

SIXTY-FIFTH REPORT
ESTIMATES COMMITTEE
(1983-84)

(SEVENTH LOK SABHA)

MINISTRY OF HOME AFFAIRS
POLICE (INCLUDING CBI)

Action Taken by Government
on Forty-Ninth Report



Presented to Lok Sabha on.....

LOK SABHA SECRETARIAT
NEW DELHI

March , 1984 (Phalguna, 1903 (Saka)

Price : Rs. 1.85

CORRIGENDA

65TH REPORT OF ESTIMATES COMMITTEE ON ACTION
TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS
CONTAINED IN THE 49TH REPORT OF E.C. (7TH LOK
SABHA) ON THE MINISTRY OF HOME AFFAIRS - POLICE
(INCLUDING C I).

.....

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
4	1.7	5	Constantly	Constantly
7	1.11	8	BI	CBI
8	1.14	2	Unertaken	Undertaker
8	1.14	4	recll	recall
8	1.15	3	Imprtance	Importance
12	-	Last line	CIS	CISF
36	-	4 (from bottom)	purposes	purpose
36	-	5 (from bottom)	earlly	early

CONTENTS

		PAGE
COMPOSITION OF THE ESTIMATES COMMITTEE	...	(iii)
COMPOSITION OF THE STUDY GROUP ON ACTION TAKEN REPORTS	...	(v)
INTRODUCTION	...	(vii)
CHAPTER I	Report	...
CHAPTER II	Recommendations that have been accepted by Government	... 10
CHAPTER III	Recommendations which the Committee do not desire to pursue in view of Government's replies	... 26
CHAPTER IV	Recommendations in respect of which replies of Government have not been accepted by the Com- mittee	... 32
CHAPTER V	Recommendations in respect of which replies of Government are awaited	... 38

APPENDIX

Analysis of action taken by Government on the recommenda- tions contained in the 49th Report of the Estimates Committee (Seventh Lok Sabha)	...	39
---	-----	----

ESTIMATES COMMITTEE
(1983-84)

Shri Bansi Lal—*Chairman*

MEMBERS

- 2 Begum Abida Ahmed
3. Shri Anbarasu
4. Shri P. Ankineedu Prasadarao
5. Shri A.K. Balan
6. Dr. Krupasindhu Bhoi
7. Shri Tridib Choudhuri
8. Smt. Usha Prakash Choudhari
9. Prof. Madhu Dandavate
10. Shri V. Kishore Chandra S. Deo
11. Shri B.V. Desai
12. Shri Bheravadan K. Gadhavi
13. Shri Ghufraan Azam
14. Shri Krishna Kumar Goyal
15. Shri Chintamani Jena
16. Shri M. Kandaswamy
17. Shri M.M.A. Khan
18. Shri Chingwang Konyak
19. Shri Kunwar Ram
20. Prof. Ajit Kumar Mehta
21. Prof. Rupchand Pal
22. Shri Keshorao Pathi

(iv)

23. Smt. Sanyogita Rane
24. Shri M. Satyanarayana Rao
25. Shri Rasheed Masood
26. Shri Rajesh Kumar Singh
27. Shri Krishan Datt Sultanpuri
28. Shri V.S. Vijayaraghavan
29. Shri Girdhari Lal Vyas
30. Shri Subhas Yadav

SECRETARIAT

Shri T.R. Krishnamachari—*Joint Secretary*

Shri Bipin Behari—*Chief Financial Committee Officer*

Shri S.P. Chanana—*Chief Financial Committee Officer*

**STUDY GROUP ON ACTION TAKEN REPORTS OF
ESTIMATES COMMITTEE
(1983-84)**

1. **Shri Bansi Lal—*Chairman***
2. **Shri M. Satyanarayan Rao—*Convener***
3. **Begum Abida Ahmed**
4. **Shri Tridib Chaudhuri**
5. **Prof. Madhu Dandavate**
6. **Shri B.V. Desai**
7. **Shri Krishna Kumar Goyal**
8. **Smt. Sanyogita Rane**
9. **Shri Girdhari Lal Vyas**

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Sixty-fifth Report on action taken by Government on the recommendations contained in the Forty-ninth Report of Estimates Committee (7th Lok Sabha) on the Ministry of Home Affairs—Police (including CBD).

2. The Forty-ninth Report was presented to Lok Sabha on 28 April, 1983. Government furnished their replies indicating action taken on the recommendations contained in that Report by 30 November and 14 December, 1983. The replies were examined by the Study Group on Action Taken Reports of Estimates Committee at their sitting held on 8 March, 1984. The draft Report was adopted by the Committee on 13 March, 1984.

3. The Report has been divided into the following Chapters :

- I. Report.
- II. Recommendations that have been accepted by Government.
- III. Recommendations which the Committee do not desire to pursue in view of Government's replies.
- IV. Recommendations in respect of which replies of Government have not been accepted by the Committee.
- V. Recommendations in respect of which replies of Government are awaited.

4. An analysis of action taken by Government on the recommendations contained in the Forty-ninth Report of Estimates Committee is given in Appendix. It would be observed there from that out of 27 recommendations made in the Report 19 recommendations *i.e.* 70

(viii)

per cent have been accepted by the Government and the Committee do not desire to pursue 4 recommendations *i.e.* about 15 per cent in view of Government's replies. Replies of Government in respect of 4 recommendations *i.e.* about 15 per cent have not been accepted by the Committee.

NEW DELHI;
March, 20 1984
Phalguna, 30 1905(S).

BANSI LAL
Chairman,
Estimates Committee

CHAPTER I

REPORT

This Report of the Estimates Committee deals with action taken by Government on recommendations contained in their 49th Report (7th Lok Sabha) on the Ministry of Home Affairs—Police (including CBI), which was presented to Lok Sabha on 28th April, 1983.

1.2 Action taken notes have been received in respect of all the 27 recommendations contained in the Report.

1.3 Action Taken notes on the recommendations of the Committee have been categorised as follows :—

- (i) Recommendations/observations which have been accepted by Government—Chapter II.

Sl. Nos. 1, 2, 4, 6 to 9, 11, 13, 14, 16 to 18, 21 to 26.

(Total 19—Chapter II)

- (ii) Recommendations/observations which the Committee do not desire to pursue in view of Government replies :

Sl. Nos. 3, 5, 15 and 27.

(Total 4—Chapter III)

- (iii) Recommendations/observations in respect of which Government's replies have not been accepted by the Committee :—

Sl. Nos. 10, 12, 19 and 20.

(Total 4 - Chapter IV)

- (iv) Recommendations/observations in respect of which replies of Government are awaited :—

(Nil—Chapter V)

1.4 The Committee will now deal with action taken by Government on some of the recommendations.

Review of Role, Functions and Working of C.B.I.

(Serial No. 10, Paragraph No. 2.26)

1.5 The Estimates Committee had, in paragraph 2.26 of their Forty-ninth Report (7th Lok Sabha) (hereinafter referred to as Original Report), made the following observations and suggestion in regard to the role discharged by the Central Bureau of Investigation (CBI) in regard to the problem of corruption :

“The Committee regret that the Central Bureau of Investigation has, despite two decades of its existence, failed to make any significant dent on the problem of corruption. The deterrent effect of CBI has not been felt to the extent that it could be said that corrupt practices are on the decline if not on the way out. In fact the representative of the Ministry of Home Affairs admitted before the Committee in evidence that despite investigations and convictions “the corruption has substantially increased.” According to him, elimination of corruption “does not seem to be within the realm of possibility.” The failure of the CBI in regard to Prevention and control of corruption compels the Committee to recommend that the role, functions and the working of the CBI should be comprehensively reviewed and measures taken to tone up its working so as to make it an effective agency devoted inter alia to the task of rooting out corruption in administration.”

