Police reform debates in India

Selected recommendations from the National Police Commission

Ribeiro Committee

Padmanabhaiah Committee

Police Act Drafting Committee

and the Supreme Court directives in Prakash Singh v/s Union Of India

Commonwealth Human Rights Initiative

2007
Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation. Established to assist the practical realisation of human rights in the member states of the Commonwealth, CHRI works with governments and human rights advocates to develop and implement human rights legislation, and provides a space in which to work and provided a forum within which to promote human rights. For further information on CHRI's mission and work, please visit www.humanrightsinitiative.org.

Overview of CHRI

CHRI’s mission is to assist Commonwealth member states and citizens to develop human rights laws that respect and protect human rights and to implement them in practice.

CHRI Programmes

CHRI’s programmes are designed to catalyse and promote the adoption of legislation and public policies that protect human rights, and to facilitate implementation of legislation and public policies.

ACCESS TO INFORMATION

Right to Information

CHRI endorses the right to information for action in support of democracy, and for citizens and human rights defenders to access public records and government information. CHRI promotes the right to information for action in support of democracy, and for citizens and human rights defenders to access public records and government information.

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Human Rights Advocacy

CHRI makes regular submissions to official Commonwealth bodies and member governments and when needed, conducts fact finding missions. Since 1995, CHRI has sent teams to Nigeria, Zambia, Sri Lanka and Zambia. CHRI works to ensure the Commonwealth Human Rights Network, which brings together thirteen groups to build their collective power to advance human rights.

CHRI’s Media Unit also ensures that human rights issues are in the public consciousness.

Commonwealth Human Rights Initiative

CHRI’s work is based on the belief that human rights, democracy, and development are necessary to ensure a better future for people, particularly for people in poor countries. There is no greater standard and no more effective mechanism for access to justice and participation in the Commonwealth, and in our member countries. In addition, CHRI works to advance human rights in the Commonwealth

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CHRI Programs

CHRI works on a wide range of issues related to the application and development of human rights. CHRI has undertaken projects and campaigns in various regions, including South Asia, East Africa, the Pacific and the Caribbean. CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and effective mechanisms for access, monitoring and participation among the Commonwealth and its member countries. In addition to its broad human rights advocacy program, CHRI advances access to information and information to justice. It does this through research, publications, and training, information dissemination and advocacy.

Executive Committee:

Sam Okudzeto - Chairperson. Members: Eunice Brookman-Amissah, Sam Okudzeto, Meenakshi Gaur-Dhar, Derek Ingram, John Phillips, Andrew Klavan, Rosemary Phillips.

International Advisory Committee:

Murray Burt, Jean Corston, Maja Daruwala, Alison Duxbury, Neville Linton, B.G. Verghese, Zohra Yusuf.

Technical Committee:

G. P. Joshi, Design & Layout: Ranjan Kumar Singh, CHRI.

Compiled by Swati Mehta, Edited by Daniel Woods, Based on Selected Recommendations (March 2001, CHRI).

Material from this report may be used, duly acknowledging the source.


ACCESS TO INFORMATION

Right to Information (RToI) statutes and jurisprudence in member states are sparse in action, as a rule of thumb, in support of openness policies, and have produced mixed results. In most jurisdictions, government information is provided for access to public forums only on a limited basis, often with a discretionary right to be refused. CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as promoting the policy environment. CHRI is active in South Asia, most recently supporting the successful campaigns for the national bill in India and providing legal drafting support and training in Nigeria. In the Pacific, CHRI works with national and regional organizations in support of a new legislation.

Constitutionalism: CHRI believes that constitutionalism must be made and owned by the people and has developed guidelines for the drafting and making of constitutions through interactive workshops. CHRI also promotes the development of common legal tools and rights through public education and has developed model frameworks for the Commonwealth Parliamentary Association. To this end up to date, CHRI has provided workshops of the CPM's seminars and training on constitutional drafting, the rule of law, and the protection of human rights.

ACCESS TO JUSTICE

Access to Justice: access to justice is one of the key challenges faced by individuals and communities in Commonwealth member states. In many jurisdictions, the right to justice is not realised in practice, and access to justice remains a fundamental human right. CHRI campaigns for a national law in India and provides legal drafting support and inputs in Africa. In the Pacific, CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as promoting the policy environment. CHRI is active in South Asia, most recently supporting the successful campaigns for the national bill in India and providing legal drafting support and training in Nigeria. In the Pacific, CHRI works with national and regional organizations in support of a new legislation.

NETWORKS & NETWORKS

Networks: CHRI builds networks and alliances with other organisations and institutions to achieve its objectives. CHRI is part of a network of organisations that mobilise for access to justice and legal reform, including the Commonwealth Human Rights Initiative Network. CHRI has been involved in a number of projects and campaigns in various regions, including South Asia, East Africa, the Pacific, and the Caribbean. CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and effective mechanisms for access, monitoring and participation among the Commonwealth and its member countries. In addition to its broad human rights advocacy program, CHRI advances access to information and information to justice. It does this through research, publications, and training, information dissemination and advocacy.

HUMAN RIGHTS DECISIONS

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CHRI has taken all reasonable steps to ensure that the booklet contains an accurate summary of the major recommendations of each of the commissions and committees on which it is based. The Commonwealth Human Rights Initiative (CHRI) has taken all reasonable steps to ensure that the booklet contains an accurate summary of the major recommendations of each of the commissions and committees on which it is based. The Commonwealth Human Rights Initiative (CHRI) has taken all reasonable steps to ensure that the booklet contains an accurate summary of the major recommendations of each of the commissions and committees on which it is based.
3. Political will remains a hurdle

At the date of publication, it remained unclear whether the state governments - or even the union government - would comply with the directions of the Supreme Court or implement the recommendations contained in the Model Police Act in spirit. Although the Supreme Court directions are binding on governments, many are opposed to their implementation and may legislate to avoid compliance with important aspects of the Court’s directions, which they think will curtail their powers to control the police.

Introduction

India’s police continue to be governed by an archaic and colonial police law passed in 1861. The Indian Constitution makes policing a state subject and therefore the state governments have the responsibility to provide their communities with a police service. However, after-independence most have adopted the 1861 Act without change, while others have passed laws heavily based on the 1861 Act.

The need for reform of police in India - and, fundamentally, the police laws, has been long recognised. There has been almost 30 years of debate and discussion by government-created committees and commissions on the way forward for police reform, but India remains saddled with an outdated and old-fashioned law, while report after report gathers dust on government bookshelves without implementation.

This publication sets out selected reforms of these committees, beginning with the Police Act of 1927, which was modelled on the British Police Act of 1898. In 1932, the first Indian Police Act was passed and passed in 1935, which was modelled on the British Police Act of 1906. In 1961, the Indian government passed the Police Act, which was modelled on the British Police Act of 1919.

In 2006, the government set up a committee to review the Commission’s recommendations, and the Ribeiro Committee was born. The Committee, under the leadership of J.F. Ribeiro, a former chief of police, sat over 1998 and 1999, and produced two reports.

In 1996, two former senior police officers filed a public interest case with the Supreme Court, which produced the 1861 Act. The Indian Constitution makes policing a state subject and therefore the state governments have the responsibility to provide their communities with a police service.

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In 2000, the government set up a third committee on police reform, this time under the stewardship of a former union Home Secretary, Mr. K. Padmanabhaiah. This Committee released its report in the same year.

In 2005, the government put together a group to draft a new police Act for India. Headed by a senior advocate of the Supreme Court, Mr. Soli Sorabjee, the Police Act Drafting Committee submitted a Model Police Act to the union government in late 2006.

At the same time, the Supreme Court made further directions in the long running public interest litigation on police reform. The Court directed the governments of India to implement police reform, and provided them with a framework within which to begin the reform process.


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48 Police reform debates in India - Selected recommendations Commonwealth Human Rights Initiative

Police reform debates in India - Selected recommendations Commonwealth Human Rights Initiative
The National Police Commission (NPC) was put together in 1977 by the union government. It was given wide terms of reference that included the organisation, role, and functions of the police, police-public relations, political interference with police work, misuse of police power, and police accountability and performance evaluation.

The NPC produced eight reports between 1979 and 1981, setting out wide-reaching recommendations for reform. Selected recommendations from each of the eight reports are set out below.

The following recommendations have been selected from the first report of the NPC.

1.1. First, the police hierarchy should consider and deal with a large number of complaints that are made against the police. The appropriate investigating officers, depending on the rank of officer subject to the complaint, are set out in the table below.

<table>
<thead>
<tr>
<th>Officer Rank</th>
<th>Investigating Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head Constable/Constables</td>
<td>Sub-Inspectors/Assistant Sub-Inspectors or more senior officer</td>
</tr>
<tr>
<td>Inspector of Police</td>
<td>Sub-Inspectors or more senior officer</td>
</tr>
<tr>
<td>Deputy Superintendent of Police</td>
<td>Assistant Superintendent of Police</td>
</tr>
<tr>
<td>Superintendent of Police</td>
<td>more senior officer</td>
</tr>
</tbody>
</table>

1.2. Complaint cells should be established in each district, range, and at state headquarters for complaints that cannot be dealt with by inquiry by an officer.

**Police department inquiries into complaints**

- Complaint against: Deputy Superintendent of Police
- Inquiry by: Superintendent of Police or more senior officer

**Complaints Cells directly supervised by**

<table>
<thead>
<tr>
<th>Officer Rank</th>
<th>Directly Supervised by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector of Police</td>
<td>Deputy Superintendent of Police</td>
</tr>
<tr>
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<td>Inspector General</td>
</tr>
</tbody>
</table>

**Going forward: the future police reform process**

1. **Supreme Court judgment**

The Supreme Court judgment aims to achieve functional autonomy for the police and accountability for conduct and performance.

1.1. **Functional autonomy**

The police organisation is in place to protect and assist the community. Officers are public servants and must do their work in an impartial and efficient way for the benefit of the entire community. This means that the police require functional autonomy within the framework of law and accountability mechanisms, officers must have control over their day to day operational actions and decisions.

Functional autonomy requires a balancing between ensuring the police are free from illegitimate political interference and are not in a position to abuse their power. In India today, illegitimate political interference in police operations is routine. This imbalance must be redressed.

1.2. **Accountability**

Functional accountability must be balanced with accountability. The police must be accountable as an organisation and officers must be accountable as individuals for their actions. Performance evaluation must be built into the policing laws to ensure organisational accountability, while independent civilian oversight has proven to be the most effective accountability mechanism for individual officers in reforming jurisdictions around the world.


The Supreme Court directives have provided a general framework for reform. Governments need to build processes and mechanisms into legislation that sit in this framework; the Model Police Act produced by the Police Act Drafting Committee is a useful template for this process. The Model Police Act can assist governments in setting issues such as process and criteria for the appointment of members to oversight bodies, the functions and powers of oversight bodies and the relationship between internal and external mechanisms.
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<td>Superintendent Police or more senior officer</td>
</tr>
<tr>
<td>Inspectors of Police/ Deputy Superintendent of Police/ Assistant Superintendent of Police</td>
<td>Complaints Cells directly supervised by the Deputy Inspector General or Inspector General</td>
</tr>
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1.2. Complaint cells should be established in each district, range and at state headquarters for complaints that cannot be dealt with by inquiry by an officer.
Police reform debates in India - Selected recommendations

1. Introduction

1.2.1. In each district, a special complaints cell should be headed by the Deputy Superintendent (working under the District Superintendent) to handle inquiries into allegations of police misconduct in which the normal investigation process is likely to be biased.

1.2.2. In each range, complaint cells should be headed by the Range Deputy Inspector General for handling inquiries that may involve scrutiny of the Superintendent of Police’s conduct.

1.2.3. At the state level, there should be a special cell to handle inquiries that require attention at the state level. This cell will work under a Superintendent of Police, supported by Deputy Superintendents of Police and Inspectors, all working under the Inspector General of Police.

1.3. Inspectors and more senior officers (as well as all officers in charge of a complaint cell) should maintain complaint registers.

1.3.1. The district level complaint cells should frequently check and ensure the proper maintenance of the registers and the expeditious disposal of complaints by field officers in the district.

1.3.2. The range level complaints cells should conduct surprise checks in each district to ensure complaints are being properly recorded and dealt with.

1.4. Inquiry officers should comply with the following guiding principles.

1.4.1. The complainant should be heard in detail and every effort must be made by the inquiring officer to ascertain the truth by examining other witnesses as he or she considers necessary, without insisting that the complainant produce the witness.

1.4.2. Important witnesses shall as far as possible be questioned in the presence of the complainant.

1.4.3. Throughout the conduct of the inquiry, the Inquiry Officer should avoid doing anything which might create a doubt in the complainant’s mind about the objectivity and impartiality of the inquiry.

1.4.4. The inquiry shall, as far as is practicable, be conducted in an appropriate public building or place in or near the complainant’s home.

1.4.5. If the Inquiry Officer reports that the complainant does not want to continue with the complaint, the facts and circumstances of that case should be verified by either the Inquiry Officer’s senior or the district complaint cell.

Commission, Lokayukta and State Public Service Commission. The panel may include members who are retired civil servants, police officers or officers from any other department, or from civil society.

6.5. The members of the authorities will work full time and will be suitably remunerated.

6.6. The State Authority will be empowered to look into allegations of serious misconduct by police, which is defined as:

- death;
- grievous hurt; or
- rape in police custody.

6.7. The District Authority will be empowered to look into all complaints of:

- death;
- grievous hurt;
- rape in police custody;
- allegations of extortion;
- land/house grabbing; and
- any incident involving serious abuse of authority.

6.8. The members of the authorities can employ staff to conduct field inquiries. The staff can consist of retired investigators from the Criminal Investigation Department, Central Police Bureau of Research and Development, Central Bureau of Investigations, Intelligence Bureau, and the National Police Academy. It is unlikely that the judgment intended to refer to both groups.

7. National Security Commission

7.1. The central government must establish a National Security Commission at the union level comprising:

- the union Home Minister as the Chair;
- heads of the Central Police Organisations and two security experts as members; and
- the union Home Secretary as its Secretary.

The judgment does not clearly define “Central Police Organisations”. These include two groups: central para-military forces and other central police organisations, such as the Bureau of Research and Development, Central Bureau of Investigations, Intelligence Bureau, and the National Police Academy. It is unlikely that the judgment intended to refer to both groups.
6.4. Both authorities will be made up of three to five members depending upon the
6.3. The State Complaints Authority shall be headed by a retired judge of the High
6.2. The District Complaints Authority will be headed by a retired district judge who
6.1. Each state government will set up an independent body called the Police

5.5. The Board shall review the functioning of the police in the state.
5.4. The Board will also function as a forum of appeal for disposing of
5.3. The Board will make recommendations to the government on postings and
5.2. The Board will decide all transfers, postings, promotions and other service
5.1. Each police organisation will create a body called the Police Establishment

2. Judicial inquiry into complaints
2.1. Judicial inquiry should be made mandatory in the following categories of

3. District Inquiry Authority inquiries into complaints
3.1. A District Inquiry Authority (DIA) should be set up in each district. The DIA

4. A Police Complaint Board should be set up at the state level (by the State

3.2. The DIA should be assisted by an assessor, who should be an Additional

3.3. The DIA should complete inquiries into a case within four months. In

3.4. The DIA should be given statutory power to summon witnesses and secure

3.5. The DIA should send his or her report of the inquiry to the state government.

8. Police reform debates in India - Selected recommendations

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1. Police reform debates in India - Selected recommendations

Commonwealth Human Rights Initiative
National Police Commission
Second report - August 1979

The following recommendations have been selected from the second report of the NPC.

1. Criminal Justice Commission
   1.1. The police cannot achieve complete success in their work unless all wings of
   the criminal justice system operate with simultaneous efficiency. A Criminal Justice
   Commission should be set up to comprehensively monitor the performance of all agencies
   and apply corrective measures.
   1.2. The existing Law Commission may also function as a Criminal Justice
   Commission. Such arrangements at the centre should be supported by similar arrangements
   at the state level.

