

**Administrative Reforms Commission's 5<sup>th</sup> Report titled "Public Order : Justice for each ... Peace for all"- List of recommendations**

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
1	<p><i>(Para 5.2.1.8) State Government and the Police</i></p> <p><i>a. The following provision should be incorporated in the respective Police Acts: It shall be the responsibility of the State Government to ensure efficient, effective, responsive and accountable functioning of police for the entire state. For this purpose, the power of superintendence of the police service shall vest in and be exercised by the State Government in accordance with the provisions of law.</i></p> <p><i>The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.</i></p> <p><i>No government functionary shall issue any instructions to any police functionary which are illegal or malafide.(1)</i></p>	<p>(a) &amp; (b)The GoM accepted the recommendation contained in Part (a) and decided to leave it to the States for implementation. It did not accept Part (b).</p>
2	<p><i>(Para 5.2.1.8) State Government and the Police</i></p> <p><i>b) "Obstruction of Justice' should also be defined as an offence under the law(2).</i></p>	
3	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i></p> <p><i>a) Crime Investigation should be separated from other policing functions. A Crime investigation Agency should be constituted in each state.(3)</i></p>	<p><b>(a) to (h) :</b></p> <p>Police and Public Order are State subjects falling in Entry 1 and 2 of the State List of the Seventh Schedule of Constitution of India. As such, part (a) may be left to the States for implementation. Part (b) to (g) may not be accepted while part (h) may be accepted. The GoM further decided that the salient features of the recommendations may be considered for inclusion in the new Draft Model Police Act. MHA to constitute a Committee of senior officers for drafting Model Police Act (hereinafter mentioned as Committee) which would submit the report at the earliest.</p>

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4	<p><b>(Para 5.2.2.30) Separation of Investigation from other Functions</b></p> <p><b>b) This agency should be headed by a Chief of Investigation under the administrative control of a Board of investigation, to be headed by a retired/sitting judge of the High Court. The Board should have an eminent lawyer, an eminent citizen, a retired police officer, a retired civil servant, the Home Secretary (ex-officio), the Director General of Police (ex-officio), Chief of the Crime Investigation Agency (ex-officio) and the Chief of Prosecution (ex-officio) as Members.(4)</b></p>	
5	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i></p> <p><i>c) The Chairman and Members of the Board of Investigation should be appointed by a high-powered collegiums, headed by the Chief Minister and comprising the Speaker of the Assembly, Chief Justice of the High Court, the Home Minister and the Leader of Opposition in the Legislative Assembly. The Chief of Investigation should be appointed by the State Government on the recommendation of the Board of Investigation.(5)</i></p>	
6	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i></p> <p><i>d) The Chief of the Crime Investigation Agency should have full autonomy in matters of investigation. He shall have a minimum tenure of three years. He can be removed within his tenure for reasons of incompetence or misconduct, but only after the approval of the Board of Investigation. The State Government should have power to issue policy directions and guidelines to the Board of Investigation.(6)</i></p>	
7	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i></p> <p><i>e) All crimes having a prescribed punishment of more than a defined limit (say three or more years of imprisonment) shall be entrusted to the Crime Investigation Agency. Registration of FIRs and first response should be with the 'Law and order' Police at the police station level(7)</i></p>	
	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i></p>	

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8	<p><i>f) The existing staff could be given an option of absorption in any of the Agencies – Crime Investigation, Law and Order and local police. But once absorbed, they should continue with the same Agency and develop expertise accordingly. This would also apply to senior officers(8)</i></p>	
9	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i>  <i>g) Once the Crime Investigation Agency is staffed, all ranks should develop expertise in that field and there should be no transfer to other Agencies.(9)</i></p>	
10	<p><i>(Para 5.2.2.30) Separation of Investigation from other Functions</i>  <i>h) Appropriate mechanisms should be developed to ensure coordination between the investigation, Forensic and the Law and order Agencies, at the Local, District and the State levels.(10)</i></p>	
11	<p><i>(Para 5.2.3.7) Accountability of Law and order Machinery</i>  <i>a) A State Police Performance and Accountability Commission should be constituted, with the following as Members:</i></p> <ul style="list-style-type: none"> <li>• <i>Home Minister (Chairman)</i></li> <li>• <i>Leader of Opposition in the State Assembly</i></li> <li>• <i>Chief Secretary</i></li> <li>• <i>Secretary in charge of the Home Department;</i></li> <li>• <i>Director General of Police as its Member Secretary</i></li> <li>• <i>(For matters pertaining to Director General of Police, including his appointment, the Home Secretary shall be the Member Secretary)</i></li> </ul> <p><i>Five non-partisan eminent citizens(11)</i></p>	<p><b>(a) to (e) :</b> The GoM decided that the salient features of the recommendations may be considered for inclusion in the new Draft Model Police Act. Parts (a) to (c) may be left to the States/UTs for implementation. As regards parts (d), the recommendation is not accepted and part (e) may be accepted as the tenure of DGP should be two years as far as possible subject to superannuation. The Committee constituted by MHA may look into the matter.</p>
12	<p><i>(Para 5.2.3.7) Accountability of Law and order Machinery</i>  <i>b)The State Police Performance and Accountability Commission should perform the following functions:</i></p> <ul style="list-style-type: none"> <li>• <i>Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with law;</i></li> <li>• <i>Prepare panels for the office of Director General of Police against prescribed criteria;</i></li> </ul>	