1.6 The Ministry have in their reply to the recommendation stated as follows :—

“The Government have carefully considered this recommendation and share the Committee’s concern about the task of rooting out corruption from administration. In this regard it is, however, clarified that the Central Bureau of Investigation is not solely, not even mainly, responsible to tackle and fight with the evil of corruption. The main responsibility of combating corruption and ensuring integrity in administration is on the heads of Ministries/Departments/Public Undertakings. Realising this principle, the Committee on Prevention of Corruption (known as Santhanam Committee) recommended appointment

of Chief Vigilance Officers in each Ministry/Department/ Undertaking to deal with the problem of corruption, misconduct and malpractices in the organisation concerned. It is the responsibility of Chief Vigilance Officers to take preventive measures, to hunt for the corrupt public servants and to bring them to book. In this task they can take the assistance of the Central Bureau of Investigation. The Bureau is responsible for investigating offences punishable under the Prevention of Corruption Act, 1947, certain specified sections of the Indian Penal Code and fiscal and other laws related to corruption. It is only a service agency and it is for the organisations to make use of it. It comes into picture after an offence has been committed. Thus the Central Bureau of Investigation has supplementary but deterrent role in the fight against corruption.

The Central Bureau of Investigation has powers and jurisdiction concurrent with the State Police to investigate and prosecute cases of corruption. But by an administrative arrangement arrived at with the States, the Central Bureau of Investigation's activities are confined to cases involving employees of Central Govt. and of its undertakings, and matters of interest to the Central Government. It is the responsibility of State Governments to deal with the problem of corruption in relation to their employees and matters within their administrative control.

Corruption being a socio-economic evil, there can be no yard-stick to measure the quantum of corruption in a particular set-up at a given point of time. The causes are many-fold, which include the social values of the time, the political and economic conditions of the Society and/or of organisations. Since the extent of corruption cannot be measured, it cannot be said that the Central Bureau of Investigation has failed in regard to prevention and control of corruption. In fact, during the last two decades of its existence, the Central Bureau of Investigation has become a premier investigating agency of the Central Govt. winning the confidence of even the State Govts. and the faith of the public at large. It is on account of this faith and confidence, whenever there is a controversial and/or complicated case, a demand is made for investigation by the

CBI, and a number of such cases of conventional crimes are entrusted to CBI for investigation even though the CBI was mainly set up for investigation of corruption cases and economic offences.

1.7 So far as Committee's recommendation that the role, functions and working of the CBI should be comprehensively reviewed with a view to tone up its working and make it an effective agency devoted, *inter-alia*, to the task of rooting out corruption in administration, it is mentioned that this is one organisation whose functioning is constesantly reviewed by the Government from time to time by means of a number of devices like periodical reports, returns; and also meetings and conferences held by the Home Minister and the Secretary, Department of Personnel and Administrative Réforms with the Director and other senior officers of the CBI from time to time. The staff strength of the CBI is also under review. Government are therefore, of the opinion that no useful purpose would be served by holding another review of the role and functions of the CBI, as recommended by the Committee. Government have, however, noted this recommendation."

1.8 The Committee have considered the submissions of Government in regard to the recommendation made in the original Report. They observe that the tremendous increase in Government expenditure, heavy financial involvement of the Public Undertakings and the Nationalised Banks and numerous regulatory measures in the field of trade, industry, exports and imports and foreign exchange have correspondingly increased the opportunities for corruption, casting a very heavy burden on the Central Bureau of Investigation. It is therefore necessary to examine in depth whether the Central Bureau of Investigation as at present constituted, has the expertise and capacity to be equal to the present magnitude of the problem. The Committee therefore reiterate the recommendation made in paragraph 2.26 of their original Report that "role, functions and working of the CBI should be comprehensively reviewed and measures taken to tone up its working."

Administrative Control on CBI

(Serial No. 12, Paragraph No. 2.28)

1.9 The Committee had, in Paragraph 2.23 of the original Report, pointed out that at present, three out of 8 divisions of the Central Bureau of Investigation were under the control of the Ministry of Home Affairs and the remaining 5 under the Deptt. of Personnel and Adminis-

trative Reforms. They felt that the division of the Central Bureau of Investigation between the Ministry of Home Affairs (proper) and the Deptt. of Personnel & Administrative Reforms was somewhat artificial, and did not consider this arrangement as sound from the point of view of the cohesive working of the Central Bureau of Investigation. Besides, the Committee felt that this quality of administrative control could also result in diffusion of responsibility. The Committee, therefore, recommended that, as the CBI was essentially a Police Organisation, it should be brought exclusively under direct control of the Ministry of Home Affairs.

1.10 Government have not agreed to the recommendation of the Committee. In their reply to the recommendation they have stated as follows :—

“The Government have carefully examined the recommendation of the Committee. As noted by the Committee 5 out of the 8 Divisions of the Central Bureau of Investigation are under the Administrative control of the Deptt. of Personnel and Administrative Reforms and the remaining 3 Divisions are controlled by the Ministry of Home Affairs (proper). This administrative arrangement is based on functional considerations and is not artificial, as observed by the Committee. The Department of Personnel & Administrative Reforms was carved out of the Ministry of Home Affairs in June, 1970 and all subjects including ‘vigilance and discipline’ connected with service matters were transferred to the newly created Department. The Department accordingly became the apex body at the Centre concerned with the framing of policy regarding ‘vigilance’ and ‘anti-corruption’ matters in public services. Accordingly, all the vigilance organisations viz., Central Vigilance Commission, those divisions of the Central Bureau of Investigation responsible for ‘vigilance’ and ‘anti-corruption’ activities and also the Union Public Service Commission, which advises the Government in vigilance cases against Central Government Officers, were administratively placed under this Department. The Delhi Special Police Establishment Division of the CBI being responsible for collection of intelligence and investigation of cases of corruption in public services was placed under the Deptt. of Personnel & Administrative Reforms on functional considerations. The other 4 Divisions namely Legal Division,

Policy Division, Technical Division and Administration Divisions are allied Divisions of the CBI and provide necessary technical and administrative services for the smooth and effective functioning of the DSPE Division, Consequently these 4 divisions have also been placed under the administrative control of the Deptt. of Personnel and Administrative Reforms-

On the other hand, the remaining 3 divisions namely, Co-ordination, Crime Records and Interpol Division; Central Forensic Science Laboratory, New Delhi, and Central Finger Prints Bureau, Calcutta are responsible for coordination between the various State Police Forces and rendering assistance to States in dealing with matters having inter-state or international ramifications in the matter of detection and investigation of crime, Accordingly, for functional considerations these three Divisions have been kept under the administrative control of the Ministry of Home Affairs (proper). As regards Committee's observation that the Central Bureau of Investigation is essentially a Police Organisation and it should be brought exclusively under the administrative control of the Ministry of Home Affairs, it is mentioned that the functions of the Delhi Special Police Establishment Divisions and other 4 allied Divisions of the CBI are significantly different than the functions of other Central Police Organisations under the control of the Ministry of Home Affairs. The Central Police Organisations under the control of the Ministry of Home Affairs are responsible for the maintenance of Law and Order keeping a vigil on the Indian Borders and collection of Intelligence for the purpose. On the other hand the Delhi Special Police Establishment Division and 4 other allied Divisions of the Central Bureau of Investigation are charged with the responsibility to deal with the problem of corruption in public services, the subject assigned to the Deptt. of Personnel and Administrative Reforms. It is also pertinent to state that according to the Entry 10 of the First Schedule to the Government of India (Allocation of Business) Rules, 1961, the Ministry of Home Affairs with the Deptt. of Official Language and the Deptt. of Personnel and A.R. with all its attached and Subordinate Offices is treated as one entity, and thus it can be said that even at present all police organisations including Central Bureau of Investigation are under the overall charge of the Ministry of Home Affairs.

The existing distribution of the 8 divisions of the CBI between the Deptt. of Personnel and Administrative Reforms and the Ministry of Home Affairs (Proper), being on functional considerations has been found to be satisfactory and no need for any change in this regard has been felt.

For the above considerations, the Govt. do not find it necessary to accept the Committee's Recommendation."

1.11 The Committee are informed that since the Department of Personnel and Administrative Reforms was an apex body at the Centre concerned with the framing of policy regarding "vigilance" and "Anti-corruption" matters in public services, the divisions of the Central Bureau of Investigation responsible for vigilance and anti-corruption activities were administratively placed under that Department. They, however, still feel that the distinction sought to be made between the role and functions of the 4 Divisions of the CBI at present under the Department of Personnel and Administrative Reforms and of the remaining three Divisions under the administrative control of the Ministry of Home Affairs (proper) is some-what artificial. With a view to achieve functional cohesion and clearly define the responsibility in regard to the organisation, the Committee favour an arrangement whereby the whole of the CBI is brought under a single administrative hierarchy, be that of the Ministry of Home Affairs (proper) or of the Department of Personnel and Administrative Reforms

*Advisory Council for Bureau of Police
Research and Development*

(Sl. No 19, Paragraph No. 3.25)

1.12 In Paragraph 3.25 of their original Report, the Committee had observed that the Advisory Council which is supposed to oversee the performance of Bureau of Police Research and Development, had held only 2 meetings during the last five years. As the activities of the Bureau involve a sizeable expenditure, the Committee had recommended that this Council should meet twice a year to take stock of the Bureau's achievement and provide guidance to it.