2. Role of the police
   2.1. The basic role of the police is to function as a law enforcement agency
   and render impartial service to the law, without any head to the wishes, indications
   or desires expressed by the government which either come in conflict with or do not conform to
   the provisions contained in the constitution or laws. This should be spelt out in the Police Act.
   2.2. The police should have a recognised service-oriented role in providing relief to
   people in distress situations. They should be trained and equipped to perform the service-oriented functions.

3. Political interference in police work
   3.1. In the existing system, the police function under the executive control of the state government. The manner in which political control has been exercised over the police in this country has led to gross abuses, resulting in erosion of rule of law and loss of police credibility as a professional organisation.
   3.2. The threat of transfer or suspension is the most potent weapon in the hands of the politicians to bend the police to their will.
   3.3. The superintendence of the state government over the police should be limited to ensure that the police conduct is in strict accordance with law.

4. Separation of investigation and law and order functions
   4.1. Investigation and law and order functions must be separated. There must be
   full coordination between the two wings. Separation of functions may begin in towns and urban areas that have a population of ten lakhs or more.

2. Selection and minimum tenure of Chief of Police
   2.1. State governments will appoint the Director General of Police from the three
   senior officers of the department who have been selected for promotion to the rank by the Union Public Service Commission.
   2.2. The Union Public Service Commission shall select the candidates based on:
   a. length of service;
   b. very good record;
   c. range of experience for heading the police force.
   2.3. Once an officer has been appointed as the Director General of Police, he or
   she must be provided with a minimum tenure of two years regardless of his or her date of retirement.
   2.4. State governments, in consultation with the State Security Commission, may
   remove the Director General of Police from his or her post even before the expiry of his or her tenure for the following reasons:
   a. disciplinary action against the Director General under the All India
   Services (Discipline and Appeal) Rules;
   b. conviction by a court of law in a criminal offence or in a case of corruption;
   c. incapacity to discharge duties.

3. Minimum tenure of other police officers
   3.1. Police officers on operational duties in the field will have a minimum tenure of
   two years. These officers include:
   a. the Inspector General of Police in-charge of a zone;
   b. the Deputy Inspector General of Police in-charge of a range;
   c. the Superintendents of Police in-charge of a district; and
   d. the Station House Officers in-charge of a police station.
   3.2. Tenure is subject to promotion and retirement of the officers.
   3.3. These officers may be removed before the completion of their tenure if:
   a. disciplinary proceedings are initiated against them;
   b. they are convicted of a criminal offence or in a case of corruption;
   c. they are incapacitated and cannot discharge their responsibilities.

4. Chief of Police - appointment and tenure
   4.1. Investigation and law and order functions must be separated. There must be
   full coordination between the two wings. Separation of functions may begin in towns and urban areas that have a population of ten lakhs or more.

5. Security Commission
   5.1. Each state government must constitute a Security Commission that will
   lay down broad policy guidelines for the police; ensure that the police are protected from illegitimate political interference. The following are some of important directions given by the Supreme Court.
   a. In 1996, two former Director Generals of Police filed a public interest case with the
   Supreme Court. In the case, they requested the Supreme Court to direct central and
   state governments to address the poor quality and performance of police in India. In
   these applications also sought review of the judgment. The court refused to review its
   directions and ruled that governments were required to comply with its directions by
   initially required to report to the Court on steps taken to comply with the directions at
   2006.
   b. In 1996, the court had ordered the governments to comply with the directions by
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2. Role of the police

1.1. The police cannot achieve complete success in their work unless all wings of the criminal justice system operate with simultaneous efficiency. A Criminal Justice Commission was set up by the Supreme Court to ensure that the police are protected from illegitimate political interference.

The following recommendations have been selected from the second report of the Criminal Justice Commission:

- The national human rights commission (NHRC) should be empowered by law to give directions for the performance of the preventive tasks and service-oriented functions of the police.
- The NHRC should be given the power to investigate complaints by individuals and to ensure that the police are protected from illegitimate political interference.
- The NHRC should be given the power to give directions for the performance of the preventive tasks and service-oriented functions of the police.
- The NHRC should be given the power to evaluate the performance of the police.

2.4. State governments, in consultation with the State Security Commission, may make similar arrangements at the state level.

2.3. Once an officer has been appointed as the Director General of Police, he or she must be provided with a minimum tenure of two years regardless of his or her date of retirement.

2.1. State governments will appoint the Director General of Police from the three senior officers of the department who have been selected for promotion to the rank of Inspector General of Police.

2.2. Tenure is subject to promotion and retirement of the officers.

3. Minimum tenure of other police officers

3.1. In the existing system, the police function under the executive control of the state government. The manner in which political control has been exercised over the police in this country has led to gross abuses, resulting in erosion of rule of law and loss of police credibility as a professional organisation.

3.2. The threat of transfer or suspension is the most potent weapon in the hands of politicians to bend the police to their will.

3.3. The superintendence of the state government over the police should be the politicians to bend the police to their will.

3.4. In the performance of its preventive tasks and service-oriented functions, the police organisation should be subject to overall guidance from the State Security Commission.

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3.2. The threat of transfer or suspension is the most potent weapon in the hands of politicians to bend the police to their will.

3.3. These officers may be removed before the completion of their tenure if:
- they are incapacitated and cannot discharge their responsibilities.
- they are removed for corruption;
- they are removed for gross negligence or dereliction of duty;
- they are removed for not abiding by the rules and regulations of the police service;
- they are removed for any reason justifiable under the provisions of the Police Act.

3.4. The police organisation should be subject to overall guidance from the State Security Commission. The State Security Commission should perform the following functions:

- ensure that the police are protected from illegitimate political interference;
- give directions for the performance of the preventive tasks and service-oriented functions of the police;
- evaluate the performance of the police.

3.8. The State Security Commission should perform the following functions:

- lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions by the police;
- evaluate the performance of the police every year and present a report to the state legislature;
- function as a forum of appeal for officers subjected to illegal orders and with regard to their promotions;
- generally reviewing police functioning.

4. Separation of investigation and law and order functions

4.1. The head of the police force should be selected from a panel of three individuals who have been recommended by the National Police Commission, the Ribeiro Committee or the Police Act Drafting Committee.

4.2. The polices cannot achieve complete success in their work unless all wings of the criminal justice system operate with simultaneous efficiency. A Criminal Justice Commission was set up by the Supreme Court to ensure that the police are protected from illegitimate political interference.

The following directions given by the Supreme Court.

The directions are binding upon central and state governments.

These directions are binding upon central and state governments. Governments were initially required to report to the Court on steps taken to comply with the directions at the end of 2006. The majority of states filed applications seeking more time. Some of these applications also sought review of the judgment. The Court refused to review its directions and ruled that governments were required to comply with its directions by the end of March 2007.

The following are some of important directions given by the Supreme Court.

1. State Security Commission

1.1. Each state government must constitute a State Security Commission that will ensure that the police are protected from illegitimate political interference.

1.2. The Commission will:
- lay down broad policy guidelines for the police;
- give directions for the performance of the preventive tasks and service-oriented functions of the police; and
- evaluate the performance of the police.

1.3. The recommendations of the Commission shall be binding on the government.

1.4. The Commission will be headed by the Chief Minister (or the Home Minister) and will include the Director General of Police as secretary. The other members of the Commission must be chosen to ensure independence from government; individual governments are free to choose from the models set out by the National Human Rights Commission, the Ribeiro Committee or the Police Act Drafting Committee.

1.5. The state government must constitute a State Security Commission that will ensure that the police are protected from illegitimate political interference.

2. Political interference in police work

3.1. The function of the police is to perform the service-oriented functions. They should be trained and equipped to perform the service-oriented functions.

3.2. Tenure is subject to promotion and retirement of the officers.

3.8. The State Security Commission should perform the following functions:

- lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions by the police;
- evaluate the performance of the police every year and present a report to the state legislature;
- function as a forum of appeal for officers subjected to illegal orders and with regard to their promotions; and
- generally reviewing police functioning.

4.1. The head of the police force should be selected from a panel of three India Police Service officers from the relevant state cadre. The selection panel shall be prepared by a Committee made up of:
- the Chairperson of the Union Public Service Commission as the Chair;
- the union Home Secretary;
- the senior-most among the Heads of the Central Police organisations;
- the Chief Secretaries of the state; and
- the existing Chief of Police in the state.
6.3. The State Complaints Authority shall be headed by a retired judge of the High Court or the Supreme Court and shall be appointed by the state government.

6.2. The District Complaints Authority will be headed by a retired district judge who shall be chosen from amongst a panel of names proposed either by the Chief Justice or her.

6.1. Each state government will set up an independent body called the Police Complaints Authority to look into public complaints against police officers.

5.5. The Board shall review the functioning of the police in the state.

5.4. The Board will also function as a forum of appeal for disposing of representations from officers of the rank of Superintendent of Police and more senior officers regarding their promotion, transfer, disciplinary proceedings or their being subject to illegal orders.

5.3. The Board will make recommendations to the government on postings and transfers of officers above the rank of Deputy Superintendent of Police. The government will ordinarily accept these recommendations.

5.2. The Board will decide all transfers, postings, promotions and other service-related matters of Deputy Superintendents of Police and more junior officers.

5.1. The Board will operate as a sub-committee of the Security Commission.

4. Police Complaint Board

4. The DIA should also be an independent oversight authority that monitors the implementation of village policing and a Commissionerate system.

3.6. The DIA should also be an independent oversight authority that monitors the implementation of village policing.

3.5. The DIA should send his or her report of the inquiry to the state government.

3.4. The DIA should be given statutory power to summon witnesses and secure evidence. The DIA should be able to secure these powers under the Commission of Inquiry Act 1952.

3.3. The DIA should complete inquiries into a case within four months. In exceptional cases and only after recording reasons.

3.2. The DIA should be assisted by an assessor, who should be an Additional Superintendent or a senior Deputy Superintendent nominated by the Inspector General of Police for each district or a group of districts.

3.1. A District Inquiry Authority (DIA) should be set up in each district. The DIA should be an Additional Session's Judge who is nominated by the state government.

2. Judicial inquiry into complaints

2.1. Judicial inquiry should be made mandatory in the following categories of complaints against the police:

- o death of two or more people during police fire to disperse an unlawful assembly.
- o death or grievous hurt caused while in police custody; or
- o alleged rape of a woman in police custody;
- o refusal to free a person arrested for an offence not punishable with imprisonment for more than one year; or
- o refusal to free a person arrested for a non-bailable offence.

2. The District Inquiry Authority (DIA) should be an independent oversight authority that monitors the implementation of village policing.

1. Police Establishment Board

1. Similar Police Complaints Authorities should be created at the state level to deal with complaints against officers of the rank of Superintendent of Police and more junior police at the district level.

0. The Chief of Police should be assured of a fixed tenure of office. The tenure may be for four years or for a period extending up to retirement, whichever is earlier.

0. The removal of the Chief of Police from his or her post before the expiry of tenure should require approval of the State Security Commission, except when the removal is consequent upon disciplinary action, suspension, retirement, or promotion with the Chief's consent.

7. Transfer and suspension orders

7.1. Police officers should be protected against illegitimate transfer and suspension orders.

7.2. There should be a provision in the Police Act specifying which authorities can make suspension and transfer orders for different ranks.

7.3. A transfer order passed by any authority other than that specified in the Act should be rendered null and void.
12.11. The Commission has all the powers of the National Human Rights Commission, including those of a civil court. It is specifically empowered to visit any police station or place used for detention.

12.12. Influence or interfering with the functioning of the Commission or the Authority is an offence punishable with one-year imprisonment. Threatening, coercing or offering an inducement to a witness or victim shall be deemed to be influencing or interfering with the Commission.

12.13. A complainant shall have the following rights:
   a. to be informed of the progress of an inquiry periodically and of any conclusion and action taken in the case.
   b. to be informed of the date and place of each hearing.
   c. to attend the hearing.
   d. to have all hearings conducted in a language intelligible to the complainant, and if that is not possible, to be provided with an interpreter upon his request.

12.14. The complaint shall not be able to approach the Commission or the Authority if any other body or court is already examining the complaint.

12.15. If the Commission finds that a complaint of serious misconduct was vexatious or frivolous, it may impose a fine on the complainant.

13. Police offences

13.1. Identified police misconduct shall be considered a criminal offence. Identified misconduct includes illegal arrest, detention, search and seizure, failure to present an arrested person before a magistrate within 24 hours, subjecting a person to torture, inhuman or unlawful violence, gross misbehaviour and making threats or promises unwarranted by law. Non-registration of a First Information Report shall also be an offence punishable with three months imprisonment.

14. Miscellaneous

14.1. Each police station shall have separate toilets and detention areas for men and women. Police stations shall also have a Women and Child Protection Desk to record complaints of crimes against women and children. Police stations must display the Supreme Court guidelines and departmental orders dealing with arrests as well as the details of persons arrested and held in custody.

National Police Commission
Third Report - January 1980

The following recommendations have been selected from the third report of the NPC.

1. Police and disadvantaged groups

1.1. A special investigation cell should be created in the police department at the state level to monitor the progress of investigation of cases under the Protection of Civil Rights Act or other atrocities against Scheduled Castes and Tribes.

1.2. A composite cell may be put together at the district level (under the Sub-Divisional Officer) to inquire into complaints made by members of Scheduled Castes and Tribes, particularly those relating to lapses in administrative measures meant for relief.

1.3. A common complaint of people from disadvantaged groups is that police do not respond to an allegation of mistreatment on the basis that the complaint is non-cognisable (and so cannot be investigated without orders from a Magistrate). Section 155 of the Code of Criminal Procedure should be amended to facilitate appropriate and effective police response to non-cognisable complaints in two types of cases:
   a. to protect a person from the disadvantaged group from exploitation and injustice;
   b. to prevent a breach of public peace that might result from absence of effective action on complaint to a non-cognisable offence.

1.4. A comprehensive law should be passed setting out the procedure for the allotment of land to landless poor. Police officers from the local police station should be associated with the act of handing over possession of land to the landless and a brief record of this should be kept in the police station records.

2. Officer postings

2.1. The postings of officers in charge of police stations should be the exclusive responsibility of the district Superintendent of Police.

2.2. The Chief of Police should be exclusively responsible for selecting and posting Superintendents of Police in charge of districts.
Police reform debates in India - Selected recommendations

3. Guidelines for arrest

3.1. Strict guidelines for arrest should be put in place and must be strictly observed. The guidelines that must be observed when making arrests are set out below.

- The case involves a grave offence such as murder or rape (or other like offences) and it is necessary to arrest the accused and bring him or her to the police station as early as possible.
- The accused is likely to abscond and evade the process of law.
- The case involves a grave offence such as murder or rape (or other like offences) and it is necessary to arrest the accused and bring him or her to the police station as early as possible.
- A person arrested for a bailable offence should not be handcuffed (unless there is a reasonable expectation that he will use handcuffs (because of their age, gender or infirmity).
- A person arrested for a bailable offence should not be handcuffed (unless there is a reasonable expectation that he will use handcuffs (because of their age, gender or infirmity).

3.2. Sections 2(c) and 2(l) of the Code of Criminal Procedure should be amended to state that a police station must register a First Information Report (FIR) regardless of jurisdiction and that an accused person must be given reasonable assurance that an FIR will be registered.

4. Guidelines for the use of handcuffs

4.1. The following guidelines should be observed when using handcuffs.

- A person should not be handcuffed if he can be kept in custody without handcuffs (because of their age, gender or infirmity).
- A person arrested for a bailable offence should not be handcuffed (unless there is a special reason such as a belief that the person is likely to escape).
- In court, an accused person should not be handcuffed (except with the permission of the court).
- A person arrested for an offence should not be handcuffed (unless there is a reasonable expectation that he will use violence or attempt to escape). The police escort must be strong enough to prevent escape.
- If a person is handcuffed, the reasons for handcuffing must be set out in a case diary.

