

REPORT OF THE
KERALA POLICE PERFORMANCE AND ACCOUNTABILITY
COMMISSION

CHAPTER I

Introduction

Constitution of the Committee

1.01 The Police Performance and Accountability Commission was constituted by the Government of Kerala as per G.O. (Ms) No.246/2003/Home dtd.18/11/03 to evaluate the general performance of the police during the years 2002 and 2003 and to examine the effectiveness of the autonomy given to the police in recent times its merits and demerits and to make recommendations for further improving the functioning and accountability of the police. The Commission consisted of the following :-

the	Hon'ble Justice K.T.Thomas	- Chairman	of
	(Former Judge of the Supreme Court)	Commission	
	Shri K.V. Rajagopalan Nair, IPS(Retd) (Former Director General of Police,Kerala)	- Member	
	Shri T.N. Jayachandran, IAS(Retd) (Former Vice Chancellor, Calicut University and Addl. Chief Secretary (Retd)	- Member	

Terms of Reference

- A. To evaluate the general performance of the police during the years 2002 and 2003 and make periodic recommendations on improving the functioning of the police.
 - B. To examine the effectiveness of the autonomy given to the police in recent times its merits and demerits and to suggest measures for further improving the functioning and accountability of the police.
- 1.02 It was specified in the G.O. that the Commission would not supervise the investigation of individual cases or entertain individual complaints but it could suggest measures for improving investigation in general.
- 1.03 The tenure of the Commission as per the orders of the Government would be till 31 March, 2005. The Commission was authorized to appoint required staff on contract basis and to fix their remuneration. (Appendix I (1) to (3)).
- 1.04 The first sitting of the Commission was held at Kottayam on 26 November, 03 in which it was decided to invite responses from the public on the terms of reference by issuing press release. It was also decided that the DGP will issue a circular to all Police Officers in the State to render assistance required by the

Commission including furnishing of all information for carrying out the work of the Commission. Other decisions taken in the said sitting were mainly for establishing headquarters Office at Kottayam, providing Office at Trivandrum for the Members residing at Trivandrum, posting of required staff for the two offices, vehicle for the use of Commission, office equipment etc.

- 1.05 The Commission called on the Chief Minister on 17 December, 2003 and discussed generally about the functioning of the Commission.
- 1.06 The Commission established headquarters Office at Kottayam in the Office of the Committee for Unaided Self Financing Professional Colleges situated in the P.W.D. Rest House Compound, Kottayam and Office of the Members at Trivandrum commenced in the space provided by the Kerala State Commission for Backward Classes.
- 1.07 The Commission addressed the Director of Public Relations to publish a notification, inviting response from the public, in the newspapers and other media and it was published in all Malayalam and English dailies in the second week of January. But responses were received even earlier since the news about constitution of the Commission had been published by almost all newspapers. The suggestions thus received were examined.
- 1.08 As decided by the Commission K.V. Rajagopalan Nair, Member of the Commission attended the Round Table Conference conducted by the Centre for Security Analysis at Chennai on 23 January, 2004. He presented a report on the deliberations of the Conference. (Appendix IV)

The Commission examined the suggestion that the State should consider setting up of a complaints Commission on the lines of the set up in the U.K. But the Commission felt that it is premature to consider such a set up, which is likely to be expensive, without giving a fair trial to the recommendation of the Commission for setting up complaint boxes at the local bodies level.

1.09 The Commission in its sitting held on 16 February, 2004 observed that to evaluate the general performance of the Police for the period in question, information is required on the reports, comments and criticisms on the performance of the police. The Chairman addressed the Speaker of the Legislative Assembly and the Minister for Information and Parliamentary Affairs in this regard. Letters were sent in the third week of February, 2004 to all the MLAs, Secretaries of all recognized political parties, Public Prosecutors attached to the Sessions Court and the President of the Kerala High Courts Advocates' Association requesting for their views on the terms of reference. The Chairman addressed former Judges of the High Court who had vast experience in judging police performance in the State for several years. (Appendix V and VI)

1.10 In response to the Chairman's D.O. letter to the DGP an Executive Directive No.09/2004 was issued by him to all the Police officers, directing them to send their individual views regarding the performance of police during 2002-2003 with suggestions for improvement directly to the Commission. On 1 March, 2004 prominent Women's Organizations of the State, Non Governmental Organizations, Writers, Journalists, Chief Editors, Panchayath Presidents at all levels, Chairmen of

Municipalities and Mayors of all the five Corporations were also addressed.

- 1.11 The proposals contained in various reports of earlier Commissions/Committees like National Police Commission (1977-81) Committee on Police Training (Gore Committee 1971) Kerala Police Re-Organization Committee (1959-60), Committee on Police Reforms (Padmanabhayya Committee-2000), Kerala Police Re-Organization Commission (M.K. Joseph-1986) and Seventh Report of Estimates Committee of the Kerala Legislature were examined.
- 1.12 All the above Commissions/Committees have formulated very useful recommendations on various aspects of the police. Quite a few of these recommendations have been implemented at least partially by the Government. Therefore the Commission does not feel it necessary to reiterate those recommendations and propose to confine themselves to the terms of reference given to the Commission. The Commission's suggestions for improvement are therefore focussed on the points flowing from the terms of reference.
- 1.13 Sittings of the Commission were held at Trivandrum, Kottayam, Ernakulam, Thrissur, and Kannur to have detailed discussions with former judges of the High Court, IPS Officers, IAS Officers, Director of Forensic Laboratory, Retired Criminologist, Chemical Examiner, Representatives of Kerala Police Service Officers' Association, Kerala Police Officers' Association, and Kerala Police Association. (Appendix VII) The Commission visited the Kerala Police Training Academy at Trissur to have first hand knowledge on the functioning of the training programmes. The

Commission also visited the Police Museum at Kollam. Public Sittings in all the District Headquarters were conducted to elicit the views of the public. The sitting for Malappuram District was held at the Sub Divisional headquarters at Perinthalmanna for greater public participation.

1.14 After examining its terms of reference in its entirety the Commission has arrived at the following observations, conclusions and recommendations.

CHAPTER II

a. EVALUATION OF GENERAL PERFORMANCE OF THE POLICE DURING 2002 & 2003.(First term of reference)

2.01 The Commission has observed the initial euphoria in response to the change of police policy made by the Government during 2002 & 2003. This was seen reflected in the media as well as in the public deliberations but the tempo waned gradually and what remained thereafter was the impression that there was only a marginal improvement of the police performance during the relevant period. This improvement was not uniform but lopsided. In the case of certain officers the improvement was visible and people appreciated while in the case of certain other officers no improvement was discerned by the people at large. One of the parameters for evaluation of the performance is crime statistics. Of course this is not a safe guide to make a correct evaluation of the police performance. Nonetheless, this cannot altogether be over looked. A perusal of such statistics during the relevant period shows that while there was a perceptible fall in the total number of crimes from 2001 to 2002 which was followed by a further fall in 2003, the Commission noticed a tendency of escalation in 2004. (For details see Para 4.01 to 4.16 at pages 43 to 51 and 4.21 to 4.24 at pages 53 & 54 in Chapter IV)

2.02 *The evaluation made by the Commission leads to the conclusion that while some improvement in the overall police performance during 2002 and 2003 was noticed, there was a disturbing tendency towards deterioration subsequently.*

b. EFFECTIVENESS OF THE AUTONOMY GIVEN TO THE POLICE.

Second term of reference:

2.03 By the expression 'autonomy' it is understood that the police officers at the local levels were given the discretion to act according to their own judgement in compliance with the statutory directions and requirements without let or hindrance. In other words the police officers were given specific instructions not to be influenced by political or other similar forces. Apart from this no police officer has understood that the autonomy mentioned above has any other implications. We learnt from our interactions with the police officers that they understood autonomy as a freedom from political interference. They had the assurance that no consequent transfers would follow in any case of non-compliance with the intercessions of the politicians in the day-to-day functioning of the police administration. As this message had reached politicians at all levels a large majority of them refrained from interceding with the police officers. It is worthy to be mentioned that the autonomy said to have been given was not in the form of any written communication issued by the Government or the Department concerned. Autonomy was understood from the announcements made by the Chief Minister and the statements made by the DGP on various occasions. In spite of the absence of any official communication we found that the people of Kerala have understood that as per the new policy the Police Authorities were given a free hand un-interfered with by the politicians as well as other external forces.

2.04 The merits of the above development (the autonomy of the police) are, the police were emboldened to act according to the

dictates of their conscience untrammelled by any external influence. The approachers to the police were free to approach them for redressal of grievances without resorting to power-brokers or third party agents. There was relief for the police officers, though at least momentarily only, that they could function according to their own convictions. Infact this was what the propounders of the new police policy desired initially.

2.05 However the autonomy given to the police had demerits also. Earlier a common man who feared to approach the police either for petitioning or in compliance with the direction of police could get the help of a political power-broker and therefore had a conduit to reach the police without fear of ill treatment or intimidation from the police. The new policy had dried up this source of assistance or support. Another is that some of the policemen felt that the new autonomy is a licence to misuse the vast police powers. Its consequence was that at least some of such policemen exploited it to further their own ends.

2.06 *The autonomy had rendered most of the police officers at the high echelons with a spirit of greater responsibility of commitment while it gave a feeling to a good number of policemen at the lower echelons a relief from discharging their duties including shirking of their responsibilities. It is not a useful exercise to work out the cumulative effect of the new policy of autonomy after weighing the merits and demerits on the balance, to say which side tilts. According to the Commission autonomy to the police is the ideal, but it should be tempered with measures to prevent its misuse. (For details see para 4.17 to 4.20 in Chapter IV at pages 51 to 53).*

CHAPTER III
RECOMMENDATIONS FOR IMPROVING THE PERFORMANCE AND
ACCOUNTABILITY

A Preface

3.01 In the terms of reference issued by the Government, the Commission has also been asked “to make periodic recommendations on improving the functioning of the police” and to “suggest measures for further improving the functioning and accountability of police.” The Commission feels that both the above categories cannot be effectively separated from each other as both are, in effect, common. At any rate there would be overlapping between each other if they are separately dealt with. Consequently avoidable repetition would creep in. Therefore the Commission has persuaded itself to put forth the recommendations and suggestions on both the items under the terms of reference in a consolidated manner as follows:-

(i) RECRUITMENT

3.02 There shall be a separate Recruiting Board as distinct from the Public Service Commission for the purpose of speeding up the recruitment process.

3.03 It is desirable that the Recruitment Board constituted as above is headed by a serving Selection Grade District and Sessions Judge of Super Time Scale with at least two other

members one of whom shall be a serving senior Police Officer in the rank of IGP and the other a serving Civil servant of the senior scale. Apart from this there should be a full time Police Officer as its Secretary.

3.04 *The maximum age limit for recruitment of the Sub Inspectors is now 30 years. The age limit at the entry stage shall be brought down to 25 years with suitable relaxation for SC/ST/OBC candidates.*

3.05 *Recruitment to the category of Sub Inspectors should be open to men and women.*

3.06 *The entry qualification for Police Constable may be raised from the present pass in SSLC to a pass in “Plus Two” or equivalent as the future constables have to take more and more independent responsibilities.*

3.07 *There should be regular intake of personnel in different categories on an annual basis. It is regrettably noted that at present recruitments take place in fits and starts forcing the department to train unmanageable numbers of candidates at the same time whenever they were recruited en masse after the lapse of many years. (For details see para 4.25 to 4.26 at pages 55&56 in Chapter IV)*

3.08 *Police Colleges may be set up atleast in 3 centres of the State to catch the students young and train them up and for eventual recruitment of eligible ones to the police and assist them for appearing for all India service examinations. (For details see para 4.27 to 4.28 at pages 57 &58 in Chapter IV)*

(ii.) TRAINING

3.09 The Commission after visiting the new Police Academy, Thrissur, developed very high expectations of its potential. It is noticeably distinct from the Police Training College, Trivandrum both qualitatively and quantitatively and it is meant to be so also. ***The Commission recommends that the new Police Training Academy of Thrissur shall not in any way be allowed to slow down its rhythm. It is truly the hope of tomorrow's Kerala Police reformation. All efforts should be made to preserve the new spirit generated by this institution. Care must be taken to choose the right officials if not the best in the force, for manning the institution.***

3.10 The following further recommendations may be considered:

(a) At present there is no regular in-service training after the initial training to the police personnel. This has contributed to the inertia of the police force. It can partially be remedied by introducing in-service training at periodic intervals to be fixed by the department at different levels. This will also improve the professional competitiveness for rendering better service.

(b) The curricula for training officers and men shall be revised and updated periodically.

(c) The training should be imparted by trainers who are selected on the basis of aptitude, skill and competence in conducting such training courses.

- (d) *To attract proper personnel as trainers they should be provided with the hike to the tune of 30% in their salary and perks like accommodation, residential telephone and transport. The trainers shall be given a fixed tenure. It is advisable to have a provision for giving them one step `promotion for the period of their training assignment as an incentive. (It is understood that there is a practice in the defence services to give posting of the choice of the officer on completion of his tenure in training institutions. It may be considered whether such incentive could be applied to the officer who completes his tenure in the Training Institute as a Trainer). (For details see Para 4.44(a) to 4.44(e) at pages 68 to 70 in Chapter IV).*

(iii) **SERVICE CONDITIONS**

- 3.11** *The working hours of policemen shall be effectively reduced to 8 hours a day. This can be achieved by deployment of sufficient manpower at police station level by diverting from elsewhere. (For details see Para 4.29 in Chapter IV)*
- 3.12** *There should be clear cut transfer norms and fixed tenure for each post for at least 2 years. All transfers should be finalised and implemented well before the beginning of the academic year. If any officer has to be transferred ahead of the aforesaid minimum period due to very exceptional circumstances his family shall be given facilities to continue in the erstwhile station till the end of that academic year.*

3.13 Officers atleast upto and including the rank of DySPs shall not normally be posted far away from their hometown. However this shall not be construed as a recommendation for posting at their own hometown. (For details see para 4.30 at page 59 in Chapter IV)

3.14 *There should be proper career planning for officers. Every officer should be posted in different branches like Special Branch, Crime Branch etc. for atleast one tenure before being considered for his promotion to the next stage. All officers should be subjected to a screening test before promotion to the next higher stage. Such tests should be to assess their knowledge, skills and aptitude for taking up higher responsibilities. A pass in such tests should be made an essential pre-requisite before being promoted.*

3.15 *There should be a mechanism to ensure promotion from the constable level to higher posts at a much faster pace. This can be done by reserving a certain number of posts at the higher level to be filled up by promotion through fast track on the basis of tests to be conducted for the purpose. (For details see para 4.36 at pages 62 & 63 in Chapter IV)*

(iv) **POLICE WELFARE**

3.16 *Police Schools:*

There shall be a police school in every District for educating the school going children of police personnel on the same pattern of the Central Schools. Admission in this school shall be open to all, preference being given to police officers on transfer. This is intended mainly to help the police personnel in admitting their children on transfer.