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	<ul style="list-style-type: none"> <li>• <i>Identify performance indicators to evaluate the functioning of the police service; and</i></li> </ul> <i>Review and evaluate organizational performance of the police service.(12)</i>	
13	<i>(Para 5.2.3.7) Accountability of Law and order Machinery</i> <i>c) The method of appointment of the Chairman and Members of the State Police Performance and Accountability Commission should be as stipulated in the Draft Model Police Act.(13)</i>	
14	<i>(Para 5.2.3.7) Accountability of Law and order Machinery</i> <i>d) The State Government should appoint the Chief of Law and Order Police from the panel recommended by the State Police Performance and Accountability Commission. The panel will be for the 'Office' of Director General of Police and not to other posts of the 'rank' of DGP.(14)</i>	
15	<i>(Para 5.2.3.7) Accountability of Law and order Machinery</i> <i>e) The tenure of the Chief of the Law and Order Police as well as the Chief of the Crime investigation Agency should be at least three years. But this tenure should not become a hindrance for removal in case the Chief is found to be incompetent or corrupt or indulges in obstruction of justice or is guilty of a criminal offence. The State Government should have powers to remove the Police Chief but such order of removal should be passed only after it has been cleared by the State Police Performance and Accountability Commission (or the State Investigation Board, in the case of Chief of Investigation). (15)</i>	
16	<i>(Para 5.2.4.9) Police Establishment Committees</i> <i>a) A State Police Establishment Committee should be constituted. It should be headed by the Chief Secretary. The Director General of Police should be the Member Secretary and the State Home Secretary and nominee of the State Police and Accountability Commission should be the Members. This Committee should deal with cases relating to officers of the rank of Inspector General of Police and above.(16)</i>	<p><b>(a) to (g)</b> –GoM accepted the recommendations contained in parts (a) to (e) and decided that the salient features of these recommendations may be considered for inclusion in the new Draft Model Police Act. These can be implemented by the States/UTs in the phased manner at different levels in the Police. As for part (f), the GoM decided that the minimum tenure of officers and staff can be 2 years. The GoM did not agree with part (g) of the recommendation.</p>

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17	<p><i>(Para 5.2.4.9) Police Establishment Committees (16)</i></p> <p><i>b) A separate State Police Establishment committee should be set up with the Chief of Law and Order Police as its Chairperson and two senior police officers and member of the State Police Performance and Accountability Commission as Members (All Members of this Committee should be nominated by the State Police Performance and Accountability Commission) to deal with cases relating to all gazetted officers up to the rank of Deputy Inspector General of Police.(17)</i></p>	
18	<p><i>(Para 5.2.4.9) Police Establishment Committees</i></p> <p><i>c) These Committees should deal with all matters of posting and transfers, promotions and also grievances relating to establishment matters. The recommendations of these Committees shall normally be binding on the Competent Authority. However, the Competent Authority may return the recommendations for reconsideration after recording the reasons.(18)</i></p>	
19	<p><i>(Para 5.2.4.9) Police Establishment Committees</i></p> <p><i>d) Similarly, a District Police Establishment Committee (City Police Committee) should be constituted under the Superintendent/ Commissioner of Police. This Committee should have full powers in all establishment matters of non-gazetted police officers. (19)</i></p>	
20	<p><i>(Para 5.2.4.9) Police Establishment Committees</i></p> <p><i>e) For inter-district transfers of non-gazetted officers, the State level Establishment Committee may deal with it or delegate it to a Zonal or a Range level Committee(20)</i></p>	
21	<p><i>(Para 5.2.4.9) Police Establishment Committees</i></p> <p><i>f) All officers and staff should have a minimum tenure of three years. Should the Competent Authority wish to make premature transfer, it should consult the concerned establishment committee for their views. If the views of the establishment are not acceptable to the Competent Authority, the reasons should be recorded before the</i></p>	

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	<i>transfer is affected, and put in the public domain. (21)</i>	
22	<i>(Para 5.2.4.9) Police Establishment Committees g) The Board of Investigation should have full and final control on all personnel matters of Crime Investigation Agency. Therefore, the Board should act as the establishment committee for all senior functionaries in investigation and prosecution. An appropriate committee may be constituted at the district level by the Board, for dealing with non-gazetted officials. (22)</i>	
23	<i>(Para 5.3.13) Competent Prosecution and Guidance to Investigation a) A system of District Attorney should be instituted. An officer of the rank of District judge should be appointed as the District Attorney. The District Attorney shall be the head of Prosecution in a District (or group of Districts). The District Attorney shall function under the Chief Prosecutor of the State. The District Attorney should also guide investigation of crime in the district. (23)</i>	(a) & (b) : The GoM decided to reject the recommendation
24	<i>(Para 5.3.13) Competent Prosecution and Guidance to Investigation b) The Chief Prosecutor for the State shall be appointed by the Board of Investigation for a period of three years. The Chief Prosecutor shall be an eminent criminal lawyer. The Chief Prosecutor would supervise and guide the District Attorneys. (24)</i>	
25	<i>(Para 5.4.7) Local Police and Traffic Management a) A task force may be constituted in the Ministry of Home Affairs to identify those laws whose implementation, including investigation of violations could be transferred to the implementing department. A similar task force should look into the state laws in each state. (25)</i>	(a) To (d) : The GoM decided to leave it to the states to implement them to the extent possible
26	<i>(Para 5.4.7) Local Police and Traffic Management b) To start with, departments like the State Excise, Forest, Transport and food with enforcement divisions may take some officers from the police department of appropriate seniority on deputation and</i>	