5. Petty cash

5.1. Police stations should be given adequate petty cash to meet day to day costs of the police station. This is to prevent corruption.
5.1. Police stations should be given adequate petty cash to meet day to day costs.

4.1. The following guidelines should be observed when using handcuffs.

3.1. Strict guidelines for arrest should be put in place and must be strictly observed.

Guidelines for arrest

- The accused is a habitual offender and unless kept in custody he/she is likely to escape.
- The accused is given to violent behaviour and is likely to commit further offences.

Procedure should be amended to make it clear that it is not mandatory to detain non-cognisable offences unless his or her movements are brought under restraint.

- The case involves a grave offence such as murder or rape (or other like offences) and it is necessary to arrest the accused and bring his or her custody, and to return the property to the rightful owner at a much later stage. The government should be the owner of recovered property.

- The accused is a habitual offender and unless kept in custody he/she is likely to escape.

- The accused is given to violent behaviour and is likely to commit further offences.

- The case involves a grave offence such as murder or rape (or other like offences) and it is necessary to arrest the accused and bring his or her custody.

3.2. In order to ensure that the accused is in a position not to use the handcuffs (because of their age, gender or infirmity).

3.3. The accused should be in the third person and in the officer's language. A copy of the accused's record should be attached to the FIR.

3.4. A copy of the accused's record should be attached to the FIR.

3.5. The accused should be in the third person and in the officer's language. A copy of the accused's record should be attached to the FIR.

3.6. If necessary, transfer the FIR.

3.7. If necessary, transfer the FIR.

3.8. The District Accountability Authority shall have three members with a credible history of service in public service.

12. Accountability for misconduct

12.1. Police misconduct that affects the rights of the public must be addressed internally or externally (external review should be undertaken by independent civil society accountability agencies at the state and district level) depending on the gravity of the offences. Police misconduct that violates prescribed codes of behaviour without affecting an individual shall be dealt with internally through departmental procedures that award appropriate penalties.

12.2. The state government must set up a Police Accountability Commission at the state level to inquire into extremely "serious misconduct", which is defined as:

- Death in police custody;
- Grievous hurt;
- Rape or attempted rape; and
- Illegal arrest or detention.

12.3. Inquiries by the Commission shall replace internal inquiries, and its findings shall be binding on the police department and the government. The only discretion or power that the police or government shall have in such cases is to award punishment in cases where the Commission finds an officer guilty.

12.4. The police must be under a duty to forward all cases of serious misconduct to the Commission for inquiry.

12.5. Except in cases of serious misconduct, the police department shall retain the power to internally inquire and discipline officers.

12.6. The Commission shall be made up of five members that have a credible record of integrity and commitment to human rights. Of the five members, at least one must be a woman, and not more than one should be a police officer. The members must include:

- A retired High Court judge as the Chairperson;
- A retired police officer of the rank of Director General of Police from a different state cadre;
- A retired High Court judge as the Chairperson;
- A retired senior police officer; and
- A retired High Court judge.

12.7. The Commission shall be made up of five members that have a credible record of integrity and commitment to human rights. Of the five members, at least one must be a woman, and not more than one should be a police officer. The members must include:

- A retired High Court judge as the Chairperson;
- A retired senior police officer; and
- A retired High Court judge.

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- A retired High Court judge as the Chairperson;
- A retired senior police officer; and
- A retired High Court judge.

12.9. The Commission shall be made up of five members that have a credible record of integrity and commitment to human rights. Of the five members, at least one must be a woman, and not more than one should be a police officer. The members must include:

- A retired High Court judge as the Chairperson;
- A retired senior police officer; and
- A retired High Court judge.
5. Compounding offences

5.1. If the parties to a dispute want to settle the dispute amicably, police officers should be empowered to compound offences in simple cases, even at the investigation stage. Currently, this facility is only available at the trial stage. This change would also reduce court workload.

5.2. Safeguards should be put in place to prevent a forced compromise.

6. Communicating arrest

6.1. The Code of Criminal Procedure should be amended to mandate the police to communicate an accused person’s arrest to the people reasonably named by the accused person to prevent the accused’s family becoming concerned about where the accused person is.

7. Reducing mistreatment in custody

7.1. Senior officers should make surprise visits to police stations to detect persons held in illegal custody and ill treatment of detainees.

7.2. The magistrate should be required to question the arrested person if he or she was ill treated by the police and in case of a complaint of ill treatment, the magistrate should get the arrested person medically examined.

7.3. Where death occurs or grievous hurt is inflicted on a person in police custody, a judicial inquiry should be mandatory.

7.4. Police performance should not be evaluated primarily on the basis of crime statistics or number of cases solved.

7.5. Training institutions should develop scientific interrogation techniques and impart effective interrogation instructions to trainees.

10.5. The chain of command should remain intact despite the separation of investigation and law and order functions. To achieve this, the Station House Officer shall continue to supervise all officers in the Police Station including those posted in the Special Crime Investigation Unit. In addition to the Station House Officer, an Additional Superintendent of Police at the district level must supervise these investigations as well. The Additional Superintendent shall report to the District Superintendent.

10.6. At the district level, Special Investigation Cells shall be created to investigate more serious and complex offences, including economic crimes. Investigations by officers in this Cell shall be supervised by the Additional Superintendent who is also supervising the work of the officers in the Special Crime Investigation Unit at the police station level. Depending upon the volume of cases, the Additional Superintendent who is supervising investigations may be assisted by Deputy Superintendents who are posted in the Special Crime Investigation Unit. In addition to the Station House Officer, an Additional Superintendent of Police at the district level must supervise these investigations as well. The Additional Superintendent shall report to the District Superintendent.

11. Accountability for performance

11.1. The police organisation should aim to achieve goals set out in two plans (created under the Model Act). The first is a Strategic Plan that sets out the policing goals for the next five years (there is a reference elsewhere in the Model Act to three year strategic plans - This is most likely a typing error). The second are Annual Plans that aim to achieve the overall goals set out in the Strategic Plan. The government shall prepare both these plans, in consultation with the State Police Board. The government and the Board (which has the Director General of Police as the member secretary) must also consult the District Superintendents of Police before preparing the plans. The District Superintendents shall, in turn, consult with the community before providing their input. The plans must be laid before the state legislature to generate focused debates on policing strategy.

11.2. Identified performance indicators shall be used along with the plans to evaluate organisational performance. The Police Board must identify these performance indicators, which should include:

- operational efficiency;
- public satisfaction;
- victim satisfaction (both in terms of police investigation and response);
- accountability;
- use of resources; and
- human rights record.

13. Police offences

13.1. Police officers shall not be able to approach the Commission or the Authority if any other body or court is already examining the complaint.

13.2. The Commission has all the powers of the National Human Rights Commission, including those of a civil court. It is specifically empowered to consult the District Superintendents of Police before preparing the plans. The police board must identify these performance indicators, which should include:

- operational efficiency;
- public satisfaction;
- victim satisfaction (both in terms of police investigation and response);
- accountability;
- use of resources; and
- human rights record.

14. Miscellaneous

14.1. Each police station shall have separate toilets and detention areas for men and women. Police stations shall also have a Women and Child Protection Desk to record complaints of crimes against women and children. Police reform debates in India - Selected recommendations

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Commonwealth Human Rights Initiative

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Commonwealth Human Rights Initiative
9. Training

9.1. Training must be provided for new officers and also when existing officers are posted to a different branch. Annual refresher classes must be held.

9.2. Training must be linked to the career development schemes of all police officers.

9.3. The state government shall lay down a training/education policy covering all ranks and categories of police personnel.

9.4. The state government must periodically create and upgrade the infrastructure and capabilities of its training institutions.

10. Strengthening police investigations

10.1. Investigation and law and order functions should be separated (a model is proposed to ensure this happens without affecting the chain of command). Specialised crime investigation wings and departments should be equipped with adequate facilities, scientific aids, and qualified and trained human resources.

10.2. At the state level, a Criminal Investigation Department must be created to investigate inter-state and inter-district crimes, as well as other serious crimes either notified by the state government or allocated to the Department by the Director General of Police. A Deputy Inspector General of Police shall head the Department. The Department must have specialised units for investigating cyber crime, organised crime, homicide, economic offences and any other offences that require specific investigative skills (and are specifically notified by the state government).

10.3. A Special Crime Investigation Unit shall be created at the police station level in all urban and crime-prone rural areas. A Sub-Inspector or a more senior officer shall head the Unit. The Unit must investigate offences such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences that are notified by the Director General of Police or allocated by the District Superintendent of Police. All other crimes shall continue to be investigated by other officers in the police station.

10.4. Officers in the Special Crime Investigation Unit and in the Criminal Investigation Department at the state level shall have a minimum tenure of three years (with a maximum tenure of five years). Officers posted to the Special Crime Investigation Unit cannot be given any other duty, except under exceptional circumstances and with the written permission of the Director General of Police.

National Police Commission Fifth report - November 1980

The following recommendations have been selected from the fifth report of the NPC.

1. Police recruitment

1.1. Officers should only be recruited as Constables or members of the Indian Police Service.

1.2. Recruitment to other levels of the police hierarchy should be eliminated in a phased manner.

1.3. Properly developed psychological tests should form part of the selection procedure. The central government should develop the psychological tests with the help of the Ministry of Defense.

1.4. There should be constant evaluation of the performance, attitudes and behaviour of all recruits during training. Underperforming recruits should be removed from training.

2. Control of the District Magistrate

2.1. Section 4 of the Police Act of 1861 states that the District Police are subject to the "general control and direction" of the District Magistrate. This should not be interpreted as allowing the District Magistrate to interfere in the internal management of the police force.

2.2. The police should be accountable to the law. Any rule or regulation that unnecessarily subordinates the police to the District Magistrate should be removed.

2.3. Where cooperation between different departments is required, the District Magistrate should play a coordinating role, and this role should be regulated by law. The police should not be unnecessarily subordinated to the District Magistrate.

3. Police conduct

3.1. Police public relations are unsatisfactory. The police organisation's poor image stems from police partiality, corruption, brutality and failure to investigate inter-state crimes. The Government of India should develop a policy to investigate inter-state crimes, as well as other serious crimes either notified by the state government or allocated to the Department by the Director General of Police.
6. Women police officers

6.1. Women police officers should be given a greater role in investigations. Women officers should become an integral part of the police work. Women officers should be recruited in much larger numbers than at present, women and children and tackling juvenile delinquency. The following recommendations have been selected from the sixth report of the NPC.

6.2. Women police officers should share all the duties performed by male officers. Women officers should be recruited in much larger numbers than at present, particularly to the ranks of Assistant Sub-Inspectors and Sub-Inspectors of Police.

6.3. Women officers should develop an attitude of courtesy and consideration towards members of the public who come to them for help.

6.4. The way that junior police behave towards the public is influenced by the way they are treated by senior police. The way that police treat one another is reflected in the way that police treat the public.

6.5. Women officers should be given a greater role in investigations. Women officers should be recruited in much larger numbers than at present, particularly to the ranks of Assistant Sub-Inspectors and Sub-Inspectors of Police.

6.6. Women police officers should be given a greater role in investigations. Women officers should become an integral part of the police work. Women officers should be recruited in much larger numbers than at present, particularly to the ranks of Assistant Sub-Inspectors and Sub-Inspectors of Police.

7. Promotions

7.1. Promotion must be based on merit, evaluated by a qualifying examination which tests competence in various aspects of service. All meritorious officers should have the opportunity to be promoted at least three times during their tenure.

7.2. The Inspector General of Police, the Home Secretary or the Home Minister, then the Committee to the Indian Police Service through the Union Public Service Commission, and all meritorious officers should have the opportunity to be promoted at least three times during their tenure.

7.3. The qualifications of officers held out for recruitment to non-gazetted ranks through a state-level Police Recruitment Board. This Board created under the Model Act shall ensure that the process of recruitment is transparent, and adopts codified and scientific systems and procedures.

8. Recruitment

8.1. Recruitment to the police organisation shall continue to be at the following three levels:

8.2. Civil Police

8.2.1. Direct recruitment to the civil police must be limited to:

8.2.2. Constables shall be replaced by a Civil Police Officer, with a higher standard of education and training as set out below:

8.3. Armed Police

8.3.1. Direct recruitment to the armed police shall be limited to:

8.3.2. The minimum educational qualification for a Constable in the armed police force shall be matriculation, while a reserve Sub-Inspector must be a graduate. A Constable shall be between 18-21 years of age and a reserve Sub-Inspector must be a graduate. A Constable shall be between 18-21 years of age and a reserve Sub-Inspector must be a graduate. A Constable shall be between 18-21 years of age and a reserve Sub-Inspector must be a graduate.

8.4. Recruitment must be such that the composition of the police service reflects all sections of the community (including gender).
5.3. The Director General shall decide all initial transfers of officers who are Sub-Inspectors or Inspectors to a police range as well as transfers of these officers from one range to another, after considering the recommendations of the Establishment Committee.

5.4. The Range Deputy Inspector General shall decide inter-district transfers of Inspectors and more junior officers within a range on the recommendations of a committee made up of all the District Superintendents of Police in the range.

5.5. The District Superintendent of Police shall decide the transfer of Inspectors and more junior officers within a district on the recommendations of a committee made up of all the Additional, Deputy and Assistant Superintendents of Police in a district.

6. Complaints of officers given illegal orders

6.1. The Police Establishment Committee must consider complaints from police officers who have been given an illegal order and then make appropriate recommendations to the Director General of Police.

6.2. If the complaint is against an authority who is of the rank of the officers of the Establishment Committee or more senior (for example the Director General of Police, the Home Secretary or the Home Minister), then the Committee shall forward the complaint to the State Police Board for further action.

7. Promotions

7.1. Promotion must be based on merit, evaluated by a qualifying examination and a performance evaluation.

7.2. The union government must frame the evaluation criteria for officers of the Indian Police Service. The Director General of Police shall frame the evaluation criteria for the remaining officers in the relevant state (with the approval of the state government). Note that the Model Act also mandates the state Police Recruitment Board to set out the merit and seniority criteria for promotion for different ranks.

7.3. All meritorious officers should have the opportunity to be promoted at least three times during their tenure.

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### National Police Commission Sixth report - March 1981

The following recommendations have been selected from the sixth report of the NPC.

1. **Promotion of senior officers**

   1.1. Before promotion to the rank of Superintendent of Police, Deputy Inspector General of Police or Inspector General of Police, all India Police Service officers should be required to undertake a pre-promotion course, followed by an examination and an objective selection process.

   1.2. An officer who fails to qualify as a Deputy Inspector General or Inspector General three times should be retired from service.

2. **Creation of central India Police Services cadres**

   2.1. Two central India Police Service cadres should be constituted - one for paramilitary organisations and the other for organisations such as the Intelligence Bureau, the Central Bureau of Investigations and the Research and Analysis Wing.

3. **Police Commissionerate system in major cities**

   3.1. In major urban areas, crime and law and order situations develop rapidly, requiring a speedy and effective operational response from the police. This is only possible where the police are organised to perform the twin basic functions of decision-making and implementation. In cities with a population over 5 lakhs (or where factors such as rapid urbanisation or industrialisation require), a Police Commissionerate system should be put in place.

4. **Communal riots**

   4.1. Special investigating squads formed under the state Criminal Investigations Department should be set up to investigate serious crimes committed during communal riots. The squads should be staffed with officers of proven integrity and impartiality.

   4.2. Communal riots should be vigorously investigated and offences committed during the riot prosecuted.
1. Police recruitment

1.1. Officers should only be recruited as Constables or members of the Indian Police Service.

1.2. Recruitment to other levels of the police hierarchy should be eliminated in a phased manner.

1.3. Properly developed psychological tests should form part of the selection process.

1.4. There should be constant evaluation of the performance, attitudes and skills of police officers.

2. Control of the District Magistrate

2.1. The police should be accountable to the law. Any rule or regulation that interferes with the chain of command is illegal.

2.2. The police should be accountable to the law. Any rule or regulation that interferes with the chain of command is illegal.

2.3. The police should be accountable to the law. Any rule or regulation that interferes with the chain of command is illegal.

