

## **The Kerala Police Performance and Evaluation Commission Report :** **Some Useful Recommendations**

The Kerala Police Performance and Accountability Commission was set up in November 2003 by a Government Order on the initiative of A.K Anthony - the then Chief Minister of Kerala. The Commission's establishment was the result of sustained demands by civil society and ordinary citizens for greater efficiency and accountability from the Kerala State Police. The Commission - seen as bold and progressive step towards good governance - was vested with the mandate to: (i) evaluate the general performance of the police during the years 2002 and 2003 (ii) to examine the effectiveness of the autonomy given to the police and to comment on its merits and demerits (iii) to make recommendations on improving the functioning and accountability of the police.

The Commission, which submitted its report on March 21, 2005 was headed by Justice K.T Thomas, retired Supreme Court Judge and comprised of K.V Rajgopalan Nair, former Director General of Police, Kerala and T.N Jayachandran, former Additional Chief Secretary, Kerala and former Vice- Chancellor Calicut University. CHRI has compiled some useful recommendations of the Commission, which are given below:

### **Recruitment**

To address the problem of sporadic police recruitment, the Commission recommended the creation of a **permanent recruiting board**, distinct from the Public Service Commission to be headed by a Sessions Judge of selection grade. The advantages will be recruitment will become a continuing process, allowing expeditious filling up of vacancies.

Reduction in the age limit for recruitment of sub-inspectors to 25 from the present 30 years was recommended. The benefits are: the police will have a more youthful profile; training will be more effective as younger people are more amenable to training; and officers will serve the force longer. The Commission did however support "suitable relaxations" in respect of age for candidates belonging to the scheduled castes and scheduled tribes. A recommendation was also made for **recruitment of women as sub-inspectors**. Gender balancing in the police will go a long way in making the police accessible to women who large perceive it as a male dominated and patriarchal organisation.

Entry qualifications for constables should be raised to standard XII or its equivalent. To ensure a steady stream of young persons wanting to join the police, Police Colleges should be set up at Thiruvanthapuram, Thrissur and Kohzhikode.

### **Training**

The Commission rightly felt that training is not given due importance in the police. It recommended that the best officers in the force should man training institutes. In order to encourage them to take up training assignments they should get a 30% hike in salary along-with perks such as accommodation, residential telephone and transport

along-with a one-step promotion for the period of training assignment. The Commission recommended that a **new syllabus** giving importance on behavioural and professional skills of practical relevance in day to day policing should be introduced which includes law, organisation and administration , society and behaviour, police duties and skills, field craft and tactics.

### **Service Conditions**

Concerned after meeting members of the Kerala Police Association, the Commission felt that, “discontent among them was created consequent on the indiscriminate transfer of many officers in 2002-2003”. The Commission recommended that there should be **clear cut transfer norms and fixed tenure** of 2 years for each post. Transfers should be finalised and implemented well before the beginning of each academic year so that the education of the children of police officers is not affected.

Noting the ill effect of long and indeterminate working hours on police morale and functioning, the Commission recommended that **working hours should not exceed 8 hours per day**. This is achievable through proper deployment of personnel.

Careers of officers should be planned and they should be posted to different branches such as the Special Branch, Crime Branch etc. before being considered for promotion to the next stage. This will help in creating a better and more balanced cadre of officers who can function in diverse situations. Officers should also be subject to screening tests regarding their knowledge, skills and aptitude before promotion. The Commission felt that promotions to head constable from constable should be at a much higher pace and a certain percentage of posts should be reserved at “higher level” for promotion through fast track on the basis of tests to be specially conducted for this purpose.

### **Police Welfare**

Significant recommendations of the Commission on police welfare – which impacts morale – are: setting up a police school in every district for the wards of police personnel; medical group insurance for police officers to help them defray the expenses of injuries caused while performing their duty; and creation of a fund to cover legal expenses of officers who are prosecuted for actions committed in the discharge of their duties – however, if the case ends in conviction, then the officer should be required to return the amount received from the government.

### **A New Work Culture**

The Commission favoured **separation of law and order from investigation** duties to enable “continuous and sustained investigation of cases”. Staff should be earmarked for each at the police station level. A similar recommendation was made by the Padmanabhaiah Committee on Police Reforms, 2000.

Greater emphasis in police stations should be on “grievance ventilating”. Their appearance should not be one of “instilling intimidation and fear”. Armed guards

with rifles outside the police station should be removed. Instead officers equipped with handguns not displayed ostensibly should be deployed.

The Commission recommended that the present lock-up system in police stations should undergo a substantial change. This should be done by **separating the lock up from the police station and creating a centralised lock-up** with necessary registers being kept by the officer – in charge. The Commission felt that this would add to transparency and prevent misuse of lock-up at police stations.

In addition, every **police station should be equipped with a computer** and an operator for feeding and storing necessary information. The present mode of maintaining records by hand is outdated. To overcome shortage of space in police stations, the Commission recommended that the lock-ups should be shifted outside to a centralised lock-up in each sub-division.

Commissioners of the three existing police commissionerates in Kerala - Thiruvananthapuram, Kochi and Kozhikode - should be conferred powers of the executive magistrate under Section 20 (5) CrPC as in other states. This will allow police commissioners to directly monitor the grant and revocation of arms licenses, and exercise powers under Chapter VIII of the CrPC (Security for Keeping the Peace and Good Behaviour).