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	<p><i>form small investigation outfits by drawing departmental officers from corresponding ranks for the purpose of investigating cases of violations of appropriate laws; after a transition period, the concerned department should endeavour to acquire expertise and build capacity to cope with the investigation work with its own departmental officials. (26)</i></p>	
27	<p><i>(Para 5.4.7) Local Police and Traffic Management</i>  <i>c) A Municipal Police Service should be constituted in Metropolitan cities having population of more than one million. The Municipal Police should be empowered to deal with the offences prescribed under the municipal laws. (27)</i></p>	
28	<p><i>(Para 5.4.7) Local Police and Traffic Management</i>  <i>d) The function of Traffic control (along with traffic police) may be transferred to the local government in all cities having a population of more than one million. (28)</i></p>	
29	<p><i>(Para 5.5.4) The Metropolitan Police Authorities</i>  <i>a) All cities with population above one million should have Metropolitan Police Authorities. This Authority should have powers to plan and oversee community policing, improving police-citizen interface, suggesting ways to improve quality of policing, approve annual police plans and review the working of such plans. (29)</i></p>	<p>(a) &amp; (b) : The GoM decided that the salient features of the recommendations may be considered for inclusion in the new Draft Model Police Act and the matter should be left to the States/UTs for implementation.</p>
30	<p><i>(Para 5.5.4) The Metropolitan Police Authorities</i>  <i>b) The Authorities should have nominees of the State Government, elected municipal councilors, and non partisan eminent persons to be appointed by the government as Members. An elected Member should be the Chairperson. This Authority should not interfere in the 'operational functioning' of the police or in matters of transfers and posting. In order to ensure this, it should be stipulated that individual members will have no executive functions nor can they inspect or call for record. Once the system</i></p>	

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	<i>stabilizes, this Authority could be vested with more powers in a phased manner. (30)</i>	
31	<b><i>(Para 5.6.2.) Reducing Burden of Police – Outsourcing Non Core functions.</i></b> <b><i>a) Each State Government should immediately set up a multidisciplinary task force to draw up a list of non-core police function that could be outsourced to other agencies. Such functions should be outsourced in a phased manner. (31)</i></b>	<b>(a) &amp; (b) :</b> The GoM accepted the recommendation and decided that the matter may be left to the States/UTs to implement.
32	<b><i>(Para 5.6.2.) Reducing Burden of Police – Outsourcing Non Core functions.</i></b> <b><i>b) Necessary capacity building exercise would have to be carried out for such agencies and functionaries in order to develop their skills in these areas. (32)</i></b>	
33	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b> <b><i>a) The existing system of the constabulary should be substituted with recruitment of graduates at the level of Assistant Sub-Inspector of Police (ASI). (33)</i></b>	<b>(a) to (f) :</b> The GoM decided that parts (a), (b) and (c) may not be accepted. Parts (d), (e) and (f) may be accepted in principle and left to the States for implementation.
34	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b> <b><i>b) This changeover could be achieved over a period of time by stopping recruitment of constables and instead inducting an appropriate number of ASIs. (34)</i></b>	
35	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b> <b><i>c) Recruitment of constables would, however, continue in the Armed Police. (35)</i></b>	
36	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b> <b><i>d)The orderly system should be abolished with immediate effect. (36)</i></b>	
37	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b> <b><i>e) The procedure for recruitment of police functionaries should be totally transparent and objective. (37)</i></b>	
	<b><i>(Para 5.7.10) Empowering the ‘Cutting Edge’ Functionaries</i></b>	

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38	<i>f) Affirmative action should be taken to motivate persons from different sections of society to join the police service. Recruitment campaigns should be organized to facilitate this process. (38)</i>	
39	<i>10 (Para 5.8.4) Welfare Measures for the Police a) Rational working hours should be strictly followed for all police personnel.(39)</i>	<i>(a) To (c) : The GoM agreed that funds for welfare measures for the police should be enhanced. Best practices in the sector should be disseminated.</i>
40	<i>b) Welfare measures for police personnel in the form of improved working conditions, better education facilities for their children, social security measures during service, as well as post retirement should be taken up on priority.(40)</i>	
41	<i>c) Major housing construction programmes for police personnel should be taken up in a time bound manner in all states.(41)</i>	
42	<i>(Para 5.9.15) Independent Complaints Authorities a) A District Police Complaints Authority should be constituted to enquire into allegations against the police within the district. The District Police Complaints Authority should have an eminent citizen as its Chairperson, with an eminent lawyer and a retired government servant as its Members. The chairperson and Members of the District Police Complaints Authority should be appointed by the State Government in Consultation with the Chairperson of the State Human Rights Commission. A Government officer should be appointed as Secretary of the District Police Complaints Authority. (42)</i>	<i>(a) to (f) : The GoM accepted the recommendations.</i>
43	<i>(Para 5.9.15) Independent Complaints Authorities b) The District Police Complaints Authority should have the powers to enquire into misconduct or abuse of power against police officers up to the rank of Deputy Superintendent of Police. It should exercise all the powers of a civil court. The Authority</i>	

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	<p><i>should be empowered to investigate any case itself or ask any other agency to investigate and submit a report. The Disciplinary Authorities should normally accept the recommendations of the District Authorities.(43)</i></p>	
44	<p><i>(Para 5.9.15) Independent Complaints Authorities</i>  <i>c) A State Police Complaints Authority should be constituted to look into cases of serious misconduct by the police. The State level Authority should also look into complaints against officers of the rank of Superintendent of Police and above. The State Police Complaints Authority should have a retired High Court Judge as Chairperson and nominees of the State Government, the State Human Right commission, the State Loka Ayukta, and the State Women Commission. An eminent human rights activist should be also be the member of the complaints Authority. The Chairperson and the Member of the Authority (eminent human right activist) should be appointed by the State Government based on the recommendations of the State Human Rights Commission. (In case the State Human Rights Commission has not been constituted, then the State Loka Ayukta may be consulted). A government officer should officiate as the Secretary of the Authority. The Authority should have the power to ask any agency to conduct an enquiry or enquire itself. The Authority should also empowered to enquire into or review any case of Police misconduct, which is before any District Police Complaints Authority, if it finds it necessary in public interest to do so.(44)</i></p>	
45	<p><i>(Para 5.9.15) Independent Complaints Authorities</i>  <i>d) It should be provided that if upon enquiry it is found that the complaint was frivolous or vexatious, then the Authority should have the power to impose a reasonable fine on the complainant.(45)</i></p>	

