

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:333

ANSWERED ON:27.07.2010

IMPROVEMENT IN INVESTIGATION PROCEDURES

Thakur Shri Anurag Singh

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether due to the faulty investigation by State Police several unsolved cases had to be transferred to the the Central Bureau of Investigation;
- (b) if so, the details of such cases transferred from the State Police to the CBI during each of the last three years and the current year, State-wise;
- (c) whether the First and the Second Police Commission had made certain recommendations for improvement in the investigation procedures of the police including delinking of criminal investigation duties from maintenance of law and order duties;
- (d) if so, the details thereof and the steps taken to implement such recommendations including advisories issued to the State Police in this regard; and
- (e) the details of the action taken by the Government to facilitate modernisation and efficiency in the investigation process/procedures?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPALLY RAMACHANDRAN)

- (a) & (b): The information is being collected from the Department of Personnel and Training and will be laid on the Table of the House in due course.
- (c): There was no First and Second Police Commission as such. Government of India had set up, the National Police Commission in 1977 to study the problems of the police review the police functioning. Commission submitted eight reports during the period from February 1979 to May 1981. This was followed by the Justice Malimath Committee on criminal justice system. The recommendations of both are given in Annexure.
- (d): The reports of the National Police Commission were sent to State Govts./ Union Territory Administrations with the specific directive that these reports may be examined and appropriate action taken. Subsequently, the Review Committee was set up by Ministry of Home Affairs (2005) which made 49 recommendations inter-alia included the recommendation of separation of investigation from law & order duties. As per the feed back received, some of the States like Gujarat, Himachal Pradesh and Tamil Nadu have fully implemented the recommendation. Ministry of Home Affairs also set up an Expert Committee to draft a new Model Police Act. The draft Model Police Act which was submitted by the Committee in October 2006. The draft Model Police Act was sent to all States for enactment as police is a State subject.
- (e): In order to upgrade the investigation techniques and bridge the gap in crime investigation methods, following steps have been taken by the Government:
 - (i) Under the 11th Five Year Plan there are two schemes of Directorate of Forensic Science (DFS) viz:-
 - (i) Composite Scheme on "Modernization of Forensic Science Applications" for DFS and its outlying units with an outlay Rs. 200 crores and
 - (ii) Composite Centrally Sponsored Plan Scheme of "Creation of Regional Forensic Science Laboratories (RFSLs) and District Mobile Forensic Science Units (DMFUs) for State and Union Territory Administrations with an Outlay Rs. 100 crores.
 - (ii) Bureau of Police Research & Development (BPR&D) imparts specialized training in investigating skills through Central Detective Training Schools located at Chandigarh, Kolkata and Hyderabad for investigating officers on various subjects such as scientific, Post Blast Investigation, Homicide Investigation, crime against women, Scene of Crime etc. The training also provides exposure to new gadgetry and tactics adopted by criminals/militants and commensurate improvements in the methodology of investigation. Central Forensic Science Laboratories and Government Examiner of Questioned Documents under Directorate of Forensic Science provide forensic support to investigating agencies in scientific investigation of crime.
 - (iii) Under the scheme of Modernisation of Police Forces (MPF) financial assistance is provided to States towards upgradation of State Forensic Labs.

All these efforts would improve efficiency in investigation process resulting in crime prevention and timely detection thereby increase in overall conviction rate which would act as a deterrent to perpetration of crimes.

ANNEXURE to Lok Sabha Question No. 333 for reply on 27/7/10

The NPC recommended

The necessity of separation of investigation from law and order duty

To provide adequate manpower resources at police Stations.

The Malimath Committee recommended that to improve quality of investigation the following measures need to be taken:

The post of an Addl SP may be created exclusively for supervision of a crime.

Another Addl. SP in each District should be made responsible for collection, collation and dissemination of criminal intelligence; maintenance and analysis of crime data and investigation of important cases.

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 Crime Branch should have specialized squads for organized crime and other major crimes.

Grave and sensational crimes having inter-State and transnational ramifications should be investigated by a team of officers and not by a single IO.

