

**RESEARCH UNDER SCHEME FOR ACTION RESEARCH  
AND STUDIES ON JUDICIAL REFORMS**

**ASSESSING GAPS IN CRIMINAL JUSTICE DELIVERY SYSTEM  
AND ITS IMPACT IN UTTAR PRADESH AND WEST BENGAL**

**SUBMITTED TO  
DEPARTMENT OF JUSTICE  
MINISTRY OF LAW AND JUSTICE  
GOVERNMENT OF INDIA**

**SUBMITTED BY  
INDIAN NATIONAL BAR ASSOCIATION (INBA)  
8/11, JANGPURA EXTENSION  
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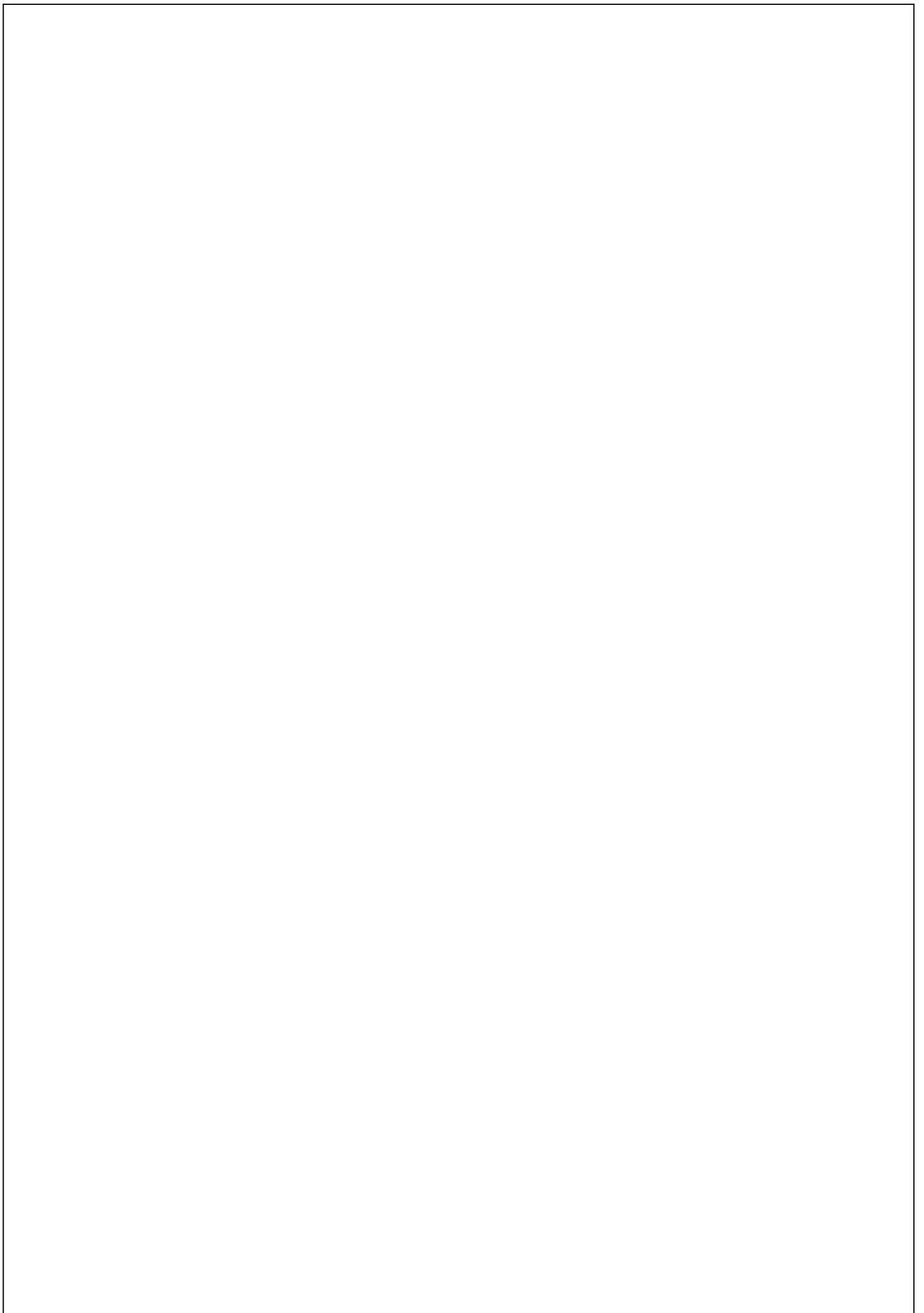
## PREFACE

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The Indian National Bar Association (INBA) took up the study on “Assessing the gaps in criminal justice delivery justice and its impact in Uttar Pradesh and West Bengal”, after internal discussions and public seminars on the deploring situation of justice delivery in general. The study went through different phases which included detailed research methodology that included collating data from government websites, including the National Crime Records Bureau and the National Judicial Data Grid. Interviews and questionnaires with members of the Bench, Bar, Police Personnel’s, and different stakeholders were conducted. Extensive survey was run with the Law Academicians, Law Students, Public Prosecutors/Advocates and General Public. A series of workshops were held at the districts of Uttar Pradesh and West Bengal.

In all these activities we were immensely helped not just by local lawyers and law students, also by people from different works of life who joined us, and often requested us to hold discussion rounds to understand their legal rights.

Thanks to all of them, without the help and active participation of these multitudes of people, it would not have been possible to conduct the study. We would also take the opportunity to thank the learned members of the Bench for their insightful guidance and the Court officers, including public prosecutors and legal practitioners who enlightened us on a number of the practical problems persisting in the system.

In Uttar Pradesh, Round-Table Conferences were organized with University of Lucknow, Lucknow, Amity University, Noida, Police Training Centre, Moradabad, Galgotia University, Noida and Shobhit University, Meerut. In West Bengal Round-Table Conference were organized at National University of Juridical Science, Kolkata, WBNUJS, Kolkata, Bijoy Pal Memorial B.ED College, Bardhaman district, Manbhum Institute of Education & Social Sciences, Purulia, Durgapur Institute of Legal Studies, Asansol.

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## Aims and Objectives

### **Aims:**

To address the issue of justice delivery in states, the purpose of this research project is to identify the gaps in justice delivery in the states of Uttar Pradesh and West Bengal and assess the reasons for such gaps. The aim is to provide necessary inputs that can enable necessary course correction to improve the justice delivery mechanisms.

### **Objectives:**

- To identify what are the major gaps in the justice delivery mechanism in the states.
- To explore information dissemination on these gaps and their impact.
- To solicit ideas to bridge these gaps in justice delivery mechanism.
- To engage in capacity building on these gaps, informing on their impact and addressing them pragmatically.

## Executive Summary

One of the pillars of a thriving democracy is ‘judiciary’, the fundamental pillar that ensures rule of law, delivering good governance. Judiciary includes not only the courts of law but also the entire mechanism of justice delivery. It comprises of an entire legal system encompassing both civil and criminal justice delivery mechanisms. In other words, it consists of a whole gamut of constitutional rights and prerogatives, enacted statutes, procedural rules and regulations, criminal prosecution, and enforcement mechanisms as well as institutions like the correctional homes. For justice delivery system to function in an effective manner, all the above need to work together in synergy and in a timely manner.

Our judicial system is pyramidal with the Magistrate’s Courts at the base, going right up through the District Courts to the High Courts until it reaches the Supreme Court at the apex tip. In criminal justice delivery mechanisms, at the district level the matters are heard by the Sessions judge and escalates on appeal to the Supreme Court. Based on the Common Law legal system that was left behind by the British, hence judicial pronouncements by higher courts of law i. e. the High Courts and the Supreme Court become precedents and contribute to jurisprudence. It is not only the burden on the prosecution to establish a person guilty and prove conviction, it is natural right of the defendant to be able to defend any charges brought. In such scenario, considering the fact that even the sitting judge may commit an error, the opportunity to appeal the decision of the judge and be free, is fundamental and guaranteed under Article 25 of the Indian Constitution that guarantees life and liberty to every citizen.

In a typical model of cooperative federalism that India follows, justice delivery engages both the union and the state and hence calls for effective coordination between the two. In the words of legendary jurist Durga Das Basu, India is neither completely federal nor unitary in nature. The 7<sup>th</sup> Schedule of the Constitution places ‘Law and Order’ as a ‘State’ subject, hence the state is responsible for operation of laws, including prevention, detection, investigation, and prosecution of criminal breaches, etc. On the other hand, Article 355 of the Constitution empowers the union government to exercise its powers to address internal disturbances to the security of the country. Hence for efficient delivery of criminal justice system, there needs to be a synergy between the Centre and the States.