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46	<p><i>(Para 5.9.15) Independent Complaints Authorities</i></p> <p><i>e) The State Police Complaints Authority should also monitor the functioning of the District Police Complaints Authority(46)</i></p> <p><i>(Para 5.9.15) Independent Complaints Authorities</i></p>	
47	<p><i>f) The Complaint Authorities should be given the powers of a civil court. It should be mandated that all complaints should be disposed of within a month (47).</i></p>	
48	<p><i>(Para 5.10.4.) An Independent Inspectorate of Police</i></p> <p><i>a) In addition to ensuring effective departmental inspections, an Independent Inspectorate of Police may be established under the supervision of the Police Performance and Accountability Commission to carry out performance audit of police stations and other police officers through inspections and review of departmental inspections. It should render professional advice for improvement of standards in policing and also present an annual report to the Police Performance and Accountability Commission(48)</i></p>	<p><b>(a) to (c)</b> :The GoM did not accept the recommendations contained in (a) and (b). It accepted the recommendation contained in part (c). States may explore the possibility of setting up similar organizations.</p>
49	<p><i>(Para 5.10.4.) An Independent Inspectorate of Police</i></p> <p><i>b) For all cases of deaths during ‘encounters’ the Independent Inspectorate of Police should commence an enquiry within 24 hours of the incident. The Inspectorate should submit its report to the PPAC and the SPAC.(49)</i></p>	
50	<p><i>(Para 5.10.4.) An Independent Inspectorate of Police</i></p> <p><i>c) The working of the Bureau of Police Research and Development needs to be strengthened by adequate financial and professional support, so that it could function effectively as an organization for inter alia analysis of data from all parts of the country and establish standards regarding different aspects of the quality of police service.(50)</i></p>	

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51	<p><b>13. (Para 5.11.8) Improvement of Forensic Science Infrastructure – Professionalization of Investigation</b></p> <p><i>a) There is need to set up separate National and State Forensic Science Organizations as state-of-the-art scientific organizations. At the state level these organizations should function under the supervision of the Board of Investigation.(51)</i></p>	<p><b>(a) To (d) :</b></p> <p>The GoM in its 2<sup>nd</sup> meeting held on 26.02.2013 agreed with the recommendations contained in part (b) &amp; (c). It had further decided that smaller states should have at least one Forensic Lab. The GoM accepted the recommendation contained in part (a) with the observation that the State Forensic Science Organizations should not be placed under the Board of Investigation. As regards part (d), the GoM accepted the recommendation.</p>
52	<p><i>b) There is need to expand the forensic facilities and upgrade them technologically. Every district or a group of districts having 30 to 40 lakhs population should have a forensic laboratory. This should be achieved over a period of five years. Government of India should earmark funds for this purpose for assisting the states under the police modernization scheme. All the testing laboratories should be accredited to a National Accreditation Body for maintaining quality standards.(52)</i></p>	
53	<p><i>c) The syllabus of MSc Forensic Science should be continuously upgraded in line with international trends.(53)</i></p>	
54	<p><i>d) Necessary amendments should be effected in the CrPC and other laws to raise the level and scope of forensic science evidence and recognize its strength for criminal justice delivery.(54)</i></p>	
55	<p><b>(Para 5.12.6.) Strengthening Intelligence Gathering</b></p> <p><i>a)The intelligence gathering machinery in the field needs to be strengthened and at the same time, made more accountable. Human intelligence should be combined with information derived from diverse sources with the focus on increased use of technology. Adequate powers should be delegated to intelligence agencies to procure/use latest technology.(55)</i></p>	<p><b>(a) to (g) :</b> The GoM accepted the recommendations contained in Paras (a) to (g). It decided, however, that intelligence officers should be held accountable only if the intelligence is far off the mark.</p>

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56	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>b) Intelligence agencies should develop multi-disciplinary capability by utilizing services of experts in various disciplines for intelligence gathering and processing. Sufficient powers should be delegated to them to obtain such expertise (56)</i></p>	
57	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>c) Intelligence should be such that administration is able to use it to act in time by resorting to conflict management or by taking preventing measures (57)</i></p>	
58	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>d) Instead of monitoring public places by posting a large number of policemen it would be economical as well more effective if devices like video cameras/CCTVs are installed in such places (58).</i></p>	
59	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>e) The beat police system should be revived and strengthened (59)</i></p>	
60	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>f) Informants giving information should be protected to keep their identity secret so that they do not fear any threat to life or revenge. However, they could be given a masked identity by which they could claim their reward at an appropriate time and also continue to act as informants as the situation develops (60)</i></p>	
61	<p><i>(Para 5.12.6.) Strengthening Intelligence Gathering</i></p> <p><i>g) In case of major breakdown of public order, the State Police Complaints Authority should take appropriate acting to fix responsibility on the police officers for lapses in acting upon intelligence or on the intelligence officers in case there has been a failure on their part.(61)</i></p>	

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62	<p><b>15. (Para 5.13.5) Training of the Police</b>  <i>a) Deputation to training institutions must be made more attractive in terms of facilities and allowances so that the best talent is drawn as instructors. The Chief of Training in the state should be appointed on the recommendation of the Police Performance and Accountability Commission.(62)</i></p>	<p><b>(a) to (j) :</b> The GoM accepted the recommendations and appreciated the emphasis given by the Commission on training.</p>
63	<p><i>b) The instructors should be professional trainers and a balanced mix of policemen and persons from other walks of life should be adopted.(63)</i></p>	
64	<p><i>c) Each state should earmark a fixed percentage of the police budget for training purposes.(64)</i></p>	
65	<p><i>d) For each level of functionary, a calendar of training for the entire career should be laid down.(65)</i></p>	
66	<p><i>e) There should be common training programmes for police, public prosecutors and magistrates. There should also be common training programmes for police and executive magistrates.(66)</i></p>	
67	<p><i>f) Training should focus on bringing in attitudinal change in police so that they become more responsive and sensitive to citizens' needs.(67)</i></p>	
68	<p><i>g) All training programmes must conclude with an assessment of the trainees, preferably by an independent agency.(68)</i></p>	
69	<p><i>h). Modern methods of training such as case study method should be used.(69)</i></p>	
70	<p><i>i) Impact of training on the trainees should be evaluated by independent field studies and based on the findings the training should be redesigned.(70)</i></p>	