1.13 In their reply the Ministry of Home Affairs have stated that "because of the very nature of the work being undertaken by the Bureau where it is not possible to show quick results or findings, it is felt that

early recall of meetings of the Advisory Council may not serve a very useful purpose." The Ministry have, however, stated that "it will be the endeavour to call the meeting of the Advisory Council at least once a year and efforts will be made to have additional meetings in between whenever there are important issues in which the guidance of the Council is necessary."

1.14 The Committee do not agree with the view of the Ministry of Home Affairs that because of the nature of work being undertaken by the Bureau of Police Research and Development, it is not possible to show quick results or findings and for this reason an early recall of the meetings of the Advisory Council would not serve a useful purpose. They feel that if, as recommended by them earlier, the calling of meetings of the Advisory Council twice a year is enjoined upon, it will spur and encourage the Bureau to increase the tempo of their activity and also bring to the notice of the Council problems and difficulties encountered in the course of their activities for solution. The Committee therefore, reiterate their recommendation.

Revision of Police Act of 1861

(Sl. No. 20, Paragraph 4.12)

1.15 Having observed that Police Act of 1861 has become out of date and required a revision in the light of socio-economic changes of far-reaching importance that had taken place after Independence, the Committee had, in paragraph 4.12 of their Original Report, recommended that Govt. should bring forward a comprehensive Bill in consultation with the State Govts. to reorient the duties and powers of the police force.

1.16 The Ministry of Home Affairs have in reply to this recommendation stated as follows :

"The National Police Commission has also made certain recommendation in this regard and these are under consideration of Govt. in consultation with the State Govts."

1.17 The Committee are amazed at the casual reply of the Govt. What they expected was that their recommendation would be considered independently and Govt. would give a reply to the specific suggestion made in the recommendation. As the Govt. have not given their consi-

dered view in regard to the recommendation, the Committee reiterate the recommendation made in Paragraph 4.12 of their Original Report.

1.18 The Committee would like to emphasise that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge that Government should ensure expeditious implementation of the recommendations accepted by them. In case where it is not possible to implement the recommendation in letter and spirit for any reason the matter should be reported to the Committee in time with reasons for non-implementation.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Sl. No. 1, Para 1.13)

The total strength of para-military forces was 2.51 lakh in 1982, the break up being Central Reserve Police Force 85,197; Border Security Force 86,265; Central Industrial Security Force 30,800; Assam Rifles 35,663 and Indo-Tibetan Border Police 13,540. There has been marginal reduction in Indo-Tibetan Border Police in 1979, some increase in Assam Rifles and Border Security Force in 1980 and 1981 respectively and though there was some reduction in Central Industrial Security Force in 1979 and 1980, its strength was increased in 1981 and 1982. In the case of Central Reserve Police Force pursuant to a decision of the Cabinet Committee on Economic Policy and Coordination in April, 1977, the strength was reduced from 60 to 58 battalions in 1978 to effect economy, but the strength was subsequently raised to 66 battalions during 1980-82. The precise reasons for this considerable augmentation of the force could not be ascertained by the Committee except that it was stated to be on consideration of internal security situation. However, the Committee have noted elsewhere the Central Reserve Police was fully deployed on demand by the States. The Committee learnt that Government were considering sanctioning three more battalions of BSF one for Tripura and two for West Bengal. While the Committee appreciate the need based strengthening of forces, they would suggest that it should be done having due regard to economy consideration and consistent with precise role of each force so that there is no duplication of functions.

Reply of Government

The precise role of CRPF and the BSF has been laid down by the Parliamentary enactments and the rules framed thereunder. Under section 7 of the CRPF Act 1949, "it shall be the duty of every member of the Force promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring

offenders to justice and to apprehend all persons when he is legally authorised to apprehend and for whose apprehension sufficient grounds exist." Again Rule 25 of the Central Reserve Police Force Rules 1955 lays down that the members of the force may be employed in any part of the Indian Union for the restoration and maintenance of law and order and for any other purpose as directed by the Central Government. Thus, the primary duties of the members of the CRPF are to assist in the maintenance of law and order. On the other hand, the Border Security Force is an armed force of the Union for ensuring the security of the borders of India (section 4 of BSF Act 1968). Further, Rule 15 of the BSF Rules 1969 details the tasks to be performed by the BSF which are as under :-

- (i) promote a sense of security among the people living in the border areas;
- (ii) prevent trans-border crimes, un-authorized entry into or exit from the territory of India;
- (iii) prevent smuggling and any other illegal activity.

* In view of the above, the rules of CRPF and BSF are distinct and there is no ambiguity. The strength of these forces is augmented strictly on the basis of requirement related to the assigned role. The considerations of economy are invariably kept in mind while doing so.

[Ministry of Home Affairs OM No. I-11013/4/83-Pers. I dated 30-11-83]

Recommendation (Sl. No. 2, Para 1.14)

In the Border Security Force one Inspector-General had under his charge 3 to 4 Deputy Inspectors General, each DIG commanding 3 to 4 battalions. The distance between one battalion and another varied from border to border, sometimes being as much as 30 to 40 kilometres making it difficult for one DIG to oversee the work of 3 to 4 battalions. Sometimes even if distance involved is not much, the area consists of a difficult terrain. With a view to enable great mobility and easy access to all Border posts and make our vigil on the border more effective, Government may consider the possibility of constructing roads along the International border. The Committee recommended that Government should re-assess the strength of the BSF at various levels with the object of making the Force an effective instrument of vigilance and security at our borders. The Committee further recom-

mended that adequate avenues of promotion should be made available to the direct recruits in the BSF.

Reply of Government

In the Western Sector, kutchra tracks are generally available along the border. However, in certain areas it is not considered appropriate from the security angle to construct roads. For the Eastern Sector, the Government have already taken a decision to construct roads all along the border except where such roads are already available within 2 to 3 KMs of the border. The strength of the Border Security Force remain under a continual review depending on requirements. In so far as promotion prospects are concerned, a cadre review of the BSF officers cadre was sanctioned in 1981 when a sizeable number of posts were up-graded. Similarly in the non-gazetted ranks, there was substantial upgradation of posts in 1980. With these measures the promotion prospects of direct recruits in the BSF have considerably increased.

[Ministry of Home Affairs, O.M. No. I-11013/4/83/-Pers.
I-dated 30-11-83]

Recommendation (Sl. No. 4, Para 1.16)

The Para Military Forces should truly reflect their national character. The Committee, therefore, suggest that the recruitment to these forces should be so regulated that as far as possible there is balanced representation to all the States on them. The details in Para 1.10 would show that this is not the position today

Reply of Government

While adhering to the Constitutional guarantee regarding equality of opportunity to all citizens, efforts are being made to broad-base recruitment to Central Forces so that their composition represents the cross section of the society.

[M.H.A., O.M. No. I-11013/4/83—Pers. I dt. 30-11-83]

Recommendation (Sl. No. 6, Para 1.50)

The CRPF is intended to assist the State Governments in the maintenance of law and order. The BSF is entrusted with the policing of international borders. The CIS was set up for better protection

and security of industrial undertakings. The role of the Assam Rifles is to help the administration in tribal areas in the erstwhile composite Assam State in the maintenance of law and order and in curbing revolts and insurgency. The ICBP is meant for duties on the Indo-Tibetan border. The Committee note that no formal system of evaluation of the functioning of the para-military forces exists. They desire that having regard to the role of each force, suitable criteria for evaluation of their performance should be evolved and a system of formal periodical performance appraisal by the Ministry introduced.

Reply of Government

Government takes every care to see that each force does its role precisely and the force level is also reviewed from time to time with reference to demands on it. The Union Home Secretary and the Union Home Minister meet the Heads of these organisations from time to time and, amongst others, matters relating to the efficient functioning of the forces and discipline and the conditions of services of the members in these forces are discussed. With a view to introducing a system of evaluation of the work done, Government have set up a Committee of officials of the CPOs to evolve a suitable format for this purpose.