In the 21st century with the advent of advanced digital technology, delivery of justice should be seamless and fast but on the contrary long delays, basic infrastructural deficiencies in the courts, especially at the Sessions level makes justice delivery, weak and problematic. There has been a number of recommendations by commissioned studies as well as guidelines by Hon’ble Supreme Court promoting e-courts, encouraging video-conferencing facilities not only between the courts and the correctional homes, but also between lawyers and their clients. However, implementation is still lacking. The worst hit was during the pandemic when except the Supreme Court and a few High Courts; most of the courts could not function. To the extent in a recent interview, Sri. Ranjan Gogoi, former Chief Justice of India stated that one would not get a verdict if goes to the court and that the Indian judiciary is in a “ramshackled” state. <sup>1</sup>

The INBA study on “Assessing the gaps in criminal justice delivery system and its impact in Uttar Pradesh and West Bengal” identified that there are more than **69,60,284** pending criminal cases at Uttar Pradesh and **18,71,737** in West Bengal in different courts.

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<sup>1</sup> <https://scroll.in/latest/986778/if-you-go-to-court-you-dont-get-a-verdict-says-former-cji->

The table below provides a real picture of the situation in these two states.

**District-wise pending criminal cases in 20 sample districts of Uttar Pradesh**

S.No	District	Total number of pending criminal cases
1	Agra	199329
2	Aligarh	136356
3	Allahabad	228752
4	Azamgarh	87472
5	Bahraich	114271
6	Bareilly	164073
7	Basti	87200
8	Chitrakoot	19303
9	Gorakhpur	172447
10	Gonda	88424
11	Kanpur Nagar	284927
12	Lucknow	297769
13	Meerut	186185
14	Moradabad	101324
15	Pratapgarh	98353
16	Saharanpur	143767
17	Varanasi	135369
18	Gautam Buddha Nagar (Noida)	182523
19	Ghaziabad	208025
20	Meerut	186185

**District-wise pending criminal cases in 20 sample districts of West Bengal**

S.No	District	Total number of pending criminal cases
1	Bankura	23,240
2	Birbhum	42,332
3	Calcutta	5,82,677
4	Coochbehar	28,249
5	Darjeeling	23,091
6	Hoogly	66,414
7	Howrah	72,407
8	Jalpaiguri	58,015

9	Malda	34,944
10	Murshidabad	1,33,766
11	Nadia	91,303
12	North 24 parganas	1,78,549
13	North Dinajpur	27,481
14	Paschim Bardhaman	58,165
15	Paschim Medinipur	61,240
16	Purba Bardhaman	42,527
17	Purba Medinipur	59,839
18	Purulia	19,634
19	South Dinajpur	22,153
20	South 24 Parganas	2,35,767

This study enabled the researchers not only to collate data but also to engage with the stakeholders including judges, police officers, court officers including both public prosecutors and advocates as well as common people. The worst hit are common people either because of not knowing their legal rights and unable to lodge police complaints when the officers refused to register the complaints on one pretext or the other. On other occasion they are unable to defend themselves against false charges levied on them, thus having severe negative impact on the people. Such instances bring disrepute to the criminal judicial mechanism at large and ultimately there is a dangerous tendency of people taking law in their own hands. Through the discussion rounds in different district law colleges where both police-officials, court officers and members of the bench participated, an exchange of innovative ideas of addressing the gaps could be reached. The study has identified many such gaps and explored possible remedies both long-term and short term.

Here are excerpts from the problems highlighted by stakeholders from both the states. These are collated views and suggestions of judges and former judges; police officers; court officers including advocates and public prosecutors; law academics and researchers; and common people both educated and uneducated.

### **Views of Judges and Former Judges**

According to the Judges and former judges interviewed, at the courts in district level there are inadequate number of court staffs employed who are responsible for the maintenance and protection of court documents as well as perform the role of guiding lawyers and litigants to the whereabouts of their cases. At the district level there is severe shortage of staff support to the magistrates even at the level of Additional District Judicial Magistrate and District Judicial Magistrate. The situation compels the judges to focus on other administrative aspects rather than focusing on what's important i. e. delivery of justice.

The trial courts and district courts face the maximum problems and totally under-staffed, only the most enthusiastic and dedicated magistrates sit down the entire day to attend to back-log. They also highlighted that there is no system of accountability among staff, hence as long as the staff are temporary, they work hard for fear of not being regularized. Once they are permanent staff, the work attitude changes, their commitment towards work dips and the entire system is dragged slow. Moreover, there is no mechanism of regular training of staff, even basic administrative training is lacking, on hand there is no accountability and on other hand there is no incentives schemes. This brings a lack-luster attitude among intermittently contributing to the long delays and corruption.

Further, the total number of working days in any lower court spans between 220 to 240 days annually or less at times due to untimely strikes, protests, or mourning. They felt the number of working days of lower courts must be increased and proper a proper mechanism should be in place to oversee that the precious working hours of courts are not wasted due to occurrence of any such events as mentioned above.

All judges that we interviewed, interacted in discussion rounds or round tables were of the opinion that quite often there are extensive delays in the part of police in filing the charge sheet. As a result, the timeline of a criminal prosecution gets stretched and in a chain reaction often undertrial prisoners land up overstaying in the prison. A check-and-balance mechanism to ensure that police files the charge sheet within the stipulated time is essential. Failing which there need to be penalties for such inordinate delay with an exemption window provided for genuine delays that are substantiated. In one of the round-table discussions there was also suggestion of introducing more circuit benches of the Allahabad High Court since the single circuit bench was not sufficient to handle the barrage of cases.

### **Pending criminal cases in Allahabad High Court, Uttar Pradesh**

<b>Different pending matters</b>	<b>Number of pending cases</b>
Writ petition	15,332
Criminal revision	36,605
Bail applications	22,904
Criminal appeals	1,79,690
Death sentence reference	44
Contempt	93
Misc. criminal applications	1,15,423
<b>Total criminal matters pending at Allahabad Bench</b>	<b>3,68,571</b>

### **Pending criminal cases in Calcutta High Court, West Bengal**

<b>Different pending matters</b>	<b>Number of pending cases</b>
Criminal revisions	23,054
Bail applications	5,136
Criminal appeals	11,342
Death sentence reference	12
Contempt	86
<b>Total criminal matters pending at Principal Bench, Appellate side</b>	<b>42,537</b>

### **Views Of Police Enforcement Officials**

Some of the issues raised by the Police officers and members of police training institutes were same as those of the judges hence are not being repeated. Right from the apex officer of the police recruitment board in the state to the most junior officer raised the issue of lack of required strength of police force. For delays and long pending cases for disposal, which is one of the core issues of problems for all stakeholders, they said the most important reason is Police stations are under-staffed, ill-equipped, often they do not even have sufficient strength of motor-bikes, let along general-purpose utility vehicles to move from one place to another. It was also raised that the recruitment is faulty, the examinations are not as per the requirements of the police service of today so those who join, many of them are incompetent for the role in the first place. Further there are no orientation and motivational training hence often the public

service attitude is missing, they somehow need a job to earn a living.

Apart from being hugely under-staffed that leads to vacancies across different police departments in both the states, work is completed in an adhoc basis. A senior police officer gave a very good example that captures the entire problem in a nutshell. A police officer goes to investigate a murder, at the site calls for the forensic officer but there is no forensic officer. The officer is forced to collect forensic samples which he does as a novice not being trained to do it. He then interviews people around and those of kin and with his notes he comes back to his office to find that the Inspector had been looking for him, he was needed to go immediately attend some political demonstration that has gone violent, the entire police station has already gone. So, his notes remain in his notebook for the next moment that he gets to sit on it to prepare the First Information Report and preparing the Charge Sheet. Until that is submitted the filing of charges at the court is not possible, creating an ever-widening gap in the criminal justice delivery.

The issue of adequate training of officers at all the levels, no work-life balance, long duty hours and stressful atmosphere of work were also raised and was stated that these resulted in low quality of work. It is interesting to note that while police force is under-staffed, it was also raised that to cope with that, instead of going for organic growth with increase in the number of police training facilities, police intakes are increased to four to five times of their ideal capacity, thereby significantly bringing down the quality of training.

It was also raised that there is a major systemic flaw in the structure of police administration at the police station level. While a Police Directorate and Commissionerate has a dedicated investigation department which can work only on investigation, there is no such mechanism at the local police station, 'Thana' level. Hence the same police officer needs to shuffle between a complicated investigation and also attend to its procedural issues for completing the filing of charge-sheet as well as attend to policing functions that are purely law and order function. It was recommended that as in some Commissionerate, traffic policing has been separated and are functioning better than when it was immersed with policing, investigation work needs to be separated too. Given that there is dearth of officers, this can be addressed in cycling the officers for a period of time in the designated duty.

The cyber-crime wing of the police force at the district level in most cases non-existing, officers are neither trained nor have any understanding of the technological functioning, let alone the occurrence of crime. Ironically, there are increasing number of crimes related to 'Paytm fraud', mobile-app based frauds, online banking frauds in the moffusil towns and tier-two and three cities. There was unanimous view of need for more training and understanding of the Information Technology Act 2000 as amended. There was also suggestion that the vacancies in the forensic labs be filled in and proper synergy between the investigation departments of the police and the forensic labs established.