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71	<i>j) All training programmes should include a module on gender and human rights. Training programmes should sensitise the police towards the weaker sections. (71)</i>	
72	<b>16. (Para 5.16.6) Gender Issues in Policing</b> <i>a) The representation of women in police at all levels should be increased through affirmative action so that they constitute about 33% of the police.(72)</i>	<b>(a) to (c) :</b> The GoM accepted the recommendations. It decided that 33% representation of women in Police should be achieved in the next five years.
73	<i>b) Police at all levels as well as other functionaries of the criminal justice system need to be sensitised on gender issues through well structured training programmes.(73)</i>	
74	<i>c) Citizens groups and NGOs should be encouraged to increase awareness about gender issues in society and help bring to light violence against women and also assist the police in the investigation of crimes against women.(74)</i>	
75	<b>17.(Para 5.17.9) Crime against Vulnerable Sections</b>  <i>a) The administration and police should be sensitised towards the special problems of the Scheduled Castes and Scheduled Tribes. Appropriate training programmes could help in the sensitizing process.(75)</i>	<b>(a) To (f) :</b> The GoM accepted the recommendations except part (e) relating to deployment of police personnel in police stations on the basis of religious or linguistic minorities.
76	<i>b) The administration and police should play a more pro-active role in detection and investigation of crimes against the weaker sections.(76)</i>	
77	<i>c) Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker sections should not be downplayed for fear of further disturbances or retribution and</i>	

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	<i>adequate preparation should be made to face any such eventuality.(77)</i>	
78	<i>d) The administration should also focus on rehabilitation of the victims and provide all required support including counselling by experts.(78)</i>	
79	<i>e) As far as possible the deployment of police personnel in police stations with significant proportion of religious and linguistic minorities should be in proportion to the population of such communities within the local jurisdiction of such police station. The same principle should be followed in cases of localities having substantial proportion of Scheduled Castes and Scheduled Tribes population.(79)</i>	
80	<i>f) Government must take concrete steps to increase awareness in the administration and among the police in particular, regarding crimes against children and take steps not only to tackle such crimes, but also to deal with the ensuing trauma.(80)</i>	
81	<b>(Para 5.18.9) National Security Commission</b> <i>a) There is no need for a National Security Commission with a limited function of recommending panels for appointment to Chiefs of the Armed Forces of the Union. There should be a separate mechanism for recommending the names for appointment as Chief of each one of these forces, with the final authority vesting in the Union Government. (81)</i>	<b>(a) :</b> The GoM had considered the recommendation in the 2 <sup>nd</sup> meeting held on 26.02.2013 and accepted the recommendation.
82	<b>19. (Para 5.19.6) Union-State and Inter-State Cooperation and Coordination</b> <i>a) The Ministry of Home Affairs should proactively and in consultation with the states, evolve formal institutions and protocols for effective coordination between the Union and the states and among the states. These protocols should cover issues like information/intelligence sharing, joint investigation, joint operations, inter-state operations by a state police in another state, regional cooperation mechanisms and the</i>	<b>(a) :</b> GoM decided to defer the matter and requested MHA and Inter-State Council to expedite this.

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	<i>safeguards required.(82)</i>	
83	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>a) The administration should be responsive, transparent, vigilant and fair in dealing with all sections of society. Initiatives such as peace committees should be utilized effectively to ease tensions and promote harmony.( 83)</i></p>	<p><b>(a) to (f) :</b></p> <p>The GoM accepted the recommendations</p>
84	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>b) The internal security plan/riot control scheme should be updated periodically in consultation with all stakeholders and in the light of previous episodes. The role of all major functionaries should be clearly explained to them (84)</i></p>	
85	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>c) A micro analysis should be carried out in each district to identify sensitive spots and this should be regularly reviewed and updated(85)</i></p>	
86	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>d) The intelligence machinery should not slacken during normal times and credible intelligence should be gathered from multiple sources.(86)</i></p>	
87	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>e) Regulatory laws such as the Arms Act, 1959, Explosives Act, 1884 and Municipal Laws related to construction of structures should be enforced rigorously (87).</i></p>	
88	<p><i>(Para 6.1.2.4.) Measures to be Taken during Peace Time</i></p> <p><i>f) Public agencies should follow a zero tolerance strategy in dealing with violations of laws (88)</i></p>	
89	<p><i>(Para 6.1.3.1.3) Security Proceedings</i></p> <p><i>a) The use of preventive measures in a planned and effective manner needs to be emphasized. Training and operational manuals for both Executive Magistrates and police need to be revised on these lines(89)</i></p>	<p><b>a) &amp; (b) :</b> The GoM accepted the recommendations for implementation by the States.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
90	<p><i>(Para 6.1.3.1.3) Security Proceedings</i>  <i>b) Regular supervision and review of these functionaries by the DM and the SP respectively should be done to focus attention on effective use of these provisions. For the purpose, a joint review on a periodic basis by the DM and SP should be done (90).</i></p>	
91	<p><b>22. (Para 6.1.3.2.7) Addressing Property Disputes to Prevent Disruption of Public Order</b>  <i>a) An Explanation may be inserted below Section 145 of the Code of Criminal Procedure clarifying that when from the evidence available with the Executive Magistrate it is clear that there is an attempt to dispossess a person or where a person has been illegally dispossessed of his property within sixty days of filing the complaint and that such acts cause a reasonable apprehension of a breach of the peace, such magistrate can pass an order contemplated in sub- section (6) of the aforesaid Section notwithstanding pendency of a civil case between the parties involving the same property.(91)</i></p>	<p><b>(a) to (d) :</b>  The GoM accepted the recommendation and asked Ministry of Law to examine whether timeframe of one year may be incorporated in CrPC for disposal of cases under Section 145.</p>
92	<p><i>b) A timeframe of six months may be stipulated for concluding the proceedings.(92)</i></p>	
93	<p><i>c) Specific but indicative guidelines may be issued by the Ministry of Urban Development to the State Governments to lay down the minimum standards for maintenance of land records in urban areas including municipal ward maps so as to minimize possibility of disputes about possession and boundary of immoveable property.(93)</i></p>	
94	<p><i>d) Detailed guidelines already exist in almost all states to periodically update land records in rural areas. Strict compliance of</i></p>	



Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
99	<i>a) If violence erupts, then the first priority should be to quickly suppress the violence. In cases of communal violence, the situation should be brought under control by effective use of force (99)</i>	implementation
100	<i>(Para 6.1.6.6.) Measures to be taken once a Riot has Started b) Prohibitory orders must be enforced rigorously.(100)</i>	
101	<i>Para 6.1.6.6.) Measures to be taken once a Riot has Started c) If the situation so warrants, the forces of the Union and the Army should be requisitioned and used without any reluctance or delay. (101)</i>	
102	<i>(Para 6.1.6.6.) Measures to be taken once a Riot has Started d) The Commissioner of police or the District magistrate and the Superintendent of Police should be given a free hand to deal with the situation in accordance with law (102)</i>	
103	<i>(Para 6.1.6.6.) Measures to be taken once a Riot has Started e) The media should be briefed with correct facts and figures so that there is no scope for rumour mongering.(103)</i>	
104	<i>(Para 6.1.6.6.) Measures to be taken once a Riot has Started f) The Police needs to be equipped with state-of –the-art crowd dispersal equipments(104)</i>	
105	<i>(Para 6.1.6.6.) Measures to be taken once a Riot has Started g) The District Magistrate should ensure that essential supplies are maintained and relief is provided, especially in vulnerable areas and particularly during prolonged spells of ‘curfew’(105)</i>	
106	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored a) No sanction of the Union Government or the State Government should be necessary for prosecution under Section 153(A). Section 196 Cr PC should be amended accordingly.(106)</i>	(a) to (f) : The GoM accepted the recommendations. Ministry of Law may examine whether time limits for completion of inquiry can be included in the relevant Act.
	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored</i>	

<b>Sl. No.</b>	<b>Recommendations made by Administrative Reforms Commission</b>	<b>Decision of Government</b>
107	<i>b) Prosecution in cases related to rioting or communal offences should be not sought to be withdrawn. (107)</i>	
108	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored c) Commissions of Inquiry into any major riots/violence should give their report within one year.(108)</i>	
109	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored d)The recommendation made by a Commission of Inquiry should normally be accepted by the Government and if the Government does not agree with any observation or recommendation contained in the report of the Commission, it should record its reasons and make them public(109)</i>	
110	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored e) All riots should be documented properly and analyzed so that lessons could be drawn from such experiences(110)</i>	
111	<i>(Para 6.1.7.9) Measures to be Taken Once Normalcy has been Restored f) There is need for adequate follow up to ensure proper rehabilitation of victims(111)</i>	
112	<i>(Para 6.2.4) Accountability of Public Servants Charged with Maintaining Public Order a)The State Police Complaints Authority should be empowered to identify and fix responsibility in cases of glaring errors of omission and commission by police and Executive Magistrates in the discharge of their duties relating to the maintenance of public order (112)</i>	(a) ∴ The GoM accepted the recommendation in principle and left its implementation to the States
113	<i>(Para 6.3.15) The Executive Magistrates and the District Magistrate a)The position of the District Magistrate vis-à-vis the Police, and as a coordinator and facilitator in the district needs to be strengthened. The District Magistrate should be empowered to issue directions under the following circumstances: i. promotion of land reforms and settlement</i>	(a) & (b) : GoM accepted the recommendations in principle and left its implementation to the States.