3. Police conduct

3.1. Officers who are found to be involved in corruption or other offences shall be removed. The government must accept these recommendations or record its reasons for disagreement in writing.

3.2. The government must accept these recommendations or record its reasons for disagreement in writing.

3.3. The government must accept these recommendations or record its reasons for disagreement in writing.

4. Separation of investigation and law and order

4.1. Investigation and law and order functions shall be separated (a model is proposed to ensure this happens without affecting the chain of command).

4.2. The Director General of Police shall have a minimum tenure of two years, irrespective of their date of superannuation (retirement on attaining a particular age). The Director General can only be removed before his or her tenure comes to an end if he or she is:

- convicted of a criminal offence or is charged by a court with an offence related to corruption or moral turpitude;
- suspended or punished under the appropriate disciplinary rules;
- incapacitated by physical or mental illness;
- promoted to a higher post (but only with his or her consent).

4.3. Station House Officers, officers-in-charge of a police circle of sub-division and the Superintendent of Police in each district shall have a minimum tenure of three years (with a maximum tenure of five years). Officers posted to the Investigation Department at the state level shall have a minimum tenure of three years (with a maximum tenure of five years). The Department must have specialised units for investigate inter-state and inter-district crimes, as well as other serious crimes notified by the state government or allocated to the Department by the government.

5. Reservations

5.1. Reservations for minorities and scheduled castes and tribes to reflect the community makeup should not be legislated as it would fragment the police organisation along caste and communal lines and is inconsistent with the idea that the police organisation must rise above caste and creed and act impartially as a law and order agent.

5.2. The composition of the police should reflect the general mix of communities as it exists in the society so that it can command the confidence of different sections of society.

6. Separation of investigation and law and order

6.1. Investigation staff should be separated from law and order staff at the police station level in urban areas.

6.2. The separation of investigation and law and order staff should not be rigid and all staff in a police station should report to the Station House Officer.

6.3. Senior officers (officers more senior than the Station House Officer) should remain responsible for both law and order and investigations within their jurisdiction. At the police station level, the Station House Officer should have overall responsibility for all policing tasks within the station.

6.4. Investigations work should be closely supervised by a gazetted officer regardless of the location of the relevant station. In larger cities, the number of officers in the supervisory rank can be increased and more senior officers used.
4. Security of tenure

All officers must be provided with a minimum of two years tenure in a particular post to ensure they are free to complete their tasks free of illegitimate interference. An authority mandated to transfer officers of a particular rank (or to a particular post) may transfer officers before the passing of two years, but only if reasons are recorded.
Police reform debates in India - Selected recommendations

The following are some important provisions taken from the Model Police Act 2006.

1. Central and supervision of the police

1.1. Superintendence of the police shall vest in the relevant state government. The state government must be responsible for ensuring an efficient, effective, responsive and accountable police service.

1.2. Superintendence shall be limited to promoting "professional efficiency of the police" and ensuring that "[police] performance is at all times in accordance with law." This shall be achieved by laying down policies and guidelines, setting standards for quality policing, facilitating the implementation of standards and ensuring that the police service performs its tasks and has functional autonomy.

1.3. Administration of the police shall vest in the Director General of Police. The government shall not be able to interfere with the Director General's powers except in accordance with prescribed rules or in exceptional circumstances (where reasons should be recorded). The powers of administration will include:
- supervising the functioning of the police at all levels;
- appointment to subordinate ranks (all officers below the rank of Deputy Superintendent of Police);
- deployment;
- transfers and disciplinary action up to and inclusive of the rank of Inspector of Police; and
- advising the government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police.

2. State Police Board

Police Act Drafting Committee
2005 - 2006

In 2005, the Government of India set up another committee known as the Police Act Drafting Committee, chaired by Soli Sorabjee. The Committee began sitting in September 2005 and submitted a Model Police Act to the union government in October 2006.

The Committee's terms of reference were to draft a new Police Act in light of the changing role and responsibilities of the police, as well as the challenges presented by the increase in insurgency, militancy and naxalism in India. The terms of reference required the new Act to include measures to change the police attitude (including a working methodology to involve the community in policing) and reflect the community's expectations of a modern police service. When drafting the law, the Committee was also required to consider forensic methods of policing. The terms of reference also mandated that the new Police Act should address the issues of human rights, concerns for women, and people belonging to Scheduled Castes and Scheduled Tribes.

The preamble to the Model Police Act 2006 that was produced by the Committee sets out its vision of policing.

The Preamble

WHEREAS respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law;

AND WHEREAS it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law;

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights;

AND WHEREAS it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

NOW, THEREFORE, since it is necessary for this purpose to enact a new law relating to the establishment and management of the Police Service, it is hereby enacted as follows:

National Police Commission
Eighth report - May 1981

The following recommendations have been selected from the eighth report of the NPC.

1. Accountability for performance

1.1. There should be continuous monitoring of the performance of each police force. The State Security Commission should have an independent cell to evaluate police performance.

1.2. The State Security Commission will prepare a report on the performance of the police in its state for the state legislature. This report will be informed by the report of the Police Committee.

2. Withdrawal of protection from prosecution

2.1. Protection available to the police officers should be withdrawn under the conditions listed in the Police Act 1927.

3. Replace Police Act

3.1. The current police Act should be replaced. The new law should change the system of superintendence and control over the police and mandate the police to promote the rule of law and render impartial service to the community.
1. Police Performance and Accountability Commission

1.1. A State Security Commission, as recommended by the National Police Commission, the National Human Rights Commission and the Vohra Committee, to suggest ways and means to implement the pending recommendations and to make any other recommendations which it considered necessary.

At the petitioner's request, the Supreme Court directed the Committee to review the action taken to implement the recommendations of the National Police Commission. In May 1998 the government set up the Ribeiro Committee in compliance with the directions of the Court. The Committee's terms of reference were to review action taken to implement the recommendations of the National Police Commission, the National Human Rights Commission and the Vohra Committee, to suggest ways and means to implement the pending recommendations and to make any other recommendations which it considered necessary.

The Committee released two reports. The first, released in October 1998, dealt with the Supreme Court's specific concerns. The second, more general report, was released in March 1999.

Ribeiro Committee
First report - October 1998

The following are selected recommendations from the Ribeiro Committee's first report.

1. Police Performance and Accountability Commission

1.1. The Committee should be convened by the Deputy General of Police, who should also be its secretary. The Committee should be made up of the following members:
   a. the Minister in charge of police as the Chairperson;
   b. the leader of the opposition;
   c. the Chief Secretary of the state;
   d. a retired Chief Justice of the High Court nominated by the current Chief Justice of the High Court;
   e. the Chair of the State Public Service Commission; and
   f. the Chair of the State Human Rights Commission, or in its absence, a person nominated by the Chair of the National Human Rights Commission.

1.2. The Board shall perform the following functions:
   a. to frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing;
   b. to determine the criteria for appointment to the post of Director General of Police;
   c. to identify performance indicators for police evaluation; and
   d. to monitor the issue of the appointment of Directors General of Police.

2.2. There should be a reduction in the number of junior officers (constabulary).

2.3. The five non-political members shall be appointed by a selection panel. To ensure the independence of the non-political members, the selection panel must be made up of:
   a. the Chair of the State Human Rights Commission.
   b. the Chair of the State Public Service Commission.
   c. a retired Chief Justice of the High Court nominated by the current Chief Justice of the High Court.
   d. the officer's range of relevant experience, including work experience in the police department, length of service and fitness of health.

2.4. The Board shall perform the following functions:
   a. to determine the criteria for appointment to the post of Director General of Police;
   b. to identify performance indicators for police evaluation; and
   c. to monitor the issue of the appointment of Directors General of Police.

2.5. The Board shall be responsible for:
   a. to determine the criteria for appointment to the post of Director General of Police;
   b. to identify performance indicators for police evaluation; and
   c. to monitor the issue of the appointment of Directors General of Police.

3. Internal management

3.1. The Director General of Police must be appointed by the government from amongst the three of the most senior officers selected by the State Police Commissioner, the Inspector General of Police, and the Inspector General of Police (Crime).

3.2. The Director General of Police must be appointed by the government from amongst the three of the most senior officers selected by the State Police Commissioner, the Inspector General of Police, and the Inspector General of Police (Crime).

3.3. Security of tenure

3.4. Security of tenure

3.5. Security of tenure

4. Security of tenure

4.1. Security of tenure

4.2. Security of tenure

4.3. Security of tenure

4.4. Security of tenure

5. Security of tenure

5.1. Security of tenure

5.2. Security of tenure

5.3. Security of tenure

6. Security of tenure

6.1. Security of tenure

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7.3. Security of tenure

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8.4. Security of tenure

9. Security of tenure

9.1. Security of tenure

9.2. Security of tenure

9.3. Security of tenure

9.4. Security of tenure

10. Security of tenure

10.1. Security of tenure

10.2. Security of tenure

10.3. Security of tenure

10.4. Security of tenure

11. Miscellaneous

11.1. A Constable should be classified as a skilled worker.

11.2. In recognition of the shift nature of police work, police personnel should be provided one day off each week and required to go on earned leave each year. Holiday homes may be constructed for police personnel.

11.3. VIP security needs to be reviewed and dismantled.

11.4. Community policing philosophies should be embraced. The union government should produce a handbook on community policing, provide training on community policing and fund pilot community policing projects.

11.5. Administration of the criminal justice system should be reviewed and comprehensively reformed.
10.4. There should be a national Counter-terrorism Coordinator to prepare an

10.3. Standards of proof and legal procedures relating to terrorism-related crimes

10.2. Specific offences that have interstate, national and international aspects

9.2. Central funds marked for modernising or upgrading the police organisation

9.1. State governments must give high priority to the allocation of resources to

8.2. The police department itself should investigate public complaints against the

8.3. If a complaint is made of rape of a woman or death of any person in custody,

8.4. The police Code of Conduct should be enforced and simpler, more effective

9. Resources

9.1. State governments must give high priority to the allocation of resources to the

9.2. Central funds marked for modernising or upgrading the police organisation

10. Specific offences

10.1. Capability within identified police institutions should be enhanced.

10.2. Specific offences that have interstate, national and international aspects

10.3. Standards of proof and legal procedures relating to terrorism-related crimes

10.4. There should be a national Counter-terrorism Coordinator to prepare an

2000 Padmanabhaiah Committee

2.1. A District Police Complaints Authority should be set up in each district. The

2.2. The body should not be set up by statute. It should look into complaints made

2.3. Sub-Inspector candidates should have passed the 12 class school

2.4. To increase the ratio of senior to junior officers (referred to in the report as

2.5. The Commission should look at police performance and accountability. Its

2.6. The quality of training in police training institutions must be improved to

1.5. The Commission should be made up of the Director General of Police and other

1.4. The Commission's powers should be advisory and recommendatory.

1.3. The four non-political members of the Commission, excluding the Chief

1.2. The Police Act of 1861, the basis of results from an entrance examination. Successful candidates

1.1. New legislation is needed to replace the Police Act of 1861.

1. Resources

1.1. A Police Establishment Board should be set up in each state. The Board

1.2. A District Police Complaints Authority should be set up in each district. The

1.3. The four non-political members of the Commission, excluding the Chief

1.4. The Commission's powers should be advisory and recommendatory.

1.5. The Commission should look at police performance and accountability. Its
6.3. Officers allocated to investigations should not be transferred to a law and order role or other duties until they have completed at least five years of investigations work.

6.2. All investigating officers should be trained in scientific methods of investigation. Investigating officers should not be used for law and order duties, except in small rural police stations where it is not possible to demarcate the investigation and law and order functions.

6.1. The investigation wing of the police would be insulated from undue pressure if the Director General of Police is selected as recommended by the Riberio Committee and given tenure. It would also be protected from undue political interference and ensure accountability. The National Police Commission discharged its functions of overseeing the police and ensuring accountability.

5.3. The Director General of Police should have a fixed tenure of three years. He or she should only be removed within the period of tenure on the recommendations of the Police Performance and Accountability Commission and for specified reasons, made in writing to the government.

5.2. The Director General of Police should be appointed by the government from a panel of three names prepared by a selection committee. The selection committee should be constituted to approve transfers of all officers of the rank of Deputy Superintendent and above.

5.1. A tenure policy should be put in place to prevent illegitimate political interference and ensure accountability. The minimum tenure of all officers should be two years.

4.3. The recommendation of the law commission regarding the separation of investigative and law and order functions of the police should be implemented urgently. The Supreme Court has already given directions for the Central Bureau of Investigations to determine the investigative and law and order functions of the police.

4.2. The minimum educational qualifications for recruitment as Constable should be higher secondary school.

4.1. The NPC's recommendations regarding recruitment, training and welfare of the constabulary should be implemented.

4.0. The recommendations of the Law Commission regarding the separation of policing and the role or other duties until they have completed at least five years of investigations work.

3.2. Existing Constables should be retrained. Those who do not successfully complete training should be compulsorily retired.

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1.0. The NPC's recommendations regarding recruitment, training and welfare of the constabulary should be implemented.
The following are selected recommendations from the Ribeiro Committee’s second report.

1. **Replace police law**
   1.1. New legislation is needed to replace the Police Act of 1861.

2. **Central mechanisms**
   2.1. The National Police Commission’s recommendation that there should be a union-level State Security Commission should be disregarded. The Supreme Court has already given directions for the Central Bureau of Investigations to be set up. The other organisations covered by the NPC recommendation should not be subject to a central policing bureau. The Intelligence Bureau is an intelligence organisation and the Border Security Force and the Central Reserve Force are para-military groups; none of these groups are involved with local politics or politicians.

3. **Investigations**
   3.1. The recommendations of the Law Commission regarding the separation of the investigative and law and order functions of the police should be implemented urgently.

4. **Recruitment**
   4.1. The NPC’s recommendations regarding recruitment, training and welfare of the constabulary should be implemented.
   4.2. The minimum educational qualifications for recruitment as Constable should be higher secondary school.
   4.3. Each state should establish an independent Police Recruitment Board. The Board should recruit all non-gazetted ranks.
Police reform debates in India - Selected recommendations

10.4. There should be a national Counter-terrorism Coordinator to prepare an
India-wide counter-terrorism plan and budget.

10.3. Standards of proof and legal procedures relating to terrorism-related crimes
should be enacted.

10.2. Specific offences that have interstate, national and international aspects
should be declared federal offences and investigated by the Special Crimes
Division of the Central Bureau of Investigation, which should function under
the administrative control of the Ministry of Home Affairs.

10.1. Capability within identified police institutions should be enhanced.

8.4. The police Code of Conduct should be enforced and simpler, more effective
procedures for removing corrupt officers put in place.

8.3. If a complaint is made of rape of a woman or death of any person in custody,
a judicial enquiry should be mandatory.

8.2. The police department itself should investigate public complaints against the
police.

5. Promotions

5.1. The National Police Commission’s recommendation that the hierarchy of the
class of 12 officers in the mid-level ranks, should be implemented.

6. Training

6.1. The quality of training in police training institutions must be improved to
enhance the performance and behaviour of the police.

Padmanabhaiah Committee

In January 2000, the central government put together another committee to look at
police reform, commonly known as the Padmanabhaiah Committee on Police

The Committee’s terms of reference were very wide and required the Committee to
examine challenges that the police would face in the next millennium; to envision a
force that would be people friendly and yet able to effectively tackle problems of
organised crime, militancy and terrorism; suggest ways to transform the police into a
professional and competent force; identify mechanisms to insulate police from
political interference; consider redressal of public grievances and of police
grievances; devise ways of securing public trust and cooperation; and examine the
need for ‘federal crimes’ and creation of a Federal Law Enforcement Agency.

The following are some of the important recommendations of the Padmanabhaiah
Committee.

1. Replace police law

1.1. New legislation is needed to replace the Police Act of 1861.

2. Recruitment

2.1. Recruitment should focus on hiring sub-inspectors instead of constables.
To increase the ratio of senior to junior officers (referred to in the report as
"teeth to tail ratio"), recruitment of constables should be restricted until a teeth to
tail ratio of 1:4 is achieved. Currently, this ratio ranges from 1:7 to 1:15 in different
states.