On the infrastructural side, there was also suggestion of completely revamping forensic science department. Neither there are sufficient number of forensic labs are not the vacancies in the forensic labs filled. With the sophistication in crimes, there is need to have not just a greater number of labs but properly equipped with state-of-the-art technology and trained personnel. On the operational side, once the infrastructure is ready, there needs to be some immersion training with the police investigation department, law-and-order enforcement department and forensic so that the three can work in proper synergy.

The table below provides some statistics on sanctioned strength of police and vacancies in the two states.

<b>West Bengal</b>					
Strength of civil police		Strength of district armed reserve police		Strength of state armed police	
Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
89,203	55,685	22,838	16,076	28,863	20,162
<b>Total Sanctioned: 1,40,904</b> <b>Total Actual: 91,923<sup>2</sup></b> <b>(BRPD 2018)</b>					

<b>Uttar Pradesh</b>			
Strength of civil police including Strength of district armed reserve police		Strength of state armed police	
Sanctioned	Actual	Sanctioned	Actual
2,80,456	1,89,101	1,34,036	96,234
<b>Total sanctioned: 4,14,492</b> <b>Actual strength: 2,85,335</b> <b>(BPRPD 2018)</b>			

### **Views of public prosecutors and advocates (criminal law practitioners)**

The primary reason for delay as explained by most of the public prosecutor and advocates interviewed is the lack of judges functioning at the district level. The lower courts function with a handful of sitting judges who are again subjected to transfers on shorter durations which often leads to vacancy of the seats for months.

The process of appointment of judges is also sluggish and proper training of such candidates at times is also not ensured by the respective judicial training academy. It was also mentioned that the newly recruited magistrates who come straight from the academy do not have much understanding of practical issues and find it difficult to cope with the situation on ground. They suggested that at least six months' practical training should be made compulsory for magistrates before they sit to hear cases.

On the functional side the lawyers and the public prosecutors also mentioned that the police are not trained enough to understand the chain of prosecution until the person is experienced enough. Hence, they often make serious mistakes right from evidence collection to presentation of the witness and in other procedural issues. One of the practitioners mentioned that the concept of zero draft is known only in the city areas although reluctantly ever practiced. Similarly, even with personal efforts to initiate plea bargaining did not work hence he suggested that there needs to be more orientation towards dispute resolution rather than revenge. It was also raised that there are not sufficient checks against initiation of false charges and especially

<sup>2</sup> <https://bprd.nic.in/WriteReadData/Orders/DOPO%202018w.pdf>

this becomes relevant in politically motivated complaints. The pitiable state of undertrial prisoners was also often raised by the practitioners rather complaining that bail refusals are often not based on the well-laid guidance that granting of bail is the norm and refusal is an exception. On one hand the correctional homes are outnumbered with inmates and because of not managing the procedural aspects, including refusal of bails, there is massive crowding of correctional homes with undertrial prisoners. There is an urgent requirement of improving the state of correctional homes at the same time make sure that the matters of undertrials are heard in due course and disposed in a timely manner. Some tables below will provide the present situation in these two states in this regard.

Available capacity			Inmate population			Occupancy rate
Male	Female	Total	Male	Female	Total	
376036	27703	403739	458687	19913	478600	118.5 %

### Percentage of under trial prisoners as on 31<sup>st</sup> December, 2019

Timeline	West Bengal in %	Uttar Pradesh in %
Up to 3 months	42.1	31.2
3 to 6 months	20.2	20.5
6 to 12 months	15.5	16.1
1 to 2 years	9.7	13.9
2 to 3 years	6.0	9.2
3 to 5 years	4.7	6.2
Above 5 years	1.8	2.9
<b>Total</b>	<b>100</b>	<b>100</b>

### General Data on prisons in West Bengal

State of West Bengal	Available Data as on 2017
Number of Prisons	59
Total capacity of Prisons	21772
Available capacity in Central Jails	13746
Available capacity in District Jails	4289
Available capacity in Sub-Jails	2490
Total Inmate Population	23092
Occupancy rate in prisons all over the State	106.1%
Total number of Convicts	27612
Total number of Under trials	16478
Available capacity in Women Jails	226
Occupancy rate in Women Jail	142.04%
Number of Women Prisoners in all Jails (except women jails)	69.80%
Total number of foreign convicts	1379
Total number of foreign under trials	576
<b>(NCRB 2017)<sup>3</sup></b>	

<sup>3</sup> (NCRB 2017, as data of 2018 and 2019 are not submitted by West Bengal government)

## General Data on prisons in Uttar Pradesh

State of Uttar Pradesh	Available Data
Number of Prisons	72
Total capacity of Prisons	60340
Available capacity in Central Jails	7769
Available capacity in District Jails	51057
Available capacity in Sub-Jails	306
Total Inmate Population	101297
Occupancy rate in prisons all over the State	167.9%
Total number of Convicts	6253
Total number of Under trials	73418
Available capacity in Women Jails	420
Occupancy rate in Women Jail	52.14%
Number of Women Prisoners in all Jails (except women jails)	138.38%
Total number of foreign convicts	142
<b>(NCRB 2019)<sup>4</sup></b>	

The legal practitioners in different forums raised the issue of poor infrastructural facilities not just for the judges but also for the members of the bar. They pointed out that there are hardly facilities of court chambers even in the Sessions Court area in the district and the lawyers manage in makeshift shades. To the extent that in Alipore Sessions Court in West Bengal, the advocates often bring their own tables and chairs and place them in open-air shades near pillars and fasten the furniture with lock and chain making it a spectacle. They raised that such scenario does not provide confidence in the litigants and the atmosphere of someone fighting for justice just becomes distant in the ramshackle state of affairs. In the same light it was also highlighted basic facilities of sufficient toilets are missing. In some district courts, there are no separate toilets for ladies hence women advocates have to go to the lady magistrates' toilets.

### View of Law academicians and researchers

All the law academics and researchers emphasized on the use of digital technology as a means to consolidate and fasten up the justice delivery process. There must be emphasis on storing the day-to-day records in digital format and the practice of using physical hardcopies must be avoided as much as possible. The use of digital technology will ensure court rooms are cleaned of the clutter of files and paperwork and then the data can also be uploaded across the websites of various e-courts and data grids bringing in transparency in the justice delivery mechanism. Furthermore, just like any civil suit is barred by a time limit, similarly, there is a dire need to ensure all criminal matters are decided within a stipulated time frame. They also stated that like in some mature jurisdictions, there should be more engagement with the legal academic fraternity maybe in filing of amicus curiae briefs in complex litigation matters.

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<sup>4</sup> National Crime Records Bureau <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>

## **Views of common people**

Amongst common people across the board right from qualified persons like doctorates to the vendor on the street, everyone in separate interviews have repeatedly raised that they are neither aware of their Constitutional rights, nor are they aware of their legal rights so far as criminal matters are concerned. It was suggested that discussion rounds be held to explain in very simple terms how police complaints are to be filed, what are the rights of the complainants, what are the duties of the officer on duty and if the person refuses to attend what can be done. Many such issues were requested which clearly portrayed the need for capacity building.

Going to the police station and the criminal courts bring fear to their minds that they would get into some sort of trouble. Further, fear of harassment in case there is a requirement to reach out to police or courts is deep-rooted among people especially women. It was suggested that extensive use of social media is necessary to bring back confidence on police and criminal courts. This could be done through preparing short animation movie clips that are made downloadable on mobile phones and circulated among people.

Further there was suggestion that training on such rights should start at the school level and apart from these animation videos, traditional methods of using posters, pamphlets also would be helpful during such school trainings. School authorities should hold periodical camps in high schools where there should be efforts to bring in representatives of the Bench, Bar, Police and law academicians to explain practical issues in a lucid manner.

## **Meeting The Objectives Of The Research: Accessing The Gaps And Recommending Suggestions:**

- *Existing Gaps In The Judiciary In Uttar Pradesh And West Bengal And Recommendations To Address Them:*

### **Gaps identified:**

- i. Huge pendency of cases at the courts, along with glaring vacancies of sitting judges (judge to population ratio) from the district court level to the High court level.
- ii. Improper training of newly appointed Judicial officers/ magistrates.
- iii. Irregular upload of judicial data on e-court websites and judicial data grids.
- iv. Huge vacancy of permanent court staffs across district courts in both the states.
- v. Limited or no use of alternate dispute resolution and plea bargaining for criminal matters.

### **Recommendations:**

- i. The filling up of the staggering vacancies at the courts in district level should be the first priority to achieve in order to achieve the correct judge-to-population ratio. Based on this study we are of the opinion that the High courts in Uttar Pradesh and West Bengal must emphasize on creation of new benches across various parts of the state in a proportionate manner (discussed in detail in the report). The authority of High court, if decentralized through benches, across the state will ensure litigants get easier access to justice and will relieve the burden on the respective High courts at center.

