad: What to Do and How to Do it”* (electronic version), US Department of Justice, p. 13, 14 retrieved August 30, 2006 from <<http://www.ncjrs.gov/pdffiles1/nij/188742.pdf>> /Publications / the letter D/ Democratizing the Police Abroad: What to Do and How to Do it/ PDF

6.1 Seventeen core lessons of reforming a police force

For an elaboration on each lesson please see the original source by David H. Bayley:¹⁴⁵

1. "Any reform program must be based on a clearly articulated understanding of the connections between the objectives to be achieved and the actions proposed."
2. "Sustained and committed leadership by top management, especially the most senior executive, is required to produce any important organisational change."
3. "The key to changing any aspect of policing is management, that is, the way in which the members of a police organisation are brought to do what policies call for."
4. "Police behaviour cannot be changed by formal reorganisation within the police or by restructuring on a national basis."
5. "Material resources may support desired changes, but they are rarely essential and never sufficient to bring them about."
6. "Significant reform requires widespread acceptance across ranks and assignments in a police department."
7. "When pilot projects are undertaken, they must have committed leadership and personnel who are not continually pulled away for other purposes."
8. "Police officers will not change their behaviour unless they perceive it to be in their personal interest to do so."
9. "Reformers both inside and outside police organisations should be careful not to denigrate the motivation, knowledge, or skill of the people whose behaviour they are trying to change."
10. "Programme evaluations that emphasise outputs rather than outcomes as a measure of success inhibit organisational creativity."
11. "Reform requires that new programmes be monitored so that midcourse changes can be made. At the same time, burdensome evaluation can discourage reform."

¹⁴⁵ *Supra* note 144, p. 19-26

12. "Change is more likely to occur when new resources are made available rather than when existing ones are redistributed."
13. "If the incidence of crime and disorder is thought to be unacceptable or increasing, police reform will be inhibited."
14. "Increasing contacts between police personnel and respectable, non-criminal members of the public in an important way of encouraging the development of an accountable service-oriented police organisation."
15. "Issuing clear statements of organisational policy accompanied by appropriate positive and negative sanctions is a powerful way to change the behaviour of police officers, even in situations of high stress and urgency."
16. "Reform is more likely to occur if police officials are connected to professional networks of progressive police leaders (regional, national and international)."
17. "Labour organisations within the police must be included in the development and planning of any reform programme."

7. Solutions to the inefficiency of the Indian police force

7.1 Introduction

This chapter will give a brief overlook of the three suggested recommendations to improve the Indian police force efficiency. These recommendations are related to improvement of training, equipment and recruitment. Hence this is not a guarantee for a change of the mindset within the police force which must be kept in mind.

7.2 Recruitment

As indicated in chapter 2.2 the training of police personnel must increase especially when it comes to crime investigation and a wider amount of specialisation courses must be offered. However, the first question that comes to mind is whether the recruitment process of police personnel in India is lower in standard than its international counterparts and whether the basic requirements for joining the police force are lower than elsewhere around the world. Should the recruitments be made tougher and should the selection process be more difficult? The following presentation is based on the tables in annex K.

7.2.1 Requirements to apply to the police force – an international outlook

A brief examination at different police forces in the world have been made in this report regarding the requirements needed to apply to a police force in a particular country. The chosen countries are England and Wales, Toronto (Canada), New York, Hong Kong and Sweden, the selection criteria has been based on language and accessibility.

The lowest minimum age amongst these countries and states to apply for the police force is in New York with 17 ½ years and the highest minimum age is in Sweden with 20 years. India has a minimum age of 18 so one cannot argue that the police personnel are recruited too early in age in this case. The lowest maximum age for joining the mentioned police forces is in India where the upper limits stops between the ages of 20-27 depending on the state (chapter 1.2.1) while Western Australia and Sweden have no upper age limit for joining their police forces.

When it comes to educational requirements a candidate for constable level in Hyderabad, India must have passed SSC (10th grade) or its equivalent examination while for instance there are no formal educational qualifications required to join the police force in England and Wales.

One of the police forces' goals are to maintain law and order, therefore it can be believed that police personnel should have an immaculate past. However a criminal record might not exclude applicants from England and Wales, New York and Sweden while applicants in Toronto are not allowed to have a record of criminal convictions. No indicator has been found when it comes to the Indian requirements to apply to the police force as a constable.

Police personnel can be very vulnerable to corruption with this in mind only England and Wales among the selected countries do a check on the applicant's financial history.

7.2.2 The selection process – an international outlook

An equally brief examination has been made of the selection process in the countries and states listed in chapter 7.2.1. The selection process is usually divided into different steps and includes literacy, math knowledge, a physical test and interview(s). England and Wales only have a three step selection process to their police force while Canada has a nine step selection process. In the brief examination conducted for this report the tests in literacy and math highly varies between the different countries and the impression is that the tests in England and Wales are basic (annex I) while the tests in Western Australia is more complicated (annex J).

7.2.3 Conclusions

The requirements for joining a police force in the different countries and their selection process varies to some extent. When it comes to the requirements and selection process in Hyderabad, India it can be stated that it is neither too low nor too high but seems to fall within the general international framework for these procedures.

In India it is important to focus on recruiting to all the vacancies in the police force as stated in chapter 2.3. This is one way to ensure a professional and efficient police force. A police force with inadequate manpower will be overburdened, which results in bad police investigations.

7.3 Training of police personnel

The general training of police personnel in India is satisfactory but as mentioned in chapter 2.2 there need to be an improvement in specialisation, specifically in criminal investigation. To enable this aim more funds need to be invested in the training sector. This is needed to maintain high standards of the police work and to ensure that the police are up to date in different areas. It is important to remember that police work is time consuming, special training courses will improve the police personnel's individual skills. Therefore, it is crucial that training and specialisation courses are emphasised and allowed sufficient funds.

7.4 Increased forensic resources

In a modern society it is important that the police force has access to quality forensic science laboratories and educated, professional personnel. To reach this goal, there has to be greater resource allocations, including financial investments into this field. In the long run, the aim should be to have multiple high-quality laboratories and centres of excellence in each state, to cope with the high case load. These centres should have a two fold function: 1) to investigate crime scenes and analyse evidence; 2) to do substantial research in the forensic science area to develop and improve different methods in the field.

7.5 Conclusion

To ensure that the police force in India will be up to date and keep a high professional standard, it is vital to allocate more financial resources and ensure guaranteed increase in resource allocation to the areas described in this chapter. Without such means, the police force is bound to be inefficient.

8. The creation of a new police force system

8.1 Introduction

Section II in this report has analysed the structural shortcomings in the present police force. This chapter suggests a new structure for the police force where the current police force structure will be divided into three entities. The first is an independent crime investigation unit, the second is a unit handling serious law and order issues (e.g. riot control) and the third is empowering of the local police.

To separate the crime investigation from law and order is not a unique suggestion and has been suggested in the sixth and seventh report of the NPC. These reports have suggested that the crime investigation unit should be separated from the law and order unit but both units should still fall under the same station house officer (SHO).¹⁴⁶

In general most of the earlier proposals from various police reform commissions have concentrated largely on issues related to the *symptoms* of the system rather than on *structural issues*. However, in order to create a comprehensive reform, there has to be a substantial structural change.

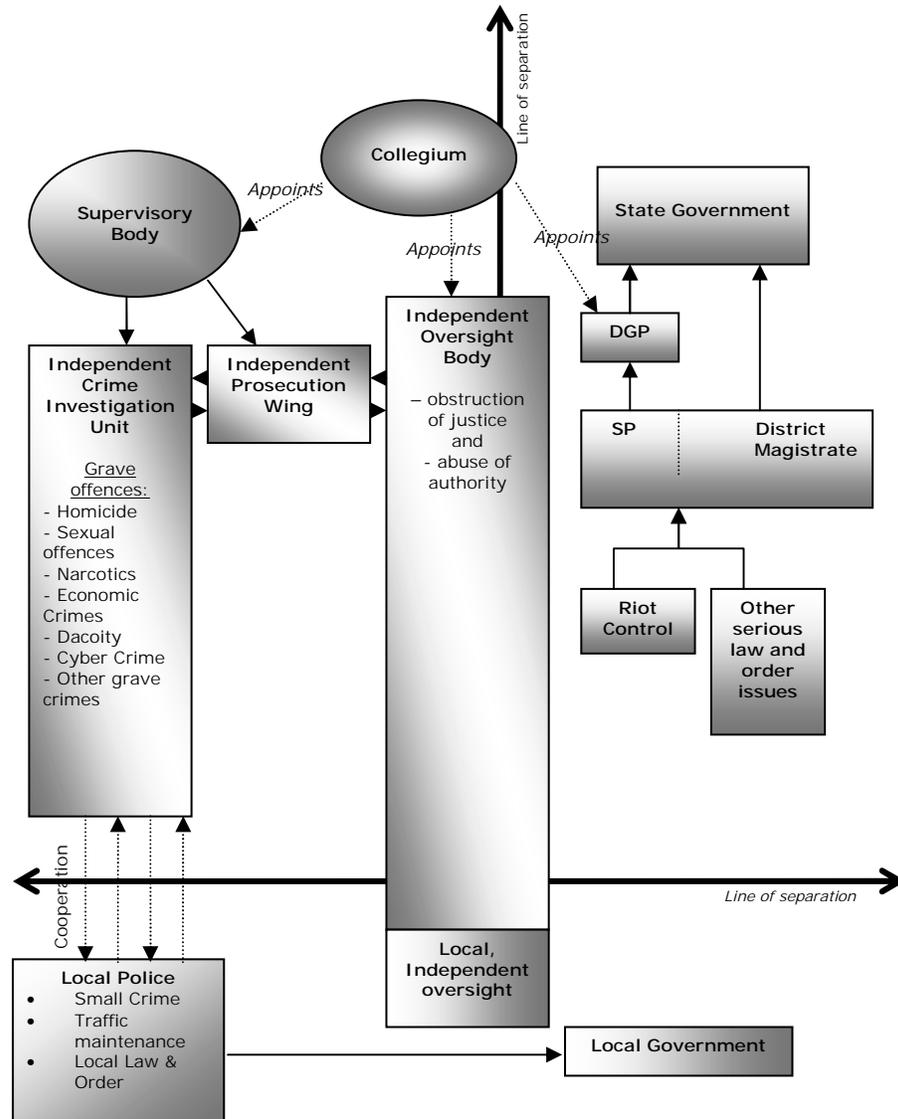
To avoid incorporating the same structural problems in the new police force structure five principles have been identified to lay the foundation of the new system. The new system has to:

1. Remove the scope for unwarranted political interference;
2. Lessen the burden on the police and improve its efficiency;
3. Empower the police (especially those in the lower ranks);
4. Ensure police accountability to the public;
5. Increase the collaboration between the police and the prosecutor.

As shown in the schematic overview below, the crime investigation unit is insulated from the law and order unit and the local police force has been given autonomy in certain jurisdictional cases.

¹⁴⁶ National Police Commission (March 1981) “*Sixth Report of the National Police Commission*”, Government of India p. 40 and National Police commission (May 1981) “*Seventh Report of the National Police Commission*”, Government of India p. 5

Model 1: The structure of the new police force



Chapter 8 will first present the suggestion of creating a collegium and an independent supervisory body. Thereafter the recommendations for creating an independent crime investigation unit, an independent prosecution wing, an independent oversight body and creation of a local police force will be introduced. Following this, a presentation for a new recruitment system will be presented to finally lead to the conclusions.

8.2 Creating a collegium and an independent supervisory body

8.2.1 Collegium

A collegium will be created to ensure the new police force's structure true independence from the executive. Appointments to the key offices/positions in the supervisory body and the independent oversight body will be made by the collegium. The collegium will consist of the State Chief Minister, the Home Minister, the Leader of the opposition in the State Legislature, the Chief Justice of the High Court and such other eminent personalities.

The state DGP can also be appointed by the collegium to ensure independence from political interference in their administrative functioning. This mechanism will provide guaranteed tenure without unwarranted political interference to the appointees to this important position/office. The appointment will be based on competence and professionalism.

8.2.2 Supervisory Body

Unwarranted political interference usually thrives when appointments, transfers and promotions are under discussion. This falls in theory strictly under the police force themselves, but in practice the executive influences the proceedings (chapter 4.2). To insulate the police force from the executive's interference with appointments, transfers and promotions to the suggested crime investigation unit and to the independent prosecutor wing (chapter 8.4) will be made by an independent supervisory body and not by the executive as done today. This would create space for the investigators to work independently and effectively. Also, incentives can be created to attract the best and the brightest individuals to serve in this prestigious unit.

The composition of the Supervisory body will be comprised of jurists, professional investigators and legal experts, all of whom are reputed, experienced and credible within their domain of expertise. Members of this body cannot hold other positions during their time in this office for avoiding any conflict of interests, biased appointments and promotions. The supervisory body will be independent from the government and the head of the body will be appointed by the Collegium.

The Supervisory body will handle all the appointments and promotions in the independent crime investigation unit and the independent prosecutor wing. It is important to note that once appointed to the branch an officer can only be transferred within the branch and not out of the branch. This is to ensure that arbitrary transfers will not occur and to ensure sustainability within the department.

Appointments and promotions will be made on the basis of competence, experience and personality. The incentive is to have a professionally driven branch with efficient and thorough investigations. A police officer that has shown great capability will be promoted upon his or her application. There are no fixed tenures for the positions. If an officer is a highly competent person he or she shall have the possibility to be promoted faster. For each position there will be requirements of complete training courses and requirements for possession of certain knowledge.

An investigator, who is convicted for a crime, or for recurrent negligence or incapability, will be immediately removed from the office. The termination will be decided only by the supervisory body. If an investigator wants to leave the investigation branch, the officer can apply for transfer upon his or her own request to a different branch.

