

STATEMENT RE. APPOINTMENT OF
NATIONAL POLICE COMMISSION

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Sir, far-reaching changes have taken place in the country after the enactment of the Indian Police Act, 1861, and the setting up of the Second Police Commission of 1902, particularly during the last thirty years of Independence. Though a number of States have appointed Police Commissions after Independence to study the problems of the Police in their respective States, there has been no comprehensive review at the national level of the Police system after independence despite radical changes in the political, social and economic situation in the country. A fresh examination is necessary of the role and performance of the police—both as a law enforcement agency, and as an institution to protect the rights of the citizens enshrined in the Constitution.

It has been decided, therefore, to set up a National Police Commission to examine all the major issues of an all-India character pertaining to Police administration in the country and to suggest measures for implementation as would not only enhance its functional efficiency but would also transform it into an instrument of public service. Since the Commission is to be set up at the National level, it is felt that the terms of reference should embrace only such items as would have a bearing on the broad sweep of police administration in the country and not include items which are of local or regional interest. At the same time, care has to be taken to ensure that the proposed National Police Commission does not become a forum to examine issues which have a financial bearing like pay scales and conditions of service of police personnel, determination of which are conditioned by local factors and no review at the national level is possible. Exclusion of such items having a financial bearing would also help avoid possible heavy financial repercussions, which the States may not be able to bear.

Since Police and public order are subjects in the State List, any review of the working of the police at the national level would be meaningful only if the State Governments are prepared to participate and wholeheartedly implement the recommendations of such a review. All the State Governments/Union Territories were, therefore, suitably addressed in the matter and the States/UTs who have replied so far (Kerala, Sikkim, Tamil Nadu, Tripura, U.P., Orissa, West Bengal, Manipur, Haryana, Himachal Pradesh, Andhra Pradesh, Rajasthan, Punjab, Bihar, Maharashtra, Madhya Pradesh, Arunachal Pradesh, Andaman and Nicobar Administration, Chandigarh, Pondicherry) have welcomed the suggestion to set up the National Police Commission without exception. Replies from other States and Union Territories are awaited.

The National Police Commission will have the following composition:—

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| (i) Shri Dharamvira
(retired Governor) | Chairman |
| (ii) Shri N. K. Reddy
retired Judge, Madras
High Court) | Member |
| (iii) Shri K. F. Rustamji
(ex- IGP, Madhya Pradesh
and ex- Special Secretary,
Home Ministry) | Member |
| (iv) Shri N. S. Saksena
(ex- IGP UP and ex- DG CRP
and at present, Member,
UPSC) | Member |
| (v) Prof. M. S. Gore
Professor, Tata Institute of
Social Sciences, Bombay | Member |
| (vi) Shri C. V. Narasimhan,
presently Director, CBI | full-time
Member
Secretary
of the
Commission
(on relief
from his
present
post) |

The terms of reference of the Commission are as indicated in Annexure.

Annexure

Terms of reference of the National Police Commission

(1) Re-define the role, duties, powers and responsibilities of the Police with special reference to prevention and control of crime and maintenance of public order.

(2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses or inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.

(3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.

(4) Inquire into the system of investigation and prosecution, the reasons for delay, and failure; the use of improper methods, and the extent of their prevalence; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.

(5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.

(6) Review policing in rural areas, evaluate any new arrangement that have been made, and recommend changes that are necessary.

(7) Examine the system of policing required in non-rural and urbanised areas including metropolitan areas and suggest the pattern that would be the most suitable.

(8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer net-work, scientific laboratories and agencies for research and

development, and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of Police forces, streamlining of its functions and its re-structuring, it would be possible to economise in the manpower in the various areas of its activities.

(9) Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.

(10) Recommend measures and institutional arrangements:—

(i) to prevent misuse of powers by the Police and to examine whether police behaviour, outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;

(ii) to prevent misuse of the Police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;

(iii) for the quick and impartial inquiry of public complaints made against the Police about any misuse of police powers;

(iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare; and

(v) for a periodic objective evaluation of police performance in a metropolitan area/District/State in a manner which will carry credibility before the public.

(11) Examine the manner and extent to which Police can enlist ready and willing cooperation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such

cooperation and measures for the growth of healthy and friendly Public-Police relationship.

(12) Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.

(13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.

(14) Consider and make recommendations and suggestions regarding any other matter which the Government may refer to the Commission; and

(15) Any other matter of relevance or importance having an impact on the subject.

श्री रामानन्द तिवारी (बक्सर): अध्यक्ष महोदय, आप के माध्यम से गृह मंत्री महोदय से मेरा निवेदन है कि इस में जितने गान्धीय सदस्य रह गये हैं, वे सब आई० पी० एस०, आई० सी० एस० और रिटायर्ड जज हैं। इस लिये मेरा निवेदन है कि इस में जन-प्रतिनिधि और विशेष कर जो पुलिस रैंक के नीचे के कर्मचारी हैं, उन्हें भी रखा जाय, क्योंकि उन के दुःख-सुख और कठिनाइयों को ऊपर के लोग नहीं जानते हैं। बहुत दिनों के बाद ऐसा कमीशन बनाने का निश्चय किया गया है, इस के लिये मैं आप को बधाई देता हूँ, लेकिन पुलिस विभाग के निम्नश्रेणी के कर्मचारियों और जन-प्रतिनिधियों को भी इस में रखा जाय।

SHRI SAUGATA ROY (Barrack-pore): I wish to make one submission.

MR. SPEAKER: After a statement no questions are allowed. Many Members seem to have forgotten the rules!

14.45 hrs.

ELECTION TO COMMITTEE

COMMITTEE ON THE WELFARE OF SCHEDULE CASTES AND SCHEDULED TRIBES

SHRI SURAJ BHAN (Ambala): Sir, I beg to move the following:—

"That the members of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 read with sub-rule (1) of Rule 331B of the Rules of Procedure and Conduct of Business in Lok Sabha, two members from among themselves to serve as members of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes for the unexpired portion of the term of the Committee *vice* Sarvashri Chand Ram and Karia Munda ceased to be members of the Committee on their appointment as Ministers of State."

MR. SPEAKER The question is:

"That the members of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 read with sub-rule (1) of Rule 331B of the Rules of Procedure and Conduct of Business in Lok Sabha, two members from among themselves to serve as members of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes for the unexpired portion of the term of the Committee *vice* Sarvashri Chand Ram and Karia Munda ceased to be members of the Committee on their appointment as Ministers of State."

The motion was adopted.

14.49 hrs.

MATTER UNDER RULE 377

REPORTED ARREST OF OVER A THOUSAND PERSONS IN DELHI FOR PROTESTING AGAINST WITHDRAWAL OF FACILITIES TO NEO-BUDDHISTS

SHRI VASANT SATHE (Akola): Mr. Speaker, Sir, I beg to invite the attention of this House to a serious