2.2. Constables should be recruited at a young age. Candidates who have
passed the 10th class school examination and who are below 19 years of age
should be eligible to take an entrance examination. Successful candidates
should be put through a two-year training programme and qualify for
appointment only after passing a final examination.

2.3. Sub-Inspector candidates should have passed the 12th class school
examination. Candidates should be below 21 years of age and recruited on
the basis of results from an entrance examination. Successful candidates
should be put through a three-year training programme and qualify for
10.4. There should be a national Counter-terrorism Coordinator to prepare an
India-wide counter-terrorism plan and budget.

10.3. Standards of proof and legal procedures relating to terrorism-related crimes
should be enacted.

10.2. Specific offences that have interstate, national and international aspects
should be declared federal offences and investigated by the Special Crimes
Division of the Central Bureau of Investigation, which should function under
the Director General of Police. Other agencies involved in counter-terrorism
include the Intelligence Bureau (surveillance) and the National Crime Records Bureau (cyber-technology and forensics).

10.1. Capability within identified police institutions should be enhanced.

9.2. Central funds marked for modernising or upgrading the police organisation
should only be released where state governments have complied with basic
procedures for removing corrupt officers put in place.

9.1. State governments must give high priority to the allocation of resources to
police. Complainants who are unsatisfied with the internal process should
be able to make complaints to independent civilian authorities established
at the state level. The complaints are to be heard by a statutory body (board or
court) which should include a sitting or retired judge nominated by the Chief Justice of the state’s High Court; and
three citizens should be chosen by a committee put together by the
Chairperson of the National Human Rights Commission.

7.2. The police department itself should investigate public complaints against the
police. If a complaint is made of rape of a woman or death of any person in custody,
the police department should be declared federal (central) crimes, and the
Central Bureau of Investigation should investigate.

5. Promotions

5.1. The National Police Commission’s recommendation that the hierarchy of the
police be reorganised, with reduced numbers of junior officers and more
officers in the mid-level ranks, should be implemented.

6. Training

6.1. The quality of training in police training institutions must be improved to
enhance the performance and behaviour of the police.

Padmanabhaiah Committee
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the basis of results from an entrance examination. Successful candidates
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Police reform debates in India - Selected recommendations

6.1 The Director General of Police should have a fixed tenure of three years. He or she should only be removed within the period of tenure on the recommendation of the Police Performance and Accountability Commission and for specified reasons, made in writing to the government.

5.3 A Police Establishment Board, consisting of the Director General of Police and three other members of the police force selected by the Director General should be constituted to approve transfers of all officers of the rank of Deputy Superintendent of Police and above.

4.1 All promotions should be subject to completing mandatory pre-promotion training and passing pre-promotion examinations.

5. Appointments, transfers and fixed tenure

5.1 A tenure policy should be put in place to prevent illegitimate political interference in police functioning.

5.2 The Director General of Police should be appointed by the government from two names put forward by a selection committee made up of:
   - the Chief Justice of the state High Court as Chairperson;
   - the state Chief Secretary;
   - an eminent public person.

5.3 A Police Establishment Board, consisting of the Director General of Police and three other members of the police force selected by the Director General should be constituted to approve transfers of all officers of the rank of Deputy Superintendent of Police and above.

5.4 The minimum tenure of all officers should be two years.

5.5 A committee should be constituted to hear representations from police officers of the rank of Superintendent of Police and above alleging violation of rules in the matter of postings and transfers. The Committee should comprise:
   - the Chief Secretary as Chairperson;
   - the Home Secretary; and
   - the Director General of Police.

3. Training

3.1 A Police Training Advisory Council should be set up at the union level and also in each state, to advise the relevant Home Minister on police training.

3.2 Existing Constables should be retained. Those who do not successfully complete training should be compulsorily retired.

4. Promotions

4.1 All promotions should be subject to completing mandatory pre-promotion training and passing pre-promotion examinations.

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   - the Home Secretary; and
   - the Director General of Police.

The following are selected recommendations from the Ribeiro Committee's second report.

1. Replace police law

1.1. New legislation is needed to replace the Police Act of 1861.

2. Central mechanisms

2.1. The National Police Commission's recommendation that there should be a central police committee should be implemented urgently.

3. Investigations

3.1. The recommendations of the Law Commission regarding the separation of the investigative and law and order functions of the police should be implemented urgently.

4. Recruitment

4.1. The NPC's recommendations regarding recruitment, training and welfare of the constabulary should be implemented urgently.

4.2. The minimum educational qualifications for recruitment as Constable should be higher secondary school.

4.3. Each state should establish an independent Police Recruitment Board. The Board should recruit all non-gazetted ranks.
5. Selection of Director General of Police

5.1. The Director General of Police should be selected by the Chief Minister from a panel of three names prepared by a selection committee. The selection committee should be made up of:

- the Chairman of the Union Public Service Commission as the Chair;
- the Director of the Intelligence Bureau;
- the State’s Chief Secretary; and
- the State’s incumbent Director General of Police.

5.2. The Director General of Police should be selected by the Chief Minister after passing a final examination. 50% of vacancies for this promotion should be filled from outside the State.

5.3. The appointment of the Director General of Police should be made in consultation with the Prime Minister. The appointment should be given on the recommendation of a selection committee, which should consist of:

- the Union Home Secretary;
- the Chief Secretary of the State;
- the Chief Justice of the State High Court; and
- three other members of the police force selected by the Director General of Police.

6. Appointments, transfers and fixed tenure

6.1. A tenure policy should be put in place to prevent illegitimate political interference in police functioning.

6.2. The tenure of every police officer should be fixed, except in small rural police stations where it is not possible to administer the police functions of overseeing the police and ensuring accountability.

6.3. An additional Superintendent of Police should be exclusively responsible for crime prevention work.

6.4. Every police station should be equipped with investigation kits and every Sub-Inspector should have a mobile forensic science laboratory.

6.5. The Law Commission of India should review the classification of offences into cognisable/non-cognisable for relevancy. The Law Commission should also review the powers of the police to investigate.

6.6. Crime prevention and investigations

6.1. In each district, there should be a crime prevention unit in charge of officers who specialise in crime prevention work.

6.2. Investigation and law and order functions should be separated. In the first phase, this separation should take place at police station level in urban areas. An additional Superintendent of Police should be exclusively responsible for crime prevention work.

6.3. Confessions made to identified officers (Superintendents and more senior officers) should be admissible in evidence. This will require the deletion of sections 25 and 26 of the Indian Evidence Act 1872.

6.4. Every police station should be equipped with investigation kits and every sub-division should have a mobile forensic science laboratory.

6.5. The Law Commission of India should review the classification of offences into cognisable/non-cognisable for relevancy. The Law Commission should also review the powers of the police to investigate.

7. Police performance

7.1. A permanent National Commission for Policing Standards should be set up. The other organisations covered by the NPC recommendation should not be subject to a central policing bureau (the Intelligence Bureau is an exception).

7.2. The Central Police Committee should advise on the recommendations of the Police Performance and Accountability Commission and for specified reasons, made in writing to the government.

7.3. Specialisation in particular areas of policing should be encouraged.

8. Police accountability

8.1. A complaint in writing should be lodged at the nearest police station, subject to certain exceptions. The complaint should be dealt with within three months.
2.1. A District Police Complaints Authority should be set up in each district. The Authority will be made up of the Principal District and Sessions Judge, the District Collector and the District Superintendent of Police. Its functions should be the same as the Commission contemplated in the National Police Commission's second report (see section 3.6 on page 6). The Authority should also be empowered to ensure that no premature transfers of senior officers (above the rank of Superintendent) are made without the Commission's clearance and that all transfers are lawful.

2.2. The body should not be set up by statute. It should look into complaints made by honest and upright citizens about police excess, arbitrary arrest and detention, false implication of any person in any criminal case or situation of professional and competent force; identify mechanisms to insulate police from political interference; consider redressal of public grievances and of police officials for which the police department should be held accountable.

3.1. The four non-political members of the Commission, excluding the Chief Secretary, should hold office for three years.

3.2. The Commission's powers should be advisory and recommendatory.

3.3. The Commission should look at police performance and accountability. Its functions should be the same as the Commission contemplated in the National Police Commission's second report (see section 3.6 on page 6). The Commission should also be empowered to ensure that no premature transfers of senior officers (above the rank of Superintendent) are made without the Commission's clearance and that all transfers are lawful.

4. Government rules on transfers, tenures, promotions, rewards and punishments

5.1. The police department itself should investigate public complaints against the police. Complainants who are unsatisfied with the internal process should make a complaint to the District Police Complaints Authority.

5.2. The body should not be set up by statute. It should look into complaints made by honest and upright citizens about police excess, arbitrary arrest and detention, false implication of any person in any criminal case or situation of professional and competent force; identify mechanisms to insulate police from political interference; consider redressal of public grievances and of police officials for which the police department should be held accountable.

6.1. The police department itself should investigate public complaints against the police. Complainants who are unsatisfied with the internal process should make a complaint to the District Police Complaints Authority.

6.2. The body should not be set up by statute. It should look into complaints made by honest and upright citizens about police excess, arbitrary arrest and detention, false implication of any person in any criminal case or situation of professional and competent force; identify mechanisms to insulate police from political interference; consider redressal of public grievances and of police officials for which the police department should be held accountable.

7. Police Establishment Board

7.1. A Police Establishment Board should be set up in each district. The Board will be made up of the Director General of Police and other four most senior officers.

7.2. The body should not be set up by statute. It should look into complaints made by the public of police excess, arbitrary arrest and detention, false implication in criminal cases, and custodial violence. The Authority should then make appropriate recommendations to the Police Performance and Accountability Commission, as well as to the government and the State or National Human Rights Commission.
Police reform debates in India - Selected recommendations

4. Security of tenure

3.2. When the State Police Board is selecting officers to be considered by the
Selection of Director General of Police

3.1. The Director General of Police must be appointed by the government from
amongst the three of the most senior officers selected by the State Police
Board. The members of the selection panel

- should be its secretary. The Commission should be made up of the
following members:
- the leader of the opposition;
- a retired Chief Justice of the High Court nominated by the current Chief
Justice of the High Court;
- the person nominated by the Chair of the National Human Rights

The following recommendations have been selected from the seventh report of the
National Police Commission - May 1981

1. Police Performance and Accountability Commission

1.1. A State Security Commission, as recommended by the National Police
Commission, the National Human Rights Commission and the Vohra Committee, to suggest ways and means to implement the
pending recommendations and to make any other recommendations which it
considered necessary.

At the petitioner’s request, the Supreme Court directed the Committee to review
the action taken to implement the National Police Commission’s recommendations.
The Supreme Court specifically asked for recommendations on State Security
Commissions (or Police Authorities), procedures for the appointment of Police Chiefs
(focusing on transparency, promotion on merit and tenure) and separating the
investigation and law and order functions of the police.

The Committee released two reports. The first, released in October 1998, dealt with
the Supreme Court’s specific concerns. The second, more general report, was
released in March 1999.

Ribeiro Committee
1998 - 1999

In 1996, two former senior police officers (“the petitioners”) filed a public interest case
in the Supreme Court requesting the Court to direct the governments of India to
implement the recommendations of the National Police Commission. In May 1998
the government set up the Ribeiro Committee in compliance with the directions of the
Court. The Committee’s terms of reference were to review action taken to implement
the recommendations of the National Police Commission, the National Human Rights
Commission and the Vohra Committee, to suggest ways and means to implement the
pending recommendations and to make any other recommendations which it
considered necessary.

At the petitioner’s request, the Supreme Court directed the Committee to review
the action taken to implement the National Police Commission’s recommendations.
The Supreme Court specifically asked for recommendations on State Security
Commissions (or Police Authorities), procedures for the appointment of Police Chiefs
(focusing on transparency, promotion on merit and tenure) and separating the
investigation and law and order functions of the police.

The Committee released two reports. The first, released in October 1998, dealt with
the Supreme Court’s specific concerns. The second, more general report, was
released in March 1999.

Ribeiro Committee
First report - October 1998

The following are selected recommendations from the Ribeiro Committee’s first report.

1. Police Performance and Accountability Commission

1.1. A State Security Commission, as recommended by the National Police
Commission (see Section 3.6 under Second Report of NPC at page 6), should be set up in each state. It should be called the Police Performance and Accountability Commission.

1.2. The Commission should be convened by the Deputy General of Police, who
should also be its secretary. The Commission should be made up of the
following members:
- the Minister in charge of police as the Chairperson;
- the leader of the opposition;
- the Chief Secretary of the state;
Police reform debates in India - Selected recommendations

6.1. An All India Police Institute should be created. The Institute would be a

Establishment of an All India Police Institute

5.2. The Committee could also generally evaluate policing nationally.

Establishment of a Central Police Committee

4.1. There should be a central law to ensure uniformity in composition, officer

State Armed Battalions

o budgetary allotments to state police forces.

o central grants and loans to the state police forces for their modernisation

o police organisation and police reforms in general terms;

the Central Police Committee should advise the central government

and State Security Commissions on the following matters:

1. Accountability for performance

National Police Commission

Eighth report - May 1981

1.1. There should be continuous monitoring of the performance of each police

Police Act Drafting Committee 2005 - 2006

In 2005, the Government of India set up another committee known as the Police Act Drafting Committee, chaired by Soli Sorabjee. The Committee began sitting in September 2005 and submitted a Model Police Act to the union government in October 2006.

The Committee's terms of reference were to draft a new Police Act in light of the changing role and responsibilities of the police, as well as the challenges presented by the increase in insurgency, militancy and naxalism in India. The terms of reference required the new Act to include measures to change the police attitude (including a working methodology to involve the community in policing) and reflect the community's expectations of a modern police service. When drafting the law, the Committee was also required to consider forensic methods of policing. The terms of reference also mandated that the new Police Act should address the issues of human rights, concerns for women, and people belonging to Scheduled Castes and Scheduled Tribes.

The preamble to the Model Police Act 2006 that was produced by the Committee sets out its vision of policing.

The Preamble

WHEREAS respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law;

AND WHEREAS it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law;

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights;

AND WHEREAS it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

NOW, THEREFORE, since it is necessary for this purpose to enact a new law relating to the establishment and management of the Police Service, it is hereby enacted as follows:

The following recommendations have been selected from the eighth report of the NPC.

1. Accountability for performance

1.1. There should be continuous monitoring of the performance of each police force. The State Security Commission should have an independent cell to evaluate police performance.

2. Withdrawal of protection from prosecution

2.1. Protection available to the police officers should be withdrawn under sections 332 and 197 of the Code of Criminal Procedure, which provide protection to various categories of public servants from prosecution for acts they commit in the course of performing their duties.

2.2. The state should pay for the defence of a police officer who is being prosecuted.

3. Replace Police Act

3.1. The current police Act should be replaced. The new law should change the system of superintendence and control over the police and mandate the police to promote the rule of law and render impartial service to the community.

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Commonwealth Human Rights Initiative


Commonwealth Human Rights Initiative

Police reform debates in India - Selected recommendations
6.  An All India Police Institute should be created. The Institute would be a professional organisation for police and should function under the Central Police Committee.

5.1. A Central Police Committee should be created to advise and monitor the police. The Central Police Committee should advise the central government and State Security Commissions on the following matters:

- police organisation and police reforms in general terms;
- professional organisation for police and should function under the Central Police Committee;
- patterns, training, discipline and efficiency of state armed police battalions.

The Central Police Committee should advise the central government and State Security Commissions on the following matters:

- the CoP's annual administration report and the Central Police Committee's report on the performance of the police in its state for the state legislature. This report will be informed by both as individuals and as an organisation.

2.  The State Police Board

2.1. Superintendence of the police shall vest in the relevant state government. The state government must be responsible for ensuring an efficient, effective, responsive and accountable police service.