8.3 Independent crime investigation wing

8.3.1 Introduction

In the police force today unwarranted political interference affects the work of the police personnel to such an extent that the independence of the police investigations is jeopardized. Lok Satta is suggesting to insulate the crime investigation from the law and order wing by creating an independent crime investigation unit.¹⁴⁷

8.3.2 Function

Grave offences such as homicide, sexual offences, narcotics, serious frauds, dacoity and likewise, will be investigated by a state-level, independent crime investigation unit. The principle behind this proposal is that the crime investigation duties are partly of a judicial nature and need to be completely insulated from unwarranted political/external pressures or influences. The unit will be professionally driven in all aspects including the investigation.

The unit will function in close collaboration with an independent prosecution unit and the local police (chapter 8.5). If a grave crime is committed in an area, the team of the branch for that

¹⁴⁷ The author of this report do not agree to a full extent of this recommendation; while a separation of the crime investigation from the law and order is a generally good idea, the author is of the perception that a total insulation of the two is not desirable. It is necessary to have an overall responsible police chief in charge of the police force. One model that appeals to the author is the model of the New York Police Department. The NYDP is separated into wings but all fall under one commander in chief for the whole force. This commander has an administrative overlook over the police force and theoretically sets its aims and goals for the coming year.

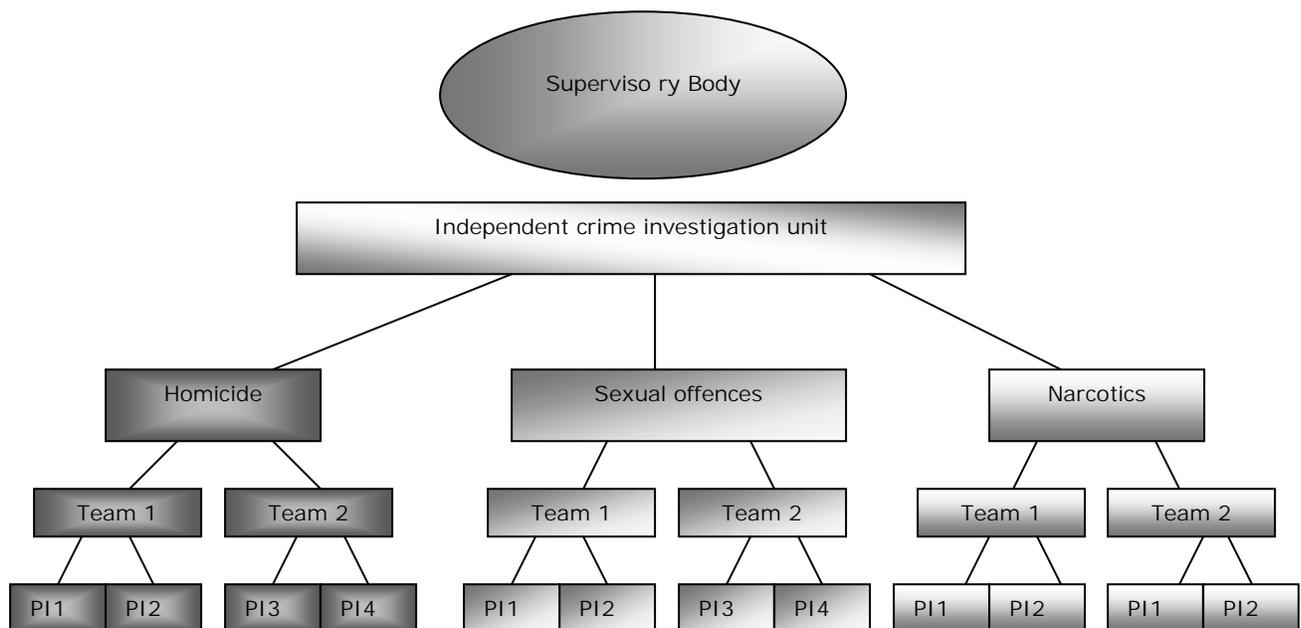
locality will immediately arrive at the scene (or will be called in by the local police officer) and will automatically take over the investigation.

Example: A murder is committed in area X. The local police station “A” has territorial jurisdiction over this area and a police team from this station is sent to the crime scene. When the police team arrives to the scene they will properly cordon and guard the crime scene while waiting for the crime investigation unit team and forensic team to arrive to the scene.

Appointments to the key offices of the crime investigation unit will be made by an independent, statutory supervisory body (chapter 8.2.2). The supervisory body could also take care of the territorial transfers of officers in the crime investigation unit.

The unit will also be divided into crime headed teams working on specific tasks or cases. Each crime heading will have a number of police investigating officers divided into teams. Each team consist of at least two investigator officers, ideally where one of the investigators should be more senior and experienced. The number of investigating officers and their specialisation will vary depending on the complexity of the case. The structure can be illustrated with the following model:

Model 2: Structure in the independent police investigation unit



PI = Police Investigator Officer

8.3.3 Objective

The creation of an independent crime investigation unit will decrease the workload on the police investigators and ensure that the knowledge in the field remains in the unit. *Firstly*, the unit will only handle grave offences and not be assigned any other tasks (petty crimes, traffic control, VIP protection etc). *Secondly*, the supervisory body will handle all the appointments and promotions where there will be no unwarranted political interference/influence. This will ensure the independence from the executive and bar any unwarranted political interference. It is important to note that once appointed to the crime investigation unit, a police officer can only be transferred *within* the branch and not out of the branch (unless on his or her own request). This is to ensure that arbitrary transfers will not occur and also, to ensure sustainability within the department.

8.4 Creation of an independent prosecution wing

8.4.1 Introduction

The prosecution in India is clearly separated from the police force as provided for in the Indian Constitution, however the separation has come to such an extent that there is hardly any interaction between the both (chapter 4.6.). The prosecutors are also opposed to political pressure and political driven appointments.

8.4.2 Function

The prosecution wing will be made independent from the District Magistrates. The wing's key positions will be appointed by the supervisory body (chapter 8.2.2). It will cooperate closely with the independent crime investigation unit and the local police, in order to give these units legal guidance. Its work will be professionally driven, accountable and transparent.

For example a prosecutor can be assigned to each independent crime investigation team, leading to that the police can receive appropriate legal assistance during their investigation, so every aspect of the investigation is fully covered from a legal point of view. However this does not mean that the prosecutor shall be part of the actual investigation.

The option of making a prosecutor the head of an investigation team has also been discussed. This option though, has to be properly analysed before being put up as a recommendation.

8.4.3 Objective

A successful police investigation needs legal guidance to build a sustainable case in court. Thus, it is crucial to ensure the independence of the prosecutor. Hence, the appointments, transfers and promotions will be handled by the supervisory body (in the same manner as the independent crime investigation unit). The creation of an independent prosecution wing will ensure professional and efficient crime investigations.

8.5 Creation of a local police force

8.5.1 Introduction

The police force today is overburdened with disparate duties and police personnel are commonly transferred between duties and posts (chapter 4.2.2). The creation of a local police force will lessen the burden in the existing system and therefore, promote its efficiency. Small and local issues should be handled at a local level. Such system could help building a citizen-centred police, who are more likely to be familiar with the local settings and its requirements.

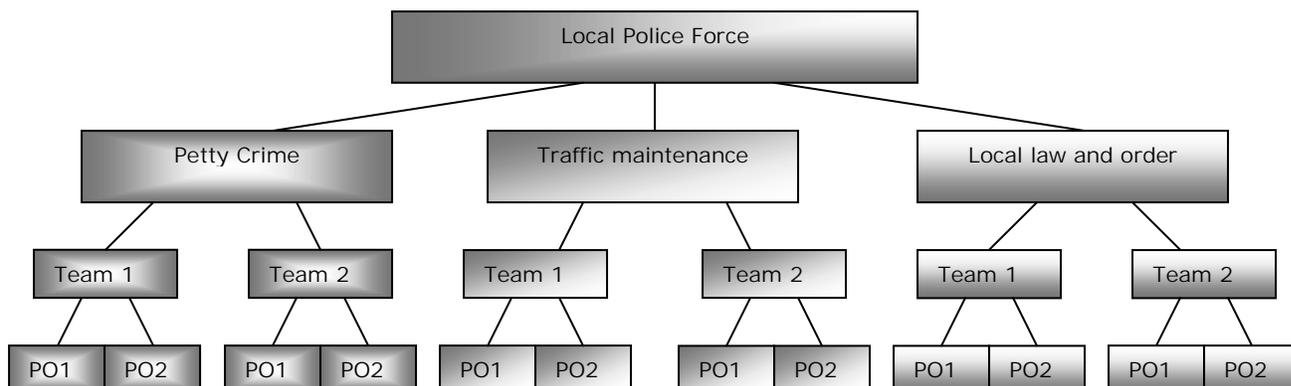
8.5.2 Function

The local police force in the new structure will have functional jurisdiction over petty crimes, local policing duties and traffic maintenance.¹⁴⁸ If a grave offence has been committed in an area, the independent crime investigation unit will automatically take over the case (chapter 8.3.2). In this new system the work will be team-oriented. Every policeman will have a designated role, based on precise work description and will be empowered with real decision making powers to perform his or her work.

This can be illustrated with model 3. Each function of the local police force will be divided into teams and each team will consist of at least two police officers. Each team works on tasks assigned to them to ensure the smooth running of the local police force. Ideally the tasks will be assigned to the teams on a daily basis.

¹⁴⁸ Local petty crimes can be crimes like theft, local traffic maintenance can be directing traffic and ensuring road safety, local law and order can be beat patrolling and ensure peace in a local area. One guiding rule can be that a crime punishable with less than one year imprisonment or a crime with less than one lakh rupees in fine can fall under the local police force jurisdiction.

Model 3: Structure in the Local Police Force



PO = Police Officer

For example the chief of the petty crime division at the local police force can handle the task of crime prevention to team 1 and assign the search for wanted petty thieves to team 2. At the traffic maintenance division, team 1 can be assigned to direct the traffic in one area of the district and team 2 can be assigned to do traffic safety controls in another part of the district. In the local law and order division, team 1 can be assigned the task of guarding a local demonstration and team 2 to ensure the safety of local politicians. Consequently all the teams are working on different tasks but within their division.

As shown in model 1 the local police force will eventually be functioning under the control of local (district) governments. Until this is achieved, there could be a transitional period where the current hierarchy is gradually changing. The intent is also to make the territorial and functional jurisdiction of the local police force co-terminus with that of local courts (proposed as per the Grameen Nyayalayas Bill drafted by the Union Government). For each local police force there will be a local independent oversight, this could be in a shape of a local ombudsman, ensuring that obstruction of justice and abuse of authority will be investigated.

8.5.3 Objective

The creation of a local police structure will allow for an increase of the police-population ratio and address the current manpower shortage. It will also decrease the burden of disparate duties therefore promote efficiency.

8.6 Establishment of an independent oversight body

8.6.1 Introduction

There are several known incidents where the current police force have breached the law and conducted biased investigations.¹⁴⁹ It is also known that these breaches do not always get investigated.

8.6.2 Function

To ensure and enhance public accountability an independent oversight body will be created in the new system. This body will investigate all allegations of 1) *abuse of authority* and 2) *obstruction of justice* by the police. The composition of the independent oversight body shall consist of domain experts, reputed jurists and eminent individuals with an established track record. To ensure its independence the body will not consist of active police officers or government servants.

Abuse of authority can be threats, violence, deceiving the complainant, witness or accused etc. *Obstruction of justice* can be negligence of the police duties (not file a FIR on time, not explain the rights of the accused, not informing the complainant of the procedure and development of the case), to complicate and/or mislead an investigation (by lying, changing statements, withholding evidence) etc. This is merely exemplification and not an exhaustive list.

The independent oversight body shall speedily and effectively investigate the complaint submitted to it. In minor offences it will be referred back to the police station where the misdeed was committed and the superior officer will investigate it. In severe cases the supervisory body can form its own investigation team. They will then draw professional, impartial and diligent investigators from the independent crime investigation unit to investigate the case. If the allegations are valid the case will immediately be tried in the court.

8.6.3 Objective

To enhance the public's trust in the police force, an external accountability body is needed. If a person has been subject to an abuse of authority or has experienced obstruction of justice in a case, he or she can find it unpleasant to file a complaint at the same police station and would rather stay silent. Therefore an external accountability body suggested. The individual who has a complaint can directly submit it to the oversight body without going to the police station. This

¹⁴⁹ As seen in the cases of Jessica Lall, Best Bakery and Priyadarshini Matto,

model has been highly influenced by the 'Independent Police Complaints Commission' (IPCC) in England and Wales.¹⁵⁰

8.7 Riot control and serious law and order issues

Riot control and other serious law-and-order issues will continue to be addressed by the State police forces as done today. The dual control of the District Superintendent of Police and the "general control and direction" of the District Magistrate, will be maintained as per the existing provisions of the Police Act (1861; Section 3).

8.8 Empowerment and a two level entry system to the police force

As of now there exist 4 levels of entry into the police force (chapter 1.2). This coupled with the skewed promotion criteria usually ensures that individuals stagnate at the level they enter. The problem is clearly visible from the fact that hardly 10% of the constables get promoted to the post of an ASI and even lesser to the posts of SI or Inspector. For instance, even an exceptionally capable and highly experienced constable cannot hope to be promoted beyond a certain position or dream of being assigned significant responsibilities, only because he/she was first recruited at the constable level. This lack of empowerment together with absence of meaningful career growth opportunities, has contributed towards the generally low degree of morale.

The national police commission and others have approached this problem mostly from a pay structure and other material incentives point of view. However what needs to be addressed is the *work profile* of a constable.