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
	<p><i>of land disputes;</i></p> <p><i>ii. extensive disturbance of public peace and tranquility in the district</i>  <i>(The decision of the DM as to what constitutes extensive disturbance of public peace should be final);</i></p> <p><i>iii. Conduct of elections to any public body;</i></p> <p><i>iv. handling of natural calamities and rehabilitation of the persons affected thereby;</i></p> <p><i>v. situations arising out of any external aggression or internal disturbances;</i></p> <p><i>vi. any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district;</i></p> <p><i>vii. removal of any persistent public grievance (as to what constitutes persistent public grievance, the decision of the DM shall be final); and</i></p> <p><i>viii. whenever police assistance is required to enforce/implement any law or programme of the government(113)</i></p>	
114	<p><i>(Para 6.3.15) The Executive Magistrates and the District Magistrate</i></p> <p><i>b) These directions shall be binding on all concerned. Directions in respect of item No. ii should normally be issued in consultation with the Superintendent of Police (114)</i></p>	
115	<p><i>(Para 6.4.2) Capability Building of Executive Magistrates</i></p> <p><i>a) All officers likely to be posted as Executive Magistrates should be specially trained in the relevant laws and procedures and should be eligible for posting only after qualifying in an examination.(115)</i></p>	<p><b>(a) &amp; (b) :</b> GoM accepted the recommendations</p>
116	<p><i>(Para 6.4.2) Capability Building of Executive Magistrates</i></p> <p><i>b) On the lines of a police manual, each state should also evolve a Manual for Executive Magistrates. (116)</i></p>	
117	<p><i>(Para 6.5.7) Inter-Agency Coordination</i></p> <p><i>a) In a District, the District Magistrate should coordinate the role of all agencies at the time of crisis.(117)</i></p>	<p><b>(a) &amp; (b) :</b> The GoM accepted the recommendations to be implemented by the States.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
118	<p><i>(Para 6.5.7) Inter-Agency Coordination</i></p> <p><i>b) In major cities, with the Police Commissioner System, a coordination committee should be set up under the Mayor, assisted by the Commissioner of Police and the Municipal Commissioner. All major service providers should be represented on this coordination Committee.(118)</i></p>	
119  120	<p><i>31. (Para 6.6.4) Adoption of Zero Tolerance Strategy</i></p> <p><i>a) All public agencies should adopt a zero tolerance strategy towards crime, in order to create a climate of compliance with laws leading to maintenance of public order.(119)</i></p> <p><i>b) This strategy should be institutionalised in the various public agencies by creating appropriate statistical databases, backed up by modern technology, to monitor the level and trends of various types of offences and link these to a system of incentives and penalties for the officials working in these agencies. It should be combined with initiatives to involve the community in crime prevention measures.(120)</i></p>	<p><b>(a) &amp; (b):</b> The GoM accepted the recommendations in principle and left its implementation to the States.</p>
121  122  123	<p><i>32. (Para 7.3.7) Facilitating Access to Justice - Local Courts</i></p> <p><i>a) A system of local courts should be introduced as an integral part of the judiciary. There should be one such court for a population of 25,000 in rural areas (this norm could be modified for urban areas).(121)</i></p> <p><i>b) The local courts should have powers to try all criminal cases where the prescribed punishment is less than one year. All such trials should be through summary proceedings.(122)</i></p> <p><i>c) The judge of the local court should be appointed by the District and Sessions Judge in consultation with his/her two</i></p>	<p><b>(a) to (e) :</b> The GoM had considered the recommendation in the 2<sup>nd</sup> meeting held on 26.02.2013 and accepted the recommendations in principle.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
124	<p><i>senior-most colleagues. Retired judges or retired government officers (with appropriate experience) could be appointed.(123)</i></p> <p><i>d) These courts may function from government premises and could also be in the form of mobile courts.(124)</i></p> <p><i>e) These local courts may be constituted by a law passed by the Parliament to ensure uniformity.(125)</i></p>	
126	<p><b>(Para 7.5.1.11) Citizen Friendly Registration of Crimes</b></p> <p><i>a) Registration of FIRs should be made totally citizen friendly. Technology should be used to improve the accessibility of police station to the public. Establishing call centers and public kiosks are possible options in this regard(126)</i></p>	<p><b>(a) to (d) :</b></p> <p>The GoM accepted the recommendations contained in parts (a) (b) &amp; (d) in principle and left their implementation to the States. On part (c), it observed that a comprehensive report covering all aspects of criminal law is under consideration of the Law Commission. It decided that the report of the Law Commission may be awaited and MHA may get it expedited</p>
127	<p><b>(Para 7.5.1.11) Citizen Friendly Registration of Crimes</b></p> <p><i>b) Police station should be equipped with CCTV cameras in order to prevent malpractice, ensure transparency and make the police more citizen-friendly. This could be implemented in all police stations within a time frame of five years. (127)</i></p>	
128	<p><b>(Para 7.5.1.11) Citizen Friendly Registration of Crimes</b></p> <p><i>c) Amendments to the Cr P C should be made as suggested by the National Police Commission.(128)</i></p>	
129	<p><b>(Para 7.5.1.11) Citizen Friendly Registration of Crimes</b></p> <p><i>d) The performance of Police station should be assessed on the basis of the cases successfully detected and prosecuted and not on the number of cases registered. This is necessary to eliminate the widely prevalent malpractice of ‘burking’ of cases.(129)</i></p>	
130	<p><b>(Para 7.5.2.4) Inquests</b></p> <p><i>a)All State Governments should issue Rules prescribing in detail the procedure for</i></p>	<p><b>(a)</b> The GoM accepted the recommendation and noted that the MHA has issued a comprehensive Advisory to all States/UTs on prevention of crime</p>

Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
	<i>inquests under Section 174 CrPC.(130)</i>	on 16.07.2010.
131	<p><i>Para 7.5.3.13) Statements Made before Police Officer</i></p> <p><i>a) Section 161 and 162 of CrPC should be amended to include the following.</i></p> <p><i>i. The statement of witnesses should be either in narrative or in question and answer form and should be signed by the witness.</i></p> <p><i>ii. A copy of the statement should be handed over to the witness immediately under acknowledgement.</i></p> <p><i>iii. The Statement could be used for both corroboration and contradiction in a Court of Law(131)</i></p>	<p><b>(a) &amp; (b) :</b></p> <p>The GoM did not accept the recommendation contained in part (a). It accepted only part (b) of the recommendation relating to audio or video recording of statements of all important witnesses.</p>
132	<p><i>35. (Para 7.5.3.13) Statements Made before a Police Officer</i></p> <p><i>b) The statements of all important witnesses should be either audio or video recorded.(132)</i></p>	
133	<p><i>(Para 7.5.4.10) Confession before Police</i></p> <p><i>a) Confessions made before the police should be admissible. All such statement should be video-recorded and the tapes produced before the court. Necessary amendments should be made in the Indian Evidence Act.(133)</i></p>	<p><b>(a) to (d) :</b></p> <p>The GoM did not accept the recommendations.</p>
134	<p><i>36. (Para 7.5.4.10) Confessions before Police</i></p> <p><i>b) The witness/accused should be warned on video tape that any statement he makes is liable to be used against him in a court of law, and he is entitled to the presence of his lawyer or a family member while making such a statement. If the person opts for this, the presence of the lawyer/family member should be secured before proceeding with recording the statement.(134)</i></p>	
135	<p><i>c) The accused should be produced before a magistrate immediately thereafter, who shall confirm by examining the accused whether the confession was obtained voluntarily or under duress.(135)</i></p>	