- ii. It is suggested that there is dire need for regular professional continuation trainings. For newly appointed judicial officials there needs to be mandatory practical training before resuming magisterial responsibilities. This may be modelled as an apprenticeship with a sitting judge. A certain number of years of litigation/court experience must be made mandatory for any candidate willing to enter the judiciary to prepare a person to understand procedural aspects and hence adjudicate in an efficient manner.
  - iii. The orders and judgements of a case must be duly updated on the respective e- courts websites and across judicial data grids. Gradually all district courts should be equipped with video-conferencing facilities with possibility of remote functioning in case of emergencies.
  - iv. The appointment of permanent court staffs must be a priority along with the appointment of judges. A sitting judge cannot function without properly equipped and educated court staff, thus, contributing to delay in justice delivery. The possibility of temporary court staffs made permanent after the completion of a strict probation period should be addressed judiciously. Workshops and trainings must be regularly organized by the district courts for the lower judiciary and efficiency-based incentives introduced to improve their performances including temporary court staff.
  - v. There is a need to digitize documentation with proper indexing and making them accessible on the court website. Lesson learnt from the ongoing pandemic, E-court needs to be implemented in letter and spirit. All imperative forms should come with an option to file online, so work does not come to a stand-still in case physical hearings are not possible and litigants' rights are not written-off due to adverse circumstances.
  - vi. Mass awareness must be created by making the litigants aware the benefits of various modes of alternate dispute resolution (arbitration and mediation). The lawyers at the district court level must be made aware and properly trained in ADR as well. Shift to ADR, especially mediation for matters of low intensity along with introducing the practice of plea bargaining in criminal matters will ensure the time of the courts are saved considerably.
- ***Existing Gaps In The Police Mechanism Of Uttar Pradesh And West Bengal And Recommendations To Address Them:***

**Gaps identified:**

- i. Huge vacancies in police forces across Uttar Pradesh and West Bengal.
- ii. Undertrained investigating officers in uniform.
- iii. Improper training of candidates in police training institutes across Uttar Pradesh and West Bengal.
- iv. Lack of functional forensic laboratories across Uttar Pradesh and West Bengal.
- v. Huge vacancy of women police officers in uniform across Uttar Pradesh and West Bengal.
- vi. Non implementation of the provisions of Zero FIR.

**Recommendations:**

- i. It is noted that the filling up of the vacancies in the police department can substantially decrease the existing pressure on the present officers in uniform. Further, there may be additional provisions made by the respective State governments for incentivizing the police officers working overtime. The vacancies in police forces across both the states must

be filled up systematically and on a priority basis to ensure smooth functioning of the police administration.

- ii. Based on this study and recommendations of Malimath Committee Report it is emphasized that investigating officers must not be entrusted with the duties of policing and maintenance of law and order at the same time. The police officers performing investigating roles must also be subjected to rigorous practical training which shall include training in fundamental forensic science, including digital forensics, computer science and latest technology.
  - iii. There is need for setting up of new and specialized police training institutes across Uttar Pradesh and West Bengal. Firstly, the existing police training institutes are already training candidates beyond their intake capacity. Secondly, the existing police institutes do not segregate candidates based on their acumen and capacity, rather subject all the candidates to the similar training and curriculum. The setting up of new specialized training institutes will ensure proper training is imparted with respect to social legislations, specialized crimes and cyber-crimes.
  - iv. It is recommended that new forensic laboratories should be established across both the states. Specifically, for West Bengal, there may be a forensic lab each at North, South, East and West along with the central lab in Kolkata. For Uttar Pradesh there must be one such laboratory for every two administrative district headquarters, therefore a total of ten such laboratories in the state.
  - v. More women officers must be employed in the police forces especially since it has been found that women officers are best suited for crimes related to juveniles, social legislations, and crime against women. Even the CrPC makes it mandatory for a women officer to carry the arrest and all other roles of an accused in case the accused is a woman.
  - vi. Strict enforcement measures including execution of due diligence procedure to check the compliance of police officials in different cases. E. g. registration of FIR and ZERO FIR. The key essence being drawn from the recommendations of the Justice Verma Committee, i.e. to ensure an FIR may be lodged in spite of the jurisdiction issues at the times of urgency.
- In cases of new judicial recruits, the judicial officers must undergo exhaustive practical training along with a mandatory training under a senior judge for a period of 6 months in order to understand the practical aspects of the justice delivery system. Further, once they start hearing cases, they must undergo regular refresher workshops and trainings including in computer skills along with digital technology use. A mechanism may be set out to assess judges for practical implementation of the trainings they receive and introduce appropriate incentives.
  - The court staff must be trained in the latest tools and technology required for the day-to-day functioning of the courts. Further, they should be trained in file management to prevent inaccuracies. A training session of digital data management should be conducted regarding shifting the paper-based records management to an electronic records system that can alleviate the efforts to create reports for better management.
  - The public prosecutors should be subjected to a rigorous investigating and legal training before they are deemed fit to hold their office. Further the respective state governments should take effective measures to guarantee that public prosecutors are able to fulfil their professional duties. Adequate legal and organizational resources like libraries, research

materials like research databases, and proper online research infrastructure needs to be available as well as they are trained to use them.

- **Ensuring Capacity Building For The Policing Wing Of Criminal Justice Delivery Mechanism:**

- Each police station starting from the district level must regularly conduct frequent workshops on latest developments related to management of criminal justice, statutory and regulatory changes, judicial pronouncements, guidelines and precedents set by High courts and Supreme court. Such workshops should also discuss latest trends in crimes, and latest technology and techniques being used for investigation and policing duties.
- For transparent capacity development of police officers in uniform, regular public feedback by the means of surveys should be collected regarding the quality of police services and where the deficiency lies. Efforts must be made by each local police station to solve the existing deficiencies.
- Inclusion of specialized and trade-specific training to supplement foundational trainings for candidates undergoing police training for those who have focused aptitude. To combine classroom training with e-learning, individual mentoring and practical exercises, where candidates are tested on their reactions and behaviors in real-life situations and segregated to duties based upon their performances.

- **Ensuring Capacity Building For The General Public:**

- Conducting regular awareness and capacity building sessions related to cyber-crimes and digital frauds; crime against women and juveniles and how to avoid them, in high schools, colleges right at each ward level and through digital workshops by the aid of the State Government.
- Ensuring proper set up of legal aid clinics at every district bar association and local law colleges and making them accessible to the public in large. These legal aid clinics can conduct and engage stakeholders from the public and spread awareness related to important legislation, rights, duties of the citizens.
- Prioritizing the spread of awareness using different forms of media including various social media platforms. Capacity building can be boosted through short movies, advertisements, radio programmes and by organizing street plays in regional language whenever possible.
- Preparation and distribution of ready reckoners and primers in the form of brochures or pamphlets stating in lucid local language, highlighting the details of important legislation, their implications and how they affect the rights and duties of a person.
- Use of animated films and cartoons in local regional languages talking lucidly about the processes and legislation in the criminal justice delivery mechanism and broadcasting the same throughout the state via broadcast television and digital platforms for mass awareness.
- Tactically placing of display boards in public places (railway stations, metro stations, markets, bus stops) to make the general the public understand their basic rights and duties in accordance to applicable laws.

**In Conclusion The Study Summarizes Some Of The Suggestions For Improvement As Below:**

***Need To Increase The Number Of Judges And Creation Of New Benches:***

Caseload per judge and judge to population ratio is the biggest reason behind pendency hence vacancies should be filled-in. In almost every High Court and subordinate courts there is immense pendency of cases and the present strength of the judges can scarcely be supposed to be adequate to cope with the alarming situation. The institution of cases is significantly higher than the disposal and it adds to arrears of cases. Appointment of judges across various subordinate courts and creation of new benches of the High courts will subsequently reduce the workload on individual judges thereby leading to better efficiency and quality delivery of criminal justice.

***Symmetric Digitization Of Court Records And Judgments:***

There is a need to genuinely digitize court frameworks, starting from every single document utilized in legal processes and the courts, thus, making them accessible and properly indexed. Also, all imperative forms should come with an option to file online, so there is a complete record of cases from their inception to their disposal, which litigants can access from anyplace. The orders and judgements of a case must be duly updated on the respective e- courts websites and across judicial data grids. Gradually, all district courts should be equipped with video-conferencing facilities with possibility of remote functioning in case of emergencies.

***Proper Training Of Judicial Officers And Police Officers:***

Restructure the recruitment of the police officers to meet the need of the day with basic digital education to manage contemporary issues mandatory from Sub-Inspector of police levels. More frequent professional continuation trainings, especially for the mid-rung police officials that is missing. With a broad general stream of training for both the officers of the lower judiciary and the mid-rung police officers, the training should also include one area of specialization for each from a choice of areas that are considered most required. This can be further nurtured, and further training may be given to them as deemed necessary.