The new police force system suggests a two level entry system to IPS level and a new "police officer"-level. This means that every police officer will be empowered with decision making powers and be fully accountable and responsible for his or her work. A two level entry system will create better chances of promotion and providing incentive for the personnel to carry out their duties effectively.

The thought behind the suggestion is that the entry barrier into the system shall be low. Once in the system there shall be a gradual increase of knowledge and responsibilities. A promotion will be based on the competence of the police officer. A promotion can also demand that the police officers in question

¹⁵⁰ For further information and details of this model please visit the Independent Police Complaints Commission home page <<http://www.ipcc.gov.uk/>>

undertake additional training courses. The higher in the rank a police officer climbs the more responsibility will he or she be assigned.

Discussions have also been taken place whether the IPS level positions should be open for the "police officer"-level personnel. The conclusion was that a certain percentage of the IPS-level positions can be required from the lower level. A trained and skilled police officer can be equally fit for an IPS position as an IPS officer.

A supervisory body (chapter 8.2.2) will monitor the promotions, transfers and postings in the new system.

8.9 Conclusions

The reforms proposed in this chapter, while major, are certainly achievable and very much feasible – a significant portion of them can be brought in with the minimum of inputs and change but would help achieve a quantum improvement in the functioning of our system. It is an urgent requirement to create an efficient, citizen-centred, transparent and accountable police system. It is time to usher in a modern and professional police system that fulfils the needs of a modern society.

9. Conclusion

This report has aimed to give a brief overview over the current police force system and a description over the problems and solutions. The neglected areas described are all contributing to the inefficiency of the system today and have to be emphasised, in order to have a functioning police force. The training facilities and forensic science equipment are not up to standard and the police force system is understaffed.

To combat these problems it is important to hire and train more personnel, increase financial support and to change the current structure.

The report suggests a police force system divided into three units 1) an independent crime investigation unit 2) a serious law and order unit and 3) a local police force on district level. This structure will decrease the scope for political interference and with a collegium selecting competent personnel to key position will increase the accountability together with an independent oversight body.

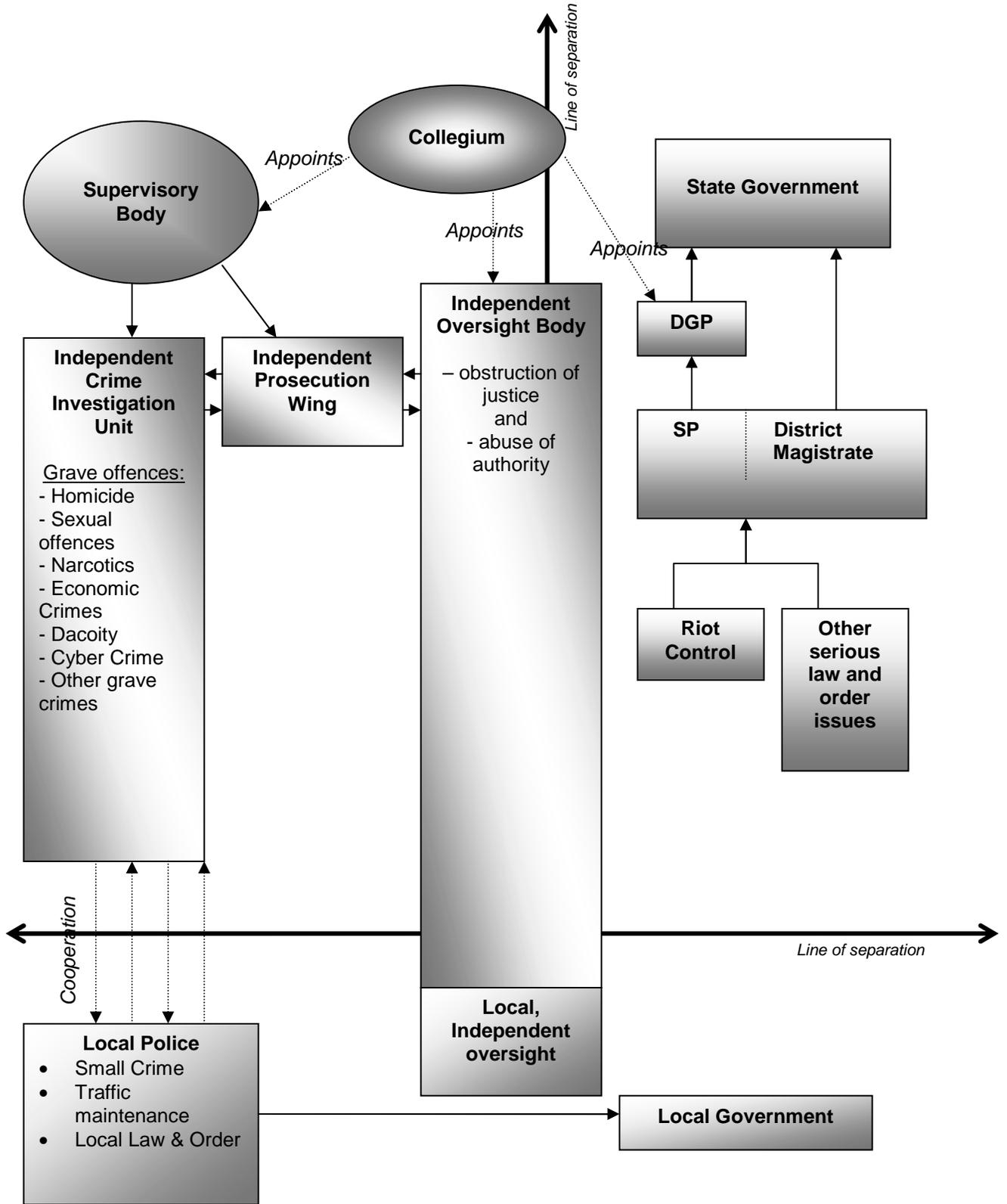
Some of the recommendations and suggestions can be implemented fairly easy by increasing financial support, while other suggestions need a radical change of the system. However none of them are unfeasible.

It is important to create an effective, citizen-centred, transparent and accountable system that fulfils the needs of the modern Indian society. This is something that has been waiting too long and urgently needs to be changed.

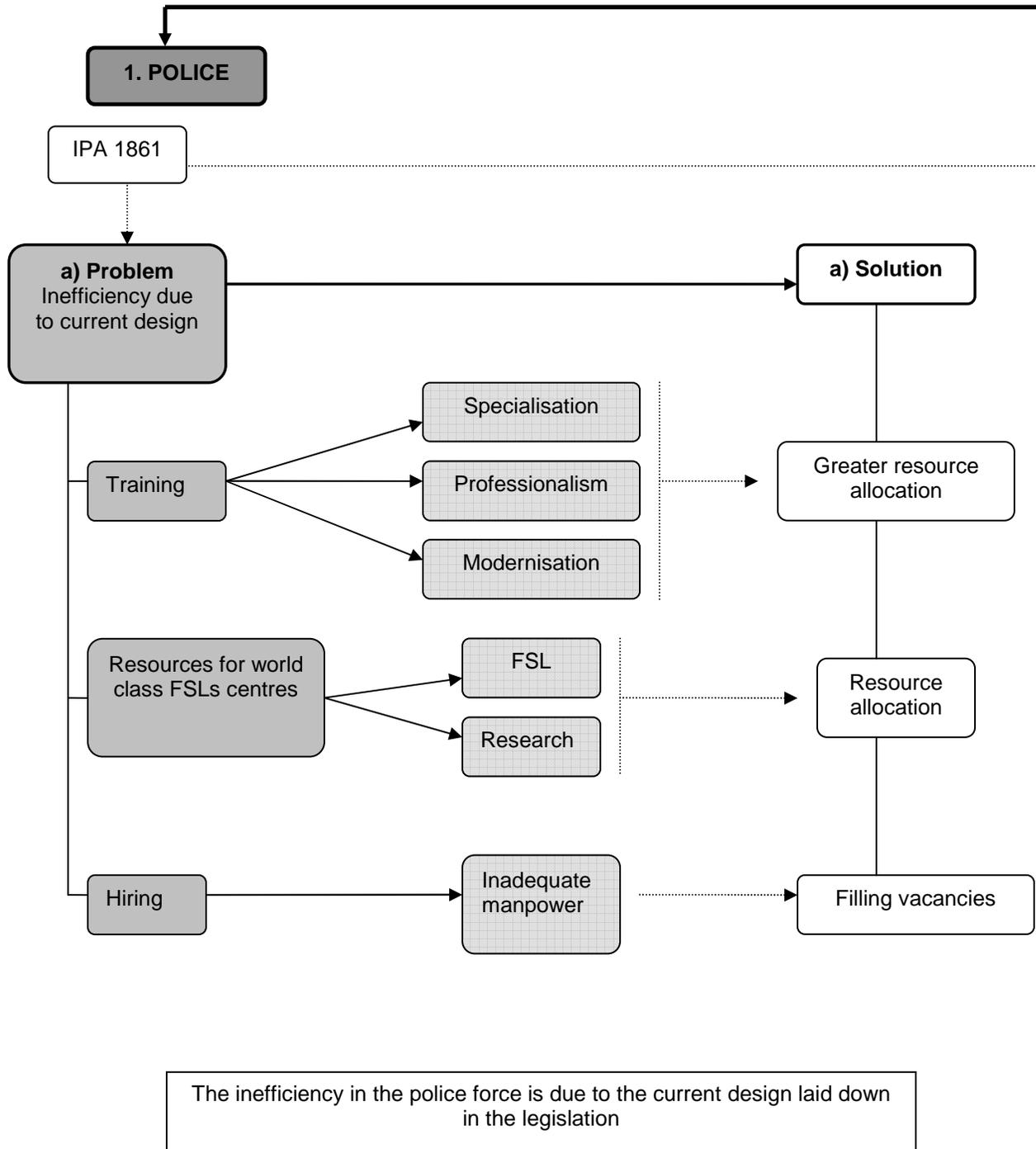
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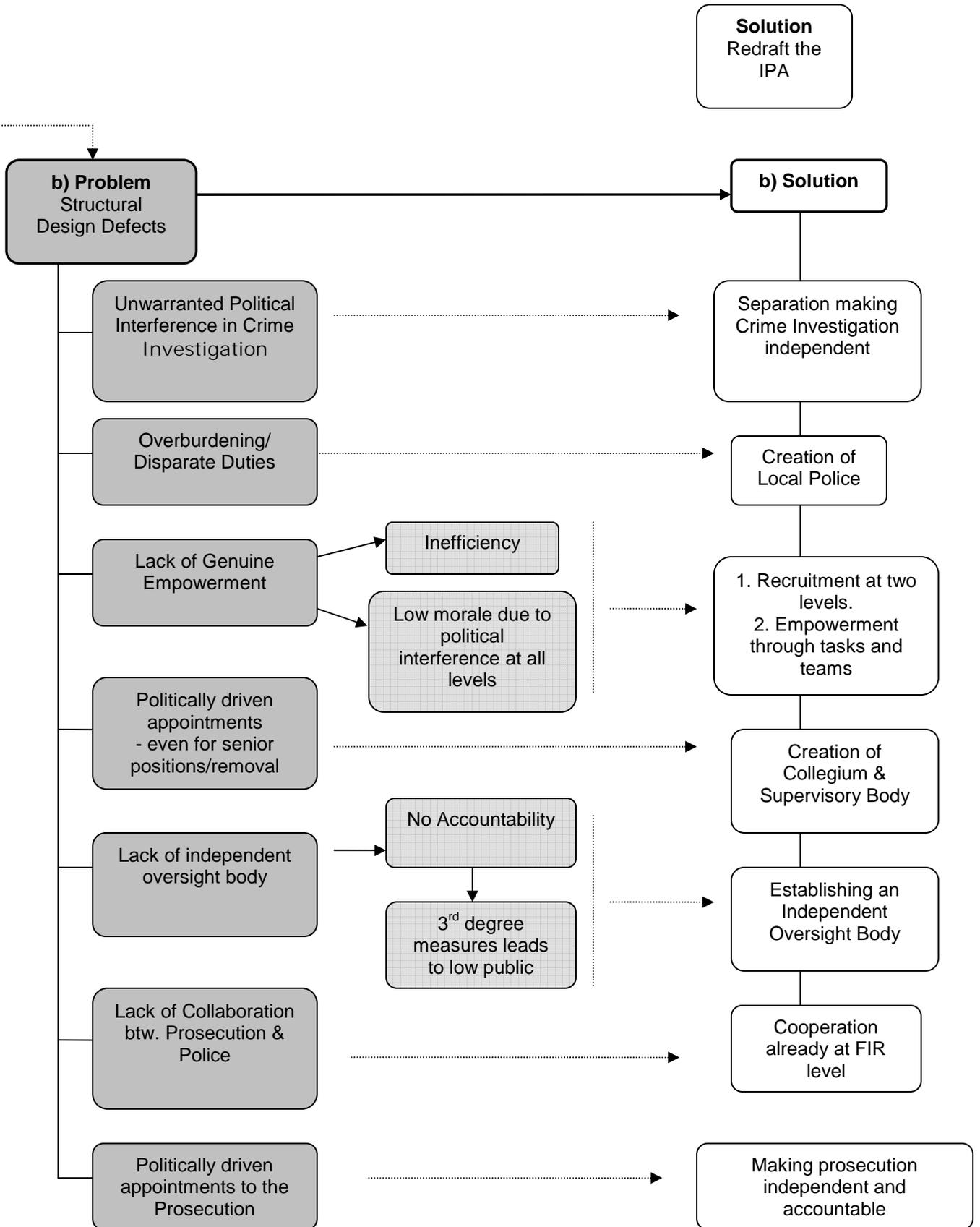
Annex A: A model of the new police force system

