



MODERNIZATION OF POLICE STATION – A STUDY ON COMMITTEES REPORT

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Abstract:

This research paper highlights the importance of modernization of police station. There is delay in rendering justice which makes the crime to grow in the society. The criminal justice system in India is essentially an instrument of social control; society considers some behaviors so dangerous. The object of the criminal justice system is to render public justice, to punish the criminal and to see that the trial is concluded expeditiously before the memory of the witness fades out. But unfortunately, over the period of the time its shine is diminishing because of defective criminal justice system. Therefore, we are in a critical juncture of time, there is need to reformulate the justice system to address the challenges of the present day. The police system in any country has to play a very significant role in crime investigation and prevention. This initiative by the police is useful for getting the crime date and information but it does not serve the purpose of designing an action to prevent the crime. It has become a major challenge for the police system to deter and prevent crimes and movements of criminals. There is no information of any kind that is available before the occurrence of criminal acts. This results in increase in crime rate and delay in rendering justice. This paper highlights modernization of police station in various aspects like, analysis of the committees set up by the government, use of location aware application technology to keep watch on the movements of criminals, clearance in investigation process and etc., which can be useful in prevention of crimes, non delay in rendering justice and thereby bring down the crime rate.

Key Words: Criminal Justice in India, Modernization of Police Station, Delay in Rendering Justice & reformulate the Justice System

Introduction:

One of the most intractable problems since independence has been the gradual increase in the delay of criminal cases in the country this can be solved by modernizing certain essential elements in criminal justice system like modernization of criminal courts, modernization of police station and etc. This paper deals with modernization of police station where it is the starting point where the justice for the victim starts. Police plays an important role in civil administration in India. The constitution of India assigns a responsibility to maintain the law and order in the country. There is no doubt that the police, like any other organ of the administration has to be sensitized to the needs and reactions of the people and simultaneous efforts should also be made to ensure that the police develops as an efficient purposive. The changes in the nature of crime as well as criminals over the year necessitated modernization of the police force to cope up with new challenges. The every- increasing political interference of political leaders has complicated the task of police further. Political agitations have tended to subvert the priorities for the police because instead of concentrating on prevention and control of crime they are pre- occupied with maintenance of public order for which responsibility is diffused and accountability is difficult to determine. Under these conditions there is dire need for raising the efficiency of the police force by greater professionalism and scientific methods. The effectiveness of the police as agents of social control should not be allowed to be blunted by political interference, over advancement in crime and etc., in their functioning.

Committees on Reformation:

The Report of Malimath Committee on Reforms of Criminal Justice System:

It is the first committee that government of India, ministry of home affairs constituted a committee on the above topic under chairmanship of D. Justice V. S. Malimath. The committee has suggested major reforms in the administration of criminal justice system. It considered a tardy investigation, the absence of witness, the inordinate delay in the courts in hearing, the cumbersome procedure laid down in code of CrPC 1973, the lengthy judgments, the paucity of criminal courts and the non filling of large number of vacancies of judges and the committee considers it as a “bold initiative” and made a comprehensive review of all wings of criminal justice system.

Malimath Committee/ Report on Police Investigation:

According to the committee the primary responsibility of the police is to protect life, liberty and the property of the citizens. They have various type duties to perform, the most important among them being

maintenance of law and order and investigation of offences. This essential ingredient investigation often resorts to short cut method and exhibits negative traits of police. The police officers face difficulties such as excessive work force due to inadequacy of man power and long working hour. Non- cooperative attitude of public at large, in adequacy of logistic and forensic support, political interference, lack of training in investigation methodology and act. In this context the decision of apex court was cited in H. N. Rishbud v. state of Delhi, the committee felt the standard of police investigation in India remains poor and there is considerable room to improve.

Basis lacunae in the process of investigation found by committee,

- ✓ Inadequacy of staff;
- ✓ Non separation of investigation wing from law and order wing.

The law commission in its 154th report recommended for separation of the two wings. The law commission adduced the following grounds:-

- ✓ It will bring the investigating agents under the protection of judiciary and greatly reduces the possibility of unjustified and unwarranted political influence.
- ✓ Efficient investigation of cases will reduce the possibility of unjustified prosecution.
- ✓ Separation will reduce in speedier investigation which would entail speedier disposal of cases.
- ✓ Separation will increase the expertise of the investigation officer.
- ✓ The investigating police would be plain clothes men and they would be able to develop good rapport with the public.