For this purpose, the feasibility of using the premises of “uneconomic schools” may be considered.

3.17 *Medical expenses for injuries in the course of actions:*
Police officers injured during police actions are put to hardship in meeting the cost of medical expenses. Even though Government hospitals are available speciality Government hospitals are not available except in important towns. ***It is recommended that police officers may be covered under medical group insurance enabling them to take specialised treatment in the nearest hospitals, the cost of which will be covered by the insurance.***

3.18 *Legal Expenses:*

Police officers should be given succour for defending legal actions against them on account of performance of their duty. (Very often the police officers are being prosecuted through private complaints for the actions done by them in the purported discharge of their duties. It is the duty of the Government to help such police officers for defending themselves. A fund for the legal expenses to be paid to the accused officer must be set apart, bearing in mind the reasonable fee prevalent at the relevant time. If any officer wants to engage an advocate of his choice whose fees is higher than the rate envisaged in the scheme it is open to the officer concerned to pay the excess portion from his pocket. But the approved rate of fee shall be disbursed to the accused officer on being satisfied that he engaged

the counsel and defended himself. However if the case ends in conviction in the final stage the officer should be made liable to return the amount received from the Government. A scheme containing necessary provisions for this purpose shall be formulated.

v. A NEW WORK CULTURE

3.19 Police Station should be converted into a forum where greater emphasis should be given for grievance ventilating. Therefore the appearance or the outfit of the police station should not be one instilling intimidation and fear in the minds of the aggrieved persons who approach the police. They must be made absolutely homely and police station should be made easily accessible. The following reforms are suggested in this connection

3.20 The armed sentry standing in front of the police station with the rifle is an anachronism. This can be replaced by policemen armed with revolvers inside the police station, not exhibited ostensibly. Policemen are expected to use fire arms only in self defence of their own body and the body of any other person or the building and properties of the police station. What is guaranteed as self-defence in the IPC can be exercised by the policemen in self-defence but not any more. Police personnel can be armed with small arms when they are deployed on duty outside the police station as well. Whenever additional force is required the help of the armed battalion can be sought who will have

more sophisticated weapons. (For details see para 4.37 at page 63 in Chapter IV)

3.21 *A Woman Constable as receptionist in the police station would give an atmosphere of cordiality and homeliness. She must maintain such documents/registers as may be prescribed including a register for recording the names and addresses of all visitors to the police station and shall give receipts in acknowledgment of all complaints received. Besides, she should be of assistance to the visitors seeking information and documents from the police station.*

3.22 *Every police station shall be equipped with a computer and an operator for feeding the necessary information as well as collecting the needed information at the quickest possible time. The computer shall have facilities for fax and printer. (For details see para 4.38 at page 64 in Chapter IV)*

3.23 *At present most of the police stations are not spacious enough for containing the necessary infrastructure. The staff, records and furniture now remain crammed up in tiny rooms. Even seating facilities for the police personnel cannot be provided therein. This would contribute to the policemen losing their verve to give sufficient turnout of their work. Therefore the Commission recommends that urgent steps be taken to build additional space to every police station.*

3.24 *A suggestion has come from quite a large number of persons that the present lock-up system in the police station should undergo substantial change. The sight of a lock-up inside the police station itself is bad. It worsens when human beings are seen languishing in such lock-up.*

3.25 The Commission recommends that the lock-up provision be totally separated from the police stations by creating a lock-up building sufficiently far away from the police station. Such centralised lock-up can be meant for all the police stations of every Sub-Division. The prisoners interned shall only be kept in such centralised lock-up. The registers with all necessary particulars shall be kept by the officer in charge of such central lock-up. This would add to the transparency and prevent misuse of police lock-up at police stations. In fact the set up of police lock-up in the police stations should be abolished. The supervision and security of such lock-up shall be entrusted to a separate team under the Assistant Commissioner/Deputy Superintendent of Police.

3.26 The bulk of the time of local police is utilised at present for law and order duties, leaving hardly any time for crime investigation. The Commission suggests that both should be separated at the police station level where staff should be earmarked for crime investigation for a definite period and they should not be withdrawn for law and order duties indiscriminately. This will considerably help continuous and sustained investigation of cases leading to better results. (For details see para 4.39 at page 64 in Chapter IV)

3.27 The system of preparing unsigned statement of persons interrogated by the police during investigation has already led to very unwholesome consequences; one of them is that the police can write whatever they please without the witness concerned even knowing what is recorded as his statement. This gives enormous scope for

manipulation and in turn this system benefits not only the unscrupulous police officers, but very often the accused also. This system renders the supervision by the senior officers ineffective because the subordinate can always say “This is what the witness told me”.

3.28 *The Commission recommends that the State should carryout an amendment to Section 162 of Cr.PC. The statement of whomsoever interrogated by the police officer, if reduced into writing, shall be signed by the person interrogated and the interrogator.*

3.29 *In a State like Kerala where the literacy is of a high order and political consciousness has gone up very high an amendment to Section 162 of the Cr.PC to the limited extent of requiring the obtaining of signature of the person interrogated would improve the quality and honesty of the investigation. This may even be a good ground for the witness to stick to the statement during trial.*

3.30 *Police personnel allotted to local police through the A.P Battalion/ Armed Reserve have no training in local police work including investigation, traffic control, maintenance of station records etc. They should be exposed to a short term training of at least one month before being posted to local police to familiarize with the local police work. This can be arranged at the District level.*

3.31 *Police are not entitled to conduct investigation into non cognizable offence without permission of the court. However in practice many complaints involving non-cognizable offences are being enquired into by the local police station. This is now*

being done under Departmental Circular No.1/73 dated 18.01.73 issued by the Director General of Police. The only advantage enabling the police to conduct such enquiry is the possibility of preventing the minor situations arising from disputes to snowball into graver offences including cognizable offences. But there are so many demerits to this permission given to the police as per the Circular. The power to enquire into such complaints has provided fertile ground for corruption and indiscriminate harassment of people by the local police. There is a demand for totally curbing such powers given to the police and on the other side there is a demand for regulating such powers. After considering all aspects the Commission recommends the following:

- (1) Let the power given to the police for conducting enquiry into the complaints be retained but it should be ensured that the police officer who requires the attendance of any person against whom the complaint has been made shall supply a copy of the complaint to such person even at the time of summoning him/her to the police station.*
- (2) It happens quite often when the person summoned attends the police station the Police Officer concerned is absent. In such case the officer present at the station, who is immediately subordinate to him, shall conduct and complete enquiry without requiring the summoned person to visit the police station again. If*

found necessary the Police Officer shall complete the enquiry by visiting the spot of occurrence. A Circular to the above nature should be issued by the department making it clear that non-compliance would be at the risk of the delinquent police officer for departmental action.

3.32 *It is recommended that the State Government may issue a general order prescribing that all constables qualified to be promoted as Head Constables shall also be entitled to conduct investigation. If this is done at the earliest we are hopeful of immediate clearance of heavy backlog accumulated in many police stations. (For details see para 4-39(A) at pages 64 & 65 inChapter IV)*

3.33 *Creation of metropolitan areas and conferment of powers on the Commissioners of police.*

Section 20 (5) of Cr.PC contains power of the State Government to confer on a Commissioner of Police the powers of the Executive Magistrate in relation to a metropolitan area. Section 8 (1) of the Code empowers the Government to declare any area comprising a city or town as 'metropolitan area' when its population exceeds 1 million. Sub Section (3) of that Section empowers the Government to extend or alter the limits of a metropolitan area.

There would be obvious advantages in the police functioning, particularly those relating to law and order

administration, if the above provisions are invoked by the State Government in respect of at least three areas under the three existing Commissionerates in Kerala where population has already crossed 1 million;

(1) Thiruvananthapuram

(2) Kochi and

(3) Kozhikode.

It is learnt that almost all the other States in India, at any rate, all the States in South India, have already invoked the above provisions of the Cr.PC in respect of the Commissionerates existing therein; eg. in Tamil Nadu the Commissionerates of Chennai, Trichi, Madurai, Salem, Thirunelveli and Coimbatore; in Karnataka the Commissionerates of Bangalore, Mysore and Hubli Dharwar and in Andhra Pradesh the Commissionerates of Hyderabad, Vijayawada and Vishakhapatnam. Such Commissionerates are exercising powers mentioned above. (The latest is Cyberabad.) The Commission recommends that such an experiment can be made in Kerala for improving the police performance.

3.34 *At present the Collector and District Magistrate is to deal with the issues concerning granting, revoking and suspending licences under the Arms Act. They are also exercising power under Chapter VIII of Cr.PC (Security proceedings). We have learnt that Collectors exercising such powers have been very ineffective. It is bound to be so, as the District Collectors are saddled with multifarious other duties of administration. If the Commissioner of Police is empowered with such powers, as Cr.PC provides very clearly, such powers would be much more effectively*

dealt with, contributing to the improvement of law and order situation in a substantial manner.

(vi) GARNERING OF POLICE PERSONNEL

3.35 It has been observed that a lot of police personnel are being posted to superfluous duties which have become totally outmoded now. It has resulted in wastage of a good number of police personnel who could otherwise be deployed in useful duties. Hence we suggest the following measures could be considered for adoption:-

3.36 *Treasury guard has now become quite unnecessary. In most treasuries no money is kept now. Banking institutions keeping far higher amounts of money can work safely without a police guard. Post offices containing saving banks and other cash transactions with whopping dimensions of money are not being posted with police guard. Thus a lot of precious manpower is now being wasted by keeping police guard at different treasuries. This can safely be withdrawn.*

3.37 *Eventhough policemen posted as orderlies have been withdrawn by replacing them with personnel on security duty there is indiscriminate deployment of policemen drawn from different units. In fact many officers are understood to be retaining a number of personnel drawn from different units for their personal use. The Commission feels that a large number of personnel can be*

saved if security personnel are drawn from a single unit like the District Armed Reserve on a prescribed scale. This will help accounting for the number of persons deployed with each officer.

3.38 *It is suggested that Sections 62 and 91 of the Cr.PC shall be amended through a State amendment to dispense with the need to serve court summons through police stations. The service of summons is a great drain on time of police persons under the present system. Section 62(1) requires that “every summons shall be served by a police officer”. This would apply to Section 91(“summons to produce document or other thing”). Actually summons can be served by post at the first instance and they could be sent directly from the court to the person concerned. The need for employing police assistance for service can be thought of only when the person (on whom the summons was served by post) does not appear in response to it. This can be made clear by suitable amendments to Section 62(1) and Section 91. This will in a way help the court if the summons work can be computerised and a simple software is adopted for conveniently generating and mailing them.*

3.39 *Prisoners escort can be dispensed with or atleast reduced. A large number of police personnel are deployed today for escort duty for the prisoners from jails to the courts. This involves a huge amount of money and waste of manpower apart from the risk involved not only for the prisoner to escape but a life hazard for the police personnel. Provision can be made for magisterial visits to the jails for the purpose of remand extension and other routine*

postings which do not involve hearing or evidence or arguments. In cases where the under-trial prisoner appear to be a security risk the trial can be proceeded with either dispensing with his personal appearance and substituting a photograph for his identity or by resorting to video conferencing.

3.40 *The Government should review the present scale of escort provided to VIPs. VIP escorts have now become an unnecessary appendage. A security officer acting as gunman will ordinarily be sufficient for any VIP in the security scenario in Kerala. From experience the Commission can say that the Supreme Court Judges found their security well guarded by a gunman in mufty even after pronouncing judgements in cases involving mafia people. If the above suggestion is implemented quite a large number of police personnel can be garnered and deployed in areas of real need.*

3.41 *District Armed Reserve (DAR) is at present utilized for law and order duties in addition to armed police battalion. The armed reserve cadre in the districts can be merged with the local police and sufficient number of policemen provided in the local police stations after providing a minimum strength stationed in the armed reserve for emergency law and order response and essential prisoners escort. All the other guard duties and important law and order duties can be allotted to the Armed Police Battalions. By this merger while the personnel will belong to local police, some of them can be earmarked to attend to camp duties by fixed turns of short duration. The officer*

cadre in the armed reserve required for administrative duties will continue to be in the armed reserve itself and surplus, if any, deployed elsewhere.

3.42(a) In recent times there has been a new trend that IGP and ADGP are being assigned to posts outside the department or posts which are not directly connected with police work. The job content in such assignments does not justify the posting of senior officers in such posts. Apart from under utilization of their experience such postings have a demoralising effect on the force in general. An officer of the rank of IGP and ADGP, who has completed a minimum of 18-30 years of service is a major asset to the department and his field experience, knowledge and professionalism, can be beneficially used for the department and the general public. But the posting of such experienced officers to assignments outside the department (like IGP Human Rights Commission, IGP Lok Ayukta, IGP Ombudsman, IGP Kerala Public Service Commission etc.) leads to a drain of precious experience and expertise, which otherwise should have been used effectively for the department. The Commission understands that posting of some of the above officers are based on the existing provisions in some of the Acts, but it is felt that the nature and the scope of the work in these posts can be effectively managed by officers of the rank of Superintendent of Police.

3.42(b) For the aforesaid reasons the Commission recommends that amendments may be made to these Acts to make it possible to assign officers not below the rank of

Superintendents of Police to the relevant posts envisaged in such Acts.

3.42(c) ***To streamline the officer's cadre in the Police department it is suggested that senior officers of the grade of ADGP who are outside the Department are assigned to posts such as Excise Commissioner and Transport Commissioner. IGP zones may be upgraded as ADGP North Zone, ADGP South Zone. At the level of IGP, the four Ranges can be upgraded and IGP can be posted to these four Ranges. Along with this the three Cities of Trivandrum, Kozhikode and Kochi can be upgraded to the status of full-fledged Police Commissionerates and DIG can be posted as Commissioners of Police.***

3.42(d) Police Department has grown in terms of number of officers and men over the last 50 years. But the growth has been lop-sided and many of the posts do not have sufficient work attached to them. This is particularly so in the case of DySPs who are not in charge of subdivision as also in the case of several senior IPS Officers. It is high time that the Government takes a hard look at the job content of the DySPs who are not in charge of Sub Divisions. They can be given special tasks such as in department inspection of Police Stations, supervision of investigation of difficult cases which require special attention etc. A departmental Committee may be set up to review and revise the job content of senior IPS Officers not directly connected with law and order.