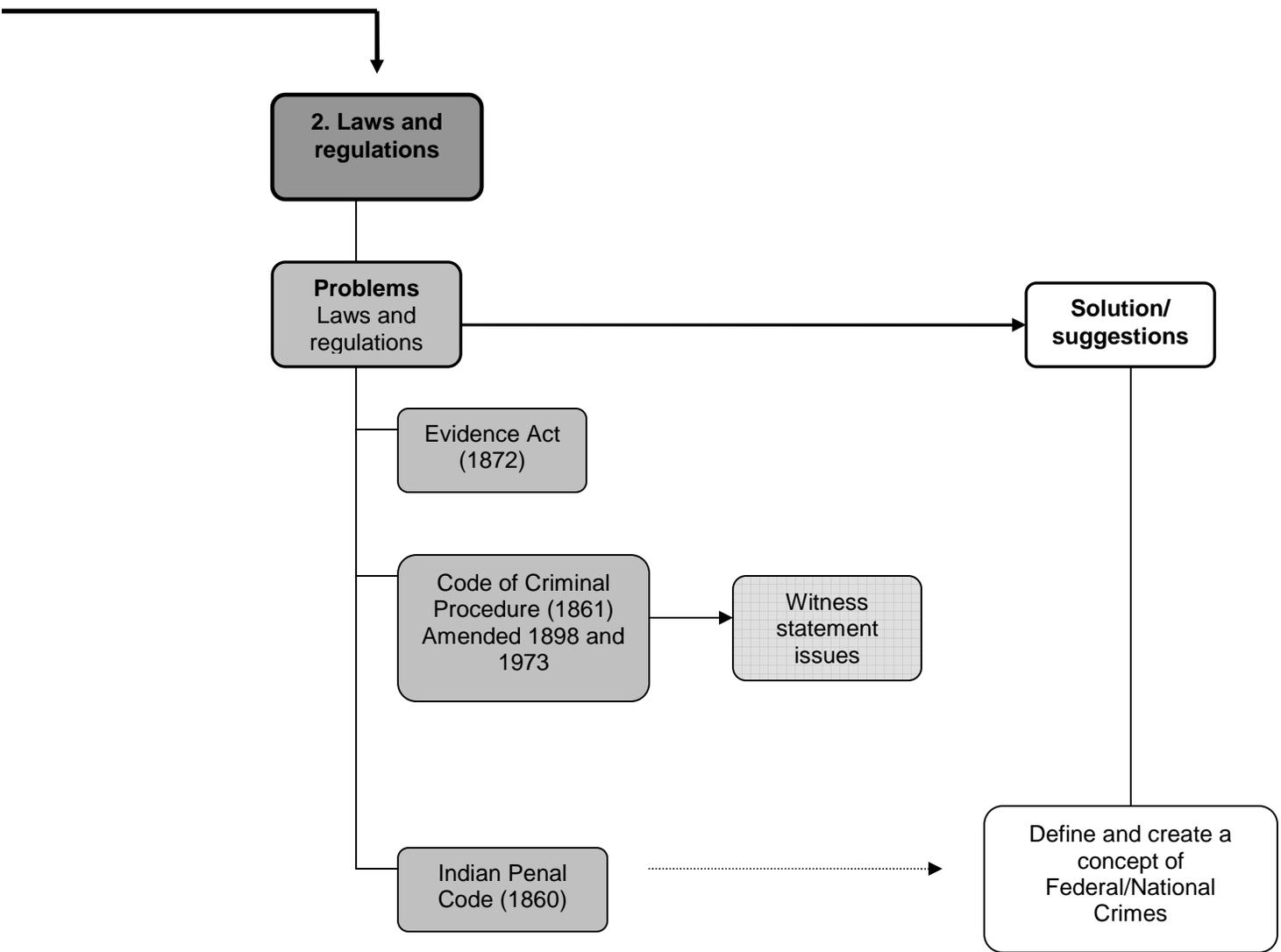


Annex B: A schematic overview of the current problems in the police force



CRIMINAL JUSTICE SYSTEM





Annex C: The Indian Police Act 1861

1

1 THE POLICE ACT, 1861

(5 of 1861)

[22nd March, 1861]

An Act for the Regulation of Police

Preamble: - WHEREAS it is expedient to re-organise the police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows: -

1. Interpretation clause: - The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject of context repugnant to such construction, that is to say the words "Magistrate of the district" shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with such executive administration is styled; the word "Magistrate" shall include all persons within the general police district, exercising all or any of the powers of a Magistrate, the word "Police" shall include all persons who shall be enrolled under this Act; the word "general police-district" shall embrace any² presidency, State or place or any part of any presidency, State or place in which this Act shall be ordered to take effect; ³[the words "District Superintendent" and "District Superintendent of Police" shall include any Assistant District Superintendent or other person appointed by general or special order of the State Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district;] the word "property" shall include any movable property, money or valuable security;

⁴ * * * *

the word "person" shall include a company or corporation;

the word "month" shall mean a calendar month;

⁵the word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

⁶[References to the subordinate ranks of a police-force shall be construed as references to members of that force below the rank of Deputy Superintendent.]

¹ Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

² Under sec. 2 of the police Act, 1888 (3 of 1888), the Central Government may notwithstanding this provision, create a special policedistrict, consisting of parts of two or more States. As to Delhi State see Gazette of India, 1912, Pt. I, p. 1105.

³ Ins. By Act No. 8 of 1895, sec 1.

⁴ The definitions relating to "number" and "gender" rep. by Act No. 10 of 1914, sec. 3 and sch. II.

⁵ Cf. definition of "cattle" in sec. 3 of the Cattle-trespass Act, 1871 (1 of 1871).

⁶ Ins. by the A.O. 1937.

COMMENTS

The statute has to be constructed with reference to the context and other clauses of the Act to make it

consistent with it; *Anil Kumar Sawhney v. Gulshan Rai*, (1993)³ Crimes 1064 (SC).

12. Constitution of the force:- The entire police-establishment under a State Government shall, for the purposes of this Act, be deemed to be one² police-force and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, ³*** as shall from time to time be ordered by the State

Government. 4***

5[Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of any police-force shall be such as may be determined by the State Government.]

COMMENTS

The entire police-establishment under a State Government is deemed to be one police-force.

3. Superintendence in the State Government:- The superintendence of the police throughout a general police-district shall vest in and 4*** shall be exercised by the State Government to which such district is subordinate, and except as authorized under the provisions of this Act, no person, officer of Court shall be empowered by the State Government to 6*** supersede or control any police functionary.

COMMENTS

The superintendence of the police has to be exercised by the State Government.

4. Inspector-General of Police, etc.:- 7The administration of the police throughout a general police-district shall be vested in an officer to be styled the Inspector-General of Police, and in such Deputy Inspectors-General and Assistant Inspector-General, as the State Government shall deem fit.

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the State Government shall consider necessary.

8 * * * *

1 Section. 2, so far as it is related to the provinces under the administration of the Lieutenant-Governor of Bengal, rep. by the Bengal Police Act, 1869 (Ben. No. 7 of 1869).

2 See note to sec. 8, *infra*, as to enrolment of the police force in certain places.

3 The words "and the members of such force shall receive such pay" omitted by the A.O. 1937.

4 Certain words omitted by the A.O. 1937.

5 Ins. by A.O. 1937.

6 The words "appoint" omitted by the A.O. 1937.

7 In the town and suburbs of Calcutta, the administration of the Police vests in the "Commissioner of Police", see sec. 3 of the Calcutta Police Act, 1866 (Ben. No. 4 of 1866).

8 Certain words omitted by the A.O. 1937.

COMMENTS

The administration of the police vests in the Inspector-General of Police in the hierarchy of Deputy

Inspectors-General, Assistant Inspectors – General, Superintendents, etc.

5. Powers of Inspector-General- Exercise of Powers:- The Inspector-General of Police shall have the full powers of a Magistrate throughout the general police-district but shall exercise those powers subject to such limitation as may, from time to time, be imposed by the State Government.

COMMENTS

The State Government may impose any limitation on the powers of the Inspector-General of Police.

6. Magisterial powers of police officers:- [*Rep. by the Code of Criminal Procedure, 1882 (10 of 1882), sec. 2 and Sch. 1(b)*].

7. Appointment, dismissal, etc. of inferior officers:- 1[2[Subject to the provisions of article 311 of the Constitution, and to such rules] as the State Government may, from time to time, make under this Act, the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks] whom they shall

think remiss or negligent in the discharge of his duty, or unfit for the same; 3[or may award anyone of the following punishments to any police-officer 4[of the subordinate ranks] who shall discharge his duty in a careless or negligent manner, or who by any act of his own, shall render himself unfit for the discharge thereof, namely:-

- (a) fine of any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days with or without punishment-drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument]5

COMMENTS

Appointment, dismissal, etc. of any police-officer of the subordinate ranks such as inspector, subinspector, Assistant sub-inspector and Constable, etc. are governed by the rules made under article 311 of the Constitution of India.

1 Subs. by the A.O. 1937, for certain words.

2 Subs. by the A.O. 1950 (as amended by C.O. 29), for "subject to such rules".

3 Subs. by Act No.8 of 1895, sec. 2 for certain words.

4 Ins. by the A.O. 1937.

5 For cl: (e), applicable to certain areas in the U.P., see U.P. Act No.2 of 1944.

8. Certificates to police officers:- 1 Every police-officer 2[appointed to the policeforce, other than an officer mentioned in section 4] shall receive on his appointment, a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a police-- officer.

Surrender of Certificate:- 3[Such certificate shall cease to have effect whenever the person named in it ceases for any reason, to be a police-officer, and on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not, by reason of being suspended from office, cease to be a police-officer. During the term of such suspension, the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.]

COMMENTS

A certificate shall be given to every police-officer on his appointment.

The Police Act, 1861

9. Police-officers not to resign without leave or two months' notice:- No policeofficer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or without the leave of the District Superintendent, to resign his office,

1 As to enrolment, maintenance and discipline of-

(1) the Military Police-force employed in-

(a) the Andaman and Nicobar Islands, see the Andaman and Nicobar Islands Military Police (Disbandment) Regulation, 1946 (3 of 1946);

(b) Assam, see the Assam Rifles Act. 1941 (5 of 1941);

(c) Bengal see the Eastern Frontier Rifles (Bengal Battalion) Act. 1920 (Ben. No. 2 of 1920);

(2) the Punjab Frontier Police-officers, see the Punjab Frontier Police-officers Regulation, 1893 (7 of 1893)

- (3) the Calcutta and Suburban Police, see the Calcutta Police Act, 1866 (Ben. No. 4 of 1866) and the Calcutta Suburban Police Act, 1866 (Ben. No. 2 of 1866);
- (4) the police establishment in municipal areas in the U.P., see the Municipalities Act, 1916 (U.P. No. 2 of 1916);
- (5) the Police establishment in municipal areas in the Punjab, see the Punjab Municipal Act, 1911 (Pun. No.3 of 1911); .
- (6) the Rural Police in the Santha1 Parganas, see the Santhal Parganas Rural Police Regulation, 1910 (4 of 1910);
- (7) the Rural police in Chhotta Nagpur see the Chhotta Nagpur Rural Police Act, 1914 (B. & O.No. I of 1914);
- (8) the U.P. Special Armed Constabulary, see the U.P. Special Armed Constabulary Act, 1942 (U.P. No.5 of 1942);
- (9) the Delhi Special Police Establishment. see the Delhi Special Police Establishment Act. 1946 (25 of 1946);
- (10) Delhi Police. see Delhi Police Act. 1978 (34 of 1978)
2 Subs. by the A.O. 1937 for "so appointed".
3 Subs. by Act No. 8 of 1895, sec. 3, for the original second paragraph.

unless he shall have given to his superior officer notice in writing, for a period of not "less than two months, of his intention to resign.

COMMENTS

No police-officer shall be at liberty:-

- (a) to withdraw himself from the duties of his office;
- (b) to resign his office without giving, at least, 2 months' notice of his intention to resign.

10. Police-officers not to engage in other employment:- No police-officer shall engage in an employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General. .

COMMENTS

No police officer shall engage in an employment or office, other than his duties, without the permission of the Inspector-General.

11. Police superannuation fund:- *[Rep. by the Repealing Act, 1874 (16 of 1874), sec. 1 and Sch. Pt. I].*

12. Power of Inspector-General to make rules:- The Inspector-General of Police may, from time to time, subject to the approval of the State Government, frame such orders and rules as he shall deem expedient relative to the organisation, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be formed by them; their inspection, the description of arms, accoutrements and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information, and all such other orders and rules relative to the police-force as the Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

COMMENTS

Subject to the approval of the State Government, the Inspector - General may frame rules and orders relative to the organisation, classification and distribution of the police-force as also other matters.

13. Additional police-officers employed at cost of individuals:-It shall be lawful for the Inspector-General of Police or any Deputy Inspector- General or Assistant Inspector-General, or for the District Superintendent, subject to the general direction of the

Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police-officers to keep the peace at any place within the general police-district and for such time as shall he deemed proper. Such force shall be exclusively under the orders of the District Superintendent and shall be at the charge of the person making the application:

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, Deputy Inspector-General or Assistant Inspector-General, or to the District Superintendent to require that the police-officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

COMMENTS

On the application of any person showing the necessity thereof, the superintendent may employ or depute any additional number of police-officers to keep the peace at a specified place, at the charge of the applicant.

14. Appointment of additional force in the neighbourhood of railway and other works:- Whenever any railway, canal or other public work, or any manufactory or commercial concern, shall be carried on or be in operation in any part of the country and it shall appear to the Inspector-General that the employment of an additional police force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the State Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall, thereupon, cause payment to be made accordingly.