Sessions cases must be investigated by the senior-most police officer posted at the police station.

Fair and transparent mechanisms shall be set up in places where they do not exist and strengthened where they exist, at the District Police Range and State level for redressal of public grievances.

Police Establishment Boards should be set up at the police headquarters for posting, transfer and promotion etc. of the District Level officers.

The existing system of Police Commissioner's office which is found to be more efficient in the matter of crime control and management shall be introduced in the urban cities and towns.

Dy. SP level officers to investigate crimes need to be reviewed for reducing the burden of the circle Officers so as to enable them to devote more time to supervisory work.

Criminal cases should be registered promptly with utmost promptitude by the SHO`s.

Stringent punishment should be provided for false registration of cases and false complaints. Section 182/211 of IPC be suitably amended.

Specialised Units/Squads should be set up at the State and District level for investigating specified category crimes.

A panel of experts be 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.

For liquidating the existing pendency, and, for prompt and quality investigation including increase in the number of Investigating Officers is of utmost importance. It is recommended that such number be increased at least two-fold during the next three years.

Similarly for ensuring effective and better quality of supervision of investigation, the number of supervisory officers (additional SPs/Dy.SP) should be doubled in next three years.

Infrastructural facilities available to the Investigating Officers specially 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, both at the level of Central Government and State Governments, should be strengthened for imparting state of the art training to the fresh recruits as also to the in-service personnel.

Law should be amended to the effect that the literate witness signs the statement and illiterate one puts his thumb impression thereon. A copy of the statement should be mandatorily given to the witness.

Audio/video recording of statements of witnesses, dying declarations and confessions should be authorized by law.

Interrogation Centres should be set up at the District Hqrs. in each District, where they do not exist, and strengthened where they exist, with facilities like tape recording and or videography and photography etc.

Forensic Science and modern technology must be used in investigations right from the commencement of investigation. A cadre of Scene of Crime officers should be created for preservation of scene of crime and collection of physical evidence there-from.

The network of CFSL's and FSL's in the country needs to be strengthened for providing optimal forensic cover to the investigating officers. Mini FSL's and Mobile Forensic Units should be set up at the District/Range level. The Finger Print Bureaux and the FSL's should be equipped with well-trained manpower in adequate numbers and adequate financial resources.

Forensic Medico Legal Services should be strengthened at the District and the State/Central level, with adequate training facilities at the State/Central level for the experts doing medico legal work. The State Governments must prescribe time frame for submission of medico legal reports.

A mechanism for coordination among investigators, forensic experts and prosecutors at the State and District level for effective investigations and prosecutions should be devised.

Preparation of Police Briefs in all grave crimes must be made mandatory. A certain number of experienced public prosecutors must be set apart in each District, to act as Legal Advisors to the District police for this purpose.

An apex Criminal intelligence bureau should be set up at the national level for collection, collation and dissemination of criminal intelligence. A similar mechanism may be devised at the State, District, and Police Station level.

As the Indian Police Act, 1861, has become outdated, a new Police Act must be enacted on the pattern of the draft prepared by the National Police Commission.

Identification of Prisoners Act 1920 be suitably amended to empower the Magistrate to authorize taking from the accused fingerprints, footprints, photographs, blood sample for DNA, fingerprinting, hair, saliva or semen etc., on the lines of Section 27 of POTA 2002.

Refusal to entertain complaints regarding commission of any offence shall be made punishable.

A provision in the Code be made to provide that no arrest shall be made in respect of offences punishable only with fine, offences punishable with fine as an alternative to a sentence of imprisonment.

Rights and duties of the complainant/informant, the victim, the accused, the witnesses and the authorities to whom they can approach with their grievances should be incorporated in separate Schedules to the Code. The should be translated in the respective regional languages and made available free of cost to the citizens in the form of easily understandable pamphlets.

Presence of witnesses of the locality or other locality or neighborhood is required under different provisions of the existing laws. The committee recommends that such provisions be deleted and substituted by the words `the police should secure the presence of two independent witnesses.