### **Garnering of Police Personnel**

Stressing the need for **better management of personnel deployment**, the Commission criticised the practice of a large number of policemen - drawn from different units – being kept by officers for their personal security. Deployment of security personnel on a prescribed scale from a single unit like the District Armed Reserve can remedy the situation. In addition, the present scale of escorts provided to VIPs which has become an “unnecessary appendage” should be reviewed. Chronic shortages of strength in police stations can also be beefed up by posting personnel of the District Armed Reserve there.

To reduce the work load on the police, the Commission recommended that Sections 62 and 91 of the Code of Criminal Procedure, 1973 (CrPC) which require police officers to serve court summons should be amended to allow the delivery of summons by post in the first instance. The assistance of police could be taken if the person summoned fails to appear in court on the required date.

The Commission also suggested the creation of a departmental committee review and revise the job content of senior IPS officers not directly connected with law and order.

### **Traffic Management**

The Commission devoted a large part of its report to traffic management because in its opinion, “Kerala has become notorious for the loss of lives due to mounting traffic accidents”. Recognising the role of the police in preventing over-speeding, drunken driving etc., the Commission felt that **better traffic enforcement** will lead to reduction of accidents. The Commission recommended that traffic management

should be made a special subject during training and it should be mandatory for all personnel to clear this subject before passing out of training institutions. The curriculum should also incorporate lessons on behaviour towards pedestrians, motorists and passengers. In addition, the Commission recommended the creation of a **Statutory Traffic Authority** in district headquarters and important towns, comprising of representatives of the Municipalities, Public Works Department, Transport Department and the Police who would have the legal authority to implement traffic improvements.

Two major causes of traffic accidents: (i) frontal collision of speeding vehicles (ii) riders of two wheelers not wearing helmets were identified by the Commission. The Commission recommended to the government that dividers should be put up on all highways as matter of policy and Bureau of Indian Standards should be moved to make a new design of helmet that is light, airy and does not obstruct hearing like the existing designs.

### **Police Accountability**

A useful suggestion by Commission is that **Superintendents of Police should prepare annual reports** about the activities of all police stations under their charge. The report would include information relating to crimes, law and order, collection of intelligence and community service, reporting of First Information Reports (FIRs) and reasons for delay in filing of charge-sheets. In addition, the Commission has recommended that '*Adalaths*' should be periodically set up (at least once in six months) at sub-divisional level to solve problems connected with policing and for the clearance of long pending complaints and grievances.

### **Transparency**

The Commission called for regulation of information in respect of the progress of investigations. It sought to discourage the tendency of investigating officers directly appearing before the media to disclose information. Instead the Commission favoured disclosure of information by the Superintendent of Police or a specially appointed police officer as spokesperson.

The Commission recommended that every police station should keep a **notice board to record weekly crime statistics** for the information of the public. Greater transparency in police administration can come about through the implementation of community policing schemes that may be prepared by the Director General of Police.

### **Prosecution of Offences**

To reinforce efficiency and integrity in the prosecutorial system, which is leading to a number of "unwarranted acquittals", thus undoing the investigation efforts of the police, the Commission recommended that Public Prosecutors and Assistant Public Prosecutors should be appointed from a panel prepared by the District & Sessions Judge.

## **Scientific Laboratories**

The Commission recommended increasing the strength of the Forensic Laboratory to help cope with the growing demands of investigating officers for forensic analysis of evidence. To help clear the backlog of pending cases, the Commission recommended that an officer of the rank of Deputy Superintendent should be entrusted the specific responsibility of preparing a list of cases in which forensic analysis is no longer required. The Commission also recommended modification of existing rules or departmental instruction to clear the back log but it did not describe which rules if any should be modified.

## **Police Corruption**

To tackle police corruption, the Commission recommended that the **Vigilance and Anti-Corruption Bureau should be “freed from police influence”**. It should be headed by a “very senior officer” designated as ex-officio Secretary to the State Government and ranked higher than the Director General of Police. Also to guarantee impartiality, the officer designated should not be eligible for further assignments by the government. To further minimise police influence, the Commission recommended that the Bureau should progressively develop its own cadre through direct recruitment of at least half its staff and by getting the remaining staff from government departments including the police through deputation or permanent absorption.

The Commission felt that the Bureau should be able to investigate and charge- sheet instances of corruption. It has suggested that governmental instructions be modified to enable the Bureau to directly present the charge-sheet to the government for according legal sanction to prosecute public servants in court.

The Commission also recommended the setting up of a cell formulated by the Director General of Police to make independent inquiries against corrupt elements in the police department. It favoured strengthening the government’s hands to tackle corruption by amending the Prevention of Corruption Act, 1988 to:

- (i) empower the government to confiscate the excess assets/wealth of the convicted public servant
- (ii) allow the court to presume that alleged *benami* assets belong to the accused public servant

## **Community Policing**

Recognising the value of community policing in the prevention of crime, the Commission recommended **strengthening the ‘beat patrolling’ system** where officers acquaint themselves with the area through regular foot patrols and maintain steady communication with residents. The Commission pointed out that the police needs to recognise the value of community partnership; it has to identify specific concerns of the community as priority areas for work; and it has to bring about a change in its mindset and organisational set up. The State Police Manual should incorporate a chapter on community policing that clearly explains the rationale, approach, technique and type of activities that can be undertaken, alongwith methods of evaluation.

The Commission has called upon the government to issue enabling orders to allow police officers to undertake community policing schemes in their jurisdictions. Where required, funds should be made available. An officer should be designated as Coordinator, Community Policing Projects by the Director General of Police. Booklets on community policing should be brought out for public distribution and for the police department.