[M.H.A., O.M. No. I-11013/4/83-Pers. I dt. 13-11-83].

Recommendation (Sl. No. 7, Para 1.51)

Though under the Constitution, it is the primary responsibility of the State Governments to maintain law and order with the help of their Police forces. Article 355 of the Constitution makes it obligatory on the Central Government to protect every State from internal disturbances. Therefore, Central Government deploys its para military forces whenever State Governments requisition such forces to deal with law and order situation. During the last two years alone, BSF was deployed on 108 occasions. CRPF on 119 occasions, ITBP on 7 occasions and Assam Rifles on 4 occasions. These forces are entrusted with distinctly different functions and only the Central Reserve Police force is meant for assisting the State Governments in the maintenance of law and order. It is unfortunate that other Forces should have also been deployed for this purpose and in the case of Border Security Force this has come to be a rule, rather than an exception. If BSF and Indo-Tibetan Border Police which are meant for Border duties are withdrawn and made available frequently to States for maintaining law and order,

there is bound to be less of vigil on the borders. The Committee, therefore, wish to caution that it is not conducive to maintaining the distinctive character of each force to allow overlap of functions. In their view it should be possible to attend to the needs of the States fully for maintaining law and order by deploying Central Reserve Police especially in view of the considerable strengthening of the force recently during 1980-82.

Reply of Government

Every precaution is taken to ensure that only the CRPF is deployed in the States for maintaining law and order. It is only when the CRPF is fully committed and the emergent need of a State/UT is to be met that the BSF is deployed on I.S. duties.

[M.H.A. OM No. I-11013/4/83-Pers. I dated 30-11-83]

Recommendation (Sl. No. 8, Para 1.52)

According to a knowledgeable source the existing system of deployment of para-military forces in States left much to be desired. Where the requirements was one company, the Central Government was asked to spare a battalion. Duties were so badly distributed and supervised that often there would be excess of officers at one place and deficiency at another. The representative of the Ministry of Home Affairs conceded that there is a tendency on the part of some State Governments to ask for more force than what is warranted. As regards assignment of duties, it has been pointed out "the Central Forces are deployed in aid of the civil forces and they work under supervision and control of the local authorities." The Committee would suggest that on the basis of experience gained so far, the Ministry of Home Affairs should evolve guidelines to avoid such shortcomings in deployment and utilization of para-military forces.

Reply of Government

The Ministry of Home Affairs have been issuing instructions from time to time to the States/UTs regarding proper utilization of Central forces and the latest instructions on the subject was issued on 11th February 1983. The following points have been specifically brought to the notice of the States Govts in connection with the deployment of Central forces :—

- (1) Before central assistance is sought, a proper assessment of the likely law and order situation may be carried out and the precise strength of additional force requirement determined;
- (2) The possibility of mobilizing the additional force through re-deployment of the force available in the State/UT, calling out of Home Guards and seeking help from neighbouring States may be explored;
- (3) If it is decided to ask for Central assistance, requisition may be sent indicating the nature of trouble, the quantum of force needed, likely duration of deployment and the places at which they are needed;
- (4) Central forces should be withdrawn once normalcy is restored and the local police are in a position to take over responsibility for maintaining law and order;
- (5) The retention of the Central forces should be for the minimum period and the position should be reviewed from day-to-day to avoid wastage of Central resources.

The rate of recovery for deployment of CRPF/BSF in States has been revised from Rs. 24 lakhs per battalion per annum plus the actual cost of transportation/movement of the battalion to Rs. 60 lakhs per battalion per annum plus the actual cost of transportation/movement of the battalion which constitutes a more realistic basis for reimbursement of cost to the Central Government. The increased cost, it is expected, would also curb any tendency for making extravagant calls on the CRPF by State Governments.

[Ministry of Home Affairs, O.M. No. I-11013/4/83-Pers dt. 30-11-83.]

Recommendation (Sl. No. 9, Para 1.53)

What has surprised the Committee is that Central para military forces are often deployed in States to such an extent that the reserve falls much below 10 per cent. A view has been expressed that "in no case should the reserve be allowed to drop below a certain specified figure say 10 battalions and the training companies should not be deployed at all. We will pay a very heavy price some day if we deviate from the dictum." The Ministry of Home Affairs have intimated that "it has not been possible for them to fix any minimum limit beyond

which the reserve in a Central force should not be allowed to drop." The Committee feel that it should not be too difficult for Central Government to lay down a maximum reserve in the interest of maintaining the morale and fitness of the forces. Once a minimum reserve is specified it should under no circumstances be depleted. Reserve should be pressed into service only as a last resort.

Reply of Government

There are at present 82 battalions of BSF and 71 battalions of CRPF. Every effort is made to see that a reasonable reserve is maintained to give rest, rotation and training. While each battalion consists of 6 coys, only 5 coys are deployed and the sixth being a training coy is not generally used for deployment. It is only in emergencies that the training coys are deployed for duties. The Government have recently set up a Committee to go into the adequacy or otherwise of reserves available in the BSF and CRPF for provision of training, rest and recuperation to the personnel. Their report is awaited.

[M.H.A. O.M. No. I-11013/4/83-Pers. I dated 30-11-83]

Recommendation (Sl. No. 11, Para 2.27)

The Committee find that CBI handles only big cases of fraud involving Rs. 25 lakhs or more. Small cases are left to be investigated by the local police. In the context of reference made to complaints of corruption in the matter of grant of loans to small farmers, the representative of the Ministry of Home Affairs admitted in evidence that "cases of corruption have gone up since nationalisation of Banks" and assured the Committee that in future "CBI would certainly take up this kind of cases." The Committee recommend that cases of corruption in Nationalised Banks should also be attended to by the CBI even though the amount involve may be relatively small. The Committee would also like the CBI to pay greater attention to the role and conduct of industrial and business houses in spreading corruption among public servants whose assets are found to be highly disproportionate to their known sources of income. A strict watch should be kept on the liaison officers and contact men of business houses.

Reply of Government

The Committee's recommendation has been noted and CBI have issued appropriate instructions to its Branch Officers to take up cases of

corruption in matters of grant of bank loans where the weaker and poorer sections of the Society are adversely affected. CBI also takes up cases of bank frauds and corruption on the part of bank officials for investigation irrespective of the amount involved. The number of cases relating to corrupt practices in nationalised banks registered by the CBI is increasing year after year. A number of such cases registered during the year 1978 to 1982 were as follows :

1978	—	174
1979	—	188
1980	—	203
1981	—	237
1982	—	281

2. CBI will gear up its efforts to check undesirable activities of Industrial and Business Houses. CBI keeps a watch over undesirable Liaison Officers and Contactmen of the various industrial and business houses. A greater emphasis is also being placed to detect and investigate cases of possession of disproportionate assets by public servants. While before 1980, about 5% of the total registered cases were of disproportionate assets, now over 6.5% registered cases pertain to this category.

[M.H.A., O.M. No. I.-11013/4/83-Pers I Date 30-11-83]

Recommendation (Sl. No. 13, Para 3.12)

The Committee note that an elaborate institutional framework for imparting specialised professional training to police personnel already exists. Besides, the National Police Academy, Hyderabad which runs the basic course for newly appointed IPS officers, there are other institutes which impart training in specialised branches such as Internal Security, Radio Communications, application of scientific aids in police work, criminology and forensic science and computer applications. In addition para military forces have set up training schools of their own to cater to their specific training needs. The Committee have been informed that a Directorate of Training has been set up to advise Government on Training matters and coordinate the efforts of the different States in this field. A Standing Committee on Police Training has also been constituted.

Reply of Government

Observations made by Estimate Committee are factual and need no comments of Government.

[M.H.A. O.M. No. I-11013/4/83-Pers. I Date 30-11-83]

Recommendation (Sl. No. 14, Para 3.13)

The Committee are, however, concerned to find that the training programme for IPS Probationers at the National Police Academy, Hyderabad leaves out many current and pressing social problems; as for example the problems of Tribal and crimes against women. The Committee recommend that the syllabus for training of IPS probationers should be suitably modified to include study of all such topics.