2.2. The state should pay for the defence of a police officer who is being prosecuted.

2.2.1. The State Police Board must be created by legislation. It shall be composed of:

- the Director General of Police as the member secretary; and
- a retired High Court judge nominated by the Chief Justice of the High Court;
- the Home Minister as its Chairperson;
- the Home Secretary;
- Inspector of Police; and
- other persons of recognized standing being members of the community.

2.2.2. The State Police Board is empowered to:

- advising the government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police.
- transfers and disciplinary action up to and inclusive of the rank of Superintendent of Police);
- undertaking inspections of police stations and acting as a repository for crime-related information.
- advising the government on the placing of police officers in the various fields of work.
- making recommendations to the government on the overall effectiveness of police service and the Curative up to the rank of Inspector of Police.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.

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- the Director General of Police as the member secretary; and
- a retired High Court judge nominated by the Chief Justice of the High Court;
- the Home Minister as its Chairperson;
- the Home Secretary;
- Inspector of Police; and
- other persons of recognized standing being members of the community.

2.2.4. The State Police Board is empowered to:

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- transfers and disciplinary action up to and inclusive of the rank of Superintendent of Police;
- undertaking inspections of police stations and acting as a repository for crime-related information.
- advising the government on the placing of police officers in the various fields of work.
- making recommendations to the government on the overall effectiveness of police service and the Curative up to the rank of Inspector of Police.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.

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- the Director General of Police as the member secretary; and
- a retired High Court judge nominated by the Chief Justice of the High Court;
- the Home Minister as its Chairperson;
- the Home Secretary;
- Inspector of Police; and
- other persons of recognized standing being members of the community.

2.2.6. The State Police Board is empowered to:

- advising the government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police.
- transfers and disciplinary action up to and inclusive of the rank of Superintendent of Police;
- undertaking inspections of police stations and acting as a repository for crime-related information.
- advising the government on the placing of police officers in the various fields of work.
- making recommendations to the government on the overall effectiveness of police service and the Curative up to the rank of Inspector of Police.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.
- making recommendations to the government on the appointment of officers to the rank of Inspector of Police;
- ensuring that the police service performs its tasks and has the necessary capacity to deal with crime and disorder;
- acting as an advisory body to the government on matters relating to the establishment and management of the police service.

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and its impact on society.
4. Security of tenure

4.1. All officers must be provided with a minimum of two years tenure in a particular rank (or to a particular post) to ensure they are free to complete their tasks free of illegitimate interference. An authority mandated to transfer officers of a particular rank (or to a particular post) may transfer officers before the passing of two years, but only if reasons are recorded.

4.2. When the State Police Board is selecting officers to be considered by the Selection of Director General of Police

3.2. The five non-political members shall be appointed by a selection panel. To ensure the independence of the non-political members, the selection panel must be made up of:
- a retired Chief Justice of the High Court nominated by the current Chief Justice of the High Court;
- the Chair of the State Public Service Commission; and
- the Chair of the State Human Rights Commission, or in its absence, a person nominated by the Chair of the National Human Rights Commission.

4.3. The Board shall perform the following functions:
- frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing;
- select and prepare a panel (on the basis of seniority and merit see below) of three senior most police officers for promotion to the post of Director General of Police;
- identify performance indicators for police evaluation; and
- conduct organizational performance evaluation.

3. Selection of Director General of Police

3.1. The Director General of Police must be appointed by the government from amongst the three of the most senior officers selected by the State Police Board.

3.2. When the State Police Board is selecting officers to be considered by the government, it must take into account the following:
- length of service and fitness of health;
- performance appraisal reports (for the last 15 years);
- the officers' range of relevant experience, including work experience in central police organisations, and training courses taken;
- indictment for any criminal or disciplinary proceedings or if a court has framed charges against the officer in cases involving corruption or moral turpitude; and
- any awards for gallantry, or distinguished and meritorious service.

4. Security of tenure

4.1. All officers must be provided with a minimum of two years tenure in a particular post to ensure they are free to complete their tasks free of illegitimate interference. An authority mandated to transfer officers of a particular rank (or to a particular post) may transfer officers before the passing of two years, but only if reasons are recorded.

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- performance appraisal reports (for the last 15 years);
- the officers' range of relevant experience, including work experience in central police organisations, and training courses taken;
- indictment for any criminal or disciplinary proceedings or if a court has framed charges against the officer in cases involving corruption or moral turpitude; and
- any awards for gallantry, or distinguished and meritorious service.

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- length of service and fitness of health;
- performance appraisal reports (for the last 15 years);
- the officers' range of relevant experience, including work experience in central police organisations, and training courses taken;
- indictment for any criminal or disciplinary proceedings or if a court has framed charges against the officer in cases involving corruption or moral turpitude; and
- any awards for gallantry, or distinguished and meritorious service.

4. Security of tenure

4.1. All officers must be provided with a minimum of two years tenure in a particular post to ensure they are free to complete their tasks free of illegitimate interference. An authority mandated to transfer officers of a particular rank (or to a particular post) may transfer officers before the passing of two years, but only if reasons are recorded.
4.3. State governments should not withdraw charges relating to communal riots. Claims that this strategy promotes communal harmony is illusory and should be discouraged.

5. Reservations

5.1. Reservations for minorities and scheduled castes and tribes to reflect community makeup should not be legislated as it would fragment the police organisation along caste and communal lines and is inconsistent with the idea that the police organisation must rise above caste and creed and act impartially as a law and order agent.

5.2. The composition of the police should reflect the general mix of communities as it exists in the society so that it can command the confidence of different sections of society.

6. Separation of investigation and law and order

6.1. Investigation staff should be separated from law and order staff at the police station level in urban areas.

6.2. The separation of investigation and law and order staff should not be rigid and all staff in a police station should report to the Station House Officer.

6.3. Senior officers (officers more senior than the Station House Officer) should remain responsible for both law and order and investigations within their jurisdiction. At the police station level, the Station House Officer should have overall responsibility for all policing tasks within the station.

6.4. Investigations work should be closely supervised by a gazetted officer regardless of the location of the relevant station. In larger cities, the number of officers in the supervisory rank can be increased and more senior officers used.

4.2. The Director General of Police shall have a minimum tenure of two years, irrespective of their date of superannuation (retirement upon attaining a particular age). The Director General can only be removed before his or her tenure comes to an end if he or she is:

- convicted of a criminal offence or is charged by a court with an offence related to corruption or moral turpitude;
- suspended or punished under the appropriate disciplinary rules;
- incapacitated by physical or mental illness;
- promoted to a higher post (but only with his or her consent).

4.3. Station House Officers, officers-in-charge of a police circle of sub-division and the Superintendent of Police in each district shall have a minimum tenure of three years. These officers can be removed before the expiry of tenure if he or she is:

- promoted to a more senior rank;
- charged by a court with a criminal offence;
- suspended or punished under the appropriate disciplinary rules;
- incapacitated by physical or mental illness;
- selected to fill a vacancy created by another officer's promotion, transfer or retirement.

In exceptional circumstances, these officers may also be removed:

- for gross inefficiency and negligence;
- where a preliminary inquiry into the officer's conduct establishes a prima facie case of serious nature.

If an officer is removed in exceptional circumstances:

- the removing authority shall inform the reasons to the next higher authority;
- the removed officer may appeal to the Establishment Committee (described below), which should consider the case and make recommendations to the removing authority.

5. Transfers

5.1. Power to transfer is given to different authorities depending on rank or post. Transfer is prohibited by any authority other than the one specified in law.

5.2. The government shall post officers to all positions in the ranks of Assistant/Deputy Superintendent and above. In each case (except for the Director General of Police), the government should be guided by the recommendations of the Police Establishment Committee, made up of the Director General of Police and four other senior-most officers. The government must accept these recommendations or record its reasons for disagreement in writing.
5.3. The Director General shall decide all initial transfers of officers who are Sub-Inspectors or Inspectors to a range as well as transfers of these officers from one range to another, after considering the recommendations of the Establishment Committee.

5.4. The Range Deputy Inspector General shall decide inter-district transfers of Inspectors and more junior officers within a range on the recommendations of a committee made up of all the District Superintendents of Police in the range.

5.5. The District Superintendent of Police shall decide the transfer of inspectors and more junior officers within a district on the recommendations of a committee made up of all the Additional, Deputy and Assistant Superintendents of Police in a district.

6. Complaints of officers given illegal orders

6.1. The Police Establishment Committee must consider complaints from police officers who have been given an illegal order and then make appropriate recommendations to the Director General of Police.

6.2. If the complaint is against an authority who is of the rank of the officers of the Establishment Committee or more senior (for example the Director General of Police, the Home Secretary or the Home Minister), then the Committee shall forward the complaint to the State Police Board for further action.

7. Promotions

7.1. Promotion must be based on merit, evaluated by a qualifying examination and a performance evaluation.

7.2. The union government must frame the evaluation criteria for officers of the Indian Police Service. The Director General of Police shall frame the evaluation criteria for the remaining officers in the relevant state (with the approval of the state government). Note that the Model Act also mandates the state Police Recruitment Board to set out the merit and seniority criteria for the remaining officers in the relevant state.

7.3. All meritorious officers should have the opportunity to be promoted at least three times during their tenure.

National Police Commission Sixth report - March 1981

The following recommendations have been selected from the sixth report of the NPC.

1. Promotion of senior officers

1.1. Before promotion to the rank of Superintendent of Police, Deputy Inspector General of Police or Inspector General of Police, all India Police Service officers should be required to undertake a pre-promotion course, followed by an examination and an objective selection process.

1.2. An officer who fails to qualify as a Deputy Inspector General or Inspector General three times should be retired from service.

2. Creation of central India Police Services cadres

2.1. Two central India Police Service cadres should be constituted - one for paramilitary organisations and the other for organisations such as the Intelligence Bureau, the Central Bureau of Investigations and the Research and Analysis Wing.

3. Police Commissionerate system in major cities

3.1. In major urban areas, crime and law and order situations develop rapidly, requiring a speedy and effective operational response from the police. This is only possible where the police are organised to perform the twin basic functions of decision-making and implementation. In cities with a population over 5 lakhs (or where factors such as rapid urbanisation or industrialisation require), a Police Commissionerate system should be put in place.

4. Communal riots

4.1. Special investigating squads formed under the state Criminal Investigations Department should be set up to investigate serious crimes committed during communal riots. The squads should be staffed with officers of proven integrity and impartiality.

4.2. Communal riots should be vigorously investigated and offences committed during the riot prosecuted.
3.2. Police officers should develop an attitude of courtesy and consideration towards members of the public who come to them for help.

3.3. The way that junior police behave towards the public is influenced by the way they are treated by senior police. The way that police treat one another should be reformed.

4. Victims of crime

4.1. The criminal justice system shows no concern for victims of crime. A Criminal Injuries Compensation Act should be drafted.

5. Transparency

5.1 All police activities should be as transparent as possible, except for the following areas:
   - operations;
   - intelligence that is used to plan and conduct investigations;
   - privacy of the individual citizen; and
   - judicial requirements.

5.2. Women police officers

6.1. Women police officers should be given a greater role in investigations work. Women officers should become an integral part of the police organisation, performing a special role dealing with crimes against women and children and tackling juvenile delinquency.

6.2. Women police officers should share all the duties performed by male officers. Women officers should be recruited in much larger numbers than at present, particularly to the ranks of Assistant Sub-Inspectors and Sub-Inspectors of Police.

6.3. Women officers should be required to undertake a pre-promotion course, followed by general three times should be retired from service.

7.6. Promotions

7.6.1. Women police officers should be given a greater role in investigations work. Women officers should become an integral part of the police organisation, performing a special role dealing with crimes against women and children and tackling juvenile delinquency.

7.6.3. The promotion of senior officers should continue to be at the following three levels:
   - Deputy Superintendent of Police or Assistant Commandant;
   - Sub-Inspector; and
   - Deputy Superintendent of Police or Assistant Commandant.

7.7. Complaints of officers given illegal orders

7.7.1. The police establishment committee must consider complaints from police officers who have been given an illegal order and then make appropriate remedial action.

7.8. Recruitment

8.1. Recruitment to the police organisation should continue to be at the following three levels:
   - to the Indian Police Service through the Union Public Service Commission;
   - to Deputy Superintendent of Police through the State Public Service Commission; and
   - direct recruitment to non-gazetted ranks through a state-level Police Recruitment Board. This Board created under the Model Act shall ensure that the process of recruitment is transparent, and adopts modern and scientific systems and procedures.

8.2. Civil Police

8.2.1. Direct recruitment to the civil police must be limited to:
   - Deputy Superintendent of Police;
   - Sub-Inspector; and
   - Civil Police Officer Grade II.

8.2.2. Constables shall be replaced by a Civil Police Officer, with a higher standard of education and training as set out below:
   - a person between the ages of 18-23 years, with a minimum qualification of 10+2 higher secondary education shall be inducted as a trainee for three years; and
   - successful completion of training, including a Bachelor's Degree in Police Science, leads to the trainee cadet becoming a Civil Police Officer, Grade II.

8.3. Armed Police

8.3.1. Direct recruitment to the armed police shall be limited to:
   - Deputy Superintendent of Police or Assistant Commandant;
   - Reserve Sub-Inspector; and
   - Constable.

8.3.2. The minimum educational qualification for a Constable in the armed police shall be matriculation, while a reserve Sub-Inspector must be a graduate. A Constable shall be between 18-21 years of age and a reserve Sub-Inspector between 21-24 years.

8.4. Recruitment must be such that the composition of the police service reflects all sections of the community (including gender).
9. Training

9.1. Training must be provided for new officers and also when existing officers are posted to a different branch. Annual refresher classes must be held.

9.2. Training must be linked to the career development schemes of all police officers.

9.3. The state government shall lay down a training/education policy covering all ranks and categories of police personnel.

9.4. The state government must periodically create and upgrade the infrastructure and capabilities of its training institutions.

10. Strengthening police investigations

10.1. Investigation and law and order functions shall be separated (a model is already in existence in the state of Andhra Pradesh). The Director General of Police shall have a minimum tenure of two years, and the Superintendent of Police in each district shall have a minimum tenure of three years (with a maximum tenure of five years). The composition of the police should reflect the general mix of communities as it exists in the society so that it can command the confidence of different communities.

10.2. At the state level, a Criminal Investigation Department must be created to investigate serious crimes, and the Special Crime Investigation Unit cannot be given any other duty, except under exceptional circumstances and with the written permission of the Director General of Police or allocated by the District Magistrate. The Department must have specialised units for specialised crime investigation wings and departments must be equipped with adequate facilities, scientific aids, and qualified and trained human resources.

10.3. A Special Crime Investigation Unit shall be created at the police station level in all urban and crime-prone rural areas. A Sub-Inspector or a more senior officer shall head the Unit. The Unit must investigate offences such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences that are notified by the Director General of Police or allocated by the District Superintendent of Police. All other crimes shall continue to be investigated by other officers in the police station.

10.4. Officers in the Special Crime Investigation Unit and in the Criminal Investigation Department at the state level shall have a minimum tenure of three years (with a maximum tenure of five years). Officers posted to the Special Crime Investigation Unit cannot be given any other duty, except under exceptional circumstances and with the written permission of the Director General of Police.
1. Police and disadvantaged groups

1.1. A common complaint of people from disadvantaged groups is that police do not hear their complaints. They may approach the police, but the police do not hear them or refuse to take the complaint seriously.

1.2. A composite cell may be put together at the district level (under the Sub-Divisional Officer) to inquire into complaints made by members of Scheduled Castes and Tribes, particularly those relating to lapses in administrative measures meant for relief.

1.3. A comprehensive law should be passed setting out the procedure for the police to communicate an accused person’s arrest to the people reasonably named. Where the arrested person is an employer or an owner of a business, the police may be required to ensure that the family and employees of the arrested person are informed. The information report shall also be an offence punishable with three months imprisonment or fine (or both).

1.4. A police officer must appear before a person to register a cognisable complaint in two types of cases:

- Where there is a reasonable basis to believe that a cognisable offence has been committed
- Where a complaint is made under Section 155 of the Code of Criminal Procedure

Information Report shall also be an offence punishable with three months imprisonment or fine (or both).