## 1.0 Introduction:

India, with its high density of population often poses severe administrative challenges. While the judiciary is the last hope of the people when at times everything else fails, systemic issues and operational gaps often pose serious questions on the efficacy of our criminal justice system. Given this huge population, one has to admit that the present justice system faces a daunting challenge in India with a huge number of pending court cases.<sup>5</sup> News reports have quoted the Hon'ble Union Law Minister to give worrisome judge to population ratio, with 19 judges per 10 lakh people, timely resolution of dispute is a herculean task.<sup>6</sup> Paucity of judges right at the Magistrate Court level, going up to Sessions and the higher courts of law, reaching the apex court is a serious problem. Criminal justice delivery is a part and parcel of the justice delivery system and suffers the same problem along with some that are unique to criminal prosecution.

News reports have frequently part, there are a number of systemic and operational issues, that frustrates the criminal justice system. Criminal cases are pending in courts from several years with increasing number of under trial prisoners languishing in jails.<sup>7</sup> In states like West Bengal there has been a repeated complaint of false and politically motivated criminal cases initiated against activists and leaders of the opposition parties that has been acknowledged even by the Hon'ble Governor's office.<sup>8</sup> Similarly the procedure of arrest and actions of police personnel are often questioned for lack of transparency, arbitrary and high-handed behavior of the police.<sup>9</sup> As a consequence we find that once there is a change of government, often we notice that criminal cases against people are withdrawn by the State government under its power provided by Section 321 of the Criminal Procedure Code 1973 (CrPC). But the problem with that of oversights and lack of judicious decision making in certain cases that are of genuinely criminal nature.<sup>10</sup>

The Hon'ble Union Law Minister has revealed these statistics on the floor of the Lok Sabha providing details in various states.<sup>11</sup> Uttar Pradesh, a state as large as the United Kingdom,<sup>12</sup> with population of 23.5 crore,<sup>13</sup> has significant systemic issues in its justice delivery system that also affects the criminal justice delivery which itself speaks through its statistics. For such a large state with such high population there is only one circuit bench at Lucknow while seat of Allahabad High Court is at Prayagraj. It is ironical that there was no proposal for any circuit bench from Uttar Pradesh.<sup>14</sup> Quite obviously Uttar Pradesh is shamed with the highest number of pending cases in India, both criminal and civil, at the Allahabad High Court.<sup>15</sup> With criminal law enforcement delayed and becoming ineffective, there has been a spurt of extra-judicial killings that have raised

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<sup>5</sup> See, <https://www.bloombergquint.com/law-and-policy/indias-pending-court-cases-on-the-rise-in-charts>.

<sup>6</sup> See, <https://economictimes.indiatimes.com/news/politics-and-nation/india-has-19-judges-per-10-lakh-people-data/articleshow/65935214.cms>.

<sup>7</sup> See, <https://www.thehindu.com/data/data-70-prisoners-in-india-are-undertrials/article32569643.ece>.

<sup>8</sup> See, <https://economictimes.indiatimes.com/news/politics-and-nation/no-sign-of-waning-of-political-violence-in-west-bengal-governor/articleshow/79302140.cms>.

<sup>9</sup> See, <https://groundreportindia.org/monthly/reports/2010/01/press-release-by-napm-west-bengal/>.

<sup>10</sup> See, <https://cjp.org.in/how-withdrawal-from-prosecution-law-is-misused-in-india/>.

<sup>11</sup> See, <http://164.100.24.220/loksabhaquestions/annex/173/AU686.pdf>.

<sup>12</sup> See, [https://en.wikipedia.org/wiki/Uttar\\_Pradesh#:~:text=Uttar%20Pradesh%2C%20with%20a%20total%20area%20of%20243%2C290,India%20and%20shares%20an%20international%20boundary%20with%20Nepal.](https://en.wikipedia.org/wiki/Uttar_Pradesh#:~:text=Uttar%20Pradesh%2C%20with%20a%20total%20area%20of%20243%2C290,India%20and%20shares%20an%20international%20boundary%20with%20Nepal.)

<sup>13</sup> See, <https://www.census2011.co.in/census/state/uttar+pradesh.html>.

<sup>14</sup> See, <https://www.financialexpress.com/india-news/no-proposal-from-uttar-pradesh-to-set-up-new-bench-of-allahabad-high-court-govt/1784988/>.

<sup>15</sup> See, <https://english.jagran.com/india/51-million-cases-are-pending-in-high-courts-with-allahabad-hc-at-the-top-10017206>.

concerns not just in India but also at the United Nations Human Commission for Human Rights.<sup>16</sup>

This research study, “Assessing gaps in the criminal justice delivery system and its impact in Uttar Pradesh and West Bengal”, tries to understand the problems that hinder effective criminal justice delivery in these two states. Also addresses the question as to whether the laws are lacking or there is need to frame new rules on the same statutes for better enforcement. At times the question is the mere fact as to whether the States are adhering to fundamental principle of natural justice. Needless to say, by initiatives of the government as well as on recommendations of different Commissions and pronouncements of the Hon’ble higher Courts of law, India has periodically amended its statutes. The problem seems to be often with the implementation of the statutes. Unfortunately, most of the allegations that make up news are cases where the designated standard practices set in statutes are not followed by different enforcement authorities. At the same time, although efforts have been made to focus on correctional avenues of convicts and prisons have now become correctional homes, there is multitude of problems in our correctional homes lateral that need to be addressed too. Our punitive system is facing challenges both on the correctional and restraining intent.

This research paper has segmented the criminal justice delivery system in three distinct roles, namely:

- **Chapter 2.0: Role of Judiciary in Criminal Justice Delivery System.**
- **Chapter 3.0: Role of Police in Criminal Justice Delivery System.**
- **Chapter 4.0: Role of Correctional Homes in Criminal Justice Delivery System.**

## **2.0 Role of Judiciary in Criminal Justice Delivery System**

### **2.1 Introduction**

The judiciary is not only one of the pillars of Indian democracy, with its adjudicatory role; it also delivers criminal justice within the Constitutional framework of India. The integrity, autonomy, and impartiality of the judiciary are the preconditions of fair and effective access to justice and for the protection of rights of the people. As such, the judiciary has an essential task to maintain integrity and infrastructure in the nation, constituting an indispensable role in the working of the state.

Administering criminal justice satisfactorily in a democratic society, adhering by the rule of law and guaranteed fundamental rights can be a challenging task especially for a country like India with huge population. The formal justice system is a crucial public resource to be utilized by all to determine strife, adjudicate disputes and remedy wrongs of all kinds. It is not merely of pertinence to the individuals who immediately wind up in its loops whether as a judge, prosecutor, or any other officer of the court, or as a defendant, a litigant or as a witness. Judiciary is for the entire populace, without any discrimination. Thus, it compels every government to provide an accessible, affordable, fair, efficient, and responsive access to it.

In this setting the subordinate judiciary also assumes great significance. The role of a judicial magistrate is effectively summarized in the words of former Chief Justice of the Supreme Court of India, late Sri Ranganath Mishra in a writ petition relating to conditions of subordinate judiciary in the case of *All India Judges’ Association vs. Union of India* where he observed:

*“The administration of justice has hierarchical system wherein the position of kingpin is occupied*

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<sup>16</sup> See, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24066>.

*by the Trial Judge. He is the one who is closely and directly in connection with the litigant throughout the proceeding of a case. He has on his shoulders the responsibility of building up of the case appropriately and depending upon his reasoning and comprehension of the matter the cause of justice is first answered. There are some other factors as well which helps in making the Court's functioning successful; they are personalities, knowledge, judicial restraint, capacity to maintain dignity”.*

Indicating the high expectations of society from the appointed judicial authorities, he advised “A judge must be sufficiently wise to acknowledge the fact that he is fallible and ergo, he must be ever ready to learn and be courageous enough to acknowledge his errors”.

The crucial signs of a well-functioning judiciary are its consistency, easy and inexpensive accessibility for all, and its capacity to determine disputes within a definite and reasonable time-span. A close examination of resources enables state and central governments to better identify avenues for changes in an evidence-based way and encourages a more informed structure and implementation of judicial reforms. The judiciary is significant in light of the fact that it is both a dispute resolution instrument for people and entities, as well as preview if the legislature and the executive do not fulfil their constitutional responsibilities.

The capacity of the judiciary to deliver justice is fundamentally influenced by the infrastructure, budget and human resources accessible to it. One of the real strengths of the Indian state is the independence of its judiciary. This has enabled judges not to be reluctant to strike down activities of the executive or the legislature if these activities infringed upon the constitution. However, there are serious challenges within the judiciary as well, courts are clogged with tremendous backlogs, and cases take very long all the way. The moderate progress of legal disputes has significant antagonistic ramifications for Indian democracy and affects ease of doing business, hence the national economy. Citizens lose confidence in the working of key state institutions; people and firms become comfortable renegeing on contracts, realizing that contract enforcement can be often challenging in India. Worse, the motivating force to renege is high since the only cost is to spend on along and slow litigation.