(vii) COMPUTERISATION OF POLICE FUNCTIONING

3.43 We understand that at present computers have been installed at some police stations and that there is a plan to expand this to

other police stations. It is a very welcome step as computerization will help acceleration of the police functions. It reduces scriptory work which has become a bane of the police functioning. ***If every police station can be equipped with a computer, the equipment could be fed with not only the data and the informations needed but utilised for generating all formats and other necessary documents. It should be made a mandatory rule that all the policemen below the age of 50 shall acquire the skill to handle computer. Those who fail to acquire the skill within a prescribed period may be informed of the consequence of adversely affecting their future prospects. (For details see para 4.38 at page 64 in Chapter IV)***

(viii) TRAFFIC

3.44 Minimum lessons on traffic laws should be made part of the curriculum at the level of high school. The inclusion of traffic subjects in the course of studies will have the additional advantage of reducing fake licences.

3.45(1) We are sorry to say that the traffic control in Kerala is in a very unsatisfactory condition as revealed by the mounting road accidents year after year. No steps, much less concrete steps, have been taken for improving the situation by preventing the alarming increase in over speeding, drunken driving etc. The police, especially traffic police, has a major role to play in the field. The traffic enforcement would indirectly lead to the overall reduction in traffic accidents. Substantial number of fatal accidents are broadly on account of two causes: (1) collision of speeding vehicles from opposite directions (2) riders of two wheelers without wearing helmet.

3.45(2) The Commission, therefore, recommends the following measures to combat the malady:

Putting up dividers on all High-ways should be declared as a policy. Such dividers should be appropriately illuminated. The cost of this can easily be mobilised through advertisements erected on such dividers and also through donation from insurance companies(At present the Nationalised Insurance Companies are bearing huge loss for paying compensation on account of the awards passed by Motor Accidents Claims Tribunals. The statistics worked out by them show that major chunk of this liability arises on account of collision of 2 vehicles carrying passengers riding from opposite directions). Insurance Companies must be persuaded to contribute in a substantial manner to any fund required to putting up such dividers as that would considerably lessen their financial liability to pay compensation eventually.

3.46 The past experience with the experiments to impose helmets on two wheeler riders was unproductive particularly in Kerala. However we realize that the antipathy of such riders to use the present type of helmets is not totally unjustified because of four main drawbacks: (1) The helmet plugs the ears completely and it also narrows the vision (2) it heats up the head due to lack of air passage (3) it is too heavy and hence vulnerable to create neck problems (4) in two wheelers there is no suitable device for keeping the helmet when the vehicle is stationary.

3.47 The Commission recommends that the Government should move the Bureau of Indian Standards (BIS) to make a new design of helmet which would be bereft of the above drawbacks or at least to reduce the gravity of the above drawbacks in a substantial measure. If such a new design

can be achieved the Government can launch publicity drive persuading the riders to use them, by highlighting the advantages of wearing helmet.

3.48 **Traffic should be made a special subject during the training of police personnel. No person who fails to secure the needed percentage of marks in the subject of traffic shall be allowed to pass out of the training institute. Apart from this, a policeman before being deployed to traffic duties should be compelled to undergo a short-term course in traffic management. The curriculum should contain adequate lessons of behaviour towards pedestrians, drivers and passengers, during the traffic controlling hours.**

3.49 The policemen assigned to checking vehicles should not stop a large number of vehicles at the same time. They should only go to the driver and shall not require the driver to go to the police vehicle for inspection during traffic hours.

3.50 While introducing any reforms in the traffic management in any locality the police shall consult the Traffic Advisory Committee with reference to the reforms sought to be introduced.

3.51 A Statutory Traffic Regulatory Authority shall be constituted in all the cities and other District Head quarters besides other important towns in the State with representatives from Municipality, PWD, Transport department, Police etc. with legal authority to implement steps for traffic improvements.

3.52 The efficacy if exhibited by any S.I in traffic management should be commended upon by the superior officer in the Confidential

Report. Necessary provision for it should be made in the proforma of the Confidential Report.

3.53 The Commission sees no special reason to provide Red lights on the vehicles of VIPs because red lights are more misused for traffic violations than used in the right sense. As all and sundry have now managed under one pretext or the other to acquire this VIP outfit it has become a fashion to fit their vehicles with red lights. Therefore we recommend that all red lights on the vehicles shall be forbidden even in the vehicles of VIP. VIP can keep a security officer in a car, if he wants, and that should satisfy the need for special help. Blue light can be fitted on vehicles attached to the ambulances, fire force and law and order police. (For details see para 4.40 to 4.43 at pages 65 to 68 in Chapter IV)

(ix) ABKARI

3.54 It is a stark reality that the abkari mafia in Kerala is exerting influence at every level of the political, social and economic life of the society in Kerala. It is not our endeavour to point out the causes for the growing abkari influence into a monstrous level.

3.55 The police should be extricated from the abkari activities, enforcement of abkari laws and dealing with liquor business. That should be entirely left to the officials of the Excise department.

3.56 *Police shall have nothing to do with abkari matters.*

(x) ACCOUNTABILITY

3.57 Apparently, accountability is an abstract subject particularly in the case of police. As a principle every public servant is accountable to the people and if he does so it is very ideal. When the Commission pondered over this subject for formulating certain concrete proposals it occurred to us that the following recommendations may be made:

3.58 *A Police complaint box shall be kept in every office of the local body (Corporation, Municipality and Panchayat) and not in any police station. It should be under the lock and key of the President of the local body. It should be opened once a month by the said head person in the presence of one Principal of a college situated in the locality, and the senior most Principal/Headmaster of the Higher Secondary Schools and in the absence of such a school the head of the next higher educational institution.*

3.59 *The complaints in the box will be examined by the above persons jointly. If they find substance in any of the complaints that shall be reported to the Superintendent of Police for such action as the Superintendent of Police deems fit. The nature of the action taken by the Superintendent of Police shall be communicated to the President of the local body concerned within a month. This work of the SP shall be monitored by the DIG concerned.*

3.60 *To ensure the implementation of this scheme the SP shall direct the President of the local body concerned to*

maintain the box and to give adequate publicity. The Head of the local body shall choose the senior most Principal/Headmaster of the educational institutions for the above purpose.

3.61 *Adalaths may be set up at sub divisional levels periodically, atleast once in six months, for solving various problems connected with the functioning of the police, including clearance of long pending complaints and grievances. This will help to win the confidence of the public and improve the police community relations besides its usefulness for the on the spot disposals of complaints.*

3.62 *The Superintendent of Police should prepare an annual report about the activities concerning all the police stations in his charge relating to the crimes, law and order, collection of intelligence and community service, dates of reporting and charge sheeting of FIRs in which final report is not laid within 3 months and the reasons thereof should also be included in the above report. The DGP shall cause the report published so that the public at large is aware of the performance of the police.*

(xi) TRANSPARENCY

3.63 *The Commission has come across in recent times a tendency on the part of Investigating Officers to appear before the publicity means either directly or through electronic media and disclose the progress of the investigation including the work thus far done by them. The Commission considers such acts of the Investigating*

Officers as not a good practice and hence such tendency should be discouraged. But it is open to the Investigating Officer to report to the Superintendent of Police concerned and request him to keep the public informed of such development. This can be done by the Superintendent of Police directly or through a spokes person (who shall not be an investigating officer). It is desirable to have a police spokesperson not below the rank of Deputy Superintendent of Police in every district to interact with the media.

- 3.64 Every police station must publish on the Notice Board the particulars of the cases registered during the previous week, and it shall remain on the notice board for at least six days more. This is for the information of the public.
- 3.65 It has been mentioned under the head “Accountability” that the Superintendent of Police should prepare an annual report and that it shall be published. This requirement will hold good as for transparency also.
- 3.66 Community policing is a measure which can be strongly recommended for implementation in order to achieve transparency in the police administration. Police will have to evolve a mechanism for discussing crime prevention strategies with the members of the community by holding regular meetings. We understood that efforts have been taken on these lines by many of the democratic countries in the West. They are called by different appellations in different countries such as Community Consultative Committee, Citizens’ Advisory Council etc. Police can mobilize the resources of the community by involving civilians actively for intercepting or spotting criminal activities. We know that mobilization of

community for supporting the police will have resistance in this state mainly because of the traditional antipathy of the common man towards the police. So it would take time to achieve the benefits of community policing. Even if there is no immediate result the scheme should be evolved and commenced without delay. The Director General of Police should designate a senior officer, preferably a very well trained officer, as Chief Coordinator of a scheme on community policing. It is not feasible to suggest the features of the scheme for different Districts. Therefore the Commission recommends that the DGP shall prepare the scheme. This should be incorporated as part of the Police Manual. (For details see Para 4.31 to 4.35 at pages 59 to 62 in Chapter IV)

(xii) CONDUCT OF PROSECUTION

3.67 Most of the efforts of the police achieved through investigation of crimes usually wither out at the culmination stage when criminal cases which deserve conviction end in acquittal. We are only concerned here about the unmerited acquittals. Among the causes attributable to such acquittals inefficiency of the Public Prosecutor in conducting prosecution plays a major role. Even among some of the Public Prosecutors who cannot be termed as inefficient some members of the Bar expressed reservation about the integrity of a few of the Public Prosecutors/Assistant Public Prosecutors. In order to improve this situation the Commission makes the following recommendations:-

3.68 *Public Prosecutors and Additional Public Prosecutors shall be appointed only from a panel prepared by the Sessions Judge.*

3.69 *The Assistant Public Prosecutors (who appear in the courts of magistrate) belong to a cadre. They must be made accountable to an authority which has a role in supervising the police investigation. At present Assistant Public Prosecutors are made accountable to the District Collector. Experience has shown that the District Collector is not the right officer to supervise the performance of the Assistant Public Prosecutors. This might be on account of the fact that the District Collector does not come in the picture of any criminal case at any stage. The Superintendent of Police is a better person to monitor the progress of the prosecution effectively. However the Assistant Public Prosecutors are now not accountable to either the Superintendent of Police or to any other officer of the police department. Hence it is recommended that the Superintendent of Police shall watch the performance of the Assistant Public Prosecutors and report to the Director General of Prosecution regarding any lapses noticed by him. Further the Superintendent of Police shall have a say in making observations about the performance of the Assistant Public Prosecutors which observation shall be entered in the annual Confidential Report of the person concerned.*

3.70 *The Investigating Officer must send a report to the Superintendent of Police in every case of acquittal showing his assessment of how the prosecution was conducted. The Superintendent of Police should send this report to the District Collector and Director General of Prosecution with his comments.*

(xiii) SCIENTIFIC LABORATORIES

3.71 At present 2 types of laboratories are functioning in Kerala for aiding the investigation:

- (i) The Chemical Examiners' Laboratory
- (ii) The Forensic Science Laboratory.

(The public analyst laboratory is of a different category as food articles are being analysed there. But the police investigations do not have any connection with this).

3.72 The first category of Laboratories deal mainly with analysis of viscera and the samples forwarded by the Excise department. The latter is to carry out the all comprehensive scientific analysis which for practical reasons exclude what the chemical laboratory does.

3.73 The Forensic Science Laboratory is now very much understaffed. There are only 13 Scientists whereas in the neighbouring State of Tamil Nadu the corresponding Laboratory is reported to have nearly 400 Scientists spread over to Regional Forensic Science Laboratories. It is quite evident that the delay in giving the report of analysis made in the Forensic Science Laboratory in Kerala is attributable to the scarcity of hands to analyse the increasing demands from investigating officers. Such delay is responsible to contribute to the inordinate delay in commencing prosecution procedures in the Court. We are told that a Regional Forensic laboratory is set up at Kannur, but it has not reached functional stage on account of want of scientists deployed to that unit.

3.74 So it is imperative that the strength of scientists in the Forensic Science Laboratory should be increased to a far higher level than what it is now. The Commission does not suggest that the strength should be 400 as in the case of Tamil Nadu. At least as a temporary measure the strength of the scientists in that Laboratory should be increased to 50 for coping with requisitions from various courts in Kerala thirsting for early report of the scientific analysis. In our opinion, this must be taken up on a priority basis and if it is not done, the arrears will swell up to unmanageable level which could even pose a threat to the very administration of the criminal justice system.

3.75 The accumulation of arrears in the Chemical Laboratory is reported to be nearly 20,000 cases of viscera analysis, but we are told that the actual need will be only in the case of 4000 out of the said 20,000. There is practical difficulty to discern those 16,000 cases. The investigation or prosecution would have been completed and there is no need for a report of the Chemical Analysis in any of these cases. (But the Laboratory cannot identify those cases until it gets a report from the investigating officer concerned or from any superior officer). The Analyst may be waiting for such report. During that period he gives out the accumulated figure as the total arrears pending. To ameliorate the above situation we make the following suggestions:

3.76 A police officer of the rank of Deputy Superintendent of Police shall be specially deputed to gather information from all police stations regarding the cases in which the chemical analysis report is no more required. He should complete the work within a period of 6 months from the date of his appointment and send

a report to the Chemical Examiner who should act on that report by clearing the arrears, and analyse the remaining cases only. The Chemical Examiner should be relieved of the obligation to wait for the clearance of the Medical Officer who did the autopsy. The existing rules or departmental instructions, if any, should be modified to achieve the above purpose.

(xiv) CORRUPTION AMONG THE POLICE

3.77 Corruption is a general syndrome and Police Department cannot be treated as the springboard or storehouse of all corruptions nor is it the only department where corruption has invaded. During the sittings conducted by us we came across allegations of corruption against personnel belonging to all departments, perhaps corruption in the Police Department is much lower when compared with certain other departments under the Government. However this comparative lessening of the percentage is no solace. Corruption itself being an offence the Police Department should be a model to other departments as the managers of the prevention exercise of all offences.

3.78 Payment of bribery is usually done with great secrecy and therefore it is difficult to pinpoint the culprits. The autonomy given to the police has not reduced the corruption level among the police personnel though we are unable to report that such autonomy had any adverse effect on this aspect.

3.79 The Commission is of the view that the Vigilance and Anti Corruption Bureau which is responsible for investigation of corruption cases, should be free from police influence.

Presently almost the entire personnel of that Bureau are drawn from Police Department. The Vigilance Directorate is therefore not able to maintain an independent image. Allegations against police officers are being enquired into by other police officers. This does not carry conviction in the mind of the public. The Commission recommends the following as measures to improve the situation.