Reply of Government

The syllabus for the training of IPS probationers is being periodically reviewed to bring in tune with the changing times. A separate topic 'Enforcement of Social Legislation' is already included in the syllabus for IPS probationers. This includes Suppression of Immoral Traffic in Women and Girls Act, Bonded Labour System (Abolition) Act, Child Marriage (Restraint) Act, the Dowry Prohibition Act and protection of Civil Rights—all of which are intimately concerned with problems of crimes against tribal and women. The observations of the Estimate Committee have been noted for further consideration during the next review. Efforts will be made to cover these subjects through extensive lectures.

[M.H.A. O.M. No. I-11013/3/83-Pers. I Date 30-11-83]

Recommendation (Sl. No. 16, Para 3.15)

When a Study Group of the Committee made an on the spot visit to the National Police Academy, Hyderabad in 1982 it learnt that as many as 42 posts including those of Director, Dy. Director, Asstt. Director, Professor of Business Management, Reader etc. were lying vacant. The Ministry of Home Affairs have intimated that a few posts are laying vacant in the training institutes of other Central Police Organisations also. Since vacancies in training institutes of Central Police Organisations remaining unfilled for long cannot but adversely affect the training programmes, these should be filled up on urgent basis.

If the terms and conditions attached to any post are not attractive enough, suitable incentives could and should be made available. The Committee learn that some such proposals have already been mooted by the NPA, Hyderabad. The Committee would urge an early decision in this matter.

Reply of Government

Necessary steps have been taken to fill up the vacancies in the training Institutes under the Central Police Organisations including SVP National Police Academy, Hyderabad and some of the vacancies reported last year have since been filled up. The question of improving the terms and conditions of service of the instructional staff is under active consideration of the Government. Some of the proposals being considered in this regard relate to the grant of rent-free accommodation to the staff who are still not eligible for it (the benefit is already available to all non-gazetted police personnel), raising the quantum of Special Pays attached to certain instructional posts etc. It may be necessary to refer some of the proposals to the Fourth Pay Commission.

So far as the SVP National Police Academy, Hyderabad is concerned, a few measures as indicated below, have been taken by way of providing incentives to the staff :—

- (a) Rent free accommodation has been provided to cover almost all the police personnel, both gazetted and non-gazetted, at the Academy. The benefit is available to the same of the non-police personnel also.
- (b) The quantum of Sumptuary Allowance for the Director has been increased.
- (c) The scales of pay attached to the posts of Professor and Readers have recently been raised.
- (d) A Central School has been set up on the premises of the Academy.
- (e) The non-gazetted police personnel have recently been allowed to retain condemned articles of Uniform without payment on expiry of the life/serviceability period.

Apart from the above, the following benefits were extended to the Academy staff in recent years :—

- (i) Grant of Washing Allowance to non-gazetted police personnel at the rate of Rs. 10/-p.m. for Instructors and Rs. 5/- p.m. for non-Instructor.
- (ii) Provision of free uniform to police personnel (non-gazetted).
- (iii) Option to draw Deputation Allowance in lieu of Special Pay for those not enjoying rent-free accommodation.
- (iv) Grant of certificates/monetary rewards to non-gazetted staff for outstanding performance.

The Director, SVP National Police Academy, has also been requested to examine other schemes which could be profitably adopted for the Academy staff.

[M.H.A. O.M. No. I 11013/4/83-Pers I Date 30-11-83]

Recommendation (Sl. No. 17. Para 3.16)

The Committee find that while the total marks for the written examination and interview held by the UPSC for the Civil Services has been increased from 1050 to 2 50, the marks for the examination conducted after the training of IPS probationers at the NPA Hyderabad continue to be 1050. This has created an imbalance in the two stages of evaluation. When the Study Group of the Committee visited NPA, Hyderabad in 1982, it was given to understand that because of this imbalance again in the marks, IPS probationers did not take their training at the Academy seriously. They were also given to understand that in October, 1981 the Academy had recommended to Government that marks for training may be raised to 2050 to restore parity in marks at two stages of evaluation. The Committee recommend that an early decision may be taken by Govt. in this matter.

Reply of Government

The Government was already seized of the matter and proposal had been formulated to restore parity in the marks allotted for the UPSC Civil Services examination and the NPA Examination. Deptt. of Personnel, which were consulted in this regard have shown certain reservations, because they feel that this subject would lead to repercussions in other services. The matter has been discussed in the NPA Board meeting held on 25th October, 1983 and Director NPA has been

again asked to devise a suitable formula for evaluation in consultation with some senior police officers. The matter would be considered further by the NPA Board in the light of report of Director, NPA.

[M.H.A., O.M. No. I-11013/4/83-Pers. I dt. 30-11-83]

Recommendation (Sl. No. 18, Para 3.24)

The Committee note the claim of the Ministry of Home Affairs that the efforts of the Bureau of Police Research and Development which was set up in August, 1970 with a view to taking a direct and active interest in the moderniation of the police forces, promoting a systemetic study of problems in changing society and bringing about rapid application of and Science and Technology to the methods and techniques of the police have met with some success. The Subjects covered by the studies undertaken by the Bureau include atrocities on Harijans in Bihar. Police image in India, crime against women etc. The Committee would suggest that important changes made in the structure, methods or approach of the police on the basis of these studies may be given wider publicity to inspire confidence among the public.

Reply of Government

Reports brought out by the BPR&D are circulated to the State Governments and to the State Police as well as to such departments who could profitably use the findings. Briefs have also been issued to some cases of the findings of such reports which are not classified through press releases for the information of the general public. In this respect wider publicity as suggested by the Committee is undertaken.

[M.H.A., O.M. No. I-1013/4/83 Pers. I dt. 30-11-83]

Recommendation (Sl. No. 21, Para 4.17)

The primary responsibility to maintain law and order in a State rests with the State Govt. concerned. The Ministry of Home Affairs is directly responsible for maintenance of law and order in the Union Territories. The Ministry functions as the nodal Ministry for law and order in the country as a whole and keeps a close watch on the situation. It also gives suitable advice to States. The Committee were given to understand that States which have been facing serious law and order

problems are Assam, Tripura, Manipur, Punjab, UP and Gujarat. The Home Secretary observed in evidence "I do not think there is anything to be complecent, and I do not think there is any reason to be panicky thieer, "According to him, "there is a need for continuing vigilance all the time". He attributed the climate of unrest to regional imbalances rising exceptions and economic frustration of the people. While the Committee agree that law and order question cannot be viewed in isolation from the larger question of social justice they feel that the law and order situation can be dealt with much more effectively by re-orienting the outlook and methods of Police forces in the changed context as recommended earlier and modernising the forces.

Reply of Government

In service training courses are conducted for servicing police officers at various levels aimed at re-orienting their outlook and methods. Fresh recruits are also given training aimed at bringings out the right outlook and teaching the right methods. Modernisation of the police forces is under way under the scheme for modernisation of police for which central Govt. is giving grants to the States.

[O.M. No. I-11013/4/83 Pers. I dt. 30-11-83]

Recommendation (Sl. No. 22, Para 4.72)

The Committee are of the view that State police forces can achieve a reasonable degree of functional efficiency only if they are organised on modern lines and provided with latest arms, ammunition and equipments. The Committee learn that a scheme for modernisation of State police forces was ugdertaken as a non-plan scheme by the Government of India way back in 1969-70. Central assistance of the order of Rs. 52.24 crores was released to the State Governments under that scheme from 1969-70 to 1979-80. As the Central team had reported in April 1981 the Central assistance had been utilised by the States in a proper manner by and large, it has been decided by Government to revive that scheme for a further period of 10 years, from 1980-81 to 1989-90 with a total outlay of Rs. 100 crores. The Committee feel that apart from going into the manner of utilisation of Central assistance made available to the States for modernisation there should be periodical qualitative appraisal of the scheme to gauge the impact on the functional efficiency of the police foree.

Reply of Government

The Central team which is monitoring the manner of utilisation of central assistance has been asked to conduct a periodical qualitative appraisal of the scheme to gauge its impact on the functional efficiency of the police forces.

[M.H.A.O.M. No. I-11013/4/83-Pers. I dt. 30-11-83]

Recommendation (Sl. No. 23, Para 4.31)

The Committee have been assured by the Home Secretary that efforts are being made to bring about structural, organisational, procedural, institutional and behavioural reforms in the police system in India. The steps are also being taken in the direction of modernisation, computerisation, development of forensic science and handwriting expertise research and development, greater rapport with universities, scientific institutes, social organisations etc. The Committee urge that these efforts should be intensified. There should be greater appreciation of the redefined role of the police by the policemen themselves and by the general public.