The committee desired strict and positive super vision of all level of officers as per section 36 of CrPC.

The modes of super vision are:

- ✓ Crimes are freely registered.
- ✓ Crimes are registered under the appropriate section without minimizing the occurrence for sake of statistics.
- ✓ Complaints, if made orally must recorded carefully without omitting any important and relevant fact.
- ✓ Final reports are submitted without delay and charge sheets are accompanied by complete evidence.
- ✓ After the case gone to the court, the progress is watched and it is ensured that the witness, including the investigating police officers, attend the court on due date and dispose properly and that the public prosecutors perform their duties competently.
- ✓ Investigation should be kept on right track, honest and in transparent manner.
- ✓ Scientific aids to investigations are optimally utilized and FLS experts are taken to the spot in specified crimes for preservation and collection of evidence.
- ✓ Investigations are sent to FLS for expert's opinion.
- ✓ The medical legal reports are obtained from experts quickly.
- ✓ Case diaries should be maintained properly.
- ✓ The power of arrest is not abused or misused.
- ✓ The human rights of the accused are maintained.

Need to Develop and Sharpen Investigation Skill:

As the complexity and nature of crime is changing fast, training facility in emerging disciplines such as forensic accounting and information technology etc., need to be developed and imparted to the investigating officers. The Malimath committee was of the view

- ✓ Adequate number of training institutions should be setup by the state government and also by the central government
- ✓ Protection of scene of crime
- ✓ Collection of physical evidence there from with the help of experts including forensic experts
- ✓ Inculcating the art of interrogation of suspects and witnesses
- ✓ Developing the art of collection, collation and dissemination of criminal intelligence
- ✓ Developing and handling informers etc.
- ✓ The trainers should be handpicked by committee constituted by the DGP and officers having professional skills and aptitude alone should be inducted in the traing institutions.

Recording of Statements of Witnesses- Section 161 and 162 of the Code:

The combines study of sections 161- 162 CrPC and section 145 of the Indian Evidence Act show the distrust of the legislature with the investigation of police. The suitable amendment is needed to dispel such distrust the statement recorder under section 161 CrPC may be bought on the pedestal of section 164 CrPC so as to bring it within the legal parameters of section 145 Evidence Act section 163(3) CrPC which provides discretion to the investigating officer to record the statement in writing. The national police commission in its 14th report and 37th report, was of the view that it should be mandatory otherwise the whole purpose of the section 173(2) CrPC would be defeated. The committee was of the view that an amendment be made under section 163(3) to provide that the investigating officer shall put questions and the answers written in the narrative form. It was further pointed out that the witness shall be bound to affix its signature over his statement. The committee further was of the view that the copy of the statement of the witness should be supplied to him

forthwith. The further suggestion was with regard to record the statement on audio or video. The committee also opined for providing facilities for interrogation.

Recommendations of Malimaths Committee over the Reforms in the Field of Investigation:

A prompt and quality investigation is therefore the foundation of the effective criminal justice system. But all the laws relating to investigation were 100 years old which would not be competent to modern society.

- ✓ The investigation wing should be separated from the law and order wing
- ✓ National security commission and the state security commissions at the state level should be constituted as recommended by the national police commission.
- ✓ To improve quality of investigation the following measures shall be taken
 - The post of an addl. S. P. may be created exclusive for supervision of crime and in district should be made.
 - Each state should have an officer of the IGP rank in the state crime branch exclusively to supervise the functioning of the crime police. The criminal branch should have specialized squads for organized crime and other major crimes.
 - Grave offences should be investigated by teams of officers and not by single person.
 - The succession cases must be investigated by the senior most police officer posted at the police station.
 - Fair and transparent mechanisms should be set up in district range and state level.
 - Stringent punishment should be provided for false registration of cases.
 - Specialized units/squads should be set up at the state and district level for investigation specified category crimes.
 - A panel of experts drawn from various disciplines such as auditing, computer science, banking, engineering and revenue matters etc. at the state level from whom assistance can be sought by the investigating officers.
 - Infrastructural facilities available to the investigating officers especially in regard to accommodation, mobility, connectivity, use of technology, training facilities etc are grossly inadequate and they need to be improved on top priority.
- ✓ The training infrastructure should be strengthened.
- ✓ Audio/ video recording of the statement of witnesses, dying declaration and confession should be authorized by law.
- ✓ Forensic and modern technology should be used in investigation process.
- ✓ The network of CFLs and FSLs in the country need to be strengthened for providing optimal forensic cover to the investigating officer.
- ✓ Mini FSLs and mobile forensic units should be set up at district/range level.
- ✓ The finger print bureau and the FSLs should be equipped with well trained manpower in adequate number and adequate financial resource.
- ✓ The co-ordination between investigators also necessary.
- ✓ Preparation of police brief is mandatory.
- ✓ As the Indian police act was out dated the new act should be enacted.
- ✓ Section 162(2) of the code being amended to increase the maximum period of police custody is 30 days if offence is punishable with seven years of imprisonment.
- ✓ Identifications of prisoners act, 1920 are suitably amended to empower magistrate to authorize taking from the accused finger prints, and foot prints etc. by request of the investigator.
- ✓ Even in respect of offences which are not arrestable, the police should have power to arrest the person when he fails to give the needed details.