10.5. The chain of command should remain intact despite the separation of investigation and law and order functions. To achieve this, the Station House Officer shall continue to supervise all officers in the Police Station including those posted in the Special Crime Investigation Unit. In addition to the Station House Officer, an Additional Superintendent of Police at the district level must supervise these investigations as well. The Additional Superintendent shall report to the District Superintendent.

10.6. At the district level, Special Investigation Cells shall be created to investigate more serious and complex offences, including economic crimes. Investigations by officers in this Cell shall be supervised by the Additional Superintendent who is also supervising the work of the officers in the Special Crime Investigation Unit at the police station level. Depending upon the volume of cases, the Additional Superintendent may be asked to supervise investigations by other police officers as well.

11. Accountability for performance

11.1. The police organisation should aim to achieve goals set out in two ‘plans’ (created under the Model Act). The first is a Strategic Plan that sets out the policing goals for the next five years (there is a reference elsewhere in the Model Act to three year strategic plans - this is most likely a typing error). The second are Annual Plans that aim to achieve the overall goals set out in the Strategic Plan. The government shall prepare both these plans, in consultation with the State Police Board. The government and the Board (which has the Director General of Police as the member secretary) must also consult the District Superintendents of Police before preparing the plans. The District Superintendents shall, in turn, consult with the community before providing their input. The plans must be laid before the state legislature to generate focused debates on policing strategy.

11.2. Identified performance indicators should be used along with the plans to evaluate organisational performance. The Police Board must identify these performance indicators, which should include:

- operational efficiency;
- public satisfaction;
- victim satisfaction (both in terms of police investigation and response);
- accountability;
- use of resources; and
- human rights record.
Police reform debates in India - Selected recommendations

5. Petty cash

5.1. Police stations should be given adequate petty cash to meet day to day costs.

4. Guidelines for the use of handcuffs

4.1. The current practice is to transfer stolen property recovered by police to court

3. Guidelines for arrest

3.1. Strict guidelines for arrest should be put in place and must be strictly observed.

2. Witness examination

2.1. Witness examination should take place as near as possible to the scene of

1. Registration of First Information Report

1.1. Victims of crimes are sometimes turned away from a police station on the

11.3. The State Police Board shall regularly evaluate the performance of the police
organisation in each district, as well as the state police as a whole. When
conducting an evaluation, the Board shall be assisted by an Inspectorate of
Performance. This Inspectorate shall be headed by a retired Director
General of Police and made up of serving or retired police officers, social
scientists, police academics and crime statisticians. The members of the
Inspectorate shall be appointed by the government from a list of candidates
prepared by the State Police Board.

12. Accountability for misconduct

12.1. Police misconduct that affects the rights of the public must be addressed
internally or externally (external review should be undertaken by independent
civilian accountability agencies at the state and district levels) depending on
the gravity of the offences. Police misconduct that violates prescribed codes
of behaviour without affecting an individual shall be dealt with internally
through departmental procedures that award appropriate penalties.

12.2. The state government must set up a Police Accountability Commission at the
state level to inquire into extremely "serious misconduct", which is defined as:
- death in police custody
- grievous hurt
- rape or attempted rape;
- illegal arrest or detention.

12.3. Inquiries by the Commission shall replace internal inquiries, and its findings
shall be binding on the police department and the government. The only
discretion or power that the police or government shall have in such cases is
to award punishment in cases where the Commission finds an officer guilty.

12.4. The police must be under a duty to forward all cases of serious misconduct to
the Commission for inquiry.

12.5. Except in cases of serious misconduct, the police department shall retain
the power to internally inquire and discipline officers.

12.6. The Commission shall be made up of five members that have a credible
record of integrity and commitment to human rights. Of the five members, at
least one must be a woman, and not more than one should be a police officer.
The members must include:
- a retired High Court judge as the Chairperson;
- a retired police officer of the rank of Director General of Police from a
different state cadre;
- a retired police officer of the rank of Director General of Police from a
different state.

National Police Commission
Fourth report - June 1980

The following recommendations have been selected from the fourth report of the NPC.

1. Registration of First Information Report

1.1. Victims of crimes are sometimes turned away from a police station on the
basis that the alleged crime occurred in another police station’s jurisdiction
and the victim must go to that police station to complain. Section 154 of the
Criminal Procedure Code states that the police officer cannot be required to
report a First Information Report (FIR) regardless of jurisdiction and
then, if necessary, transfer the FIR.

2. Witness examination

2.1. Witness examination should take place as near as possible to the scene of
the alleged offence or the relevant witness’s home.

3. Witness statements

3.1. Under existing law, a police officer is prevented from obtaining the signature
of the person whose statement has been recorded by him or her. Current
practice is for an officer to record in detail a witness statement during an
interrogation. Instead, an investigating officer should record the facts as he
or she understands them following examination of a witness. This statement
should be in the third person and in the officers’ handwriting. A copy of the
statement should be handed over to the witness after receiving an
acknowledgment from the witness of this. This procedure should prevent the
padding of statements.

4. Returning stolen property

4.1. The current practice is to transfer stolen property recovered by police to court
custody, and to return the property to the rightful owner at a much later stage
of proceedings. During the intervening period, there is considerable risk of
damage to the property owing to indifferent handling at different stages of
police and court custody. Existing laws should be amended to facilitate an
early return of recovered property, even during the investigation, protected
by appropriate bonds for safe retention and later production in court.
5.1 Petty cash

Police stations should be given adequate petty cash to meet day to day costs of the police station. This is to prevent corruption.

3. Guidelines for arrest

3.1 Strict guidelines for arrest should be put in place and must be strictly observed. The guidelines that must be observed when making arrests are set out below.

- The case involves a grave offence such as murder or rape (or other like offences) and it is necessary to arrest the accused and bring his or her movements under restraint to give confidence to frightened victims
- The accused is likely to abscond and evade the processes of law
- The accused is given to violent behaviour and is likely to commit further offences unless his or her movements are brought under restraint
- The accused is a habitual offender and unless kept in custody he/she is likely to commit similar offences again

3.2. Sections 2(c) and 2(l) of the Code of Criminal Procedure should be amended to make it clear that it is not mandatory to make an arrest in a non-bailable case.

4. Guidelines for the use of handcuffs

A person should not be handcuffed if he can be kept in custody without handcuffs (because of his age, gender or infirmity). A person arrested for a bailable offence should not be handcuffed (unless there is a special reason such as a belief that the person is likely to escape). In court, an accused person should not be handcuffed (except with the permission of the court). Databases who are under trial and other accused should not be handcuffed (unless there is a reasonable expectation that he will use violence or attempt to escape). The police escort must be strong enough to prevent escape.

5. Petty cash

Police stations should be given adequate petty cash to meet day to day costs of the police station. This is to prevent corruption.

12. The state government must also put in place District Accountability Authorities in each police district or group of districts in a police range to monitor internal inquiries into cases of police misconduct that include any wilful breach or neglect by a police officer of any law, rule, or regulation that adversely affects the rights of the individual.

12.7. The state government must also put in place District Accountability Authorities in each police district or group of districts in a police range to monitor internal inquiries into cases of police misconduct that include any wilful breach or neglect by a police officer of any law, rule, or regulation that adversely affects the rights of the individual.

12.8. The District Accountability Authority shall have three members with a credible record of integrity and commitment to human rights and must include:

- a retired District and Sessions judge (or a member of the State Human Rights Commission) at the state level to inquire into extremely "serious misconduct", which is defined as: performance. This Inspectorate shall be headed by a retired Director General of Police (or the Head of a comparable police rank).

13. Accountability for misconduct

Besides the measures for internal accountability mentioned above, the investigating officer shall record the facts as he observes them and not as he imagines them to be; he shall record the alleged offence or the relevant witness's home. The statement should be handed over to the witness after receiving an early return of recovered property, even during the investigation, protected by the outcome of an inquiry and believes that the principles of natural justice have not been followed, the Commission or Authority may direct the police to expedite the inquiry. If a complainant is not satisfied with the outcome of an inquiry and believes that the principles of natural justice have not been followed, the Commission or Authority may direct the police to expedite the inquiry. If a complainant is not satisfied with the outcome of an inquiry and believes that the principles of natural justice have not been followed, the Commission or Authority may direct the police to expedite the inquiry. If a complainant is not satisfied with the outcome of an inquiry and believes that the principles of natural justice have not been followed, the Commission or Authority may direct the police to expedite the inquiry.
12.11. The Commission has all the powers of the National Human Rights Commission, including those of a civil court. It is specifically empowered to visit any police station or place used for detention.

12.12. Influence or interfering with the functioning of the Commission or the Authority is an offence punishable with one-year imprisonment. Threatening, coercing or offering an inducement to a witness or victim shall be deemed to be influencing or interfering with the Commission.

12.13. A complaint shall have the following rights:

- to be informed of the progress of an inquiry periodically and of any conclusion and action taken in their case.
- to be informed of the date and place of each hearing.
- to attend to the hearings.
- to have all hearings conducted in a language intelligible to the complainant, and if that is not possible, to be provided with an interpreter upon his or her request.

12.14. The complaint shall not be able to approach the Commission or the Authority if any other body or court is already examining the complaint.

12.15. If the Commission finds that a complaint of serious misconduct includes illegal arrest, detention, search and seizure, failure to present an arrested person before a magistrate within 24 hours, subjecting a person to torture, inhuman or unlawful violence, gross misbehaviour and making threats or promises unwarranted by law. Non-registration of a First Information Report shall also be an offence punishable with three months imprisonment or fine (or both).

12.16. The complaint shall not be able to approach the Commission or the Authority if any other body or court is already examining the complaint.

14. Police offences

14.1. Each police station shall have separate toilets and detention areas for men and women. Police stations must display the Supreme Court guidelines and departmental orders dealing with arrests as well as the details of persons arrested and held in custody.

14.2. A complaint of serious misconduct that includes illegal arrest, detention, search and seizure, failure to present an arrested person before a magistrate within 24 hours, subjecting a person to torture, inhuman or unlawful violence, gross misbehaviour and making threats or promises unwarranted by law. Non-registration of a First Information Report shall also be an offence punishable with three months imprisonment or fine (or both).

National Police Commission
Third Report - January 1980

The following recommendations have been selected from the third report of the NPC.

1. Police and disadvantaged groups

1.1. A special investigation cell should be created in the police department at the state level to monitor the progress of investigation of cases under the Protection of Civil Rights Act or other atrocities against Scheduled Castes and Tribes.

1.2. A composite cell may be put together at the district level (under the Sub-Divisional Officer) to inquire into complaints made by members of Scheduled Castes and Tribes, particularly those relating to lapses in administrative measures meant for relief.

1.3. A common complaint of people from disadvantaged groups is that police do not respond to an allegation of mistreatment on the basis that the complaint is non-cognisable (and so cannot be investigated without orders from a Magistrate). Section 155 of the Code of Criminal Procedure should be amended to facilitate appropriate and effective police response to non-cognisable complaints in two types of cases:

- to protect a person from the disadvantaged group from exploitation and injustice;
- to prevent a breach of public peace that might result from absence of effective action on complaint to a non-cognisable offence.

1.4. A comprehensive law should be passed setting out the procedure for the allotment of land to landless poor. Police officers from the local police station should be associated with the act of handing over possession of land to the landless and a brief record of this should be kept in the police station records.

2. Officer postings

2.1. The postings of officers in charge of police stations should be the exclusive responsibility of the district Superintendent of Police.

2.2. The Chief of Police should be exclusively responsible for selecting and posting Superintendents of Police in charge of districts.

2.3. Senior officers should make surprise visits to police stations to detect any violation of police orders, to check the performance of police station officers, and to make an on-spot evaluation of the station's performance.

2.4. The magistrate should be required to question the arrested person if he or she is under the age of 16 years, if there is a likelihood of prison sentence, or if there is a possibility of a fine.

2.5. The police should be required to keep a record of the number of cases solved and the number of cases under investigation.

2.6. Senior officers should make surprise visits to police stations to detect any violation of police orders, to check the performance of police station officers, and to make an on-spot evaluation of the station's performance.

2.7. The police should be required to keep a record of the number of cases solved and the number of cases under investigation.
5. The Chief of Police should be assured of a fixed tenure of office. The tenure may be for four years or for a period extending up to retirement, whichever is earlier.

6. The removal of the Chief of Police from his or her post before the expiry of tenure should require approval of the State Security Commission, except when the removal is consequent upon disciplinary action, suspension, retirement, or promotion with the Chief's consent.

7. Transfer and suspension orders

7.1. Police officers should be protected against illegitimate transfer and suspension orders.

7.2. There should be a provision in the Police Act specifying which authorities can make suspension and transfer orders for different ranks.

7.3. A transfer order passed by any authority other than that specified in the Act should be rendered null and void.

14.2. The roles, duties and responsibilities of the police must address the particular needs of disadvantaged groups. The special requirements of policing in rural and urban areas are also be dealt with by the police law, including the implementation of village policing and a Commissionerate system.

14.3. Policing in special security zones with redefined union-state relations and alternative administrative systems must be dealt with in the police law.

14.4. A Police Welfare Bureau must be set up to improve the welfare of police officers. Officer welfare shall be improved by providing free insurance cover, putting in place internal grievance redressal systems and introducing eight-hour shifts.
2. Role of the police

NPC.

The following recommendations have been selected from the second report of the National Police Commission.

3.1. In the existing system, the police function under the executive control of the state government. The manner in which political control has been exercised by the politicians to bend the police to their will.

2.1. The basic role of the police is to function as a law enforcement agency to people in distress situations. They should be trained and equipped to perform the service-oriented functions.

3. Minimum tenure of other police officers

3.1. Police officers on operational duties in the field will have a minimum tenure of at least three years.

3.2. Once an officer has been appointed as the Director General of Police, he or she should serve in that capacity for a minimum of five years.

3.3. TheSelection and minimum tenure of Chief of Police

2.1. State governments will appoint the Director General of Police from the three highest ranked officers of the India Police Service officers from the relevant state cadre. The selection shall be prepared by a Committee made up of:

- the Chairperson of the Union Public Service Commission as the Chair;
- the Union Home Secretary;
- the Chairperson of the Union Police Act Drafting Committee.

3.1. The State Security Commission should perform the following functions:

- to function as a forum of appeal for officers subjected to illegal orders and to generally reviewing police functioning.
- to evaluate the performance of the state police every year and present a report to the state legislature; and
- to lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions of the police, and to give directions for the performance of the preventive tasks and service-oriented functions of the police; and
- to coordinate the performance of the police with the performance of other agencies.

3.2. Once an officer is appointed to the post of Director General of Police, he or she should serve in that capacity for a minimum of three years.

3.3. The Director General of Police should have had at least ten years of experience as a police officer in the rank of Superintendent of Police or equivalent.

3.4. In the performance of its preventive tasks and service-oriented functions, the police organisation should be subject to overall guidance from the government, which should lay down broad policies for adoption in different situations. However, there should be no instructions in regard to actual operations in the field.

3.5. With regard to investigation work, the police should be beyond any intervention by the executive or politicians.

4.1. Investigation and law and order functions must be separated. There must be full coordination between the two wings. Separation of functions may begin with the establishment of a special range of experience for heading the police force.

4.2. The Police Act Drafting Committee.

Prakash Singh v/s Union of India: the Supreme Court Directives 2006-2007

In 1996, two former Director Generals of Police filed a public interest case with the Supreme Court. In the case, they requested the Supreme Court to direct central and state governments to address the poor performance and quality of police in India. In 2006, the Court ruled that the “gravity of the problem” and “total uncertainty as to when police reforms would be introduced” would induce “appropriate directions for immediate compliance”.

These directions are binding upon central and state governments. Governments were initially required to report to the Court on steps taken to comply with the directions at the end of 2006. The majority of states filed applications seeking more time. Some of these applications also sought review of the judgment. The Court refused to review its directions and ruled that governments were required to comply with its directions by the end of March 2007.