This issue cannot be fixed merely by amending the statutes since good laws are not a substitute for weak justice delivery frameworks. One major issue has been that of judicial vacancies. Along with appointing additional judges, their efficiency should also be increased. One possibility is to isolate the administrative functions of courts from the legal and give these managerial capacities into a different organization. Such an organization may be given the task of re-engineering court processes to accomplish greater efficiencies with judiciary focused on delivery of justice. This re-engineering ought not to be only a sprinkling of technology on top of existing procedures, but include an exhaustive re-conceptualization of court processes, utilizing technology wherever appropriate to drastically diminish delays and accomplish better judicial outcomes.

## **2.2 Challenges faced by the judiciary in criminal justice delivery mechanism (both Uttar Pradesh & West Bengal)**

- **Long pendency of cases:** The issue of delay in justice delivery, ensuing pendency and resulting backlog of cases in courts has been dealt with by the Law Commission of India (the “LCI”) in different reports since 1958.<sup>17</sup> Reliance may be put on the 245th Report of the LCI which explained that pendency alludes to all cases that have not been disposed of irrespective of the time of filing. Delayed cases are those cases that have been pending in the legal framework for

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<sup>17</sup> Arnab K Hazra, Maja B Micevska, The Problem of Court Congestion: Evidence from Indian Lower Courts, available at: <http://www.diw.de/sixcms/detail.php?id=41409>.

longer than the typical time that it ought to have taken to be settled.<sup>18</sup> Subordinate courts in India have pendency of 28 million cases – out of which 2.3 million cases have been pending for over 10 years and 6.7 million cases for over five years. Bihar, Orissa, Uttar Pradesh, West Bengal, Gujarat, Meghalaya, Tripura, Maharashtra, Rajasthan, and Jharkhand are the states which have more than 20 per cent pendency of cases for more than five years in the subordinate courts.<sup>19</sup>

If a state disposes of at least at any rate the same number of cases as it gets in a year then it would not be adding to its pending outstanding burden. Only five high courts have managed this – Uttar Pradesh, West Bengal, Orissa, Himachal Pradesh and Tripura. At the subordinate level, the states of Orissa, Tamil Nadu and Gujarat cleared the same number of cases in a year as the numbers that came in.<sup>20</sup>

The State of Uttar Pradesh had the lowest clearance rate, with 90.48 per cent cases pending throughout the last five years or more in the subordinate courts.<sup>21</sup> Since average pendency is affected by various factors, for example, infrastructure and human resources available, the predominant type of cases being recorded, the rate of institution of cases and so on, it is totally conceivable that a court does not have the ability to handle its dockets irrespective of shortfall of judges.

**Judge to population ratio:** India has not been able to frame any scientific technique to compute the number of judges required to handle litigation in the nation. Generally, an adjudicator to populace proportion was prescribed to calculate the number of judges required.<sup>22</sup> It has already been discussed in the introductory chapter that India suffers from a huge vacancy in number of judges at all the adjudicatory levels. At an all-India level, there is just one subordinate court judge for over 50,000 individuals. This incorporates seventeen of the eighteen large and mid-sized states, where 90 per cent of the nation's populace lives. As far back as in 1987, the Law Commission had prescribed that the Indian judge to population ratio of 10.5 judges to a million persons, should be increased to 107 judges to a million people within a fourth of a century (by 2000) and to 50 appointed authorities for each million by 1992.<sup>23</sup> Today, the sanctioned judge to population ratio remains at 15.4 judges per million persons. At a recent joint meeting of Chief Ministers and Chief Justices, the members chose to twofold the strength of the Indian judiciary to 37,000 judges, bringing about a proportion of 30 adjudicators for every million people. This despite everything falls grievously short of the objectives set by the Law Commission. When compared with ratios in other nations, for example, Australia's 58 per million, Canada's 75 for every million, the UK's 100 per million, and the USA's 130 for each million, this is for sure a sorry state of affairs. Regardless of whether we return to the 1987 suggestion of the Law Commission, specifically, 50 judges for each million population, India needs around 50,000 courts as against the current strength of 18,000, out of which, on an average, about 3000 seats seem to be vacant at any point of time.

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<sup>18</sup> Law Commission of India, 'Arrears and Backlog: Creating Additional Judicial (wo) manpower', Report no. 245(July 2014), available at [http://lawcommissionofindia.nic.in/reports/Report\\_No.245.pdf](http://lawcommissionofindia.nic.in/reports/Report_No.245.pdf).

<sup>19</sup> News Click, 28 Million Cases Pending Before Subordinates Courts Across India, Says Report, <https://www.newslick.in/28-Million-Cases-Pending-Subordinates-Courts-Across-India-Report>.

<sup>20</sup> Meera Emmanuel, India Justice Report on the Judiciary: Average case pendency in subordinate courts is 5 years, <https://www.barandbench.com/news/india-justice-report-on-the-judiciary-average-case-pendency-in-subordinate-courts-is-5-years>.

<sup>21</sup> Tata Trusts, India Trust Report 2019, <https://www.tatatrusters.org/upload/pdf/overall-report-single.pdf>.

<sup>22</sup> Law Commission of India. One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint'(1987). <http://lawcommissionofindia.nic.in/101-169/Report120.pdf>

<sup>23</sup> Law Commission of India, "Manpower Planning in Judiciary in India: A Blueprint", Report No. 120, July 1987,p.3, para 9, 11.

- **Vacancies:** Judicial vacancies normally influence both qualitative and quantitative results.<sup>24</sup> Restricting ourselves here to a quantitative analysis, the information uncovers a linkage between long-standing vacancies and the expansion in case-loads, sometimes to a very high extent. Inevitably, this diminishes the time and consideration that can be spent on each case, stretches out the period litigants must wait for resolution, perpetuates case accumulation, and ensures inescapable delays well into the future. Each state has asanctioned strength of High Court and subordinate court judges, and an actual strength that does its everyday working. While one might raise doubts as to whether the authorized number itself could possibly be adequate, it gives a benchmark to ranking states on their intention to fill up at least the number of posts they gauge will be expected to handle judicial functions in the future.<sup>25</sup>

Not a single High Court or state's subordinate judiciary had reached its complete complement of sanctioned judicial posts, even in states where judges are required the most, and vacancies were on the ascent. For instance, Uttar Pradesh, has the most noteworthy number of pending cases, likewise indicated subordinate court vacancies growing over 5 years.<sup>26</sup> If all the vacant seats in the judiciary are filled even then there would be a shortfall of 4,071 court halls across India.<sup>27</sup>

While issues encompassing judicial appointments to the SC and High Courts continue to be extensively discussed, adequate consideration has not been paid to the systemic defects in the judicial appointment procedure of the lower courts. A blend of factors including unclear recruitment methods, erratic and long recruitment cycles irregular conduct of examinations, the absence of coordination between the High Courts and the respective state governments has hampered the judicial selection procedure.<sup>28</sup> This has brought in understaffed courts, with lower court judges frequently overburdened with matters. For example, a trial court judge usually has a daily list of around 25-35 cases, majority of which stay unheard due to severe paucity of time.<sup>29</sup>

- **Lack of permanent court staffs:** In most of the subordinate courts, large numbers of staffs are appointed on contractual basis and they do not have any fixed salary, neither do they have any proper training of the kind of works they are supposed to do efficiently, in order to make the job of the court officials easier. As they do not have any fixed salary, they are more inclined towards taking bribe from the people, for the works that they are not even properly trained of.
- **Plea bargaining:** The concept of plea bargaining was introduced in the CrPC via amendments in the year 2006, in the Sections 265A to 265L. In this process, the accused negotiates with the prosecution for a lesser punishment than what is provided in the law by pleading guilty and it mainly happens in the kind of cases that does not have a punishment of death penalty, life imprisonment or imprisonments of 7 years or more. It mainly can be applied in less serious offences. Though the provision of plea bargaining has been introduced in the CrPC in the year 2006, very few know about it or properly apply it to avoid long trials, in less serious offences. The most recent example of successful conduction of plea bargaining is the Tablighi Jamaat matter where many members of the Tablighi Jamaat were released from prisons and hence avoided

<sup>24</sup> [http://www.csja.gov.in/images/p1195/s\\_3\\_lct\\_court\\_and\\_case\\_management/india\\_justice\\_report\\_2019\\_judiciary.p](http://www.csja.gov.in/images/p1195/s_3_lct_court_and_case_management/india_justice_report_2019_judiciary.p)

<sup>25</sup> American Bar Association. 'Judicial Vacancies', available at [https://www.americanbar.org/advocacy/governmental\\_legislative\\_work/priorities\\_policy/independence\\_of\\_the\\_judiciary/judicial\\_vacancies/](https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/independence_of_the_judiciary/judicial_vacancies/) (accessed on 19 April 2019).