Reply of Government

Efforts are being made to modernise the police forces under the scheme of modernisation of police forces for which financial assistance is provided by the Central Government. The recommendations of the National Police Commission defining the role of the police in a modern Indian society have been forwarded to the State Governments for their consideration.

[M.H.A.O.M. No. 1-11013/4/83 Pers-I dt. 30-11-83].

Recommendation (Sl. No. 24, Para 4.32)

The Committee are perturbed to find that some of the police personnel resort to third degree methods to extort confessions. There is no law which permits torture, abuse or violence. Commenting on the use of such methods, the Home Secretary was frank enough to concede that there were some people who had a "streak of human cruelty" while some others, under pressure for statistical computation of cases, employed such inhuman, uncivilised and undignified methods. Police personnel are guardians of law. Even in their anxiety to solve cases,

and bring the culprits to book, they cannot be permitted to take to illegal and barbarian methods. The Committee, therefore, recommend that clear instructions should be issued to the police in this matter and police personnel found guilty of using third degree methods should be suitably punished.

Reply of Government

Instructions have been issued in the past also to curb the use of third degree methods by the police during their investigations. Prime Minister has referred more than once in earlier Conferences the wrong methods, sometimes adopted by the Police in the course of investigation but the evil persists. In view of the concern expressed by the Estimates Committee, fresh instructions have been issued to the State Governments to take a serious view of the cases against police personnel who use third degree methods.

[M.H.A. OM No. I-11 13/4/113-Pers. I dated 30-11-83].

(Recommendation Sl. No 25, Para 5.7).

The Committee find that the functions relating to the subject of 'Police are being performed by two separate Divisions in the Ministry of Home Affairs viz. (i) Police Division and (ii) Centre-States Division. Each Division, is headed by an officer of the rank of Joint Secretary. The Centre-States Division looks after all matters connected with State Police like modernisation, Police housing, crimes, and law and order situation. The Home Secretary conceded in evidence that there is always the probability of overlapping because of the nature and the limitation of the work of each Division and also that sometimes these Divisions had expressed conflicting view points. The Committee recommend that in order to ensure better coordination both the Divisions may be placed under the charge of a single officer. Such an officer may be of the rank of Additional Secretary so that he can take independent decisions and lessen the burden of Home Secretary.

Reply of Government

"Excepting some operational matters and some of those relating to IPS officers which are submitted direct to Home Secretary, all other matters relating to police are now being co-ordinated at the level of one Additional Secretary."

[M.H.A. OM No. I-11013/4/83-Pers. I dated 30-11-83].

Recommendation (Sl. No. 26, Para 5.10)

The Committee agree that while there could be no moratorium on enactment of new legislation enforceable by the police, at the time of considering proposals for new legislation, Govt. should consider the burden that the proposed legislation was likely to cause on the police in enforcing the same and, if necessary, either create a new institutional framework for enforcement of the new law or suitably augment the existing machinery.

Reply of Government

Since police is a State subject, the recommendation made by the Committee has been brought to the notice of the State Governments with the request to keep it in view while considering the proposals for new legislation.

[M.H.A. OM. No. 1-11013/4/83 Pers. I dt. 30-11-83].

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendation (Sl. No. 3, Para 1.15)

The Committee feel having regard to the nature of the Para Military Forces, it will be of definite advantage to induct ex-servicemen into these forces. The Army jawans retire after 17 years of service, whereas the members of the para Military forces could continue upto the age of 55/58 years. At present vacancies in the para Military forces upto 20% are reserved for ex-servicemen. In order to rehabilitate better the ex-servicemen and to qualitatively strengthen the para Military Forces, the Committee suggest that the reservation should be enhanced at least to 50% including the Scheduled Castes/Tribes and Physically handicapped persons among the Ex-servicemen.

Reply of Government

In this connection it may be mentioned that at present there are reservations for Scheduled Castes, Scheduled Tribes, Handicapped persons and ex-servicemen in the Central Government services. Even without taking into account the impact of the carried forward unfilled vacancies for Scheduled Castes, Scheduled Tribes and Handicapped, the percentage of vacancies reserved already for various categories are as under :

	Group 'A'	Group 'B'	Group 'C'	Group 'D'
Scheduled Castes	15%	15%	15%	1%
Scheduled Tribes	7½%	7½%	7½%	7½%
Physically Handicapped	—	—	3%	3%
Ex-servicemen	—	—	10%	20%
	22½%	22½%	35½%	45½%

2. Besides the above reservations, the sons and daughters, etc. of those Government servants who die in harness or retire on medical grounds are given jobs on compassionate grounds as a measure of immediate relief to the families concerned. This Department has also prescribed a procedure for appointment of meritorious sportsmen to Group 'C' and Group 'D' posts in relaxation of the prescribed procedure to the extent that these including all other reservations under the existing orders should not exceed 50% of the total number of vacancies proposed to be filled by direct recruitment. The Supreme Court has also held that the total reservation should be limited to 50% of the vacancies available for appointment in a recruitment year.

3. As per Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, the following reservation has been made for the ex-servicemen :

- | | |
|--|-----|
| (a) At the level of Asstt. Commandant in all Para-Military Forces. | 10% |
| (b) In Group 'C' post/services | 10% |
| (c) In Group 'D' posts/services | 20% |

The recommendation of the Committee is *prima facie* not acceptable because reservation for ex-servicemen cannot be permitted to engulf independent reservation for Scheduled Castes, Scheduled Tribes and the Physically Handicapped persons. Therefore, we are not in a position to restrict the area of the Scheduled Castes/Scheduled Tribes by saying that they will have to be ex-servicemen in order to get appointment in Para-Military Forces.

4. Moreover, proviso to sub-rule 4 of the Ex-servicemen (Re-employment in Central Civil Services & Posts) Rules, 1979 provides that the percentage of reservation so specified for ex-servicemen in a category of posts shall be increased or decreased in any one recruitment year to the extent to which the total number of vacancies reserved for ex-servicemen, Scheduled Castes and Scheduled Tribes (including the carry forward reservations for Scheduled Castes/Scheduled Tribes) and for any other categories taken together, falls short or is in excess, as the case may be, of 50% of the vacancies in that category of posts filled in that year. Therefore, in some cases, the percentage for ex-servicemen can even go upto 24½% in Group 'C' as well as Group 'D' by deducting 25½% which is the quantum of existing reservations, from 50%.

5. In view of the position stated in the preceding paragraphs, there is no further scope for enhancement of the existing percentage of reservation for ex-servicemen. It may, however, be in this connection mentioned that a recommendation of the Committee on Subordinate Legislation (Rajya Sabha) for amending Rule 4 is under consideration.

[Ministry of Home Affairs, O.M. No. I-11013/4/33-Pers.
I-dt. 14-12-83]

Recommendation (Sl. No. 5, Para 1.17)

It will be mutually advantageous for the State Police forces and the Central Para Military Forces to have a regular system of taking at least IPS officers from all the States/Union Territory cadres to the Para Military Forces on tenure basis. For this a quota should be fixed for each cadre on a uniform basis. The present system in this regard should be rationalised to derive the advantage fully. Incidentally the Committee suggest that in view of present imbalance in the cadre strengths of IPS, suitable criteria should be evolved and the State/ Union Territory cadres rationalised.

Reply of Government

DP&AR have already fixed 40 per cent of senior duty posts in all State cadre as Central deputation quota. Each cadre authority is requested in the beginning of the year to offer the services of suitable IPS officers for consideration on Central deputation posts. While offering names the State Governments are to keep in view the Central deputation quota reserved for their cadre. The officers on the offer list are considered for deputation posts in CPOs as also in Ministries and public undertakings. Of late, some difficulty is being experienced in filling Central deputation posts as some of the IPS officers offered Central postings have not shown keenness to join Central deputation posts. The Government is alive to the situation and is exploring possibilities including compulsory deputation for rationalising the present system of taking IPS officers on Central deputation.