COMMENTS

The Inspector-General may, with the consent of the State Government, employ or depute an additional force in the neighbourhood of any railway, canal or other public work, or any manufactory or commercial concern at the charge of the person having the control or custody of the funds used in carrying on such work, etc.

15. Quartering of additional police in disturbed or dangerous districts:-

(1) It shall be lawful for the State Government, by proclamation to be notified in the Official Gazette, and in such other manner as the State Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

(2) It shall, thereupon, be lawful for the Inspector-General of Police, or other officer authorised by the State Government in this behalf, with the sanction of the State Government, to employ any police-force in addition to the ordinary fixed complement, to be quartered in the area specified in such proclamation as aforesaid.

(3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.

1 Subs. by Act No.8 of 1895, sec. 4, for the original section.

(4) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) It shall be lawful for the State Government, by order, to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

(6) Every proclamation issued under sub-section (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the State Government may, in each case, think fit to direct.

Explanation:- For the purposes of this section, "inhabitants" shall include persons who themselves or by their agents or servants, occupy or hold land or other immovable property within such area; and landlords who themselves or by their agents or servants, collect rents direct from *raiyyats* or occupiers in such area, notwithstanding that they do not actually reside therein.]

COMMENTS

The State Government may declare any area to be a disturbed or dangerous district and thereafter increase the number of police.

The proclamation may be withdrawn at any time or continued for a further period or periods.

1[15A. Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land:- (1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt, or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them, it shall be lawful for any person, being an inhabitant of such area, who aims to have suffered injury from such misconduct, to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the subdivision of a district within which such area is situated.

(2) It shall, thereupon, be lawful for the Magistrate of the district, with the sanction of the State Government after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to-

(a) declare the persons to whom injury has been caused by or has ensued from such misconduct;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and

(c) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section:

1 Ins. by Act No. 8 of 1895, sec. 5.

Provided that the Magistrate shall not make any declaration or assessment under this subsection, unless he is of opinion that such injury, as aforesaid, had arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

(3) It shall be lawful for the State Government, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Commissioner of the Division or the State Government, but save as aforesaid, shall be final.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

(6) *Explanation:-* In this section, the word "inhabitants" shall have the same meaning as in the last preceding section].

COMMENTS

This section lays down the procedure for awarding compensation to persons-

(i) to whom death, grievous hurt or injury has been caused or ensued; or

(ii) to whose property loss or damage has been caused or ensued, from the misconduct of the inhabitants of the area in regard to which proclamation is notified under section 15.

1[16. Recovery of moneys payable under sections 13, 14, 15 and 15A, and disposal of same when recovered:- (1) All moneys payable under sections 13, 14, 15 and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882 (10 of 1882) for the recovery of fines, or by suit in any competent Court.

3* * * * *

(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom, and in the proportions in which, the same are payable under that section.]

COMMENTS

The Magistrate of the district may recover all moneys payable under sections 13, 14, 15 and 15A of this Act,-

(i) in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973; or

(ii) by suit in any competent court.

It will be his duty to pay all moneys paid or recovered under section 15A of this Act to the persons who are entitled thereto.

1 Subs. by sec. 6 Act 8 of 1895 for the original section.

2 See now sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974).

3 Sub-section (2) omitted by the A.O. 1937. See, however, para 4 of the Indian and Burma (Transitory Provisions Order, 1937).

17. Special police-officers:- When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police force ordinarily employed for preventing the peace is not sufficient for its prevention and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any police-officer, not below the rank of Inspector, to apply to the nearest Magistrate, to appoint so many of the residents of the neighbourhood as such police-officer may require, to act as special police-officers for such time and within such limits as he shall deem necessary, and the Magistrate to whom such application is made shall, unless he sees cause to the contrary, comply with the application.

COMMENTS

Any police-officer (not below the rank of Inspector) may apply to the Magistrate to appoint residents of the neighbourhood to act as special police-officers.

18. Powers of special police-officers:- Every special police-officer so appointed, shall have same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities, as the ordinary officers of police.

COMMENTS

Special police-officers shall be treated at par with the ordinary officers of police in respect of all matters such as powers, penalties, subordination, etc..

19. Refusal to serve as special police-officers:- If any person, being appointed as special police-officer as aforesaid, shall without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty

rupees for every such neglect, refusal or disobedience.

COMMENTS

Any person who, without sufficient excuse, neglects or refuses to serve as special police-officer or to perform his duties, shall be liable to be punished with a fine upto Rs. 50/- for every neglect, refusal or disobedience.

120. Authority to be exercised by police-officers:- Police-officers enrolled under this Act shall not exercise any authority, except the authority provided for a police-officer under this Act and any Act which shall, hereafter, be passed for regulating criminal procedure.

COMMENTS

Police-officers do not enjoy unfettered discretion to exercise any authority.

1 For some cases in which the application of sec. 20 has been restricted, see the Assam Police-Officers Regulation, 1883 (2 of 1883), and sec. 2 of the Punjab Frontier Police-Officers Regulation, 1893 (7 of 1893).

21. Village police-officers:- Nothing in this Act shall affect any hereditary or other village police-officer, unless such officer shall be enrolled as a police-officer under this Act. When so enrolled, such officer shall be bound by the provisions of the last preceding section. No hereditary or other village police-officer shall be enrolled without his consent and the consent of those who have the right of nomination.

Police chaukidars in the Presidency of Fort William:- If any police-officer appointed under Act XX of 1856 (*to make better provision for the appointment and maintenance of Police-chaukidars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*) is employed out of the district for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that district.

COMMENTS

No hereditary or other police-officer shall be affected by the provisions of this Act, unless he is enrolled as a police-officer.

22. Police-officers always on duty and may be employed in any part of district:- Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may, at any time, be employed as a police-officer in any part of the general police-district.

COMMENTS

Every police-officer is always on duty and he can be employed as such in any part of the general police-district,

23. Duties of police-officers:- 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 offences to justice and to apprehend all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient ground

exists; and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect, any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

COMMENTS

For any or the purposes mentioned in this section, any police-officer may, without a warrant, enter and

inspect any drinking-shop, gaming-house or other place or resort 'of loose and disorderly characters.

24. Police-officer may lay information, etc:- It shall be lawful for any police-officer to lay any information before a Magistrate and to apply for a summon, warrant, searchwarrant or such other legal process as may, by law, be issued against any person committing an offence.² * * *

1 The Bengal Chaukidari Act. 1856.

2 The words "and to prosecute such person up to final judgment" rep. by Act No. 10 of 1882, sec. 2 and Sch. 1 (b).

COMMENTS

Any police-officer may apply to a Magistrate for a summon, warrant, search-warrant or other legal process against any person committing an offence.

25. Police-officers to take charge of unclaimed property and be subject to Magistrate's orders as to disposal:- It shall be 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.

The police-officers shall be guided as to the disposal of such property by such orders, as they shall receive from the Magistrate of the district.

COMMENTS

A duty is cast on every police-officer

- (i) to take charge of all unclaimed property; .
- (ii) to furnish an inventory of such property to the Magistrate of the district; and
- (iii) to dispose of the property in accordance with the Magistrate's order.

26. Magistrate may detain property and issue proclamation:- (l) The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto, to appear and establish his right to the same, within six months from the date of such proclamation.

1[(2) The provisions of section 525 of the² Code of Criminal Procedure, 1882 (10 of 1882) shall be applicable to property referred to in this section].

COMMENTS

The Magistrate of the district has to detain all unclaimed property and issue a proclamation in accordance with the provisions of this section.

3[27. Confiscation of property if no claimant appears:-(1) If no person shall, within the period allowed, claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be 4[at the disposal of the State Government].

COMMENTS

The Magistrate of the district will be competent to order the sale of the property, if no claimant appears

within the time specified in the proclamation, issued under section 26.

1 Ins. by Act No.8 of 1895, sec. 7.

2 See now the Code of Criminal Procedure, 1973 (Act 2 of 1974), sec. 459.

3 Subs. by Act No.8 of 1895, sec. 8, for the original section.

4 Subs. By the A.O. 1937,for "at the disposal of Government."

28. Persons refusing to deliver up certificate, etc., on ceasing to be policeofficers:-

Every person; having ceased to be an enrolled police-officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accountments, appointments and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both.

COMMENTS

Any person who has ceased to be an enrolled police-officer, refuses to deliver up his certificate, clothing, accountments, appointments, and other necessaries, will be liable-

- (i) to a penalty upto Rs. 200/- ; or
- (ii) to imprisonment upto 6 months; or
- iii) to both penalty and imprisonment.

29. Penalties for neglect of duty, etc:- Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation of lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, 1[or who, being absent on leave shall fail, without reasonable cause, to report himself for duty on the expiration of such leave] or who shall engage without authority in any employment other than his police duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both.

COMMENTS

Any police-officer who commits any actor omission as envisaged by this section shall, be liable to he punished with

- (i) a penalty upto 3 months' pay; or
- (ii) imprisonment upto 3 months; or
- (iii) both penalty and imprisonment.

2[30. Regulation of public assemblies and processions and licensing of the same:-

(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion required, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace,

1 Ins. by Act No.8 of 1895, sec. 9.

2 Subs. by Act No.8 of 1895, sec. 10, for the original section.

require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section:

Provided that no fee shall be charged on the application for, or grant of any such license.

(4) Music in the streets:- He may also regulate the extent to which music may be used in streets on the occasion of festivals and ceremonies.]

COMMENTS

The police is empowered to regulate public assemblies and processions and licensing of the same.

Violation of any of conditions of the license granted under this section will entail penalty postulated by section 32.

1[30A. Powers with regard to assemblies and processions violating conditions of licence:- (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly, which violates any such conditions, as aforesaid, to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section, shall be deemed to be an unlawful assembly].

COMMENTS

Violation of any of conditions of a license issued under this section entails penalty stipulated in section 32.

31. Police to keep order on public roads, etc:- It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landingplaces, and at all other places of public resort, and to prevent obstruction 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.

COMMENTS

Disobeying or opposing any order issued by the police under this section entails punishment under section 32.

32. Penalty for disobeying orders issued under last three sections, etc:- Every person opposing or not obeying the orders issued under the last 2[three] preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not

1 Ins. by Act No.8 of 1895, sec. 11.

2 Subs. by Act No.8 of 1895, sec. 12, for "two".

exceeding two hundred rupees.

COMMENTS

On conviction before a Magistrate, a fine upto Rs. 200/- may be imposed on the offender who has been found guilty of any offence under this section.

33. Saving of control of Magistrate of district:- Nothing in the last 1[four] preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

COMMENTS

Nothing in sections 30, 30A, 31 and 32 can interfere with the general control of the Magistrate of the district over the matters referred to in these four sections.

34. Punishment for certain offences on roads, etc:- Powers of police officers.- Any person who, on any road or in any 2[open place or] street or thoroughfare within the

limits of any town to which this section shall be specially extended by the State Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger of damage of the 3[residents or passengers] shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment 4[with or without hard labour] not exceeding eight days; and it shall be lawful for any policeofficer to take into custody; without a warrant, any person who, within his view, commits any of such offences namely :-

First-Slaughtering cattle, Curious riding, etc:- Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle;

Second-Cruelty to animal:- Any person who wantonly or cruelly beats, abuses or tortures any animal; . .

Third-Obstructing passengers:- Any person who keeps any cattle or conveyance of any kind standing longer, than is required, for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public; ..

Fourth-Exposing goods for sale:- Any person who exposes any goods for sale;

Fifth-Throwing dirt into street:- Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like or who causes any offensive matter to run from any house, factory, dung-heap or the like ; .

Sixth-Being found drunk or riotous.-Any person who is found drunk or riotous or who is incapable of taking care of himself; .

Seventh-Indecent exposure of person.-Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing

1 Subs. by Act No.8 of 1895 sec. 12, for "three."

2 Ins. by sec. 13, Act No.8 of 1985.

3 Subs. by sec 13, Act No.8 of 1985 for "residents and passengers."

4 Ins by Act No.1 of 1903, sec. 3 and Sch. II.

himself, or by bathing or washing in any tank or reservoir, not being a place set apart for the purpose ;

Eighth-Neglect to protect dangerous places.- Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

COMMENTS

This section empowers every police-officer to take into custody, without a warrant, any person who within his view, commits any of offences specified in clauses First to Eighth.

35. Jurisdiction 1*:-** Any charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a 2Magistrate.

COMMENTS

Only while exercising the powers of a Magistrate, an officer has jurisdiction to enquire into and determine any charge against a police-officer above the rank of a constable under this Act.

36. Power to prosecute under other law not affected:- Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act or any other or higher penalty or punishment than is provided for such offence by this Act.

Proviso:- Provided that no person shall be punished twice for the same offence.

COMMENTS

Any person may be prosecuted for an offence punishable by this Act under any other Regulation

or Act, too.

However, no person shall be punished twice for the same offence.

3[37. Recovery of penalties and fines imposed by Magistrates:- The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code, (45 of 1860) and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882 (10 of 1882) with respect to fines, shall apply to penalties, and fines imposed under this Act on Conviction before a Magistrate:

Provided that, notwithstanding anything contained in section 65 of the firstmentioned Code, any person sentenced to fine under section 34 of this Act, may be imprisoned in default of payment of such fine for any period not exceeding eight days.]

COMMENTS

The provisions of sections 64, 65, 66, 67, 68, 69 and 70 of the Indian Penal Code, 1860 and the provisions of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act

on conviction before a Magistrate.

A person who is sentenced to fine under section 34 of this Act can be imprisoned in default of payment

1 Certain words rep. by Act No. 10 of 1882, sec. 2 and Sch. I(b).

2 *i.e.*, by a Magistrate of the First Class, See sec. 3(1) of the Code of Criminal Procedure, 1973 (2 of 1974).