<sup>26</sup> <https://www.nationalheraldindia.com/india/average-case-pendency-in-subordinate-courts-is-5-years-finds-india-justice-report-on-the-judiciary>.

<sup>27</sup> <https://timesofindia.indiatimes.com/india/4000-more-court-halls-needed-if-all-posts-of-lower-court-judges-filled->

<sup>28</sup> Plan ahead for future judiciary, The Tribune, (February 14, 2018) available at <http://www.tribuneindia.com/news/comment/plan-ahead-for-future-judiciary/543457.html>.

<sup>29</sup> Crying need for judicial reform, more judges and better infrastructure, Business Standard available at [http://www.business-standard.com/article/news-ians/crying-need-for-judicial-reform-more-judges-and-betterinfrastructure-113051900168\\_1.html](http://www.business-standard.com/article/news-ians/crying-need-for-judicial-reform-more-judges-and-betterinfrastructure-113051900168_1.html).

long trials.

### **2.2.1 Feedback from different stakeholders: round table conferences**

While conducting discussion rounds with different stakeholders, meetings and interviews with lawyers, police officials across the states, revealing information were collected only when anonymity was assured. The individuals who participated in such round tables and interviews were reluctant to answer beyond generic information due to the fear of political ramifications, especially in West Bengal. It is only when ‘**Chatham house rule**’ was assured by the projecthead and moderator in these meetings, that free and open discussion was possible.<sup>30</sup>

Hence, names of the participants and the issues raised are elaborated but their views are not attributed to them.

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<sup>30</sup> Chatham House, a leading think-tank in London, UK devised a rule that allowed open and uninhibited discussion based on non-attribution. “*When a meeting or part thereof, is held under the **Chatham House Rule**, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s) nor that of any other participant, may be revealed.*” See, [Chatham House Rule | Chatham House – International Affairs Think Tank](#).

## **Round Table Conference – WBNUJS, Kolkata, West**

### **Attended by:**

- Sri K. Harirajan, then Chairman of West Bengal Police Recruitment Board (Retd. IPS).
- Smt Durga Khaitan (Secretary, State Legal Service Authority).
- Senior Legal Professionals including Additional Public Prosecutors.
- Law academics, including Head of department of Law of universities.
- Police officers and academic staff from Police Training Institute, WB.
- Performing artists, film director, religious researchers, and civil society members.
- Law students.
- INBA research team, with the round table moderated by Dr. Santanu Mukherjee, ProjectLead.

### **The challenges faced by the Criminal Justice Delivery Mechanism system are listed as follows:**

- The criminal courts in the Kolkata (capital district) which include Alipore, Bankshall and Sealdah courts often function only for 2 to 3 hours out of the entire working hours in a working day. This leads to serious wastage of working in the hands of judiciary.
- Aspiration and achievement abilities of candidates willing to enter into the police services do not match with the demands of the service, therefore they adhere to unethical and immoral practices to get entry into police services.
- Improper management and non-availability of data on various e-courts websites of districts across the state.
- Asymmetrical digitalization of data across the various sectors of criminal justice delivery mechanism.
- There is a need to separate investigation and policing functions of the police force not just at the directorate and Commissionerate level with crime investigating department (CID) but also at the local police stations.
- Investigating police officers are not trained and equipped with latest tools and technology and resort to old and outdated skills for investigation.
- The Sanctioned strength of fingerprint expert is 41. However, under present circumstances there is only 1 fingerprint expert in the state with vacancy of the rest 40 not filled.
- There are numerous instances where the police officer on duty in a police station refuses to register complaint or FIR on the basis of jurisdiction.
- Refusal to register FIR by police personnel in matters related to acid attack.
- Police personnel due to lack of strength often ration their FIR and only register the ones that require serious attention.
- Police administration is totally dependent on judiciary for every operational step and hence cannot act suo-motu. In urgent matters which require swift action, this becomes a serious hindrance.
- In West Bengal the ideal capacity for the training of police sub inspectors at police training institutes is only up to 300. At any given instant training at such institutes involve more than 1500 candidates' i.e. 5 times more than the ideal capacity, therefore hampering the quality of training imparted.
- Police personnel are not well equipped with trainings which involve dealing with social legislations like Juvenile Justice Act.
- The use of similar charges sheet for juvenile and adult offender actually creates a bias against the

alleged defendant and often influences the process of justice delivery.

- Lack of sufficient number of investigating officers in the police stations burdens the investigation process.
- The number of inspectors assigned in each police station is only limited to 1-2. These inspectors are burdened with the responsibility of policing functions of the station as well as investigating duties. In West Bengal there is often political disputes that involve managing rowdy activities. If an officer has been detailed for investigation work and is drawn urgently to manage these rowdy incidents, the investigation suffers.
- On the occasion of the death of a court officer the official working hour of court is suspended. Such practice further depletes the working efficiency of courts. The main victims in such cases are not the members of the Bar or Bench but the litigants. There was a feeling that the litigants' problems that are fundamental to a dispute resolution mechanism are overlooked.
- Judges tend to focus on the incentive points they get from each case at trial courts, hence often they focus on scoring more than hearing the matter judiciously resulting in a flawed justice delivery system.
- Most of the legislations that police abide to in West Bengal are primitive and date back to the time of British rule and as such are redundant for the present society.
- Alternate Dispute Resolution (ADR) professionals are neither trained nor accredited and hence cannot carry ADR processes effectively giving an impression that the Mediation / Conciliation mechanism is inferior to litigation and not worth exploring.

**Feedback received through engaged discussions:**

- The courts should focus on more substantive matters and petty matters may be dealt by Lok Adalat or through ADR or through our-of-court negotiated settlements.
- Awareness through seminar, workshops, round tables and direct interaction with public in order to make them aware of their rights, liabilities and duties.
- Systematic digitalization of police stations and court records.
- Proper implementation of video-conferencing between courts and police custody.
- The Procedure for summoning witnesses must be changed. The use of electronic mail or other digital means may be used along with physical dispatch of summons.
- Proper implementation of existing laws and incentives for those at across the criminal justice delivery system for implementers.
- Categorization of police officers on the basis of their merit and abilities.
- Easy access of general information online to public in a user-friendly manner.
- Social media wing of police can communicate with commoners and resolve general issues.
- Digitization of court records (petitions/depositions) and ensuring there always exists a soft

copy of all necessary documentation.

- Exclusive training for police personnel for specialized social legislations like Juvenile Justice Act.

**Round table at Bijoy Pal Memorial B. Ed College, Bardhaman district, at Manbhum Institute of Education & Social Sciences, Purulia district and Durgapur Institute of Legal Studies, Asansol district.<sup>31</sup>**

**Attended by:**

- Advocate Pijush Kanti Goswami, Senior Advocate, Chief Guest
- Dr. Dipak Sarkar, Principal
- Sudipta Das, Secretary
- Faculty members
- Administrative staff
- Students
- External members invited by the hosting law college.
- INBA research team, with the round table moderated by Dr. Santanu Mukherjee, ProjectHead.

**Key points from the discussion round:**

- Police related complaints were numerous and ordinary people were often harassed. Ordinary students raised issues of not even acknowledging complaints of document loss, in this particular case, High School Certificate, even after submitting photocopy of the certificate and mentioning that without the acknowledgment he would not be able to apply for duplicate certificate. While the firsthand experiences were noted, stakeholders were also informed of how they could reach the designated higher authority to address their grievance and subsequent legal remedies available to them. Questions were asked based on information that there are cases of police interventions in family feuds where there is often up-oneship of one of the parties who exert pressure through frivolous police complaints. Participants were asked about their rights in case police came to their house for investigation, conditions of arrest, etc. The structure of criminal justice delivery system was explained with the role of the police and the courts. The rights of the individuals were explained in details, including when there was an only women family member at home, etc.
- Instances were shared where an innocent person was falsely framed and made to stand for trial due to inability of the police to find the accused to the crime.
- Instances of police in action post filing of FIR and how the complainant was threatened to take off the complaint.
- The discussion brought in instances of violations of the rights of women. The stakeholders mentioned about arrests / detention of accused women were regularly being carried out by male police personnel without adhering to the guidelines of the Supreme Court.
- Police personnel entrusted with interrogation were reported to behave improperly, pass lewd remarks and gestures when interrogating women. They hardly could protest and even if they protested, they were bullied. The stakeholders were explained about punitive act under Section

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<sup>31</sup> It was privately advised that the discussions with local administration be held in colleges as venue to avoid local political interference since the research topic and questionnaires would be considered politically sensitive in West Bengal.