[M.H.A. O.M. No I-11013/4/83-Pers. I dated 30-11-83]

Recommendation (Sl. No. 15, Para 3.14)

The Committee find that the existing training programme for IPS

probationers has not been formally evaluated by an independent body so far. The Committee recommend that a system of periodical evaluation for not only this programme but all other programmes of police training by an outside independent body of experts and professionals may be evolved and introduced soon.

Reply of Government

The entire fabric of police training in India was thoroughly examined and restructured in 1973 by a Committee consisting of eminent educationists, jurists and senior Police Officers chaired by Dr. M.S. Gore, an eminent sociologist. Periodic evaluation of the training programme at the NPA is the concern of the NPA Board which is chaired by HS and includes as its members police chiefs as well as outside non government training experts. Periodic evaluation of all other programmes of Police institutions is done by the Standing Committee on Police training. This Committee is chaired by a non government expert and includes apart from Government officials eminent experts from various disciplines. This Committee is competent to coopt experts in various fields whenever necessary to assist it in evaluating various training programmes. The observations of Estimate Committee would also be placed before this Committee during its next meeting.

[M.H.A. OM No. I-11013/4/83 Pers. I dated 30-11-83]

Recommendation (Sl. No. 27, Para 5.14)

The Committee recall that a Section of the Central Reserve Police and the Central Industrial Security had resorted to agitation in 1979 to press their demands for revision of pay scales, grant of various kinds of allowances, higher leave entitlement, right to form Association, etc. The Ministry of Home Affairs have stated that these demands were discussed in the Staff Council meetings of CRPF and CISF held in 1979 under the Chairmanship of the then Home Minister and follow up action on the decisions arrived at these meetings has been taken. The Ministry has, however, pointed out that "a few cases which need deeper examination and consultation with other authorities, were being pursued." The Committee stress the need for an early decision on all pending demands.

Reply of Government

A number of demands of the CRPF and CISF personnel which were projected and discussed at the First Staff Council meetings of

these Forces held in 1979, were accepted by the Govt. But of these Proposals which were pending and were being pursued with other authorities some have since been accepted while it has been decided in other cases that the matters should be placed before the Fourth Pay Commission for consideration. The position is indicated below :-

C.R.P.F.

<i>Brief Proposal</i>	<i>Position</i>
1. Organised service for CRPF Cadre.	There is no organised service in CRPF. However the cadre review of Group 'A' posts was finalised in July, 83, thereby enlarging the scope of promotion for the officers.
2. Grant of Free Leave Pass irrespective of the place of posting.	Free Leave Pass is already available to all ranks in difficult areas (with minor exceptions). However, the benefit is confined to personnel of the rank of Head Constable and below in non-difficult areas. It has since been decided that personnel above the rank of Head Constable and upto the level of Inspector should also be eligible for Free Leave Pass and orders are under issue.
3. Payment of compensation in lieu of quarters to CRPF personnel irrespective of the place of residence of their families.	These proposals are to be referred to the Fourth Pay Commission for consideration.
4. Increase in the quantum of special Pays for certain instructional posts.	
5. Revision of the pay-scale of the posts of office Supt.	

C.I.S.F.

1. Declaration of CISF as an Armed Force. CISF was declared as an Armed Force of the Union with effect from 15-6-83 by an Act of Parliament, thereby enabling it to discharge its functions and exercise its powers more effectively.
2. Provision for better Uniform. CISF personnel have already been granted the benefits of terrycot Uniform, Kit Maintenance Allowance and permission to retain condemned articles/Kit items in the past few years. It has recently been decided that the Class I officers (non-IPS) should be allowed initial Uniform Grant/Renewal Grant/KMA at higher rates than at present and orders in this regard are under issue.
3. Introduction of Selection Grade for Followers. This proposal is to be referred to the Fourth Pay Commission.

[M.H.A., OM. No. 1-11013/4/83 Pers. I, dated 30-11-83].

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Sl. No. 10 Para No. 2.26)

1. The Committee regret that the Central Bureau of Investigation has, despite two decades of its existence, failed to make any significant dent on the problem of corruption. The deterrent effect of CBI has not been felt to the extent that it could be said that corrupt finances are on the decline if not on the way out. In fact the representative of the Ministry of Home Affairs admitted before the Committee in evidence that despite investigations and convictions "the corruption has substantially increased." According to him, elimination of corruption "does not seem to be within the realm of possibility." The failure of the CBI in regard to Prevention and control of corruption compels the Committee to recommend that the role functions and the working of the CBI should be comprehensively reviewed and measures taken to tone up its working so as to make it an effective agency devoted *inter-alia* to the task of rooting out corruption in administration.

Reply of Government

The Government have carefully considered this recommendation and share the Committee's concern about the task of rooting out corruption from administration. In this regard it is, however, clarified that the Central Bureau of Investigation is not solely, not even mainly, responsible to tackle and fight with the evil of corruption. The main responsibility of combating corruption and ensuring integrity in administration is on the heads of Ministries/Departments/Public Undertakings. Realising this principle the Committee on Prevention of Corruption (known as Santhanam Committee) recommended appointment of Chief Vigilance Officers in each Ministry/Department/Undertaking to deal with the problem of corruption, misconduct and malpractices in the organization concerned. It is the responsibility of Chief Vigilance Officers to take preventive measures, to hunt for the corrupt public servants and to bring

them to book. In this task they can take the assistance of the Central Bureau of Investigation. The Bureau is responsible for investigating offences punishable under the Prevention of Corruption Act, 1947, certain specified sections of the Indian Penal Code and fiscal and other laws related to corruption. It is only a service agency and it is for the organisations to make use of it. It comes into picture after an offence has been committed. Thus the Central Bureau of Investigation has supplementary but deterrent role in the fight against corruption.

2. The Central Bureau of Investigation has powers and jurisdiction concurrent with the State Police to investigate and prosecute cases of corruption. But by an administrative arrangement arrived at with the States, the Central Bureau of Investigation's activities are confined to cases involving employees of Central Govt. and of its undertakings, and matters of interest to the Central Government. It is the responsibility of State Governments to deal with the problem of corruption in relation to their employees and matters within their administrative control.

3. Corruption being a socio-economic evil, there can be no yardstick to measure the quantum of corruption in a particular set-up at a given point of time. The causes are many-fold, which include the social values of the time, the political and economic conditions of the Society and/or of organisations. Since the extent of corruption cannot be measured, It cannot be said that the Central Bureau of Investigation has failed in regard to prevention and control of corruption. In fact, during the last two decades of its existence, the Central Bureau of Investigation has become a premier investigating agency of the Central Govt. winning the confidence of even the State Govts. and the faith of the public at large. It is on account of this faith and confidence, whenever there is a controversial and/or complicated case a demand is made for investigation by the CBI, and a number of such cases of conventional crimes are entrusted to CBI for investigation even though the CBI was mainly set up for investigation of corruption cases and economic offences.

4. So far as Committee's recommendation that the role, functions and working of the CBI should be comprehensively reviewed with a view to tone up its working and make it an effective agency devoted, *inter-alia*, to the task of rooting out corruption in administration, It is mentioned that this is one organisation whose functioning is constantly reviewed by the Government from time to time by means of a number of devices like periodical reports, returns; and also meetings and conferences

held by the Home Minister and the Secretary, Department of Personnel and Administrative Reforms with the Director and other senior officers of the CBI from time to time. The staff strength of the CBI is also under review. Government are therefore, of the opinion that no useful purpose would be served by holding another review of the role and functions of the CBI, as recommended by the Committee. Government have, however, noted this recommendation.

[MHA O.M. No. I-11013/4/83-Pers I Date 30-11-83]

Recommendation (Sl. No. 12, Para 2.28)

“At present, three out of 8 divisions of the Central Bureau of Investigation are under the control of the Ministry of Home Affairs and the remaining 5 under the Department of Personnel & Administrative Reforms. The division of the Central Bureau of Investigation between the Ministry of Home Affairs (proper) and the Department of Personnel & Administrative Reforms appears to the committee somewhat artificial. The Committee do not consider this arrangement as sound from the point of view of the cohesive working of the Central Bureau of Investigation. Besides, this duality of administrative control could also result in diffusion of responsibility. The Committee, therefore, recommend that, as the CBI is essentially a Police Organisation, it should be brought exclusively under direct control of the Ministry of Home Affairs.”