3.80 *The Vigilance and Anti Corruption Bureau shall be headed by a very senior police officer. He shall be ranked even above the DGP for the purpose of giving a singular position to him and shall be designated as ex-officio Secretary to the Government. The person who holds that office shall not thereafter be given any assignment under the Government. The Department shall progressively develop its own cadre atleast to the extent of 50% through direct recruitment and the balance should be drawn from other Government Departments including the Police Department, either through deputation or by permanent absorption. The Director of Vigilance should be given the freedom to choose officers of proven integrity from the police and other departments to fill up the other posts. Suitable training shall be given to them to equip them for investigation of vigilance cases.*

3.81 *Vigilance and Anti Corruption Bureau should be given absolute freedom for investigation and charge sheeting cases without awaiting Government sanction. The need for sanction of the Government or appointing authority before the court takes cognizance of the offence can be complied with by presenting the charge sheet before the Government*

for according sanction to present it before the court. The existing Government instructions in this regard should be suitably modified.

3.82 *The Commission recommends, in addition to above, there should an in-house-arrangement for monitoring the corrupt elements in the police department. Such arrangement can be in the form of a cell formulated by the DGP with separate staff for making independent enquiry against corrupt elements in the department. If the cell comes across instances of corruption it can either be referred to the vigilance bureau or the cell itself can conduct such investigation as it deems fit. The DGP shall make sure that the officers involved in such cases are not retained in places which have opportunity to continue such corruption.*

3.83 *At present acquisition of assets disproportionate to the known source of income of the public servant (which he is unable to satisfactorily account) is an offence under the Prevention of Corruption Act 1988. But the Public Servant who is found guilty of that offence need not surrender the excess wealth and there is no provision to confiscate or to deal with such excess. Acquisition of assets in the names of others (benami) is now being made with impunity. The following measures are recommended:*

(a) *Explore the possibilities of a State amendment to the Prevention of Corruption Act 1988 empowering the Government to confiscate the excess assets/wealth of the convicted public servant.*

(b) An amendment to the effect that the court may presume that the acquisition alleged to be benami are the assets of the accused public servant.

(xv) COMMUNITY POLICING

3.84. This is a modern concept for improving the police interaction with common people. Regular public interaction with the police has been tested in western countries. In Britain community consultative committees are set up, while in Canada Citizens' Advisory Councils are the counterparts. These committees hold meetings with the members of the public periodically and such meetings have proved to be quite useful for the police as well as community. The Commission recommends that the Government should implement community policing on an experimental basis. (For details see para 4.31 to 4.35 at pages 59 to 62 in Chapter IV)

CHAPTER IV

RAISON D'ETRE OF THE CONCLUSIONS

4.01 There were mixed opinions of people from all walks of life as to the performance of police which might have been formulated from individual experiences, media reports and information from other sources. It was noticed that majority of retired Senior Officers and a few in the service expressed their dissatisfaction over the performance of police during the relevant period for their own reasons. It is proposed to deal with the negative opinions on the performance of the force before touching upon the positive views. The assessment seems to be based on the incidents in Muthanga, Marad and Killi in the Wayanad, Kozhikode and Trivandrum districts. According to them the performance was not satisfactory as the said incidents were widely criticized. One of the retired Senior Officers opined that general performance of police was dismal as they have been misused by the rich and powerful persons and that the common man was afraid to approach the police. It was observed that the quality of performance declined due to lack of discipline, absence of responsibility, political affinity, arrogance and corruption. One of the former senior officers went to the extent of saying that during the period in question norms for transfers were flouted with impunity. Some have also expressed their dissatisfaction by stating that performance could not be improved as there was hardly any accountability in the police at higher levels although

lower and middle levels were taken to task and made accountable for their failures. The assessment on handling of Muthanga incident was that the police have to be blamed as they did not take any prompt action in the initial stages due to political intervention. Quite a few others said that no perceptible change occurred in the basic system eventhough apparent dressing up or polishing was visible to some extent.

- 4.02 During the examination of witnesses from the Police Officers Association they said that discontent among them was created consequent on the indiscriminate transfers of many officers, during 2002-2003.
- 4.03 One of the Members of the Legislature stated that certainly there was failure on the part of police in taking timely action in the case of Muthanga incident. He also stated that the encroachment on the Government forest land should have been prevented on the day of the attempt, by using sufficient police force. The Killi incident also brought bad image to the police as police have misused their power. Lack of intelligence was visible when law and order problems were reported. There was a suggestion from another MLA that police have to be trained in such a way that they should not be influenced by political power or money. Although he did not comment on the performance of police during 2002&2003 he had expressed the view that all tainted police officers and those who got mafia connections have to be sacked. While the Commission was holding its public sitting at Idukki on 12 November,2004 one of the MLAs of that district conveyed his observations wherein he had stated that corruption is rampant in the police force and measures have to be taken to detect the connection between police and goondas.

A Panchayat President complained that the police was not impartial while the local body interacted with them during 2002 and 2003 in the cases of unauthorized sand mining, illicit liquor trade and certain law and order problems. He also alleged about the misbehaviour and other misdemeanour on the part of the police.

4.04 The positive views expressed on the performance of police by retired as well as serving senior police officers were that police have shown substantial improvement when law and order problems arose. According to them, considerable improvement was visible with regard to discipline, efficiency and in the dealings with public and hence offences declined. Police performance was effective but pressure and influence were visible. They all said that performance was good but for some stray incidents. Several senior civil servants also supported the view that there was some improvement in the overall performance of the police under the new dispensation.

4.05 In the sittings held at the District headquarters some people said that the performance was deplorable due to the reasons that there were unnecessary use of force, hostile reception, communal interests, harassment, misuse of power, unjustifiable arrests, improper and delayed investigation of cases, protection to goondas, sex racketeers and mafia groups, forgery of FIRs, bargaining in passport verification, violation of human rights etc. on the part of the police during the years 2002 and 2003. At the same time some others observed that there was perceptible change for the better in police functioning from 2002 onwards and the independence given to them worked out for good.

4.06 Police performance is difficult to define and it can be assessed only with reference to their functions and duties and the fulfilment of the expectations of the public from them. The indication of successful police performance is the prevalence of allround peace and harmony in the community with possible aberrations being dealt with speed and efficiency. Efficient police performance as felt by the public would mean effective tackling of offences and the freedom of the public to approach the police at any time with their grievances with the expectation of speedy redressal. In other words prevention of crime and investigation of crime as well as maintenance of law and order can be said to be the key functions of the police. The police must rise to the level of friend, philosopher and guide particularly in times of natural calamity. If prevention of crime is successful the support, cooperation and participation by the people will be available in the endeavours of the police to instil a sense of security. Crime investigation is of paramount importance and would include prompt response on the part of the police by immediate visit to the scene of crime, correct registration, speedy investigation which should be honest and impartial and effective prosecution.

4.07 Maintenance of law and order would mean the existence of a peaceful and harmonious atmosphere among people with lawlessness being contained effectively. The manner in which law and order is maintained also assumes significance in this connection. While use of force cannot be ruled out it should be minimal. It is the recognized responsibility of the police to protect life and property of the people particularly women and children, 'daliths' and other vulnerable sections of the society.

- 4.08 Effective police performance would also mean proper traffic management, ensuring smooth flow of traffic in urban areas and containing the rising trend in road accidents by timely and effective prosecution of offenders.
- 4.09 A measure of police performance will be the spirit of service displayed by police especially to the weaker sections of society and the quality of service rendered in distress situations. Generally the people must feel free to approach the police at all times to ventilate their grievances and to return home with the satisfaction that their complaints have been listened to with sympathy and concern.
- 4.10 A mark of police performance is the reputation which the police enjoys regarding their integrity, honesty and courtesy. Very often allegations are raised regarding police nexus with the criminal elements in the society and discourteous behaviour.
- 4.11 From the above it could be seen that if police performance is difficult to define it is more difficult to evaluate it.
- 4.12 The Commission noted that the National Police Commission (1970-81 in its 8th Report) has bestowed considerable thought on police performance and have dwelt on the yardsticks which should be adopted by the State Police organization for evaluating performance. This includes prevention of crime, investigation of crime, law and order, traffic management, service and reputation of fairness and courtesy. The following could be the broad parameters of police performance:

1. Prevention of Crimes
2. Investigation of crimes and prosecution of crimes
3. Maintenance of Law and Order
4. Traffic management
5. Police response to public grievances
6. Police response to emergencies
7. Police response to information on cognizable crimes
8. Conduct of police towards public with courtesy
9. Reputation of integrity and impartiality of individual officers and the force in general.
10. Efficiency of the police in collecting advance intelligence on potential law and order incidence including communal tension.

4.13 The Commission had made an assessment of the feed back received from the public regarding police performance in 2002 and 2003. The Commission finds that the responses were a mixed bag ranging between adulation and accusation. Some mentioned that there was substantial improvement in the law and order situation, considerable improvement was visible with regard to discipline, efficiency and dealing with the public, there was complete change in the out look and performance and efficiency and the cases were being investigated sincerely. At the other end of the spectrum it was observed that people were fed up with the police performance and a lot of notoriety was brought to the police by alleged mishandling of the incidents in Muthanga, Marad and Killy. Some added that the general performance was dismal and the police are feared today by the common people and they are misused by rich and powerful persons. A section of the people observed that the quality of performance declined due to lack of discipline, absence of sense

of responsibility and political affinity. A few people took the stand that there was no change for the better or the worse in 2002-03.

4.14 The Commission noted the different views of the people from all walks of life. The majority of the witnesses who appeared before this Commission including senior police officers expressed their dissatisfaction on the functioning of police. It is felt that the rationale for such an assessment is that police have not undergone adequate and proper training on the works supposed to be entrusted to them in the police stations. Unless a policeman learns his work he cannot discharge his duties either to the satisfaction of the department or to the people who look for safety and security with the help of police. The primary duties of policemen are protection of person and property and the maintenance of law and order. Once policemen start attending to such basic duties honestly and impartially, certainly the present attitude of the common public will change to a great extent. Intensive and proper training have to be imparted by providing appropriate faculty and necessary facilities. As has been mentioned above poor performance on the professional front combined with misuse of power by the police are the main factors that contribute to the poor image of police.

4.15 A large number of policemen admitted that they could not discharge their duties to the entire satisfaction of the people for want of sufficient strength and resources. It was noted as significant by the Commission that none, either from the officers' level or from the constabulary, complained that their work was affected by political interference.

4.16 There is no doubt that inadequate strength will reflect in the final output of the police work. The workload on them due to inadequate strength bring tension and distress which reflects in their performance. As to the resources to be provided for the effective work the Commission does not have a different opinion. It has been observed that some police personnel have failed to show any improvement while a considerable percentage were fair in all means. A moderate purging of the system will give the majority a better chance to perform well. The wilful negligence in work or neglect of duty, misconduct or misbehaviour towards members of the force or to the public, corruption abuse of authority etc. have to be looked into very seriously and the erring police personnel should be suitably punished by the supervisory rank in the police hierarchy. Being a law enforcing agency it is the responsibility of the superior officers to ensure whether middle or lower level cadres function within the limits of law and render justice without any heed to external pressures. There should be a set up for constant evaluation of the performance of police in the above mentioned cadres so that they will realize that there is a string tied at their back to correct and control them and the tendency, if any, to do wrong and illegal things by them can be regulated. The courtesy and consideration extended by each policeman towards the members of public should be closely

watched by higher officers. Unless the manner in which police personnel at lower levels behave towards the public is improved the bad name of the police cannot be wiped out from the minds of common people. This attitude cannot be created artificially but it is a matter of self-determination by each policeman or officer. Human right awareness classes and symposia on this matter to build up and to sustain better relationship between police and public have to be conducted regularly and it should be a continuous process. At the same time it is hoped that the new recruits who have undergone training in the Kerala Police Training Academy at Thrissur may develop an attitude of courtesy and consideration and show efficiency in their work. A new orientation is imperative in the police for which the people of Kerala look forward. The Government should also take care or enact legislation against the biased and deliberate attempts to defame or weaken the mental attitude of police personnel by unnecessary criticisms for any purpose. A number of witnesses have represented before the Commission that now it is very common to present the police personnel as bad characters in most of the T.V serials and feature films and that it is high time to impose some kind of restriction on such attempts.

- 4.17 The Commission has not come across any authoritative pronouncement by the Government granting autonomy to the police, except the statements made by the Chief Minister Mr. A.K. Antony. But there is a general thinking among policemen and the public that policemen are allowed to function freely uncontrolled by any interference from leaders of the political parties. By 'autonomy' the police personnel understood as the exercise of the uninhibited powers already vested in the Department in the transfer of officers upto and including Circle Inspectors.

4.18 There is a feeling atleast among a section of public that politicians are unwelcome in the police stations and consequently the public is deprived of their traditional conduit to police authorities.

4.19 In the case of 'Autonomy' also there was difference of opinion among the witnesses examined. One of the Retired Judges of the High Court informed the Commission that there is no point in proclaiming a new police policy which has no meaning. The views of senior police officers and other civil servants can be summarized as under: There were no formal orders about 'autonomy' and that what the police exercised during the relevant period was only the power vested with them under law. The freedom given to police is the freedom to act as stated in the Cr.P.C. and other laws and this new policy will not affect a police officer who does correct things as per the law. The State Government are not invoking the relevant provisions in the Central Acts to modernize the police. The usage 'autonomy' given to the police in recent times itself is suggestive of the fact that some restraint on the working of the police was existing. The police must have only one policy and that is to maintain law and order and to deal with incidents of crime. Although autonomy was granted it did not make any discernable impact on the functioning of police force at the lower level. The new dispensation of autonomy is limited to the non-interference of the Chief Minister and not others. The police is not in fact an 'autonomous' body nor are they so under any law.

- 4.20 During the examination of the public in the hearings conducted at the District headquarters majority of witnesses were definitely of the opinion that the decision of the Government to avoid interference of politicians was good. The Commission noted that they did not hesitate to say that the functioning of a large number of police stations has improved and the interference of people who have power in various degrees in the society and politicians has been considerably reduced. Some requested that the Government should consider and allow the social workers to accompany the accused or the complainant instead of politicians.
- 4.21 Statistics cannot be taken as completely dependable to analyze the effectiveness of police performance, even though certain trends can be delineated from the data. The Commission has collected data from the period from 2001 to 2004 from the Police Department and has made an effort to find out what the trends are.
- 4.22 It is seen while the number of cognizable crimes was 118340 in 2001, it fell to 104200 during 2002 and further to 98824 in 2003. There is a slightly disturbing rise in the total number of cognizable crimes as evidenced from the 2004 figures viz.103199.
- 4.23 The Commission has made an analysis of cognizable crimes under various groups and the general trend has been more or less confirmed by the data relating to the above. In the case of murder, the number was 1321 in 2001 which came down to 1226 in 2002 and remained static at 1226 in 2003. Happily a

fall in the number of murders is seen from the provisional figures of 2004 viz.839.