Prosecution:

Prosecutors are the officers of the court whose duty is to assist the court in the search of truth which is the objective of the criminal justice system. Any amount of good investigation could result in success unless the institution of prosecution has committed persons of merit with foundation of a well structured professional training. This separate wing has to be formed for the better investigation process. The vacancies should be filled for the betterment.

K. Padmanabhaiah Committee Report and Recommendation:

The union of India has been conscious since three decades for making police force a positive and makes it responsible to the community and the law of the land. The government of India in ministry of home affairs resolution dated 15th November. In 1977 constituted the national police commission and laid down the terms and references for deeper probe covering practically the entire gamut of the police system. The main objectives of the committee are to reform the Indian police Act, 1861. The commission of India wide its notification on 5-1-2000 set up a committee consisting Shri. K. Padmanabhaiah, ex-union home secretary as chairman. This committee recommended that

- ✓ Separation of law and order and investigation wing

- ✓ Specializes investigation
- ✓ Recruitment, training, police behavior, prosecution should be developed
- ✓ Effective use of forensic science
- ✓ Prosecution: The decision of Supreme Court in *S. B. Sahne v. State of Maharashtra*, declares the independence of the prosecution branch. The decision is binding as yet. It may be pointed out that prior to the present Code of Criminal Procedure the prosecution wing was functioning under the administrative control of the police department. The police men are of the view that till 1973 there was excellent co-ordination between the police agency and the prosecution wing and now that system has collapsed. The ground position regarding the prosecution wing varies from state to state. The apex court noted that prosecution wing should be completely separated from police department. But the committee recommended the prosecution has dual role to play namely, as prosecutor, to conduct trial, and as legal advisor to the police department in charge of investigation. The recommendations are
 - Initial recruitment should be made through open competitive exams.
 - Proper training in medico –legal and forensic science should be imparted.
 - They should be posted to police station for six months.
 - Making them full time government servant.
 - The police department and prosecutors should take greater recourse to section 301 and 302 CrPC.

Modernization Prescribed by the Committee and Analysis:

There were various committees set up by the government till present all the committees says more or similar points. The delay in justice can be corrected soon if the recommendation of the committees were executed and implemented in proper way.

Remedial Measures to Avoid Delay in Justice:

- ✓ Ensuring mobility
- ✓ Provision of modern weaponry
- ✓ Communication system
- ✓ Up gradation of training infrastructural facilities
- ✓ Construction secure Police Stations and Outposts
- ✓ Security equipment
- ✓ Strengthening of Intelligence Branches and Surveillance
- ✓ Forensic science facilities and equipment
- ✓ Use of technology in registration of FIR to improve accessibility;
- ✓ Installation of CCTV's in police stations;
- ✓ Audio or video recording of statements of all witnesses;
- ✓ With simultaneous transcription facilities;
- ✓ Video recording of all confessions of accused;
- ✓ Developing and standardization of integrated technology for police stations across country;
- ✓ To provide automatic recording of telephone line of police station- with simultaneous relay facilities to patrol vehicles in area proximal to the caller;
- ✓ All FIR's to be recorded whether complaints made via telephone or in person;
- ✓ Developing and standardizing design, area & equipment for interrogation rooms;
- ✓ Including audio visual recording facility;
- ✓ Provision for transcription machines in each police station for audio and visual examination by Court;
- ✓ Filling up of vacancies
- ✓ Stress management programs to officials
- ✓ Qualitative recruitments
- ✓ Not only physical training but also mental trainings should be given to police officers
- ✓ Another related area for Police reforms in India pertains to Skills Development of Police force of India. For instance, Cyber Crimes Investigation in India is still a herculean task for a majority of members of Police force of India. Areas like Cyber Law, Cyber Forensics, E-Discovery, Cyber Security, etc are still a puzzle for our Police force. We must develop the Cyber Crime Investigations Capabilities of our Police force. Similarly, India needs to strengthen Cyber Forensics and Cyber Crimes Investigation Capabilities at the national level as well.