3 Subs: by Act No.8 of 1895, sec. 14, for the original sections 37 to 40.

4 See now sections 421 to 424 of the Code of Criminal Procedure, 1973 (2 of 1974).

of fine for not more than 8 days. .

38. Procedure until return is made to warrant of distress:- *[Repealed by the Police Act (1861) Amendment Act, 1895 (8 of 1895), sec. 14].*

39. Imprisonment of distress not sufficient:- *[Repealed by the Police Act (1861) Amendment Act, 1895 (8 of 1895), sec. 14].*

40. Levy of fines from European British Subjects.- *[Repealed by the Police Act, 1895 Amendment Act, 1895 (8 of 1895), sec. 14].*
The Police Act, 1861

41. Rewards to police and informers payable to General Police Fund:-
[{Repealed by the A.D. 1937.1]

242. Limitation of actions:- All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provision of this Act, or under the general police powers hereby given shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in which the act was committed, one month, at least before the commencement of the action.

Tender of amends.-No plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action:

Proviso:- Provided always that no action shall, in any case, lie where such officers shall have been prosecuted criminally for the same act.

COMMENTS

All actions and prosecutions may be instituted against any person--
(i) within 3 months after the act complained of; and
(ii) by serving one month's notice in writing of action or cause to such person.

43. Plea that act was done under warrant:- When any action of prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall, thereupon, be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:

Proviso:- Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

COMMENTS

1 See, however, paragraph 4 of the India and Burma (Transitory Provisions) Order, 1937, section 41 reads as follows:- 'All sums paid for the service of process by police-officers, and all rewards, forfeiture and penalties or shares of rewards, forfeitures and penalties which by law are payable to informers shall when the information is laid by a police-officer, be paid into the general Police Fund'.

2 So much of sec. 42 (the portion printed in italics) as relates to the limitation of suits rep. by Act No.9 of 1871, sec. 2 and Sch. I.

Any action or prosecution can be instituted against any person for anything done under this Act-
(i) within 3 months after the act complained of had been committed; and
(ii) after giving a month's notice in writing of the cause of action or prosecution to the defendant/accused. .

The notice may be served upon the Superintendent of Police or Assistant Superintendent of Police.

44. Police-officers to keep diary:- It shall be the duty of every officer in-charge of a police-station to keep a general diary in such form as shall, from time to time, be prescribed by the State Government and to record therein, all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.
The Magistrate of the district shall be at liberty to call for and inspect such diary.

COMMENTS

It is the duty of every officer in-charge of a police-station to keep a general diary in the prescribed form for the purpose of recording complaints and other information.

The Magistrate may call for and inspect such diary.

The expression "diary" referred to in section 167(1) of the Code of Criminal Procedure, 1973 is different from the "general diary" maintained under section 44 of the Police Act; *Directorate of Enforcement v. Deepak Mahajan*, (1994) 1 Crimes 892 (S.C.).

45. State Government may prescribe form of returns.- The State Government may direct the submission of such returns by the Inspector-General and other police-officers as to such State Government shall seem proper, and may prescribe the form in which such returns shall be made.

COMMENTS

The Inspector-General and other police officers are bound to submit returns in the prescribed form to the State Government.

1[46. **Scope of Act:-** (l) This Act shall not, by its own operation, take effect in any presidency, State or place.

1 Subs. by Act No.8 of 1895, sec. 15, for the original section.

2 In the States of Madras and Bombay, there are special Police Acts. see the Madras District Police Act, 1859 (24 of 1859) and the Bombay District Police Act, 1867, (Bombay No.7 of 1867). In the Lower Provinces of Bengal, Bengal Act No.7 of 1869 is to be read and taken as part of Act No.5 of 1861, see sec. 6 of the former Act.

This Act has been extended under the power conferred by the original section to-

(1) the U.P. including Ajmer-Merwara then under that Government, see Notification No. 964 in the North-Western Provinces Gazette, 1861, p. 634:

[The orders as to enforcement of the Act in 27 districts in the U.P., in Hamirpur, Jalaun, Jhansi, Lalitpur, Nainital (including the Tarai Parganas) and Almora and Garhwal, issued under the original sec. 46, paragraph 2 (after the Act had been extended under

paragraph 1 of that section to the whole Province), are kept in force by sec. 16 of Act 8 of 1895);

(2) Oudh, see Notification No. 34 in the North-Western Provinces Gazette 1861, p. 1758;

(3) the tract of land between Allahabad and Jubbulpore ceded in full sovereignty by certain Native States;

(4) the C.P., Districts of Nagpur, Raipur, Bhandara, Chanda and Chhindwara, Sironcha, Nimar;

(5) Bengal and Assam;

But the 1[State Government] by an order to be published in the Official Gazette, may extend the whole or any part of this Act to any Presidency, State or place, and the whole or such portion of this Act, as shall be specified in such order shall, thereupon, take effect in such presidency, State or place.

(2) When the whole or any part of this Act shall have been so extended, the State Government may, from time to time, by notification in the Official Gazette, make rules consistent with this Act- .

(a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;

(b) to prescribe the time, manner and conditions within and under which claims for compensation under section 15A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local inquiries, if necessary) which are to be taken consequent thereon; and

(c) generally, for giving effect to the provisions of this Act.

(3) All rules made under this Act may, from time to time be amended, added to or cancelled by the State Government.

COMMENTS

It is only upon an order of the State Government, the whole or any part of this Act takes effect in the presidency, State or place concerned.

The State Government is empowered to make rules in respect of the matters specified in clauses

(a) to

(c) of sub-section (2).

Section 46 confines itself to anything done or intended to be done under the Police Act, 1861; S.P.

Vaithianathan v. K. Shammuganathan, (1994) 1 Crimes 725 (S.C.).

An act is not "under" a provision of law merely because the point of time at which it is done

coincides with the point of time when some act in exercise of the powers granted by the provision or in performance of the duty imposed by it. To be able to say that an act is done "under" a provision of law, one

must discover the existence of a reasonable relationship between the provision and the act. In the absence of

such a relation the act cannot be said to be done "under" the particular provision of law, *SP.*

Vaithianathan v.

K. Shammuganathan, (1994) 1 Crimes 725 SC; *State of A.P. v. Venugopal*, (1963) SCR 742.

(6) Several districts in the Punjab, see Notification No. 971, dated 15th May, 1861, Calcutta Gazette, 18th May, 1861, p. 1302.

Under the power conferred by the section as it stood before the 1st April, 1937, it has been extended as follows to :-

(1) Madras; sec. 15, 15A, 16,30, 30A, 31 and 32 of the Act have been extended to the whole of the Madras Presidency, see Notification No. 728, dated 31st October, 1895, Gazette of India, 1895, Pt. I, p. 876;

(2) Eastern Doars in the Goalpara District, see Notification No. 230, Gazette of India, 1897, Pt. I., p. 198;

(3) the North and South Lushai Hills and the tract known as Ruttan Puiya's villages including Demagri (now known as the Lushai Hills), see Gazette of India, 1898. Pt.I., p. 370.

1 Subs. by the A.O. 1937, for "G.G. in C."

It is no part of the duty under the Act, conferring power on the police to beat and torture any person; *State of A.P. v. Venugopal*, (1963) SCR 742.

Action of torturing any person cannot be in discharge of any duty or function under the Act.

47. Authority of District Superintendent of Police over village police:- It shall be lawful for the State Government in carrying this Act into effect in any part of the territories subject to such State Government, to declare that any authority which now is or may be exercised by the Magistrate of the district over any village-watchmen or other village police-officer for the purposes of police, shall be exercised subject to the general control of the Magistrate of the district, by the District Superintendent of Police.

COMMENTS

The State Government may authorise the Superintendent of Police to exercise any authority over any village-watchmen or other village police-officer for the purposes of the police, subject to the general control of the Magistrate.

FORM

(See section 8)

A.B. has been appointed a member of the police-force under Act 5 of 1861, and is vested with the powers, functions and privileges of a police-officer.

Annex D: Code of conduct for the police

Code of Conduct for the Police

Source "Police Organisation in India", Commonwealth Human Rights Initiative

The code of conduct for the police in the country was adopted at the Conference of the Inspectors General of Police in 1960. This was later approved by the Government of India and circulated to all the State governments. The National Police Commission examined the subject and recommended changes in clause 12 of the earlier Code. The final Code as recommended by the NPC and accepted by the Government of India and circulated to all state governments is reproduced below:

1. The police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.
2. The police should not question the propriety of necessity of any law duly enacted. They should enforce the law firmly and impartially without fear or favour, malice or vindictiveness.
3. The police should recognise and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgement on cases to avenge individuals and punish the guilty.
4. In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.
5. The prime duty of the police is to prevent crime and disorder and the police must recognise that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them.
6. The police must recognise that they are members of the public, with the only difference that in the interest of the society and on its behalf they are employed to give full time attention to duties which are normally incumbent on every citizen to perform.
7. The police should realise that the efficient performance of their duties will be dependent on the extent of ready cooperation that they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence.
8. The police should always keep the welfare of the people in mind and be sympathetic and considerate towards them. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth and/or social standing.
9. The police should always place duty before self, should maintain calm in the face of danger, scorn or ridicule and should be ready to sacrifice their lives in protecting those of others.
10. The police should always be courteous and wellmannered; they should be dependable and impartial; they should possess dignity and courage; and should cultivate character and the trust of the people.
11. Integrity of the highest order is the fundamental basis of the prestige of the police. Recognising this, the police must keep their private lives scrupulously clean, develop self-restraint

and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens.

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

13. As members of a secular, democratic state the police should strive continually to rise above personal prejudices and promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women and disadvantaged segments of the society.

Annex E: Article 50 of the Indian Constitution and article 246 seventh schedule of the Indian Constitution

The Constitution of India

Article 50

Separation of judiciary from executive.—**The State shall take steps to separate the judiciary from the executive in the public services of the State.**

SEVENTH SCHEDULE

(Article 246)

List II—State List

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).

2. Police (including railway and village police) subject to the provisions of entry 2A of List I.

3. Officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.

5. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, districts boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

6. Public health and sanitation; hospitals and dispensaries.

7. Pilgrimages, other than pilgrimages to places outside India.

8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

9. Relief of the disabled and unemployable.

10. Burials and burial grounds; cremations and cremation grounds.

* * * * *

12. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

13. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.

14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

16. Pounds and the prevention of cattle trespass.

17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.

* * * * *

21. Fisheries.

22. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates.

23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

24. Industries subject to the provisions of entries 7 and 52 of List I.

25. Gas and gas-works.

26. Trade and commerce within the State subject to the provisions of entry 33 of List III.

27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.

28. Markets and fairs.

* * * * *

30. Money-lending and money-lenders; relief of agricultural indebtedness.

31. Inns and inn-keepers.

32. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

33. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements.

34. Betting and gambling.

35. Works, lands and buildings vested in or in the possession of the State.

* * * * *

37. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.

38. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.

39. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.

40. Salaries and allowances of Ministers for the State.

41. State public services; State Public Service Commission.

42. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.

43. Public debt of the State.

44. Treasure trove.

45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

46. Taxes on agricultural income.

47. Duties in respect of succession to agricultural land.

48. Estate duty in respect of agricultural land.

49. Taxes on lands and buildings.

50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.

51. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics,

but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

52. Taxes on the entry of goods into a local area for consumption, use or sale therein.

53. Taxes on the consumption or sale of electricity.

54. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of entry 92A of List I.

55. Taxes on advertisements other than advertisements published in the newspapers and advertisements broadcast by radio or television.

56. Taxes on goods and passengers carried by road or on inland waterways.

57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III.

58. Taxes on animals and boats.

59. Tolls.

60. Taxes on professions, trades, callings and employments.

61. Capitation taxes.

62. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

63. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

64. Offences against laws with respect to any of the matters in this List.

65. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

**Annex F: Recommendations Short Listed for immediate implementation
by the Review Committee on National Police Commission & Other
Commission/Committees on Police Reform**

Note: Annex F is only available in hard copy

Annex G: Extract from 'Gits of Recommendations of the Reports of Commissions/Committees on the Police Reforms by the Review Committee of National Police Commission & Other Commission/Committees on Police Reform

Note: Annex G is only available in hardcopy

Annex H: Recommendations by the Malimath Committee

Note: Annex H is only available in hardcopy, the full report and recommendations can be retrieved on <http://mha.nic.in/criminal_justice_system.pdf>

Annex I: Assessment exercise of the UK Police Force¹⁵¹

Source: England and Wales Police Force

<http://www.policecouldyou.co.uk/officers/assessment.aspx>

1. Working with Numbers

Question 1

A purse was found with one £5 note, four 20p coins, and five 2p coins. How much did the purse contain altogether?

- £5.10
- £5.22
- £5.82
- £5.85
- £5.90

Question 2

A car park has space for 220 cars per floor. How many can fit on 3 floors?

- 440
- 460
- 640
- 660
- 680

Question 3

A work shift begins at 14.15 and lasts for six hours. What time does it end?

- 20.15
- 16.15
- 20.45
- 22.30
- 19.45

Question 4

¹⁵¹ This information has been retrieved from the England and Wales Police Force Homepage *Try an exercise Assessment exercise 1 Numeracy test* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.policecouldyou.co.uk/> /working for the police /Police officers /What happens after I apply/ Step 1/Assessment day/ Try an exercise/ Assessment exercise 1

If there is an average of 30 accidents per month, how many would you expect there to be in 12 months?

- 420
- 380
- 360
- 300
- 120

Question 5

What percentage of £40 is £8?