4.24 Crimes regarding rape conforms to the general pattern in that the number was 595 in 2001 falling to 499 in 2002 and further to 394 in 2003. Here again there is increase to 458 in 2004 (provisional). Kidnapping and abduction present a slightly different picture as the number was 220 in 2001 which fell to 162 in 2002 rose to 189 in 2003 and again to 227 in 2004. In Dacoity and Robbery the trend is almost the same starting with 876 in 2001, 751 in 2002, 795 in 2003 and 744 in 2004. Burglary and theft conforms to the general pattern as it numbered 16294 in 2001, 14132 in 2002, 12523 in 2003 and with a slight increase in 2004 to 12853. Auto thefts have been luckily falling through the period as they numbered 2222 in 2001, which went down to 1978 in 2002 and further to 1668 in 2003 and 1643 in 2004. Cases of Arson also conforms to the same pattern as the figures were 803 in 2001, 452 in 2002, 413 in 2003 and 408 in 2004. Cheating and Criminal Breach of Trust presents a slightly different picture as it went down from 3856 in 2001 to 3281 in 2002 only to rise to 3384 in 2003 and further to 3842 in 2004. Counterfeiting presents a happy picture of continuous decline with 251 in 2001, 135 in 2002, 129 in 2003 and a mere 55 in 2004. Hurt cases registered a decline from 21772 in 2001 to 19033 in 2002, and further to 17696 in 2003, to rise to 18432 in 2004. Even though there was a fall in Dowry deaths from 29 in 2001 to 17 in 2002 it almost doubled at 33 in 2003 to fall to 24 in 2004. There has been a marginal decline in Molestation and Sexual harassment cases from 2241 in 2001 to 2225 in 2002 which fell to 2015 in 2003 to rise again to 2368 in 2004. But

'cruelty by husbands and relatives towards women' presents a picture of steady increase in crimes from 2796 in 2001 to 2836 in 2002 and further again to 2930 in 2003 and 3130 in 2004. Other IPC crimes were 62814 in 2001, 55094 in 2002, 53487 in 2003 and 54244 in 2004. In other words the trend is that there was a perceptible fall in the total number of crimes from 2001 to 2002 which was followed by a further fall in 2003 but there is a tendency to increase in 2004. To sum up while the performance of the police registered some improvement in containing the incidence of crime in 2002 and 2003 when compared to 2001 it exhibits a tendency to deteriorate in 2004. The data obtained from the Police Department is consolidated and appended and given in appendix II (1), (2), (3), & (4).

- 4.25 Presently Police recruitment is done by the Kerala Public Service Commission at the level of constabulary, Assistant Sub Inspectors and Sub Inspectors (apart from occasional special recruitment at the levels of Inspectors and Deputy Superintendent of Polices). Now all recruitments at the constabulary level are to the Armed Police Battalion. They are subsequently eligible for transfer to District Armed Reserve (D.A.R) and thereafter to the local police subject to vacancy. A large number of vacancies occur in the department every year. These vacancies get filled up at the constabulary level. It is understood that the Kerala Public Service Commission's recruitment takes several years with the result the number of vacancies to be filled swells up to staggering proportions. The select list published by the Kerala Public Service Commission to fill up the vacancies is even larger. The department's facility for training being limited, only a portion of the selected candidates can be accommodated for training at a time. Obviously the

training process and filling up of vacancies take unduly long. By that time more vacancies would have been created. The situation is not different with regard to Sub Inspectors. Recently 543 Sub Inspectors were recruited to fill up the backlog of eight years, part of whom have taken charge of police stations while the remaining are still undergoing training. Recruitment of such large number of officers in a single batch causes stagnation and affects their morale and efficiency. It is, therefore, necessary to change the present system of recruitment. The practical experience has shown that if recruitment is continued to be made by Kerala Public Service Commission that will result in a lot of avoidable delay. Its impact on the force on account of shortage of manpower is certainly adverse. The Commission has no expectation that the functioning of the Kerala Public Service Commission would so improve as to leave no scope for delay. Therefore a separate Police Recruitment Board shall be formed. There were many instances in the past when vacancies were not reported to the recruiting agencies even after number of vacancies have swelled up. Entrusting the separate Recruitment Agency with the task of ascertainment of vacancies directly from the department can obviate this unwholesome situation.

- 4.26 At present direct recruitment is resorted to through the Public Service Commission at the level of Police Constables and Sub Inspectors. Some of them, after promotion to the higher levels of Circle Inspectors and Deputy Superintendent of Polices are appointed to the Indian Police Service after satisfying conditions regarding length of service and efficiency. There are, of course, a given number of IPS officers who come into service through direct recruitment.

4.27 It is felt that to improve efficiency of police officers in general and leadership at higher levels in particular it would be desirable to catch a few people at a very young age and train them rigorously for police service. To achieve this objective it is suggested that Government may set up three Police Colleges (not Police Training Colleges) at Thiruvananthapuram, Thrissur and Kozhikode. The idea is to select students with a meritorious record in the SSLC examination and put them through a regular Higher Secondary Course. Those who distinguish themselves in the Higher Secondary examination may be exposed to a three year degree course in which one of the papers will be on the Police. The Secondary and the Higher Secondary courses will be under the control of the School Education Department and the Degree course affiliated to the University. The Degree will be awarded by the University. Candidates with academic distinction will be sent for the All India Service Examination after due coaching at Government cost.

4.28 The advantages of the proposed scheme are the following:-

- (a) Officers with integrity and commitment will be available to serve the Kerala Police Force.
- (b) There will be a band of officers of proven merit, capacity and efficiency.
- (c) Those who pass the Higher Secondary examination with distinction may be given preference for recruitment as Constable.
- (d) Those who pass out meritoriously in the proposed degree examination should be given preference for selection as Sub Inspector.

- (e) Those who drop out/are not up to the mark will not become a burden on the Government because they will be free to fend for themselves after the examinations.
- (f) All the courses must be charged fees, 50% of which will be borne by the students and the rest by the Government.

4.29 It may be noted that police stations are working for 24 hours. The Commission understands that other branches are working from 10 AM to 5 PM. Commission noticed that the training wing is working from 6.30 AM to 8 PM. Policing is admittedly a 24 hour responsibility. Every policeman is liable to work when situation so demands for 24 hours or even more at a stretch. But this does not mean that the Government must insist that even for anticipatable duties, they must be alert for 24 hours. The liability to work for 24 hours must not be construed that the policeman must actually and regularly work for 24 hours. Therefore 8 hours work should be the norm and manpower of police station should be planned accordingly. This can be introduced by dividing the allotted strength based on the suggested yardstick in police stations and on the basis of staff strength. The entire staff may be divided into three shifts on the proportion of 2:2:1. The man relief system may be introduced on the basis of the category of police stations. We understood that the said system was previously introduced in 81 police stations and later discontinued for the reasons not known.

4.30 Commission has noticed that the present policy of transfers and postings are not done fairly as it is ordered not on the basis of

any norms. We understood that transfers are not always done at the instance of politicians. Even earlier transfers were done at the instance of police officers though some of them used to get the intervention of politicians. We feel that the threat of transfer should not be used to discipline a police officer or a policeman. Frequency of transfer has to be reduced as recommended in order to boost up the morale and work satisfaction of police personnel. To be brief on this subject there should be a transfer policy with clear-cut norms and the authority should ensure that same is implemented.

4.31 The major problem faced by law enforcing agencies all over the world is the rising crimes and lawlessness. There is a growing feeling among the public that police are not able to discharge their duties properly in controlling crimes or offer adequate protection to the citizens. The law enforcement agencies have come to realize that in its battle against crimes the active support and co-operation of the public is most essential. The police will have to evolve mechanisms for discussing crime prevention strategies with the members of the community by developing close contacts with them and holding regular meetings. It is an eye opener to the police to various communities problems hitherto unknown to them and a venue for the members of the community to raise the problems and even criticize the police for their various acts of omission.

4.32 To make Community Policing more meaningful and purposeful with the ultimate object of preventing crimes police will have to mobilize the resources of the community. It is understood that in many cities of the United States civilians are actively involved

in intercepting and spotting criminal behaviour. The Drivers of Radio equipped taxis, delivery vans and telephone repair vehicles are sometimes trained to spot criminal activities and notified to the police. Volunteers wearing distinctive caps and Arm bands patrol areas where criminal activities are likely to take place. It is true that mobilization of community support in India for assisting the police is not going to be easy in view of the alienation of the police from the community. But against the backdrop of growing crimes and disorders the public will come forward to help the police only when the police are able to convince the public that they are genuinely interested in helping them and the public can repose confidence in them. Community Policing has three core components, complementary to each other: (I) police recognizing the value of community partnership (as also partnership with other public and private sector resources) (ii) police identifying specific concerns of the community which should become priorities for work, (iii) achieving the above two would necessitate changes in the mindset and organizational set up of the police.

- 4.33 To succeed in this partnership, the police personnel are required to work from a place closer to the neighbourhood and not from a remote police station. Typically, this closeness has to be achieved by regular 'beat' officers (foot patrols), who are posted in a locality, for sufficiently long time or through the establishment of neighbourhood police posts. The Officer is required to learn the characteristics of the area, residents, business, become acquainted with leaders of the area, identify problems of the area, plan ways of dealing with the problem, provide citizens information about ways they can

handle problems, help citizens develop appropriate expectations about what police can do and teach them how to effectively interact with police, develop resources for responding to problems, implement the solution and assess the effectiveness of the solution. The officer is required to build lasting relations with the community over a period of time through schools, neighbourhood watch committees, grass root organizations and media. From the Community Policing perspective, a city is viewed not as one homogenous entity, but consisting of many neighbourhoods each with its own characteristics, problems and service needs. The crime patterns may be different in each neighbourhood and the causes of such crime again may be different in each area. Through the interactions, the police officer is required to tap the unused resources of the people. Thus, the police expertise and Community resources are applied to solve the root causes of crime that threaten the welfare of the community.

4.34 In India several States like Delhi, Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Orissa, Madhyapradesh, Punjab and Jammu & Kashmir have made sporadic efforts to experiment on Community Policing. While these initiatives on police public relations involving the local community is likely to make the police more acceptable among the public, efforts will have to be made to get the co-operation of the community at large in maintenance of law and order and preventing crimes.

4.35 State Police Manual should incorporate a chapter on Community Policing explaining clearly the rationale of the approach, the type of programmes that can be taken up, the

preparatory work that is required, the implementation details and the techniques of evaluation of the results. Booklets containing these details can be brought out for public distribution. State Government can issue orders which would enable the innovative amongst the police officers to launch such programmes. The fund requirements for these initiatives should be assessed and placed at the disposal of the concerned officers. While the State Governments should issue 'enabling orders', there should be no insistence on implementation of 'Community Policing' on a routine basis all over the State. It should also be clearly understood that Community Policing takes time to take roots, and its results are not clearly identifiable over a short period. Hence, the tendency to give up the project half-way-through needs to be resisted. The 'Director General' should designate a Senior Officer from his office well trained in 'Community Policing' as Chief Co-ordinator for this Project. Due recognition should be given to those officers who take innovative initiatives and persist with those. It is suggested that the Government in consultation with the Director General of Police may bring out an 'Operation Hand Book' on Community Policing for the guidance of District Police to bring about a certain degree of uniformity in approach by individual Superintendents of Police.

- 4.36 The Police Constable/Head Constable cadre accounts for 95% of the strength of a police station. At present, an average length of service of nearly 20 years is taken by a constable after joining service to become a Head Constable in the local police in most of the districts (other than the new districts). And it takes 30 years for them to become Assistant Sub Inspector. In most

other Government services, the first promotion is usually available within 8 years or even earlier. In general service, the ratio between Lower Division Clerk and Upper Division Clerk is 1:1. In the local police, Police Constable/Head Constable ratio is nearly 1:3.5 or so. The promotions can be considerably expedited if the ratio can be increased to 1:2.5, by converting large number of constable posts in CBCID, SBCID and other special units to that of Head Constables and increasing the number of Head Constables in all police stations having strength of more than 20 police constables. Courtwork, petition enquiry, beats and patrols etc. can be performed by both Police Constables and Head Constables. The merit of this arrangement is that this will not cause any additional expenditure to the Government because senior constables who had put in more than 10 years service automatically get the pay of head constables.

4.37 For having an armed guard in the present fashion, the effective expenditure of manpower (judged on an eight hour duty schedule) is three persons for 24 hours, which is equal to 9 man days of 8 hour duty. Almost 4000 effective man days are spent everyday for the entire State on sentry duties. This is the single largest duty performed by the police regularly. Sentry duty in police stations, account for almost 20% of the duty output of the constabulary. So the system of armed visible police sentry in front of police stations requires a change.

4.38 The records kept in police stations should be computerized. The present mode of maintenance of records, recording and storing of evidence, keeping the Forms etc. have now become obsolete with the fast developing computer technology. The delay

involved now in every step of the police activity requires drastic change. The only solution for this inordinate delay in the police functioning is to update the scriptory work by computerizing all police station records. In this context the Commission would like to bring to the notice of the Government that almost all public offices as well as private offices are now being operated with computer technology. If this is not adopted in police stations our police functioning would continue to remain in the archaic tardiness. All police stations and the police officers have to be linked with video telephony by which the telephone expenses now being incurred can be reduced.

4.39 The local police should be divided into two branches viz. (I) Crime Investigation Police (ii) Law and Order Police. The duties of former will be registration, petition enquiry, investigation, prosecution and other allied works. The work connected with controlling of processions, riots and other related things should be entrusted to the latter. The Commission hopes that by bifurcating the present local police to the two divisions as above will bring out better results in crime investigation and control of law and order.

4.39(A) In most of the police stations there is heavy backlog of cases which are pending due to inadequate staff for investigating them. At present only Head Constables and above are authorized to investigate cases. In each police station there will be qualified persons though not promoted as Head Constable for want of vacancy. The Commission finds no reason why such persons should not be utilized for conducting investigation of cases (except perhaps the very grave offences). Section

157(1) of the Cr.PC empowers the State Government to prescribe a general order in this regard.