Conclusion:

The “police” and “law and order” are state subject as per VII schedule to the constitution of India and is the prime responsibility of the state government to improve the functioning of their police force and to equip them adequately with the latest technology for meeting the emerging challenges to public order and internal security. The central government is supplementing the efforts of the states/union territories in this regard. The MPF scheme is a significant initiative towards capacity building of SPSs which has been widely welcomed by police officers in all the states. Still it needs to be followed and implemented in right way. The nature of ongoing modernization is materialistic and aims to achieve speedy process of police activity. Besides

materialistic modernization, improvement of manpower for quality handling of resources need to be given due emphasis. The overall policing machinery needs to be transformed in holistic manner. Proper recruitment followed by realistic training, equipping, incentives, leadership and clear cut directives will lead to motivation for work and transform the policing system in holistic manner. Thereafter, the result is bound to be satisfying. Crime investigation is one of the important tasks of police organization in India. In today's IT enabled era many techniques are available for crime prevention and investigation, due to many reasons which are stated below. Integrated Mechanism for Investigation: The common integrated crime analysis cell must be formed to help the investigation officer on requirement. Technology usage: police must use the intelligence technology for investigation. As on today there are mostly investigate with tradition way, on contrary criminals are using very sophisticated technology and often finds the loop hole, due to which, there is tremendous increase in crime ration. Innovative Practices Training must be provided to the investigation personnel on regular basis. We can conclude from the above discussion that we should not resort in extra-ordinary hurry-up of cases by whatever means. As justice delayed is justice denied, similarly, the saying, justice hurried is justice buried is equally true. Therefore, sufficient, reasonable and due hearing of every cases with consideration of its circumstances is the necessary requirement of natural justice and balance of convenience. But we can make measures to take speedy justice rendering process.

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Social Behavior:

Whatever the change we make or modernize the society the social behavior of the people, should chance in to a well mannered and morale characters till that no modernization will work out. If modernization works there would not be any delay in process of rendering justice.

Analysis and Suggestions:

- ✓ Inclusion of weapons under plan scheme is preferred
- ✓ Training of the manpower in operation of new equipments should be made.
- ✓ Periodic assessment of the implementation of the scheme should be carried out.
- ✓ Most states face a lot of problems in the import of weapons/equipments. The custom duty exemption process is so long that it delays the whole process.
- ✓ A strong need for a Testing Facility is felt.
- ✓ Training of all police officers to be mandated. The essential training of 1 week should be provided to all officers in the states. In the area of police mobility there is a perceptible impact in police visibility.
- ✓ In the area of police communication there has been an appreciable improvement
- ✓ The performance in police buildings is also quite satisfactory due to construction of many new police stations, police outposts, state police officers etc.
- ✓ Computerizing is necessarily important
- ✓ Building forensic laboratories
- ✓ Our criminal justice system has the urgent requirement of Independent Investigative Agency. Delay in police investigation is also one reason due to which cases linger on for years. It is, therefore, good to create an independent wing of police force, fully in charge of crime investigation, and functioning under the direct control of independent prosecutors. That wing should be accountable to judiciary and not to particular government of a time.
- ✓ The practice of torture and third degree methods, extra judicial execution in fake encounters may be stopped also when crime investigation machinery became accountable to judiciary. Such type of police wing also became knowledgeable about the type and method of the evidence needed. Hence, baseless cases, which lead acquittal, also could come down. So, there should be co-ordination between police and prosecuting agencies. The early disposal of case also boosts the morals of police force and will save time, which would have been taken in producing arrestee to the court Horn time to time

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