- 5%
- 20%
- 22%
- 25%
- 48%

Assessment exercise 2: Verbal reasoning test¹⁵²

2. Verbal Reasoning

Some time of the night of October 1st, the Copacabana Club was burnt to the ground. The police are treating the fire as suspicious. The only facts known at this stage are:-

- The club was insured for more than its real value.
- The club belonged to John Hodges.
- Les Braithwaite was known to dislike John Hodges.
- Between October 1st and October 2nd, Les Braithwaite was away from home on a business trip.
- There were no fatalities.
- A plan of the club was found in Les Braithwaite's flat.

A = TRUE B = FALSE C = IMPOSSIBLE TO SAY

Question 1

A member of John Hodges' family died in the blaze.

- TRUE
- FALSE
- IMPOSSIBLE TO SAY

¹⁵² Try an exercise Assessment exercise 2 Verbal reasoning test (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.policecouldyou.co.uk>> /working for the police /Police officers /What happens after I apply/ Step 1/Assessment day/ Try an exercise/ Assessment exercise 2

Question 2

If the insurance company pay out in full, John Hodges stands to profit from the fire.

- TRUE
- FALSE
- IMPOSSIBLE TO SAY

Question 3

The flat where the plan was found is close to the club.

- TRUE
- FALSE
- IMPOSSIBLE TO SAY

Question 4

John Hodges could have been at the club when the fire took place.

- TRUE
- FALSE
- IMPOSSIBLE TO SAY

Question 5

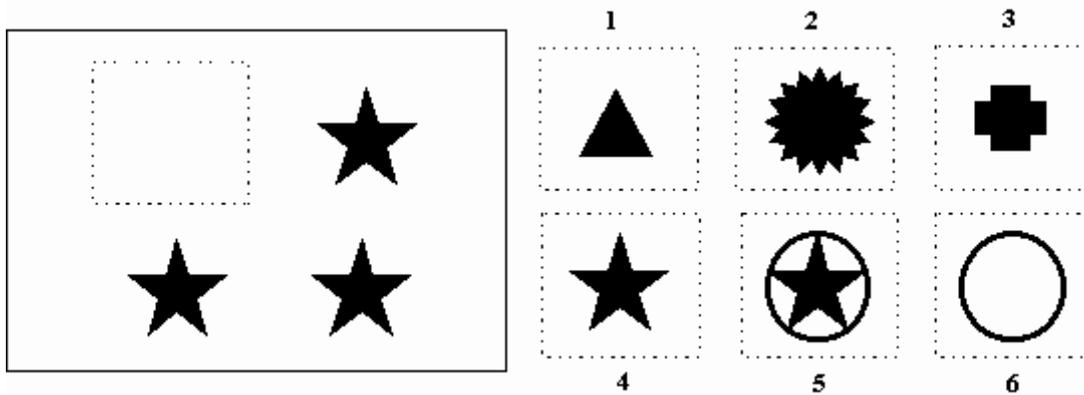
There are definite grounds to arrest John Hodges for arson.

- TRUE
- FALSE
- IMPOSSIBLE TO SAY

Annex J: Assessment test of Western Australia¹⁵³

You have 15 minutes - Start now

1. Which piece completes the pattern?



2. tool is to *pliers* as *car* is to:

1. drive 2. wheels 3. vehicle 4. jeep 5. transport

3. What is the missing number?

4 16 ? 256 1024

4. Four of the following words are similar in some way. Identify the remaining two words.

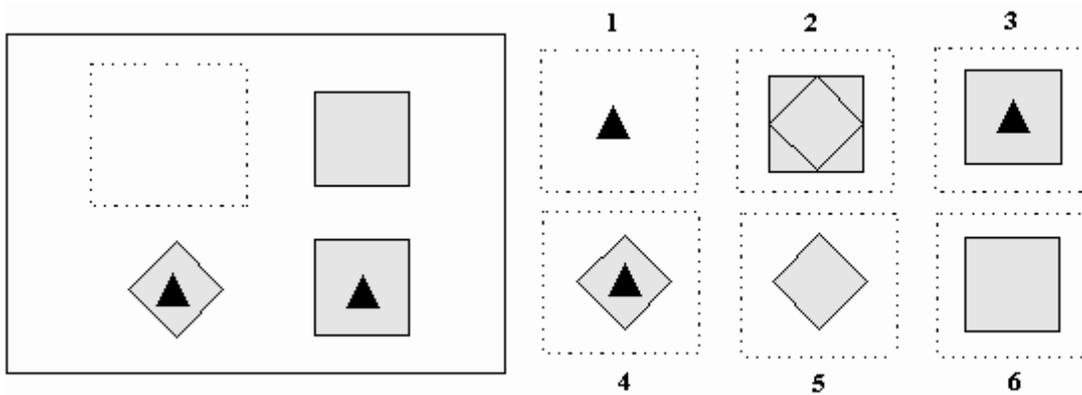
1. investigation 2. exclamation 3. examination 4. exhortation
5. inquisition 6. evaluation

5. What number should replace the asterisk?

26	.	12
.	15	8
18	11	*

¹⁵³ *Assessment test* Western Australia Police Homepage (n.d.) (electronic source) retrieved September 7, 2006 from <<http://www.police.wa.gov.au>> /recruiting and the academy/ Police officer recruitment/ sample questions/ <<http://www.stepforward.wa.gov.au/onpageimages/Questions.pdf>>

6. Which piece completes the pattern?



7. Which part, if any, of this sentence is incorrect?

1	2	3	4
At the supermarket,	the price of orange's	is	\$3 per kilo.

8. Identify which two statements together prove that:
My largest dog is a Rottweiler

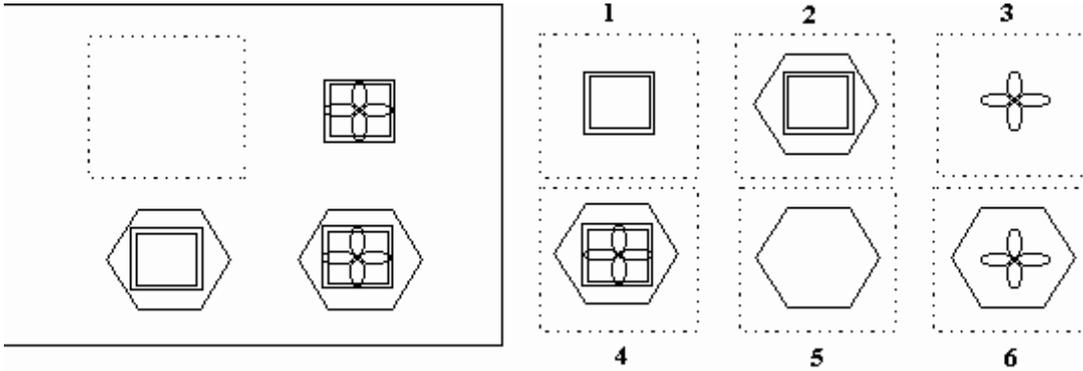
- 1 My only black dog is a Rottweiler
- 2 I have four large dogs
- 3 Three of my dogs are Rottweilers
- 4 Rottweilers are large dogs
- 5 My largest dog is black.

9. I have 75 per cent more money in the bank than my brother has. My brother has \$800 in the bank. How much money do I have in the bank?

10. Find the word that is most similar in meaning to:
Aggregate

1. irritate
2. organise
3. annoy
4. conglomerate
5. compile

11. Which piece completes the pattern?



12. What are the missing numbers?

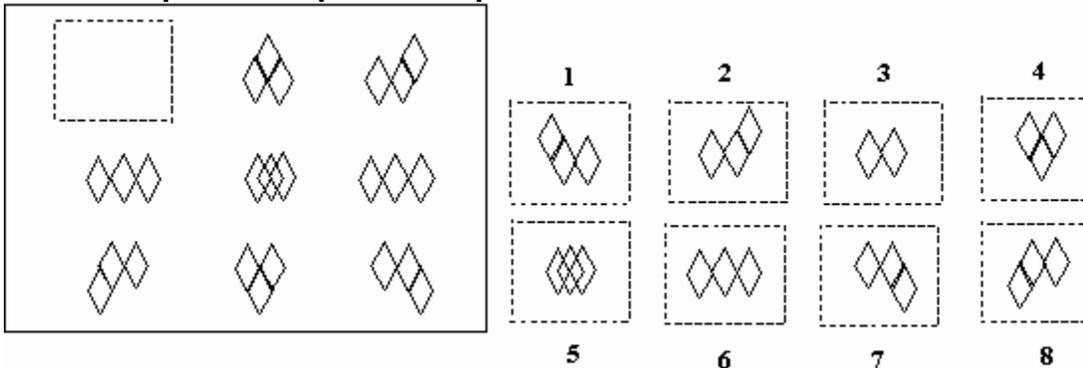
107 105 35 33 ? 9 ?

13. Which words are spelled incorrectly?

- (1). equiped (2). phlegm (3). schedule
 (4). circut (5). Astronaut

14. It is three times further to Smalltown than to Largetown.
 It is six times further to Toussaint than to Largetown.
 Toussaint is 300 km away. How far is it to Smalltown?

15. Which piece completes the pattern?



16. *study is to read as exercise is to*

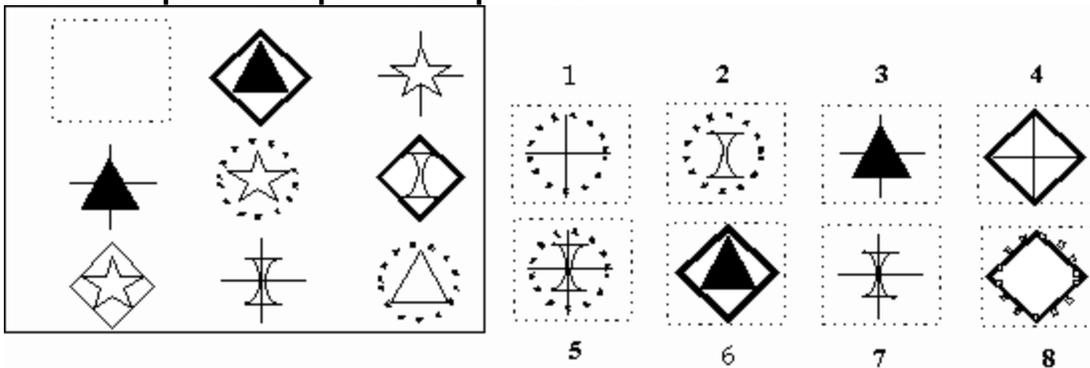
- (1). heartrate (2). run (3). shoes
 (4). fitness (5). Health

17. Five friends went fishing, and caught 72 fish. One caught $\frac{1}{6}$ of the fish. Another caught $\frac{1}{4}$ of the fish. The remaining friends caught the same number of fish as each other. How many fish did each of these three catch?

18. Find the word that is most similar in meaning to:
Penchant

- (1). inclination (2). medallion (3). similarity
(4). trophy (5). thoughtful

19. Which piece completes the pattern?



20. Four of the following words are similar in some way. Identify the remaining two words.

- (1). jubilant (2). buoyant (3). hydrant
(4). exultant (5). dominant (6). Triumphant

21. Oranges cost 30c per kilo less than apples. Kiwi fruits cost 90c per kilo more than apples. Pears are exactly midway in price between oranges and kiwi fruit. What is the difference in price between apples and pears?

22. Identify which two statements together prove that:
Ecosaurus was not found in Australia

- (1). All Australian dinosaurs were quite small
(2). All Australian dinosaurs were herbivorous
(3). Ecosaurus may have been warm-blooded
(4). Ecosaurus was present during the Cretaceous period
(5). Ecosaurus was not a herbivore

23. What number should replace the asterisk?

112	28	*
80	20	5
16	.	1

24. Which piece completes the pattern?

The puzzle shows a 3x3 grid of rectangles. The top-left cell is empty and outlined with a dotted border. The other cells contain rectangles with dots in various positions. To the right of the grid are eight options labeled 1 through 8, each in a dotted box. The options are:

- 1: A rectangle with a dot at the top center.
- 2: A rectangle with dots at the top center, left center, and bottom center.
- 3: A rectangle with a horizontal line across the middle.
- 4: A rectangle with two vertical lines on the left and right sides.
- 5: A rectangle with a dot at the right center.
- 6: An empty rectangle.
- 7: A rectangle with dots at the top center, left center, and right center.
- 8: A rectangle with a dot at the bottom center.

25. Which words are spelled incorrectly?

- (1). registration (2). circumstance (3). equality
 (4). concientiousness (5). Balance

26. Which part, if any, of this sentence is incorrect?

1	2	3	4
How many	good bargains	was there	at the sale?

Annex K: International comparison of recruitment and selection process of police personnel

Requirements to apply to the Police Force - an international comparison

Table 1 is not exhaustive in its requirements, and there is no particular prioritising order to the requirements.