The following are some of the important directions given by the Supreme Court.

1. State Security Commission

1.1. Each state government must constitute a State Security Commission that will ensure that the police are protected from illegitimate political interference.

1.2. The Commission will:

- lay down broad policy guidelines for the police;
- give directions for the performance of the preventive tasks and service-oriented functions of the police; and
- evaluate the performance of the police.

1.3. The recommendations of the Commission shall be binding on the government.

1.4. The Commission will be headed by the Chief Minister (or the Home Minister) and will include the Director General of Police as secretary. The other members of the Commission must be chosen to ensure independence from government; individual governments are free to choose from the models set out by the National Human Rights Commission, the Ribeiro Committee or the Police Act Drafting Committee.

3.7. The Chief of Police should be the secretary of the Commission, which should have its own support office.

3.8. The State Security Commission should perform the following functions:

- lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions of the police;
- evaluate the performance of the state police every year and present a report to the state legislature;
- function as a forum of appeal for officers subjected to illegal orders and with regard to their promotions; and
- generally reviewing police functioning.

4. Chief of Police - appointment and tenure

4.1. The head of the police force should be selected from a panel of three India Police Service officers from the relevant state cadre. The selection panel shall be prepared by a Committee made up of:

- the Chairperson of the Union Public Service Commission as the Chair;
- the union Home Secretary;
- the senior-most among the Heads of the Central Police organisations;
- the Chief Secretary of the state; and
- the existing Chief of Police in the state.

43 Commonwealth Human Rights Initiative

Second Report - 1999

National Police Commission

Commonwealth Human Rights Initiative

Police reform debates in India - Selected recommendations

42 Commonwealth Human Rights Initiative

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National Police Commission
Second report - August 1979

The following recommendations have been selected from the second report of the NPC.

1. Criminal Justice Commission
   1.1. The police cannot achieve complete success in their work unless all wings of the criminal justice system are operated with simultaneous efficiency. A Criminal Justice Commission should be set up to comprehensively monitor the performance of all agencies and apply corrective measures.
   1.2. The existing Law Commission may also function as a Criminal Justice Commission. Such arrangements at the centre should be supported by similar arrangements at the state level.

2. Role of the police
   2.1. The basic role of the police is to function as a law enforcement agency and render impartial service to the law, without any head to the wishes, indications or desires expressed by the government which either come into conflict with, or do not conform to the provisions contained in the constitution or laws. This should be spelt out in the Police Act.
   2.2. The police should have a recognised service-oriented role in providing relief to people in distress situations. They should be trained and equipped to perform the service-oriented functions.

3. Political interference in police work
   3.1. In the existing system, the police function under the executive control of the state government. The manner in which political control has been exercised over the police in this country has led to gross abuses, resulting in erosion of rule of law and loss of police credibility as a professional organisation.
   3.2. The threat of transfer or suspension is the most potent weapon in the hands of the politicians to bend the police to their will.
   3.3. The superintendence of the state government over the police should be limited to ensure that the police conduct is in strict accordance with law.

4. Selection and minimum tenure of Chief of Police

2.1. State governments will appoint the Director General of Police from the three senior officers of the department who have been selected for promotion to the rank by the Union Public Service Commission.

2.2. The Union Public Service Commission shall select the candidates based on:
   - length of service;
   - very good record;
   - range of experience for heading the police force.

2.3. Once an officer has been appointed as the Director General of Police, he or she must be provided with a minimum tenure of two years regardless of his or her date of retirement.

2.4. State governments, in consultation with the State Security Commission, may remove the Director General of Police from his or her post even before the expiry of his or her tenure for the following reasons:
   - disciplinary action against the Director General under the All India Services (Discipline and Appeal) Rules;
   - conviction by a court of law in a criminal offence or in a case of corruption;
   - incapacity to discharge duties.

3. Minimum tenure of other police officers

3.1. Police officers on operational duties in the field will have a minimum tenure of two years. These officers include:
   - the Inspector General of Police in-charge of a zone;
   - the Deputy Inspector General of Police in-charge of a range;
   - the Superintendents of Police in-charge of a district; and
   - the Station House Officers in-charge of a police station.

3.2. Tenure is subject to promotion and retirement of the officers.

3.3. These officers may be removed before the completion of their tenure if:
   - disciplinary proceedings are initiated against them;
   - they are convicted for a criminal offence or in a case of corruption;
   - they are incapacitated and cannot discharge their responsibilities.

4. Separation of investigation and law and order functions

4.1. Investigation and law and order functions must be separated. There must be full coordination between the two wings. Separation of functions may begin with the following recommendations:
   - the existing Law Commission may also function as a Criminal Justice Commission with regard to their promotions; and
   - two members from the state legislature, one from the ruling party and another from an opposition party, to be appointed on the advice of the Minister in-charge of police as the Chair.
   - four other members appointed by the Chief Minister, subject to approval of the Minister in-charge of police as the Chair; and
   - the existing Chief of Police in the state.

4.2. The existing Chief of Police in the state should be subject to overall guidance from the Police Act Drafting Committee.

4.3. The recommendations of the Commission relating to the police will be binding on the state government.

4.4. The police on operational duties in the field will have a minimum tenure of two years. These officers include:
   - the Superintendents of Police in-charge of a district; and
   - the Deputy Inspector General of Police in-charge of a range.

4.5. Once an officer has been appointed as the Director General of Police, he or she must be provided with a minimum tenure of two years regardless of his or her date of retirement.
5. Police Establishment Board

5.1. Each police organisation will create a body called the Police Establishment Board. This Board will be made up of the Director General of Police and four other senior officers of the department.

5.2. The Board will decide all transfers, postings, promotions and other service related matters of Deputy Superintendents of Police and more junior officers. The state government cannot interfere with the decision of the Board except in exceptional cases and only after recording reasons.

5.3. The Board will make recommendations to the government on postings and transfers of officers above the rank of Deputy Superintendent of Police. The government will ordinarily accept these recommendations.

5.4. The Board will also function as a forum of appeal for disposing of representations from officers of the rank of Superintendent of Police and more senior officers regarding their promotion, transfer, disciplinary proceedings or their being subject to illegal orders.

5.5. The Board shall review the functioning of the police in the state.

6. Police Complaints Authority

6.1. Each state government will set up an independent body called the Police Complaints Authority to look into public complaints against police officers (Deputy Superintendent of Police and more junior police) at the district level. Similar Police Complaints Authorities should be created at the state level to deal with complaints against officers of the rank of Superintendent of Police and more senior officers.

6.2. The District Complaints Authority will be headed by a retired district judge who shall be chosen from amongst a panel of names proposed either by the Chief Justice of the High Court or by another judge of High Court nominated by him or her.

6.3. The State Complaints Authority shall be headed by a retired judge of the High Court or the Supreme Court and shall be appointed by the state government from a panel of names proposed by the Chief Justice.

6.4. Both authorities will be made up of three to five members depending upon the volume of complaints in the relevant district. These members shall be selected by the state government from a panel prepared by the State Human Rights Commission.

7. Police Complaints Authority

7.1. Each district should establish a Police Complaints Authority to look into public complaints against police officers.

7.2. The District Complaints Authority will be headed by a retired police officer who is a retired-Inspector General of Police for each district or a group of districts.

7.3. The DIA should also be an independent oversight authority that monitors the implementation of village policing and a Commissionerate system.

8. Judicial inquiry into complaints

8.1. Judicial inquiry should be made mandatory in the following categories of complaints against the police:

- Alleged rape of a woman in police custody;
- Death or grievous hurt caused while in police custody;
- Death of two or more people during police fire to disperse an unlawful assembly.

8.2. The DIA should be assisted by an assessor, who should be an Additional Superintendent of Police or a senior Deputy Superintendent nominated by the Inspector General of Police for each district or a group of districts.

8.3. The DIA should complete inquiries into a case within four months. As soon as an inquiry is completed, the result should be communicated to the complainant. The government should be required to publish the report and its response to the report within two months.

8.4. The DIA should have the power to summon witnesses and secure evidence. The DIA should be able to secure these powers under the Commission of Inquiry Act 1952.

8.5. The DIA should send his or her report of the inquiry to the state government. The government should be required to publish the report and its response to the report within two months.

8.6. The DIA should also be an independent oversight authority that monitors the inquiries dealt with within police departments. As soon as an inquiry is completed, the result should be communicated to the complainant. The complainant should have a right of appeal to the DIA, who should be authorised to access the relevant documentation and deal with the appeal.

9. A Police Complaint Board should be set up at the state level (by the State Security Commission) to monitor the entire complaints process in the state. The Board should operate as a sub-committee of the Security Commission.
Introduction

1.2.1. In each district, a special complaints cell should be headed by the Deputy Superintendent (working under the District Superintendent) to handle inquiries into allegations of police misconduct in which the normal investigation process is likely to be biased.

1.2.2. In each range, complaint cells should be headed by the Range Deputy Inspector General for handling inquiries that may involve scrutiny of the conduct of the Superintendent of Police's conduct.

1.2.3. At the state level, there should be a special cell to handle inquiries that require attention at the state level. This cell will work under a Superintendent of Police, supported by Deputy Superintendents of Police and Inspectors, all working under the Inspector General of Police.

1.3. Inspectors and more senior officers (as well as all officers in charge of a complaint cell) should maintain complaint registers.

1.3.1. The district level complaint cells should frequently check and ensure the proper maintenance of the registers and the expeditious disposal of complaints by field officers in the district.

1.3.2. The range level complaints cells should conduct surprise checks in each district to ensure complaints are being properly recorded and dealt with.

1.4. Inquiry officers should comply with the following guiding principles.

1.4.1. The complainant should be heard in detail and every effort must be made by the inquiry officer to ascertain the truth by examining such other witnesses as he or she considers necessary, without insisting that the complainant produce the witness.

1.4.2. Important witnesses shall as far as possible be questioned in the presence of the complainant.

1.4.3. Throughout the course of the inquiry, the Inquiry Officer should avoid doing anything which might create a doubt in the complainant's mind about the objectivity and impartiality of the inquiry.

1.4.4. The inquiry shall, as far as is practical, be conducted in an appropriate public building or place in or near the complainant's home.

1.4.5. If the Inquiry Officer reports that the complainant does not want to continue with the complaint, the facts and circumstances of that case should be verified by either the Inquiry Officer's senior or the district complaint cell.

Commission, Lokayukta and State Public Service Commission. The panel may include members who are retired civil servants, police officers or officers from any other department, or from civil society.

6.5. The members of the authorities will work full time and will be suitably remunerated.

6.6. The State Authority will be empowered to look into allegations of serious misconduct by police, which is defined as:
- death;
- grievous hurt;
- rape in police custody.

6.7. The District Authority will be empowered to look into all complaints of:
- death;
- grievous hurt;
- rape in police custody;
- allegations of extortion;
- land/house grabbing;
- any incident involving serious abuse of authority.

6.8. The members of the authorities can employ staff to conduct field inquiries. The staff can consist of retired investigators from the Criminal Investigation Department, intelligence or vigilance departments or any other organisation.

6.9. A recommendation by the authority regarding a police officer who has committed an offence is binding. This means that the authority's inquiry replaces an internal inquiry.

7. National Security Commission

7.1. The central government must establish a National Security Commission at the union level comprising:
- the union Home Minister as the Chair;
- heads of the Central Police Organisations and two security experts as members; and
- the union Home Secretary as its Secretary.

The judgment does not clearly define "Central Police Organisations". These include two groups: central para-military forces and other central police organisations, such as the Bureau of Research and Development, Central Bureau of Investigations, Intelligence Bureau, and the National Police Academy. It is unlikely that the judgment intended to refer to both groups.
The National Police Commission (NPC) was put together in 1977 by the union government. It was given wide terms of reference that included the organisation, role, and functions of the police, police-public relations, political interference with police work, misuse of police power and police accountability and performance evaluation.

The NPC produced eight reports between 1979 and 1981, setting out wide reaching recommendations for reform. Selected recommendations from each of the eight reports are set out below.

The following recommendations have been selected from the first report of the NPC.

1.1. First, the police hierarchy should consider and deal with a large number of the complaints that are made against the police. The appropriate investigating officers, depending on the rank of officer subject to the complaint, are set out in the table below.

<table>
<thead>
<tr>
<th>Complaint against</th>
<th>Inquiry by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Superintendent of Police</td>
<td>Superintendent Police or more senior officer</td>
</tr>
<tr>
<td>Inspector of Police/Assistant Superintendent of Police</td>
<td>Inspector of police or more senior officer</td>
</tr>
<tr>
<td>Sub-Inspectors/Assistant Sub-Inspectors</td>
<td>Deputy Superintendent of Police more senior officer</td>
</tr>
<tr>
<td>Head Constable/Constables</td>
<td>Inspector of police more senior officer</td>
</tr>
</tbody>
</table>

1.2. Complaint cells should be established in each district, range and at state headquarters for complaints that cannot be dealt with by inquiry by an officer.
The National Police Commission (NPC) was put together in 1977 by the union government. It was given wide terms of reference that included the organisation, role, and functions of the police, police-public relations, political interference with police work, misuse of police power and police accountability and performance evaluation.

The NPC produced eight reports between 1979 and 1981, setting out wide reaching recommendations for reform. Selected recommendations from each of the eight reports are set out below.

Selected recommendations from each of these committees have been included in this publication, as well as the Supreme Court directives. Two government committees that took place between 2001 and 2004 and made recommendations regarding the police have not been included as they either dealt with broader criminal justice issues (the 2001-2003 Malimath Committee on Reforms of Criminal Justice System) or were limited to prioritising the recommendations of previous committees (the 2004-2005 Review Committee on the Recommendations of National Police Commission and Other Commission/Committees).

1. **Going forward: the future police reform process**

   **1. Supreme Court judgment**

   The Supreme Court judgment aims to achieve functional autonomy for the police and accountability for conduct and performance.

   **1.1. Functional autonomy**

   The police organisation is in place to protect and assist the community. Officers are public servants and must do their work in an impartial and efficient way for the benefit of the entire community. This means that the police require functional autonomy within the framework of law and accountability mechanisms, officers must have control over their day to day operational actions and decisions.

   Functional autonomy requires a balancing between ensuring the police are free from illegitimate political interference and are not in a position to abuse their power. In India today, illegitimate political interference in police operations is routine. This imbalance must be redressed.

   **1.2. Accountability**

   Functional autonomy must in turn be balanced with accountability. The police must be accountable as an organisation and officers must be accountable as individuals for their actions. Performance evaluation must be built into the policing laws to ensure organisational accountability, while independent civilian oversight has proven to be the most effective accountability mechanism for individual officers in reforming jurisdictions around the world.

   **2. The Model Police Act 2006 a template for reform**

   The Supreme Court directives have provided a general framework for reform. Governments need to build processes and mechanisms into legislation that sits in this framework; the Model Police Act produced by the Police Act Drafting Committee is a useful template for this process. The Model Police Act can assist governments in setting issues such as process and criteria for the appointment of members to oversight bodies, the functions and powers of oversight bodies and the relationship between internal and external mechanisms.
3. Political will remains a hurdle

At the date of publication, it remained unclear whether the state governments - or even the union government - would comply with the directions of the Supreme Court or implement the recommendations contained in the Model Police Act in spirit. Although the Supreme Court directions are binding on governments, many are opposed to their implementation and may legislate to avoid compliance with important aspects of the Court’s directions, which they think will curtail their powers to control the police.

Introduction

India’s police continue to be governed by an archaic and colonial police law passed in 1861. The Indian Constitution makes policing a state subject and therefore the state governments have the responsibility to provide their communities with a police service. However, after-independence India have adopted the 1861 Act without change, while others have passed laws heavily based on the 1861 Act.

The need for reform of police in India - fundamentally - the police laws, has been long recognised. There has been almost 30 years of debate and discussion by government-created committees and commissions on the way forward for police reform, but India remains saddled with an outdated and old-fashioned law, while police reform debates in India - Selected recommendations

Commonwealth Human Rights Initiative