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136	<i>d) The above-mentioned recommendations should be implemented only if the reforms mentioned in Chapter 5 are accepted (136)</i>	
137	<b>37. (Para 7.7.1.10) The Judge's Obligation to Ascertain the Truth</b> <i>a) It is necessary to amend Section 311 CrPC and impose a duty on every court to suo motu cause production of evidence for the purpose of discovering the truth, which should be the ultimate test of the criminal justice system. Suitable amendments to the Indian Evidence Act, 1872 may also be made to facilitate this.(137)</i>	<b>(a):</b> The GoM decided to defer the decision till the receipt of the Report of the Law Commission. The GoM asked MHA to get it expedited.
138	<b>38. (Para 7.7.2.14) Right to Silence</b> <i>a) Regarding grave offences like terrorism and organised crimes, in the case of refusal by the accused to answer any question put to him, the court may draw an inference from such behaviour. This may be specifically provided in the law.(138)</i>	<b>(a) :</b> The GoM had considered the recommendation in the 2 <sup>nd</sup> meeting held on 26.02.2013 and did not agree to the recommendation.
139	<b>(Para 7.7.3.6) Perjury</b> <i>(a) The penalties provided under Section 344 Cr.P.C for those found guilty of perjury after a summary trial should be enhanced to a minimum of one year of imprisonment.(139)</i>	<b>a) &amp; (b)</b> Regarding part (a), the GoM decided that MHA may take up enhancing the sentence for perjury from three months to one year with M/o Law. Regarding part (b), the GoM accepted the recommendation.
140	<b>(Para 7.7.3.6) Perjury</b> <i>(b) It should be made incumbent upon the Courts to ensure that existing perjury laws providing for summary trial procedure are unfailingly and effectively applied by the trial courts, without awaiting the end of the main trial.(140)</i>	
141	<b>40. (Para 7.7.4.6) Witness Protection</b> <i>a) A statutory programme for guaranteeing anonymity of witnesses and for witness protection in specified types of cases, based on the best international models should be adopted early.(141)</i>	<b>(a)</b> The GoM accepted the recommendation.



Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
146	<i>(Para 7.9.7) Sentencing Process a) The Law Commission may lay down 'Guidelines' on sentencing for the 'Trial Courts in India so that sentencing across the country for similar offences becomes broadly uniform.(146)</i>	<b>(a) &amp; (b) :</b> The GoM had considered the recommendation in the 2nd meeting held on 26.02.2013 and decided that the Report of the Law Commission may be awaited.
147	<i>(Para 7.9.7) Sentencing Process b) Simultaneously, the training for trial court judges should be strengthened to bring about greater uniformity in sentencing.(147)</i>	
148	<i>(Para 7.10.14) Prison Reforms a) The Union and state Governments should work out, fund and implement at the earliest, modernization and reforms of the Prison System as recommended by the All India Committee on Jail Reforms (1980-83).(148)</i>	<b>(a) to (c) :</b> The GoM accepted the recommendations contained in part (a) and (b) and directed MHA to send a proposal to Ministry of Finance to enhance the Finance Commission grant for prison reforms. The GoM decided that part (c) of the recommendations may be left to the States for implementation.
149	<i>(Para 7.10.14) Prison Reforms b) The attendant legislative measures should also be expedited.(149)</i>	
150	<i>(Para 7.10.14) Prison Reforms c) Rules regarding Parole and Remission need to be reviewed. An Advisory Board with a retired judge of the High Court, the DGP and the Inspector General of Prisons should be set up to make recommendation on parole. The recommendations made by the Board should normally be accepted. In case of difference, State Government should obtain the advice of the board again, stating its own views in writing. A similar or the same Board may deal with cases of remissions.(150)</i>	
151	<i>(Para 8.2.15) Obligations of the Union and States a) A law should be enacted to empower the Union Government to deploy its Forces and to even direct such Forces in case of major public order problems which may lead to the breakdown of the constitutional machinery in state. However, such deployment should take place only after the state concerned fails to act on a 'direction' issued by the Union under Article 256 of the Constitution. All such deployments should be only for a</i>	<b>(a) &amp; (b) :</b> The GoM did not accept the recommendations.

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	<i>temporary period not exceeding three months, which could be extended by another three months after authorization by Parliament.(151)</i>	
152	<i>(Para 8.2.15) Obligations of the Union and States b) The law should spell out the hierarchy of the civil administration which would supervise the Forces under such circumstances.(152)</i>	
153	<i>(Para 8.3.14) Federal Crimes a) There is need to re-examine certain offences which have interstate or national ramification and include them in a new law. The law should also prescribe the procedure for investigation and trials of such offences. The following offences may be included in this category: i. Organised Crime (examined in paragraph 8.4) ii. Terrorism iii. Acts threatening National security iv. Trafficking in arms and human beings. v. Sedition vi. Major crimes with inter-state ramifications vii. Assassination of ( Including attempts on) major public figures viii. Serious economic offences.(153)</i>	<b>(a) to (c) :</b> The GoM did not accept the recommendation.
154	<i>(Para 8.3.14) Federal Crimes b) A new law should be enacted to govern the working of the CBI. This law should also stipulate its jurisdiction including the power to investigate the new category of crimes.(154)</i>	
155	<i>(Para 8.3.14) Federal Crimes c) The empowered committee recommended in the Commission's Report on 'Ethics in Governance' (Para 3.7.19) would decide on cases to be taken over by the CBI.(155)</i>	
156	<i>Para 8.4.17) Organised Crime a) Specific provisions to define organized crimes should be included in the new law governing 'Federal Crimes'. The definition of organized crime in this law should be on the lines of the Maharashtra Control of Organised Crime Act, 1999.(156)</i>	(a) The GoM did not accept the recommendation.
157	<i>(Para 8.5.17) Armed Forces (Special Powers) Act, 1958 a) The Armed Forces (Special Powers) Act,</i>	a):The GoM had considered the recommendation in the 2 <sup>nd</sup> meeting held on 26.02.2013 and did not



Sl. No.	Recommendations made by Administrative Reforms Commission	Decision of Government
	<i>about matters of public importance. (165)</i>	