4.40 The traffic management is one of the major responsibilities of the police and is often used as one of the yardsticks to assess their performance. Kerala has become notorious for the loss of lives every year due to the mounting traffic accidents. It is estimated that nearly 3000 people die, on an average, every year due to road accidents ie. nearly 60 people per week. There are 28 lakh automobiles plying inside Kerala whose total geographical area is 38000 Sq.Kms. 58% of the automobiles are two wheelers numbering 16 lakh. Approximately 30% of accidents are caused involving two wheelers and out of the victims in motor accidents 90% are those travelling on motor cycles and other two wheelers. We are of the firm view that death of the travellers on motor cycles could be prevented at least by 50% if the riders use helmets. The present helmets are designed for European Countries and they plug the ear completely and narrow the vision. Moreover its weight causes problems like spondylosis apart from the fact most of the helmets of poor design and there is no air passage.

4.41 Detailed statistics on road accidents are compiled every year by the Police. It is seen that both accidents and deaths and injuries due to accidents are on the increase every year. In the year 2001 the total number of accidents was 38361 injuring 49675 and killing 2674. During 2002 the number of accidents rose to 38762 number of injured 49459 and those killed 2792. In 2003 the number of accidents increased to 39496 injuring 48640 and killing 2905. In 2004 the number of accidents, persons injured and those killed rose to an all time high, the

figures being 41220, 51217 and 3059 respectively. The data obtained from the Police department is presented in a tabulated form in Appendix II (1), (2), (3) & (4).

4.42 The majority of road accidents is seen caused by the fault of the drivers of the motor vehicles, technical defects coming in as a faraway second. Fault of the drivers of the other vehicles, bad weather, bad road and fault of pedestrians contribute only very minutely to accidents. In 2001 out of the 38361 accidents 37509 were caused by the fault of drivers and 221 due to technical defects. During 2002 the total number of accidents was 38762 out of which 38169 cases were due to driver's fault and by technical defect 248. During 2003 the figures were 39496, 39260 and 80 respectively. During 2004 out of 41220 cases 40892 were due to the fault of the drivers and 279 due to technical defect. The data is furnished in tabular form in Appendix I. Going by type of vehicles it is seen that two wheelers have the pride of place in accidents followed by cars/jeeps/taxis private/mini buses and others. During 2001 in 38361 accidents 11258 two wheelers were involved, the number of cars/jeeps/taxis 7308, three wheelers 7119 and private/mini buses 6352. During 2002 the number of accidents rose to 38762 involving 12345 two wheelers, 7430 cars/jeeps/taxis 6954 three wheelers and 5933 private/mini buses. The pattern was the same during 2003 when in 39496 cases 13137 two wheelers were involved followed by 7630 cars/jeeps/taxis and 5845 private and mini buses. In 2004 there were 41220 accidents involving 14233 two wheelers, 7005 three wheelers, 7944 cars/jeeps/taxis and 5910 private and mini buses. Every year trucks/KSRTC/buses and other heavy vehicles have also been contributing their mite to accidents.

Details obtained from Police Department are furnished in a condensed form in the Appendix III.

4.43 It is evident that the system of issuing driving license is almost anarchic. Otherwise there is no reason why so many accidents could be caused by the fault of drivers. It is common knowledge that enforcement of traffic laws is almost negligible and the people at large also contribute substantially to the dismal picture by rampant indiscipline. The remedy lies in strict adherence to rules in the issuance of driving licence and enforcement of traffic regulations. Presently the role of Motor Vehicles department is restricted to issuance of driving licence, registration of vehicles etc. by way of implementation of the Motor Vehicles Act and Rules. It is time to ponder whether traffic management should continue with the police and to examine to what extent it can be taken away by the Motor Vehicles Department relieving the police of the burden. This would of course mean an increase in the number of personnel of the Motor Vehicles Department. The Commission feels that it is worth the money to train the Motor Vehicles Department officers in traffic management and entrust them the whole task. Even in such a situation the role of the Police cannot be underestimated as they have to play a supporting role in maintenance of traffic discipline. The Commission recommends that :-

- (1) The system issuance of driving license must be tightened up.
- (2) Implementation of Traffic regulations must be more systematic and that

(3) The question of entrusting traffic management to Motor Vehicles Department should be considered by the Government.

4.44(a) Most of the senior police officers and citizens participated in the public sittings opined that the trainers posted are not fit for the job as they harass trainees for personal-unethical gains. They have also pointed out that trainers are not mentally and physically toned up to meet the requirements of their job. Some people suggested that the training being given to the police should be the type of training of MSP recruits in early days. They should also be taught all the duties they have to perform in local police work like GD writing, questioning of accused, how to do the arrest and keep in lock-up, night patrol, law and order duties, preparation of FIR, writing scene Mahazors, taking M.O, inquests, questioning of witness, writing CDs, recovery charge sheet, traffic rules and regulations, and prosecution court duties including sessions court. The Commission feels that interrogation of a suspect is an art and it could be successfully performed without resorting to physical violence. Special training should be given to police for conducting such interrogation. Trainers of poor calibre will not have any interest or motivation to shape the future of young recruits. Hence the Commission is of the view that utmost care and study should be there prior to posting trainers to the Police Training College and the Kerala Police Training Academy. The trainers have to be handpicked by a Board of senior officers and those selected be employed for this purpose with attractive incentives like fixity of tenure, live-in facilities and the like. In brief the training to the police needs to be revamped. It should be made

more comprehensive making trainees mentally, physically and morally fit for this responsible job.

4.44(b) The Commission would like to give a detailed picture as to the facilities and other arrangements presently provided in the Kerala Police Academy of Trissur without that the high expectations the Commission developed cannot be expressed clearly.

4.44(c) The Commission visited the Kerala Police Training Academy on 13 July, 2004. It has been noticed that the project involves several crores of rupees and the work relating to providing facilities to the trainees as well as the staff are seen almost completed at the time of visit. The Commission felt that the Director and the Joint Director of the Academy dedicated themselves to accomplish the works in a time bound manner for which they have to be really appreciated. The Commission has been impressed by the task undertaken and the efforts made by the trainees and the staff of the academy for the water conservation project in the premises of the academy. The dam constructed in the site has now an estimated capacity of nearly four crore litres of water. The human effort behind this project has impressed the Commission as they have achieved it with only seven percent of the estimate of cost prepared in this regard by the consultant engineers.

4.44(d) It has been noticed that the proposal from the Director to increase the training hours by rescheduling the daily rate of training time, giving stress for the multidimensional development of the trainees, has been approved by the Government. A new syllabus giving importance on behavioural

and professional skills of practical relevance in day to day policing is seen introduced which includes law,organisation and administration , society and behaviour, police duties and skills field craft and tactis , P.T. and outdoor life, functional skills weapon training etc. Examination is also conducted at the end of the training period.

4.44(e)The ideas and initiatives taken by the senior officers of the Kerala Police Academy to revamp its functioning are note worthy and they may be allowed to continue with their mission untrammelled by any other interests from any vested corners.

CHAPTER V

EPILOGUE

- 5.01 The Kerala Police Performance and Accountability Commission was appointed at the initiative of A.K. Antony, former Chief Minister of Kerala. The Commission could commence its work without any loss of time due to the enthusiastic support which was continuously provided by the Chief Minister. Oommen Chandy, who succeeded A.K Antony, continued the support with the very same enthusiasm and understanding and that is why the Commission is able to complete its work within the appointed time. The support offered by N. Ramakrishnan, Home Secretary should also be mentioned in this connection.
- 5.02 The Commission places on record its appreciation of the service rendered by P.K. Hormis Tharakan, then Director General of Police, Kerala who was in that position at the commencement of the work of the Commission. He rendered solid support and assistance by sharing with the Commission his ideas about the various issues to be dealt with. Under his direction all the officers and men down the line supported the Commission in its endeavour with undiluted enthusiasm. The Superintendents of Police/Commissioners of police helped the Commission to make the sittings held at the District Headquarters useful. The DGP had also issued an Executive Directive to all the officers and men permitting them to freely discuss their views with the Commission on the terms of reference. This gave a positive impact on them as could be seen by the large number of officers and men who actively participated in the discussions held at

District Headquarters. Selected serving and retired IAS and IPS officers whom the Commission chose to contact offered their assistance by expressing their valuable views on the terms of reference. People from different walks of life from retired High Court Judges to local Panchayat Members also helped the Commission in sharing their experiences and views. Raman Srivastava, who succeeded Hormis Tharakan at the fag end of the term of the Commission also rendered very helpful attitude as well as valuable suggestions.

5.03 The Commission is unable to conceal its disappointment at the poor response from the political parties, Members of Legislature and the office bearers of the three-tier Panchayats. It was interesting to note that even in the Districts where the sittings of the Commission were preceded `by police marches' organized by prominent political parties against the alleged atrocities of the police (not a planned coincidence) there was no response from any of those organizations to the Commission's call.

5.04 The Commission had the benefit of the views of some of the retired Judges of the High Court and also of the retired and serving IAS and IPS officers. The Commission was impressed by their readiness to convey their suggestions sprouted from their experience. Even though the Commission had occasion to peruse the reports of various Commissions/Committees on police reforms at the National and State level, it has not chosen to dwell extensively upon their recommendations as generally the implementation of those recommendations has not been inspiring. Instead, the focus of the Commission has been on pragmatic issues confronting the police and people in their day-to-day interaction. It is the fervent hope of the Commission

that Government will consider the observations, conclusions and recommendations of the Commission seriously and try to implement them.

5.05 The Commission places on record its profound appreciation for the remarkable assistance rendered in its task by Shri M. Nazimuddin, Secretary to the Commission. He spent many hours even far beyond the office time to make the work of the Commission effective. His assistance deserves unreserved admiration.

5.06 Shri S.R. Kishore, Office Secretary and other supporting staff both in the Commission's office at Kottayam and the Members' office at Thiruvananthapuram also rendered very useful assistance through their service.

**JUSTICE K.T. THOMAS
CHAIRMAN**

**K.V Rajagopalan Nair IPS(Rtd)
Member**

**T.N. Jayachandran IAS (Rtd)
Member**

Thiruvananthapuram
21 March, 2005.

FORMER JUDGES OF THE HIGH COURT WHO MADE SUGGESTIONS

1. Justice K Sreedharan,
Former Judge of High Court of Kerala,
High Court of Panjab and High Court of Hariyana,
and former Chief Justice of Gujarat,
(Presently Lok Ayukta, Trivnadrum).
2. Justice S.K. Kader,
Former Judge,
High Court of Kerala and Member Kerala
Prevention of Corruption Commission.
3. Justice K. Sukumaran,
Former Judge, High Court of Kerala and
High Court of Bombay.
4. Justice V. Bhaskaran Nambiar,
Former Judge, High Court of Kerala,
Former Upa Lok Ayukta, Trivandrum.
5. Justice Chettur Sankaran Nair,
Former Judge, High Court of Kerala.
6. Justice L. Manoharan,
Former Judge High Court of Kerala and
also High Court of Bombay.
(Presently Chairman, Kerala State Commission
for Backward Classes.)
7. Justice D. Sreedevi,
Former Judge, High Court of Kerala.
(Presently Chairman, Vanitha Commission).
8. Justice V. Sankaranarayanan,
Former Judge,
High Court of Kerala.
9. Justice M.R. Hariharan Nair,
Former Judge, High Court of Kerala.

APPENDIX VI

MLAS , IAS , IPS , OTHER OFFICERS AND PANCHAYATH PRESIDENTS WHO MADE SUGGESTIONS

1. Adv. K.N.A Kader, MLA,
Kondotty, Malappuram.
2. Shri T.H. Musthaffa, MLA,
Kunnathunadu,
Ernakulam.
3. Shri. P.T. Thomas, MLA,
Thodupuzha,
Idukki.
4. Shri T Balakrishnan, I.A.S.,
Secy. to Govt., Tourism & Culture.
5. Dr. Vishwas Mehta, I.A.S, Director,
Ministry of Govt., Tourism & Culture,
Govt. of India.
6. Shri Sanjeev Kaushik, I.A.S,
District Collector, Palakkad.
7. Shri Dinesh Sharma I.A.S,
Excise Commissioner, Govt. of Kerala.
8. Shri V.J. Kurian I.A.S, M.D.,
Cochin Int'l Airport Ltd.
9. Shri Minhaj Alam I.A.S,
Dist.Collector, Kasaragod.
10. Shri Rajeev Sadanandan I.A.S
11. Shri K.V. Vidyadharan I.A.S(Retd)
12. Dr. V.M. Gopala Menon, I.A.S
13. Shri V.P. Joy I.A.S, Secy. to Govt., Agricultural Dept.

14. Shri Gopal Krishna Pillai I.A.S,
Former Principal Secy. to Chief Minister, Kerala.
15. Shri K. Jayakumar, I.A.S, Jt. Secy, Ministry of Govt.,
Tourism & Culture, Govt. of India.
16. Shri N. Krishnan Nair I.A.S(Retd).
17. Shri. T.K. Manoj Kumar, I.A.S, Sr. Deputy Director,
Lal Bahadur Shastri, National Academy of
Administration Govt. of India.
18. Shri Michael Vetha Siromony I.A.S,
Resident Commissioner,
Kerala House, New Delhi.
19. Shri C. Chandran I.A.S,
Chairman,
Coir Board, Ernakulam.
20. Shri K.M. Ramanandan I.A.S
District Collector, Alappuzha.
21. Shri John Mathai I.A.S,
Principal Secretary(Industries),
Secratariate, Trivandrum.
22. Shri C.P. Nair, I.A.S(Retd),
Former Chief Secretary,
Kerala.
23. Shri Harry xavier,IPS(Retd)
Alappuzha.
24. Shri M. Nandan, IPS(Retd),
Superintendent of Police .
25. Shri K.R. Varijakshan, IPS,
Superintendent of Police (Retd).
26. Shri K.J. Joseph IPS,
Director General of Police (Retd).

27. Shri V.N. Rajan, IPS (Retd)
Former IGP.
28. Shri M. M. Narayanan, IPS (Retd)
Trivandrum.
29. Shri P. Bhaskaran Nair,IPS (Retd),
Trivandrum.
30. Shri K.C Samuel IPS, (Retd)
Trivandrum.
31. Shri T.P. Senkumar, IPS,
Managing Director,
Kerala State Beverages (M&M)
Corporation Ltd.
32. Shri K. Padmakumar, IPS
33. Shri Upendravarma,IPS,
Director,
Vigilance and Anti Corruption Bureau.
34. Shri K. Venugopal, Nair, IPS
Inspector General of Police,
North Zone, Kozhikode.
35. Shri M.J. Jacob IPS (Retd),
HB 20.P Nagar,
Cochin.
36. Shri M. Madhavan IPS(Retd),
37. Shri P. Krishnankutty Nair, IPS(Retd)
38. Shri P.C.S.Menon, IPS (Retd)
39. Shri K.V. Oommen, IPS (Retd.SP)
40. Shri M.T. Moidutty, IPS (Retd)
41. Shri Oommen Koshy,(Retd SP),
Patathanam, Kollam.