Reply of Government

The Government have carefully examined the recommendation of the Committee. As noted by the Committee 5 out of the 8 Divisions of the Central Bureau of Investigation are under the administrative control of the Department of Personnel & Administrative Reforms and the remaining 3 Divisions are controlled by the Ministry of Home Affairs (proper). This administrative arrangement is based on functional considerations and is not artificial, as observed by the Committee.

2. The Department of Personnel & Administrative Reforms was carved out of the Ministry of Home Affairs in June, 1970 and all subjects including 'vigilance and discipline' connected with service matters were transferred to the newly created Department. The Department accordingly became the apex body at the Centre concerned with the framing of

policy regarding 'vigilance' and 'anti-corruption' matters in public services. Accordingly, all the vigilance organisations viz. Central Vigilance Commission, those divisions of the Central Bureau of Investigation responsible for 'vigilance' and 'anti-corruption' activities and also the Union Public Service Commission, which advises the Government in vigilance cases against Central Government Officers, were administratively placed under this Department. The Delhi Special Police Establishment Division of the CBI being responsible for collection of intelligence and investigation of cases of corruption in public services was placed under the Department of Personnel & Administrative Reforms on functional considerations. The other 4 Divisions namely Legal Division, Policy Division, Technical Division and Administration Division are allied Divisions of the CBI and provide necessary technical and administrative services for the smooth and effective functioning of the DSPE Division. Consequently, these 4 divisions have also been placed under the administrative control of the Department of Personnel and Administrative Reforms.

3. On the other hand, the remaining 3 divisions namely, Co-ordination, Crime Records and Interpole Division; Central Forensic Science Laboratory, New Delhi, and Central Finger Prints Bureau, Calcutta, are responsible for co-ordination between the various State Police Forces and rendering assistance to States in dealing with matters having inter-state or international ramifications in the matter of detection and investigation of crime. Accordingly, for functional considerations these three Divisions have been kept under the administrative control of the Ministry of Home Affairs (proper).

4. As regards Committee's observation that the Central Bureau of Investigation is essentially a police Organisation and it should be brought exclusively under the administrative control of the Ministry of Home Affairs, it is mentioned that the functions of the Delhi Special Police Establishment Division and other 4 allied Divisions of the CBI are significantly different than the functions of other Central Police Organisations under the control of the Ministry of Home Affairs. The Central Police Organisations under the control of the Ministry of Home Affairs are responsible for the maintenance of Law and Order, keeping a vigil on the Indian Borders and collection of intelligence for the purpose. On the other hand the Delhi Special Police Establishment Division and 4 other allied Divisions of the Central Bureau of Investigation are charged with the responsibility to deal with the problem of corruption in public services, the subject assigned to the Department of Personnel and Ad-

ministrative Reforms. It is also pertinent to state that according to the Entry 10 of the First Schedule to the Government of India (Allocation of Business) Rules, 1961, the Ministry of Home Affairs with the Department of Official Language and the Department of Personnel and A.R. with all its attached and Subordinate Offices is treated as one entity, and thus it can be said that even at present all police organisations including Central Bureau of Investigation are under the over-all charge of the Ministry of Home Affairs.

5. The existing distribution of the 8 divisions of the CBI between the Department of Personnel and Administrative Reforms and the Ministry of Home Affairs (Proper), being on functional considerations has been found to be satisfactory and no need for any change in this regard has been felt.

6. For the above consideration, the Government do not find it necessary to accept the Committee's recommendation.

[A detailed note on the subject is enclosed for Committee's consideration] (Not Appended).

[M.H.A., O.M. No. 11012/4/83-Pers. I, dated 30-11-83]

Recommendation (Sl. No. 19, Para 3.25)

The Bureau of Police Research and Development has total staff strength of 388. During the last 5 years expenditure of the Bureau had ranged between Rs. 58.36 lakhs and Rs. 84.31 lakhs. It is indeed surprising that Advisory Council which oversees the performance of the Bureau of Police Research and Development held only 2 meetings during the last 5 years. The Council is headed by the Home Secretary. The Committee recommend that the Council should meet twice a year to take stock of the Bureau's achievement and provide guidance to it.

Reply of Government

Because of the very nature of the work being undertaken by the BPR&D where it is not possible to show quick results or findings, it is felt that early recall of the meeting of the Advisory Council may not serve a very useful purposes. However, it will be the endeavour to call the meeting of the Advisory Council at least once a year and efforts will be made to have additional meetings in between whenever there are important issues in which the guidance of the Council is necessary.

[MHAOM No. 1-11013/4/83-Pers I dt. 30-11-83]

Recommendation (Sl. No. 20, Para 4.12)

The Committee find that the Indian Police system and structure as presently organised are still governed by the Police Act of 1861. Since the enactment of that Act, not only has the country achieved Independence but a number of socio-economic changes of far reaching importance have taken place. There is a clear need to redefine the role of the police, to enhance its functional efficiency and to transform it into an instrument of public service. The Committee are of the view that Police Force cannot be expected to perform their new role in Independent India well if they have to function within the framework of an Act Passed more than 121 year ago. The committee, therefore, recommend that Government should bring forward a comprehensive bill in consultation with State Government to reorient the role, duties, powers etc. of police forces.

Reply of Government

The National Police Commission has also made certain recommendations in this regard and these are under consideration of Government in consultation with the State Governments.

[M.H.A., O.M.-No. I-11013(4)83—Pers. I dt. 30-11-83]

CHAPTER V

**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF
WHICH FINAL REPLIES OF GOVERNMENT ARE
AWAITED**

NIL

NEW DELHI;
March 20, 1984

Phalgun 30, 1905(S)

BANSI LAL,
Chairman,
Estimates Committee.

APPENDIX

(Vide Introduction to the Report)

*Analysis of Action taken by Government on the 49th Report of
Estimates Committee*

(SEVENTH LOK SABHA)

I. Total No. of recommendations	27
II. Recommendations/observations that have been accepted by Government. Nos. 1, 2, 4, 6 to 9, 11, 13, 14, 16 to 18, 21 to 26. Number :	19
Percentage to total :	70
III. Recommendations/observations which the Committee do not desire to pursue in view of Government's replies : Nos. 3, 5, 15 and 27. Number :	4
Percentage to total :	15
IV. Recommendations/observations in respect of which replies of Govt. have not been accepted : Nos. 10, 12, 19 and 20. Number :	4
Percentage of total :	15
V. Recommendations/observations in respect of which final replies of Government are awaited : Nos.	NIL.

**LIST OF AUTHORISED AGENTS FOR THE SALE OF
LOK SABHA SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
BIHAR		9.	Subscribers Subscription Serives India, 21, Raghunath Dadaji St., 2nd Floor, Bombay-1.
1.	M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar).	TAMIL NADU	
GUJARAT		10.	The Manager, M.M. Sub- scription Agencies, No. 2, 1st Lay Out Sivananda Colony, Coimbatore-641012.
2.	The New Order Book Company, Ellis Bridge, Ahmedabad-6.	UTTAR PRADESH	
MADHYA PRADESH		11.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad-U.P.
3.	Modern Book House, Shiv Vilas Palace, Indore City.	WEST BENGAL	
MAHARASHTRA		12.	Mrs. Manimala, Buys & Sells, 128, Bow Bazar Street, Calcutta-12.
4.	M/s. Sunderdas Gianchand, 601, Girgaum Road, near Princess Street, Bombay-2.	DELHI	
5.	The International Book Service, Deccan Gymkhana, Poona-4.	13.	Jain Book Agency, Connaught Place, New Delhi.
6.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-1.	14.	J.M. Jain & Brothers, Mori Gate, Delhi.
7.	M/s. Usha Book Depot, Law Book Seller and Publishers' Agents Government Publications, 585, Chira Bazar, Khan House, Bombay-2.	15.	Oxford Book & Stationery Company, Scindia House, Connaught Place, New Delhi-1.
8.	M & J Services, Publishers, Representative Accounts & Law Book Seller, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road, Nalgaum-Dadar, Bombay-14.	16.	Bookwell, 4, Sant Nirankari Colony, Kingsway Camp, Delhi-9.
		17.	The Central News Agency, 23/90, Connaught Place, New Delhi.
		18.	M/s. Rajendra Book Agency, FV-D-59, IV-D-50, Lajpat Nagar, Old Double Storey, New Delhi-110024.
		19.	M/s. Ashoka Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110033.
		20.	Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.