Table 1: Requirements to apply to the police force

S. No	Requirement:	India ¹⁵⁴	England & Wales ¹⁵⁵	Western Australia ¹⁵⁶	Toronto Canada ¹⁵⁷	New York ¹⁵⁸	Hong Kong ¹⁵⁹	Sweden ¹⁶⁰
1.	Nationality of the country	N/A	British citizenship or member of EC/EEA ¹⁶¹	Australian citizenship or permanent residency	Canadian citizenship or permanent residency	US citizenship ¹⁶²	Permanent resident of the Hong Kong Special Administrative Region and have lived in Hong Kong the last 7 years	Swedish citizenship
2.	Age (in years)	N/A	18 ½ - 55	19 - no upper limit	18 - 65	17 ½ - 35 ¹⁶³	N/A	20 - no upper limit

¹⁵⁴ Constabulary level in Andhra Pradesh AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

¹⁵⁵ Police officers England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

¹⁵⁶ Application criteria Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

¹⁵⁷ Many Faces, One Community Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

¹⁵⁸ Become a police officer with the NYPD (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/> > /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

¹⁵⁹ Recruitment we serve with pride and care Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

¹⁶⁰ Vill du bli polis? (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

¹⁶¹ British citizen or a member of the EC/EEA. Commonwealth citizens and foreign national who are resident in the UK free of restrictions can also apply

¹⁶² US citizenship required on or before the date of hire

¹⁶³ Applicants who are 35 and over and have active United States military service may deduct up to six years from the age recruitment

Table 1: Requirements to apply to the police force (continuous)

S. No	Requirement:	India ¹⁶⁴	England & Wales ¹⁶⁵	Western Australia ¹⁶⁶	Toronto Canada ¹⁶⁷	New York ¹⁶⁸	Hong Kong ¹⁶⁹	Sweden ¹⁷⁰
3.	Eyesight	N/A	At least 6/12 on either eye or 6/6 binocular vision – severe colour vision deficiencies are not allowed	Minimum of 6/30 unaided vision in each eye, with corrected vision to be no worse than 6/9 in the poorer eye ¹⁷¹ - people with colour vision impairment are welcome to apply	Minimum of 20/40 (uncorrected), with normal colour acuity	N/A	Spectacles are accepted but the applicant has to pass an eyesight test	Minimum of 0.1 on each eye (uncorrected) and minimum 0.8 on each eye (corrected) – normal colour vision
4.	Hearing	N/A	The police service welcome applications from people with disabilities	N/A	Applicant must meet hearing standards as established by the Ontario Association of Chiefs of Police	N/A	N/A	Applicant can have some degree of impaired hearing

¹⁶⁴ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

¹⁶⁵ *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

¹⁶⁶ *Application criteria* Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

¹⁶⁷ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

¹⁶⁸ *Become a police officer with the NYPD* (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/> > /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

¹⁶⁹ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

¹⁷⁰ *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

¹⁷¹ For applicants outside the 6/30 range, further condition regarding the wearing of contact lenses apply

N/A = Information is not available, this however does not exclude the fact that it might be considered during the application process

Table 1: Requirements to apply to the police force (continuous)

S. No	Requirement:	India ¹⁷²	England & Wales ¹⁷³	Western Australia ¹⁷⁴	Toronto Canada ¹⁷⁵	New York ¹⁷⁶	Hong Kong ¹⁷⁷	Sweden ¹⁷⁸
5.	Education	Candidate must have passed SSC or its equivalent examination as on the 1 st July on the year of notification	No formal educational qualifications are required.	Successful completion of Year 10 in Western Australia or equivalent, however the Police Entrance Evaluation is based on Year 12 competency	Minimum of grade 12 or equivalent, post-secondary is advantageous	Candidates must have successfully completed 1) Sixty college credits with a 2.0 G.P.A from an accredited college or university or 2) two years of full-time, active military service in the United States Armed Forces ¹⁷⁹	Need five or three subjects, including Chinese and English (Syllabus B) at grade E or above in the HKCEE	The applicant need the same educational qualification to apply for the Swedish Police Force as to enter university or college ¹⁸⁰
6.	Ability to swim	N/A	Applicants do not need to be able to swim to apply	N/A	N/A	N/A	N/A	Applicants must be able to swim and dive, certificate is needed.

¹⁷² Constabulary level in Andhra Pradesh AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

¹⁷³ Police officers England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

¹⁷⁴ Application criteria Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

¹⁷⁵ Many Faces, One Community Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

¹⁷⁶ Become a police officer with the NYPD (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/> > /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

¹⁷⁷ Recruitment we serve with pride and care Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

¹⁷⁸ Vill du bli polis? (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

¹⁷⁹ with an honourable discharge and have a high school's diploma or its equivalent

¹⁸⁰ The applicants must have the grade “good” or above in Swedish, History and Political Science

N/A = Information is not available, this however does not exclude the fact that it might be considered during the application process

Table 1: Requirements to apply to the police force (continuous)

S. No	Requirement:	India ¹⁸¹	England & Wales ¹⁸²	Western Australia ¹⁸³	Toronto Canada ¹⁸⁴	New York ¹⁸⁵	Hong Kong ¹⁸⁶	Sweden ¹⁸⁷
7.	Motor driver's licence	N/A	Applicants will not be rejected because they cannot drive	Hold a current Western Australian manual Driver's Licence or equivalent – not have more than 6 current demerit points ¹⁸⁸	Hold an Ontario class "G" licence (upon submitting application) a quality driving record with less than six demerit points	On the date of hire the candidate must possess a valid, unrestricted New York State Driver's Licence	N/A	Applicant must hold a driver's licence for cars
8.	Computer skills	N/A	N/A	Applicants must possess computer skills. ¹⁸⁹	N/A	N/A	N/A	N/A
9.	First Aid /CPR	N/A	N/A	Applicant need current Senior First Aid Certificate	Applicant need to be certified in level C prior to employment	N/A	N/A	N/A

¹⁸¹ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

¹⁸² *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

¹⁸³ *Application criteria* Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

¹⁸⁴ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

¹⁸⁵ *Become a police officer with the NYPD* (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/> > /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

¹⁸⁶ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

¹⁸⁷ *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

¹⁸⁸ The driver's licence shall also be off 'P' plates and the applicant shall not have had a licence suspension within the last 3 years (does not include a fines suspension)

¹⁸⁹ Applicants must be able to type a minimum of 30 words per minute with at least 90% accuracy. Applicants must also demonstrate basic computer skills using Windows NT/ Windows XP operating systems

N/A = Information is not available, this however does not exclude the fact that it might be considered during the application process

Table 1: Requirements to apply to the police force (continuous)

S. No	Requirement:	India ¹⁹⁰	England & Wales ¹⁹¹	Western Australia ¹⁹²	Toronto Canada ¹⁹³	New York ¹⁹⁴	Hong Kong ¹⁹⁵	Sweden ¹⁹⁶
10.	Tattoos/ piercing	N/A	You should not have tattoos that can cause offence ¹⁹⁷	N/A	N/A	N/A	N/A	Explicit no opinion on tattoos or piercing ¹⁹⁸
11.	Criminal record	N/A	Can exclude applicant but minor offences may not exclude application	Integrity survey is conducted on the applicant, including local, national and overseas criminal and traffic records	No record of criminal convictions allowed	Can disqualify an applicant ¹⁹⁹	N/A	Applicants allowed with criminal record ²⁰⁰
12.	Financial history	N/A	Will be checked and can exclude the applicant ²⁰¹	N/A	N/A	No information of financial history checks-ups ²⁰²	N/A	N/A

¹⁹⁰ Constabulary level in Andhra Pradesh AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

¹⁹¹ Police officers England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx>> /working for the police/ police officers/

¹⁹² Application criteria Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

¹⁹³ Many Faces, One Community Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

¹⁹⁴ Become a police officer with the NYPD (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/>> /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

¹⁹⁵ Recruitment we serve with pride and care Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

¹⁹⁶ Vill du bli polis? (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se>> /Vill du bli polis? (only in Swedish)

¹⁹⁷ Tattoos are not accepted if they

- Undermine the dignity and authority of the police constable
- Are garish or numerous or particularly prominent
- Could cause offence to member of the public or colleague and/or invite provocation. This would include tattoos which are rude, lewd, crude, racist, sexist, sectarian, homophobic, violent or intimidating or tattoos which display unacceptable attitudes towards women, minority groups or any other section of the community, or alignment with particular groups which could give offence to members of the community.

¹⁹⁸ Freely translated :*We have no objections on tattoos or piercing when it comes to the qualifications or the competitiveness of the applicant to be accepted to the police academy*

¹⁹⁹ Any convictions of an offence which is punishable by one or more years imprisonment (felony). Any repeated convictions of an offence which indicate disrespect for the law, a lack of good moral character or disposition towards violence and disorder.

²⁰⁰ However there will be an individual evaluation of each case

²⁰¹ These checks are carried out because police officers have access to privileged information, which may them vulnerable to corruption

²⁰² However the candidates must pass a character and background investigation

Table 1: Requirements to apply to the police force (continuous)

S. No	Requirement:	India ²⁰³	England & Wales ²⁰⁴	Western Australia ²⁰⁵	Toronto Canada ²⁰⁶	New York ²⁰⁷	Hong Kong ²⁰⁸	Sweden ²⁰⁹
13.	Recruiting opportunities per year	N/A	On going applications – the applicant applies to the police branches that are currently recruiting	On going applications	Ongoing applications	Examination Date(s) May 16, 2006 to September 15, 2006	Ongoing process ²¹⁰	Recruiting twice a year 1. January (apply latest 15 March) and 2. August (apply latest September)
14.	Fee	N/A	No fee	No fee	No fee	Filing an application is free however the candidate has to pay \$75.00 fee for fingerprinting as part of the investigation process	N/A	No fee

²⁰³ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

²⁰⁴ *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

²⁰⁵ *Application criteria* Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/> > /application criteria

²⁰⁶ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

²⁰⁷ *Become a police officer with the NYPD* (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.nyc.gov/html/nypd/> > /Join NYPD

this column includes requirements to take the written examination and the requirements to be hired

²⁰⁸ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

²⁰⁹ *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

²¹⁰ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/recruitment/faq.htm>>

N/A = Information is not available, this however does not exclude the fact that it might be considered during the application process

Selection process

The selection criteria in table 2 is compiled from each police force's home page.

Table 2: Selection process

Step No	India ²¹¹	England & Wales ²¹²	Western Australia ²¹³	Toronto Canada ²¹⁴	Hong Kong ²¹⁵	Sweden ²¹⁶
Step 1	Physical efficiency test	The force the applicant applied for will check the eligibility and mark the applicants competency	A comprehensive integrity check	Physical abilities test (PREP)	Preliminary assessment 1) Physical Fitness Test 2) Group Interview ²¹⁷	Check to assure that the applicant fulfil the formal application requirements
Step 2	A written test, answers in Telugu, Urdu, Hindi or English	Test in written English skills, verbal reasoning, oral skills and mathematical skills ²¹⁸	A written entrance evaluation to test the applicant's written communication, numeracy skills and the applicant's practical intelligence ²¹⁹	A Police analytical thinking inventory (PATI)	Final Interview Board Candidates will first view a police related video and then attend the interviews	First interview and a Swedish language test
Step 3	Interview with a selection committee	Medical and fitness test	Attendance at a realistic job preview (metropolitan only)	A written essay (WCT)	Integrity checks and Medical Examination	A physical performance test

²¹¹ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

²¹² *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

²¹³ *Application criteria* Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

²¹⁴ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

²¹⁵ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

²¹⁶ *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

²¹⁷ Applicants must pass the Physical Fitness Test before they can proceed to the Group Interview

²¹⁸ See Appendix H

²¹⁹ See Appendix I

N/A = Information is not available, this however does not exclude the fact that it might be considered during the selection process

Table 2: Selection process (continuous)

Step No	India ²²⁰	England & Wales ²²¹	Western Australia ²²²	Toronto Canada ²²³	Hong Kong ²²⁴	Sweden ²²⁵
Step 4	Final selection		A physical performance evaluation	A video stimulation (BPAD) and a vision/hearing test will follow ²²⁶	Appointment will be offered to those candidates found most suitable for the post of Constable	Tests and interviews - Computerised ability test - A written essay test - Medical examination - Interview with a psychologist - Job interview
Step 5			A psychological inventory	Vision Standards assessments		An admission board decides which applicants shall be given entrance to the Swedish Police Academy
Step 6			A formal panel interview	Hearing standards assessment		
Step 7			A psychological interview	Blended interview Process		
Step 8			A final medical examination	Meeting with a psychologist		
Step 9				A conditional offer of employment is then given to the applicant. The applicant then receives medical clearance from the TPS medical staff		

²²⁰ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

²²¹ *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

²²² *Application criteria* Western Australian Police Home Page –recruitment (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.stepforward.wa.gov.au/>> /application criteria

²²³ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

²²⁴ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

²²⁵ *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se/>> /Vill du bli polis? (only in Swedish)

²²⁶ The applicant will view on a TV monitor, scenarios representing what police constables experience on the job. The applicant will then respond as if you were speaking to the people in the scene

N/A = Information is not available, this however does not exclude the fact that it might be considered during the selection process

Table 2: Selection process (continuous)

Step No	India ²²⁷	England & Wales ²²⁸	Western Australia ²²⁹	Toronto Canada ²³⁰	Hong Kong ²³¹	Sweden ²³²
Step 10				An orientation session and swearing in ceremony is scheduled prior to the beginning of training. The applicant is sworn in as a Toronto Police Service employee, classified as a cadet-in-training		

²²⁷ *Constabulary level in Andhra Pradesh* AP State Police Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.apstatepolice.org/html/home.jsp> > /May I help/ Be a cop/ Police constable

²²⁸ *Police officers* England and Wales Police Force Home page (n.d) (electronic source) retrieved September 7, 2006 from < <http://www.policecouldyou.co.uk/default.aspx> > /working for the police/ police officers/

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²³⁰ *Many Faces, One Community* Toronto Police Service Home page (2006) (electronic source) retrieved September 7, 2006 from < <http://www.torontopolice.on.ca/> > /Inside the TPS/ Careers

²³¹ *Recruitment we serve with pride and care* Hong Kong Police Force Home page (August 1, 2006) (electronic source) retrieved on 7 September, 2006 from <<http://www.info.gov.hk/police/hkp-home/english/index.htm>> /Recruitment/ Entry requirements/ Constabulary level

²³² *Vill du bli polis?* (n.d) (electronic source) retrieved September 7, 2006 from <<http://www.polisen.se>> /Vill du bli polis? (only in Swedish)