42. Shri G. Surendran IPS(Retd),
Pattom, Trivandrum.
43. Shri Mathew Thomas, IPS(Retd),
Karukayil, Koudiar, Trivandrum.
44. Shri P. Ramachandran Nair,S.P.(Retd),
Kawdiar, Trivandrum.
45. Dr. Alphons Louis Earayil, IPS
Addl. DGP(Prisons),
Trivandrum.
46. Shri K.K.Kochumuhamed,
President,
Cherpu Block Panchayath,
Thrissur.
47. President,
Omallur Grama Panchayath,
Pathanamthitta.
48. Shri K. Narayanan, President,
Karivelloor, Peralam Grama
Panchayath.

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APPENDIX VIII

OTHER MEMBERS OF PUBLIC WHO MADE SUGGESTIONS

1. Shri P.P. Sumanan,
Kalarcode, Alappuzha.
2. Shri. A.P. Moidu,
Kakkad Road, Kannur.
3. Shri K.M. Thomas,
Elangalam, Kanjirappally.
4. Shri A.S. Bijukumar,
Eroor, Thripunithura.
5. Shri M.M. Mathew,
Panoor, Kottayam.
6. Shri. V.J. Devassia,
Mevida, Kottayam.
7. Shri. R. Ravindran Nair,
Kavarapadu Nada, Vaikom.
8. Shri A.N. Sukumaran,
Anapparayil Veedu, Kenichira.
9. Shri. P.O. Mathew,
Justin Villa, Manimala.
10. Shri A.P.M Moidu,
A.R Manzil, Kakkad Road,
Kannur.
11. Shri. K.C. Ravindran,
Kumaranmcode, Puthuppally,
Kottayam.
12. Smt. Sofiamma,
Thannippara Veedu, Thodupuzha.
13. Shri Cyriac Thomas,
Advocate, Kottayam.

14. Shri K.A. Banjamin,
Arepparampu, Kottayam.
15. Shri. P.S. Nair,
Kumara Vilas, Kuravilangad,
Kottayam.
16. Shri T.R. Sivan,
Kombukuthy, Erumeli.
17. Dr. John Palakunnel,
Civil Surgeon, Karukachal.
18. Shri T.M. Abrahm,
Thadathil House,
Vakathanam.
19. Shri. Gangadharan,
Advocate, Nadakavu, Calicut.
20. Shri. P.P. Farooq,
Victory Furniture, Kannur.
21. Shri R.V. Kunjumon,
Ramanthra, Vadavathoor.
22. Shri K. Asokan,
Sastri Nagar, Karamana,
Trivandrum.
23. Shri Unnikrishna Pillai
Aswini, Vazhappally,
Changanacherry.
24. Shri Alex George,
Ambattu Karakalil, Maramon.
25. Shri. K. Kunhikannan Nair,
Peralam, Chenkala,
Kasaragod.
26. Shri. P. Krishnan Adiyodi,
Gokul, State Bank Colony, Kannur.
27. Shri Thomas Chandy,
Pamana, Kottayam.

28. Shri. V.K. Hareendran,
Ushas, Parampal, Mattannur.
29. Shri Raju Kurien,
Police Constable,
Anti Corruption Bureau, Kottayam.
30. Shri G.M. Idiculla,
Advocate, Pathanamthitta.
31. Shri Joy Eapen,
Wrendale, Vennikulam,
Pathanamthitta.
32. Shri N.K. Vijayan,
Sumindir, Kizhakkambalam,
Aluva.
33. Shri Joy Eapen,
Pathanamthitta.
34. The Manager,
Girideepam Bethany Higher
Secondary School,
Kottayam.
35. Shri Sreenivasan,
Sub.Engineer, KSEB,
Kozhikode.
36. Shri Gopalakrishnan,
Nattakom,
Kottayam.
37. Shri Mangaram Murali,
Alappuzha,
Mavelikkara.
38. Shri Venkitachalam,
Public Interest Forum,
Trissur.
39. M. Rajeev Thomas,
Wayanad.

40. Shri P.M.G. Pillai,
Alappuzha.
38. Shri M.C. Appunnykurup,
Calicut.
39. Dr. M.I. Mohan,
Muvattupuzha,Ernakulam.
40. Shri Syed Aydros,
Malappuram.
41. Shri K.R. Narayanan Pillai,
Trivandrum.
42. Shri Chandikunju P.S, Adimali,
Idukki.
43. Shri Mohanan K.N,
Kannur.
44. Shri P.V. Raghunathan,
Kayamkulam.
45. Shri Santhan Kilimanoor,
Trivandrum.
46. Prof. Ambalappuzha Ramavarma,
Kottayam.
47. Shri Mambaram Purushothaman,
Kannur.
48. Shri A. Joseph (Retd Teacher)
Kollam.
49. Dr. Xavier Paul,
Noothanam Editor, Kollam.
50. Shri P. Antony,
Kannur.
51. Shri Gopinathan Nair,
Malappuram.

52. Shri K. Ramachandran Pillai,
Trivandrum.
53. Shri V.S. Venu,
Thrissur.
54. Shri S.K.V. Nambiar,
Trivandrum.
55. Shri P.M. Thomas,
Gold Merchant Association,
Trichur.
56. Shri Jose Nedumparambil,
Nayarangadi, Mukundapuram.
57. Shri Alavil G. Pavithran,
Kannur.
58. Shri V.P. Abubacker,
Malappuram.
59. Shri N. Ramachandran Pillai,
Kollam.
60. Fr. Mathew Punakulam,
Pushpagiri Road Residents Association,
Thiruvalla.
61. Shri B.M. Harish and Narasimha,
Public Interest Litigation,
Kasaragod.
62. Shri N.K. Sivan,
Aluva, Ernakulam.
63. Shri Gopalakrishnan Nair,
Trivandrum.
64. Shri Binu Joseph,
Kothamangalam.
65. Shri K.F. Noushad,
Alappuzha.
66. Shri Hamidali,

Calicut.

67. Shri Komully Raveendran,
Kozhikode.
68. Shri Suresh T,
Chirayinkizhu,
Trivandrum.
69. Smt. Usha Sukumaran,
Alappuzha.
70. Salil Vayalathala, Indian Consumers
Forum, Pathanamthitta.
71. Shri Veera,
Central Jail, Trivandrum.
72. Shri P.C. Rockey,
Indian Voice of Handicapped,
Ernakulam.
73. Shri Jose Nedumparambil
74. Shri Mavvor Gopalakrishnan,
Kumar, and Muhammed,
Police Club, Calicut.
75. Shri George Kurien,
Wayanad.
76. Shri. P.M. Ravindran, Maj. Retd,
Palakkad.
77. Shri R. Mohanan,
Wayanad.
78. Shri P.M. Haridas,
Kozhikode.
79. Shri Thempamood Sahadevan,
Trivandrum.
80. Shri Sundaran K.T.
Kozhikode.

81. Adv. V. Vijayakumar,
Chengannoor.
82. Shri B.G. Baliga,
CIBEL, Trissur.
83. Shri. P. Soman Pillai,
Attingal.
84. Shri M.C. Menon,
Palakkad.
95. Shri K.J. Wilson,
Alappuzha.
85. Shri. Hakkim M.K. Muhammed Raja,
Alappuzha.
86. Shri M.A. Sebastian,
Ernakulam.
87. The Secretary,
Peringara Grama Panchayath
Progressive Poura Samithi,
Thiruvalla.
88. Shri P.K. Babu,
Mulanthuruthy,
Ernakulam.
100. Shri U. Rajeevan
101. Shri M.V. Mathew,
President, NOCER.
Trissur.
102. Adv. Fr. Stephen Mathew,
NEETHI VEDHI, Wayanad.
103. Shri M. Rajaji,
Retd District Supply Officer,
Kollam.
104. Shri B.V. Jahafar,

- Calicut.
- 105 Shri Mamachan Samuel,
Alappuzha.
 106. Shri G.G. Nair,
Neyyattinkara, Trivandrum.
 - 107 Shri K.S. Radhakrishnan, Vaikom
Kottayam.
 - 108 Adv. N. Vijayakumar,
The President, Bar Association,
Changanacherry.
 109. Shri Babychan Kunthara,
Alappuzha.
 110. The President, Bar Association,
Nedumkandam, Idukki.
 111. Smt. Beena Sebastian,
Chairperson, Cultural Academy for
Peace, Ernakulam.
.
 112. Smt. P. Sulochana,
Trivandrum.
 - 113 Dr. P. Prabhanjanan Thampi,
Trivandrum.
 114. Shri. A. Ayyappan,
Deputy Director(Retd)
Dept. of Mining and Geology,
Trivandrum.
 115. Shri P.S. Reghu,
Kerala Police Constable Rank
Holders Association,
Ernakulam.
 116. Advocate N. Viswambharan,
President, Been Cottage.

117. Shri Tom Jose Padinjarekkara,
District Govt. Pleader and Public
Prosecutor, Kottayam.
118. The President,
Voice of Men for Human Rights,
Thrissur District.
119. The President,
Aerospace Systems private Ltd.
120. The Secretary, Nagarasabha
Karyalayam, Moovattupuzha.
121. Shri G. Sasidharan,
Pullarathalamele Puthenveedu,
Perumpazhathoor P.O,
Neyyattinkara.
122. Shri K.A. Paulose and others,
North Mazhuvannoor, Ernakulam.
123. Shri V. Gopidas,
Dist. Govt. Pleader and Public Prosecutor,
Thrissur.
124. Shri C.C. Jose,
226,Hill Gardens, Thrissur.
125. Shri Sreedharan Therambil,
President for Citizens for Social
Justice, Trichur.
126. Sri T. V Achutha Warriar,
Gangothri, Theikkattusserry,
Thrissur.
127. Sri C.K. Rajmohan, Naduppura,
Kumarakom, Kottayam.
128. Shri C.K.N. Thampi,
Padmanabha Mandir,
Thiruvampady, Trissur.

129. Shri Joseph P.J,
Thodupuzha.
130. Shri Michel Varghese,
Crime Investigation,
Vytila, Ernakulam.
131. Joy Paul Puthusserry,
Car Owners Association,
Trissur.
132. Shri Lalukumar,
Eravipuram,
Kottayam.
133. Shri Mampatta Madhavan,
Karuvarankundu,
Malappuram.
134. Shri Pious Mathew Bsc.LLB,
Addl. Govt. Pleader & Public Prosecutor,
Fast Track Court No.II, Trissur.
135. Smt. Leena Jayasuryan,
Addl.Govt. Pleader
Trissur.
136. Shri John Stephen Vaidyar,
Secretary, All India Sidha Vidhya Federation,
Vattavila P.O, Trivandrum.
137. Shri K.V. Geevarghese,
President, Swarga Sudha Ayalkuttam,
Wayanad.
138. Shri P.T. CheriyanPalathara,
President, All Kerala Gold and
Silver Merchant Association,
Alappuzha.
139. Shri Arangil N. Vasudevan,
Joint Registrar of Co-operative
Societies (Rtd).
140. Shri O.V. Thomas,
Consumer Federation Council,

Pathanamthitta.

141. Sudinam Pathradipar,
Kannur.
142. Shri M. Ramakrishnan,
Police Sub Inspector,
Gilla Sayuda Sena Camp,
Malappuram.
143. Staff Welfare and Recreation Club,
Gilla Police Office, Wayanad.
144. Shri Rajasekharan Nair,
Panaykal, Cherthala,
Alappuzha.
145. Shri Mathew V. Malaikal,
Malaikal House,
Kottayam.
146. Shri K. Ravikumar,
Kayamkulam,
Kollam.
147. Shri Chemmanam Chacko,
Writer.
148. Dr. Puthusserry Ramachandran,
Raja Bhavan, Trivandrum.
149. Shri Vishnu Narayanan Namboodiri,
Sreevally, Thycaud, Trivandrum.
150. Prof. G.N. Panicker, former Director ,
Public Relation and Writer.
151. Shri M.M. Babu, ASI,
A.R. Malappuram.
152. Police Personnel Workers,
Wayanad, Kannur, Kasaragod.
153. Shri K.I. Sreedharan, Retd ASI,
Kasaragod.

154. Shri V.K. Sasi,
Arsha Marshal arts Academy,
Kochi.
155. The Secretary,
Kerala Police Association,
Idukki District Committee.
156. Shri John Abraham,
Pampakkuda,
Muvattupuzha,Ernakulam.
157. Shri Chandykunju P.J,
Pallattukunnel,
Admali, Idukki.
158. Shri Tom Kunnumpurath,
Police Constable,
Thodupuzha, Idukki.
159. Rev.Fr. Jose Nellisserry,
Vikary BSC, Thrikkakara,
Ernakulam.
160. Kottayam Jilla Police Officers
161. Shri. R. Ravikumar,
Police Constable,
Kottayam West Police Station.
162. Shri Rajmohan and Manju
Kottayam.
163. Police Constable,
Kochi City.
164. Shri John Mathew Kattukallil,
Jyothi Nagar,
Pattom, Trivandrum.
165. Shri K. Raveendran,
Retired Inspector,
Finger Print Bureau,Kozhenchery.
166. Assistant Superintendent of

the Post Master General,
Kottayam.

166. Devidasan,
Secretary,
Kerala Police Association,
Palakkad Dist.
167. Dr. P.S. Panikkar,
Secretary,
Peoples Vigilance,
Palakkad.
168. Shri Nikhil Kodyathoor,
Secretar,
Palakkad Merchant Association.
169. Shri. S.V. Iyer,
Secretary,
Press Club, Palakkad.
170. Shri. Prabakaran,
HC 634, Traffic Unit,
Kalpetta.
171. Shri. T.J. Joseph,
Thannittamakkil,
Padinjarathara,
Panthipoyyil,
Wayanad.
172. Shri Paul P.V,
Vellamunda Police Station,
Wayanad.
173. The Secretary,
Kerala Police Association,
Wayanad Jilla Committee,
Kalpetta, Wayanad.
174. Smt. Jolly Augustine,
Varakil House,
Mananthavady,Wayanad.
175. Shri Shake Abdullakutty,
Padinjarethara,

- Kuppadithara Village,
Wayanad.
176. Shri. E.S. Raman Vaidyar,
Edathara House,
Thavinjal, Ambalakolli,
Wayanad.
177. Shri Rajeev,
Kannikulathil,
Puzhamudiyil,
Vythiri Taluk,
Wayanad.
178. Shri V.S. Joseph,
Valavanal House,
Pallikunnu P.O,
Kalpetta, Wayanad.
179. Shri Arun G,
K.M.M. Govt. ITI Student,
Kalpetta, Wayanad.
180. The President,
Kerala Ex-Police Organization,
Malappuram Dist,Committee.
181. Shri P. Aravindhan,
Secretary,
Kerala Police Association,
Malappuram Dist. Committee.
182. Shri K. Kaderkutty,
Kattungal House,
Ootti Road,
Perinthalmanna.
183. Shri Anil Gopinath,
President,Society for Legal Service,
C.S.I. Ascension Square,
Kottayam-2.
184. Shri M.C. Mathew,
President,

P.U.C.F, Vendkadeth Bank Buildings,
Kottayam.

185. Shri P.I. Mani,
President, Consumer Guidance &
Research Society of India,
Kottayam.
186. S. Manimekhala,
President, Karuna Chariatable Society,
Trivandrum.
187. Smt. S.Leena Ray,
C/o. Thanal,
Trivandrum.
188. Shri Aji Fransis,
Kollannur House,
Thiroom, Thrissur.
189. Smt. Dorothy Bosco,
Fabeena, T.C.27/1530 Cellar,
Opposite General Hospital,
Trivandrum.
190. Adv. Indira Raveendran,
President, Kerala Mahila Sangom,
C.P.I District Committee Office,
Gandhiraman Kovil Road,
Trivandrum.
191. Smt. K.S. Geedhakumari,
Secretary, Creditors Council for
Social Justice, Trivandrum.
192. Shri K.J.Vasudevan,
TRA-112 MCPO,
Trivandrum.
193. Shri Loth Jussa,
Puthiyathura House,
Karunkulam, Trivandrum.
194. Shri Karumam Sasi,
Valarunna Karshakan,

Karumam, Trivandrum.

195. Shri M. Krishnan Nayar,
President,
Trivandrum Citizens Protection Forum.
196. Adv. K. Krishnan Nair,
President,
HRP Legal Aid Council.
197. Shri A.H. Hafees,
Azhipurath, Javahar Nagar,
Trivandrum.
198. Shri Muthiyankav Surendran,
Kattayakalil House,
Trivandrum.
199. Shri N. Thankappan,
Kochupattathil House,
Chathannoor, Trivandrum.
200. Shri N. Krishnavarma,
T.C.25/3260, Lekha vihar,
Vanchiyur, Trivandrum.
201. Sri K.C. Rajan,
Kandampulliveedu,
Ramapuram Road,
Thrissur.
202. Shri Jose Paul, Nalpattu House,
South Angadi, Koratti,
Thrissur.
203. Shri Renny Antony,
Secretary, Indian Rationalist
Association, Thrissur.
204. Shri Seydalavi,
Kannanath,
Akalad, Thrissur.
205. Sri Varghese Franzis,
Vekkora, Karamukku,

Thrissur.

206. Shri Krishnakumar,
Aattoor House,
Puranattukara,
Thrissur.
207. Shri V.K. Abdu,
Vypumkattil,
Peringanam, Trissur.
208. Sri. Hari and Sreekanth,
Advocate, Calicut.
209. Shri Abdul Rasheed,
District Armed Reserve,
Kozhikode.
210. The Secretary,
Kerala Police Association,
Kozhikode.
211. Shri K. Prakashan,
Driver, Kozhikode city.
212. Shri Abraham Kollinal,
Kerala NGO Association,
Kozhikode.
213. Pro. D.K. Nayar,
5-164 Aswathi,
Kozhikode.
214. Police Office Staffs,
Kozhikode City.
215. Shri Chandran,
Payyanakkal House,
Kozhikode.
216. Sri A. Rajan,
P.C.6096,
Kozhikode.
217. Shri S. Sasidharan,

Asst. Commandant of Police,
District Armed Reserve,
Kozhikode Rural.

218. Shri S. Radhakrishnan,
Asst. Commandant of Police,
District Armed Reserve,
Kozhikode City.
219. Shri V. Devadasan,
Reserve Inspector,
Dist. Armed Reserve,
Kozhikode City.
220. Shri Benny Thomas,
A.C. Admn.
Kozhikode City.
221. A Social Worker.
Kozhikode.
222. Shri Abdul Salam P.K
Kozhikode.
223. Shri K. Ismail,
Meppayur, Kozhikode.
224. Shri. K.K. Mammooty,
Secretary,
Muslim Welfare Trust,
Nadapuram.
225. M. Suryadas,
Thekkepattu Parambu,
Kozhikode.
226. Shri M. Yoosaf,
Mayambintevide,
Vadakara.
227. Shri Rajan,
Tailor,
Pathanamthitta.
250. Shri A.C. George,
Aruvikal,

Omalloor P.O.,
Alappuzha.

251. Mr. T.K. Biju & Mr.Eapen TE,
Advocate, Pathanamthitta.
252. Shri M.K. Muhammadali,
National Development Front,
Pathanthitta.
253. Shri K.N. Yesodharan,
Advocate,
Pathanamthitta.
254. Kottiyal Krishnan,
Chirackal,
Kannur.
255. Shri A.K. Vasudevan,
Kannur.
256. Bhaskaran Nambiar,
Venginisserry,
Kannur.
257. Shri Mathew John Kachappilly,
Proprietor, Kachappilly,
Ernakulam.
258. Sri. C.S. Karthikeyan,
Thoppil House,
Panangad, Ernakulam.
259. Smt. Janaki,
Manayath House,
Thrippunithura.
260. Sri M.D. Valerian,
Mancherry House,
Moozhikulam,
Ernakulam.
261. Smt. Thresiamma Jacob,
W/o. N.J. Chacko,

Eadppally, Cochin-24.

262. Shri Das Edavana,
Chovvara P.O., Aluva.
263. Dr. M.G. George,
Advocate, National Trustee,
Muvattupuzha.
264. Dr. D.B. Binu, Editor,
Niyama Sameeksha Law Magazine,
Cochin.
265. M.C. Stephen,
Ukken House,
Kodungalloor.
266. Sri Abdul Jabbar Metha,
Sreemoolanagaram,
Ernakulam.
267. Sri. M.Gopalan,
Retd Tahsildar.
268. Police Officers,
Kasaragod.
269. Sri P.A. Thampi,
Dist. Armed Reserve,
Kasaragod.

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HIGH-LIGHTS

(a) Evaluation of General Performance

The evaluation made by the Commission leads to the conclusion that while some improvement in the overall police performance during 2002 and 2003 was noticed, there was a disturbing tendency towards deterioration subsequently. (Para 2.02)

(b) Effectiveness of Autonomy

The Commission found that the autonomy had merits as well as demerits. Nonetheless the Commission perceived more merits than demerits. The autonomy had rendered most of the police officers at the high echelons with a spirit of greater responsibility of commitment while it gave a feeling to a good number of policemen at the lower echelons a relief from discharging their duties including shirking of their responsibilities. It is not a useful exercise to work out the cumulative effect of the new policy of autonomy after weighing the merits and demerits on the balance, to say which side tilts. According to the Commission autonomy to the police is the ideal, but it should be tempered with measures to prevent its misuse. (2.06)

XV. (c) Recommendations, for improving the performance and Accountability

(i) RECRUITMENT

1. There shall be a separate Police Recruitment Board headed by a Selection Grade District and Sessions Judge for speeding up the recruitment process of police personnel. (3.02 & 3.03)
2. The maximum age limit for recruitment of the Sub Inspectors is now 30 years. The age limit at the entry stage shall be brought down to 25 years with suitable relaxation for SC/ST candidates. (3.04)
3. Recruitment to the category of Sub Inspectors should be open to men and women. (3.05)
4. The entry qualification for Police Constable may be raised from the present pass in SSLC to a pass in "Plus Two" or equivalent. (3.06)
5. There should be regular intake of personnel in different categories on an annual basis. (3.07)
6. Police Colleges may be set up at least in 3 centers of the State to catch the students young and train them up and for eventual recruitment of eligible ones to the police and assist them for appearing for all India service examinations. (3.08)

(ii) **TRAINING**

1. ***The new spirit generated by the Kerala Police Academy should be retained. For that care must be taken to choose the right***

**official, if not the best in the force, for manning the institution.
(3.09)**

- 2. The curricula for training officers and men shall be revised and updated periodically. (3.10)**
- 3. The training should be imparted by trainers who are selected on the basis of aptitude, skill and competence in conducting such training courses. (3.10)**
- 4. To attract proper personnel as trainers they should be provided with the hike to the tune of 30% in their salary and perks like accommodation, residential telephone and transport. The trainers shall be given a fixed tenure. It is advisable to have a provision for giving them one step promotion for the period of their training assignment as an incentive. (3.10)**

(iv) SERVICE CONDITIONS

1. The working hours of policemen shall be effectively reduced to 8 hours a day. (3.11)
2. There should be clear cut transfer norms and fixed tenure for each post for at least 2 years. All transfers should be finalised and implemented well before the beginning of the academic year. (3.12)
3. There should be proper career planning for officers. (3.14)

4. There should be a mechanism to ensure promotion from the constable level to higher posts at a much faster pace. (3.15)

(v) POLICE WELFARE

1. There shall be a police school in every district for educating the school going children of police personnel on the same pattern of the Central Schools. For this purpose the feasibility of using premises of “uneconomic Schools” may be considered. (3.16)
2. Police personnel may be covered under a medical group insurance enabling them to take specialised treatment in the nearest hospitals, the cost of which will be covered by the insurance. (3.17)
3. Police officers should be given succour for defending legal actions against them on account of performance of their duty. (3.18)

v. A NEW WORK CULTURE

1. The armed sentry standing in front of the police station can be replaced by policemen armed with revolvers inside the police station. (3.20)
2. A woman constable as receptionist in the police station would give an atmosphere of cordiality and homeliness. (3.21)
3. Every police station shall be equipped with a computer. (3.22)

4. Police Stations should be spacious enough to provide seats for all the police personnel. (3.23)
5. Police lock-up in the police stations should be abolished. Instead there should be centralised lock up at sub-divisional level (3.24 & 3.25)
6. Law and Order duties and Crime Investigation should be separated at the police station level. (3.26)
7. An amendment to Section 162 of Cr.PC should be carried out to enable the persons interrogated by the police to affix signature on the statement. (3.27 to 3.29)
8. Police personnel allotted to local police should be exposed to a short term training of at least one month before being posted to local police. (3.30)
9. The power given to the police for conducting enquiry into the complaints as per Circular No. 1/73 may be retained but the police officer shall supply a copy of the complaint to the respondent even at the time of summoning to the police station.(3.31)
10. The State Government may issue a general order prescribing that all constables qualified to be promoted as Head Constables shall also be entitled to conduct investigation of cases. (3.32)

11. Police Commissionerates shall be set up in Thiruvananthapuram, Kochi and Kozhikode as the population in these cities has crossed one million. (3.33 & 3.34)

(vi) **GARNERING OF POLICE PERSONNEL**

1. ***Treasury guard has now become quite unnecessary and hence should be withdrawn. (3.36)***
2. A large number of Police personnel can be saved if security personnel attached to officers are drawn from a single unit like the District Armed Reserve on a prescribed scale.(3.37)
3. Sections 62 and 91 of the Cr.PC shall be amended through a State amendment to dispense with the need to serve court summons through police stations. (3.38)
4. Prisoners escort can be dispensed with or atleast reduced by empowering the magistrates to hold sittings in the prison premises for routine matters. (3.39)
5. VIP escorts have now become an unnecessary appendage and hence should be discontinued. (3.40)
6. The armed reserve cadre in the districts can be merged with the local police and sufficient number of policemen provided in the local police stations after providing a minimum strength stationed in the armed reserve for emergency law and order response and essential prisoners escort. (3.41)

7. Amendments may be made to the relevant Acts to replace the posts of IGP and ADGP with Superintendent of Police in the Human Rights Commission, Lok Ayukta, Ombudsman, Kerala Public Service Commission.(3.42-c)

(vii) COMPUTERISATION OF POLICE FUNCTIONING

All the Police stations may be computerised. (3.43)

(viii) TRAFFIC

1. Lessons on traffic laws should be included in the school curriculum. (3.44)
2. Road dividers should be installed on all High-ways.(3.45-2)
3. Re-designed helmets may be introduced instead of the present type in consultation with the Bureau of Indian standards. (3.47)
4. Traffic should be made a special subject during the training of police personnel. (3.48)
5. Statutory Traffic Regulatory Authority shall be constituted in all the cities and other District Head quarters besides other important towns in the State. (3.51)

(ix) ABKARI

Police shall have nothing to do with abkari matters. (3.56)

(x) ACCOUNTABILITY

1. A Police complaint box shall be kept in every office of the local body (Corporation, Municipality and Panchayat) and not in any police station under the lock and key of the head of the local body. (3.58 to 3.60)
2. Adalaths may be set up at sub divisional levels periodically, atleast once in six months. (3.61)
3. The Superintendent of Police should prepare an annual report about the activities concerning all the police stations of the districts. (3.62)

(xi) TRANSPARENCY

It is desirable to have a police spokesperson not below the rank of Deputy Superintendent of Police in every district to interact with the media. (3.63)

(xii) CONDUCT OF PROSECUTION

1. Public Prosecutors and Additional Public Prosecutors shall be appointed only from a panel prepared by the Sessions Judge. (3.68)
2. The Superintendent of Police shall watch the performance of the Assistant Public Prosecutors and report to the Director General of Prosecution. (3.69)

3. The Investigating Officer must send a report to the Superintendent of Police in every case of acquittal showing his assessment of how the prosecution was conducted. The Superintendent of Police should send this report to the District Collector and Director General of Prosecution with his comments. (3.70)

(xiii). SCIENTIFIC LABORATORIES

1. The strength of scientists in the Forensic Science Laboratory should be increased to at least fifty in number to begin with. (3.74)
2. A police officer of the rank of Deputy Superintendent of Police shall be specially deputed to gather information from all police stations regarding the cases in which the chemical analysis report is no more required. (3.76)

(xiv) CORRUPTION AMONG THE POLICE

1. The Director, Vigilance and Anti Corruption Bureau shall be ranked even above the DGP for the purpose of giving a singular position to him. He shall be designated as ex-officio Secretary to the Government. (3.80)
2. Vigilance and Anti Corruption Bureau should be given absolute freedom for investigation and charge sheeting cases without awaiting Government sanction. (3.81)

3. There should an in-house-arrangement for monitoring the corrupt elements in the Police department. (3.82)

4. ***Explore the possibilities of a State amendment to the Prevention of Corruption Act 1988 empowering the Government to confiscate the excess assets/wealth of the convicted public servant. (3.83)***

(xv) **COMMUNITY POLICING**

Community Policing should be implemented.(3.84)