509 Indian Penal Code (IPC) causing insult to women by words, gestures, etc. and legal provisions on outraging the modesty of women under Section 354 of CrPC.

- In spite of numerous judgments passed by different High courts and the Supreme Court at the apex including the judgments like *Lalita Kumari V/s Govt. of UP* and others WP No. 68 of 2008, police refuse to take FIR and harassed the victims at the time of their distress.
- Former judges present stated that because of the important adjudicatory role judges playing the justice delivery system, they need to be competent. It was stated that it is important that the magistrates do at least 6 months' field work after completion of the training. It was also suggested that continual education should also include skill development since the technology moves fast and due to their workload, they are often unable to keep pace and use technological facilities even when they are made available.
- There was no police personnel present in the meeting, although invitation was sent to the district police for interview, it was neither answered nor phones entertained.
- It was recommended that all educational institutions irrespective of the kind of knowledge they impart must have basic courses on the civic rights, duties and legal remedies that are available to a citizen. This should include the role of police and judiciary covering issues that are important for any person in day to day living, like making police complaint, if the police refuse to take complaint, what can be done, when can one approach the court, etc.

**Round table conference at Manbhum Institute of Education & Social Sciences, Purulia District and Durgapur Institute of Legal Studies, Asansol district.**

**Attended by:**

- Sri. Shankha Shubhra Mukherjee, Panel Member CP Durgapur & Asansol, Chief Guest
- Administrative staff
- Notable law professors
- Students
- INBA research team, with the round table moderated by Dr. Santanu Mukherjee, Project Head.

Both the round table primarily focused on capacity building and strengthening the knowledge of the attendees in matters of their rights, duties and responsibilities

**Round table conference at Amity University Noida**

**Attended by:**

- Prof. (Dr.) D.K. Bandyopadhyay, Vice-Chancellor
- Prof. (Dr.) Aditya Tomar, Jt. Head & Addl. Director
- Prof. (Dr.) Shefali Raizada HOI/Addl Director
- Dr. (Smt.) Pallavi Agrawal, A.D.J. Bulandshahar
- Dr. Ruchi Lal, Assistant Professor of Law
- Dr. Yatin Kathuria, Assistant Professor of Law
- Dr. Aqueeda Khan, Associate Professor of Law
- Dr. Neha Gupta, Assistant Professor of Law
- Dr. Jane Eyre Mathew, Assistant Professor of Law
- Dr. Meenu Gupta, Professor
- Mr. Ashwani Pant, Assistant Professor of Law

- Ms. Manpreet Kaur, Assistant Professor of Law
- Dr. Juliee Sharma, Assistant Professor of Law
- Ms. Richa Yadav, Assistant Professor of Law
- Ms. Swati Kaushal, Assistant Professor of Law
- Ms. Vinakshi Kadan, Legal Advisor, INBA, Advocate Supreme Court & Project Head for U.P. moderated the session.
- Mr. Kaviraj Singh, Secretary General, INBA, introduced and concluded the session.

**The round-table aimed to:**

- Identify the gaps and challenges in the criminal justice delivery mechanism in the State of U.P.
- To assess the impact of these gaps and challenges on different stakeholders in the State of U.P.
- To deliberate on the role of states vis-à-vis inter-state and international organized crimes.
- To discuss the remedial measures to mend these gaps and challenges in criminal justice delivery mechanism, especially in the State of U.P.

**Key points from the discussion:**

The participants emphasized the insufficient infrastructural requirements across the criminal justice delivery mechanism system. It was highlighted that there is need for filling the number of vacancies of judges, filling the vacancies in police so as to provide efficient and timely justice.

- The participants recommended that proper training must be given to police personnel for handling forensic evidence. Additionally, training must also be given to the law enforcement agencies with regard to cyber-crime cases.
- For conducting expeditious trials, the charge sheet must be filed timely. To meet this objective of filing the charge sheet within the timeframe, it was advised that there must be a separation of investigation part from the police officials which will save major time. The time-bound investigation should be fixed for all cases.
- There should be sensitization among the general public by way of conducting campaigns so as to make them aware of criminal laws and the punitive consequences.
- Sensitization programs, as well as training sessions, must be done for the police personnel with regard to the cyber-crime cases. They must be trained with the procedure to deal with it.
- There must be regular training of agencies which are the art of justice delivery system. The regular training will upgrade and update their knowledge.

**Conference With University of Lucknow, Lucknow**

Attended by:

- Prof (Dr.) C.P. Singh, Dean, HOD, Department of Law, University of Lucknow
- Dr. Vinita Kachar, Asst, Prof., Department of Law, University of Lucknow
- Ms. Sanjana Mittal, Guest Faculty, Department of Law, University of Lucknow
- Mr. Panch Rishi Dev Sharma, Law Prof. Department of Law, University of Lucknow
- Ms. Niharika, Law Prof. Department of Law, University of Lucknow
- Ms. Vinakshi Kadan, Legal Advisor, INBA, Advocate Supreme Court & Project Head for U.P., moderated the session.
- Mr. Kaviraj Singh, Founder & Secretary General, INBA, introduced and concluded the session.

**Key points from the discussion round:**

- As limitation period is fixed for civil cases similarly such period must also be fixed for criminal cases. This will lead to faster disposal of cases.
- Before filling out the charge sheet, the magistrates must also be included during the investigation. This would lead to an increase in the conviction rate which is generally less in our criminal justice delivery system.
- A step towards sensitizing people regarding their legal rights must be taken by organizing legal awareness camps.
- The criminal justice system is very inadequately starved. The vacancies are not only in the police department but are also found in the judiciary at each level so first and foremost these vacancies are required to be filled.
- Indian jails are overcrowded. Efforts must be taken by the legislatures to mitigate these gaps.
- There must be close coordination between law enforcement agencies.
- There is a need of proper trained and well-equipped police personnel in order to gather evidence, prosecute, and investigate.
- There must be the introduction of more Fast-track courts along with proper modernization of the courts.
- The police personnel must be trained before their appointment for handling the forensic investigation and cyber-crimes cases.
- Lack of forensic labs is one of the major gaps in our criminal justice delivery system which requires immediate attention.
- Sanctioned posts in judiciary and police enforcement must be increased per citizen.
- The criminal justice system is not only limited to the three pillars namely- Police, Judiciary, and Prisons but also includes the two most pertinent components i.e., Investigation and Adjudication. However, there are phases pre-investigation and post- adjudication.
- Legal illiteracy meaning lack of legal knowledge is being observed in society. The same needs to be rectified by including legal education at the school and college level.
- In small districts, the conflict between IPS and IAS is observed. Hence, they must incorporate the police Commissionerate system more enthusiastically.
- The police officials must be trained in medical jurisprudence, cyber-crime, and forensics.
- Despite there being mandatory set up of mental health clinic in prisons, except three prisons in India, this rule is nowhere seen to be implemented.
- People find lodging FIR to be a troublesome process. Hence efforts must be taken to make this process simpler and convenient.
- Numerous crimes remain unnoticed due to the non-lodging of FIR. This leads to the loss of crucial data which is required to be represented by NCRB. This needs to be corrected.

- It has been observed that police in U.P. have a highly irrelevant emotional quotient. It is required to teach them how to empathize with the public as they are offering their services to the public only.
- There must be Witness Protection Scheme in our criminal justice delivery system.
- The criminal justice delivery system should be made free from media trials.
- The magistrate has to be more vigilant while discharging his duties. This will ensure that justice is provided to the victim as well as the accused.
- Protection of men against sexual offenses is not given much importance. Even NCRB data does not categorize sexual offences against men. Hence there is a need for gender- neutral criminal laws.
- The police officers should be bound only by the law and order and not work in accordance with senior's orders and under pressure.
- Protection to victim post filing of an FIR must be considered.

### **Round Table Conference at Shobhit University, Meerut**

#### **Attended by:**

- Sh. Pramod Kumar Goyal, Former District Judge, Advisor, Shobhit University
- Dr. Mohd. Imran, Asst. Dean, Shobhit University
- Prof. (Dr.) Tabrez Ahmad, Vice-Chancellor and Dean School of Law Professor, GD Goenka University
- Dr. Ganesh Bhardwaj, Registrar, Shobhit University
- Mr. Satya Prakash Garg, Former Dean, Shobhit University
- Dr. Anita Rathore, Asst. Professor
- Prof. Mahesh Mishra, Professor
- Dr. Rashmi Khorana Nagpal, Professor
- Ms. Anjali Upadhyay, Asst. Professor
- Mr. Ajay Raj Singh, Asst. Professor
- Ms. Nisha Praveen, Asst. Professor
- Mr. Shailender Prasad Godiyal, Advocate
- Ms Vinakshi Kadam, Project Head for U.P. moderated it and INBA researchers attended it.

The discussion of the conference took place in three phases:

- Prisons
- Judges
- Police

#### **Prisons**

- The session started with analyzing random data of 6 districts of U.P. wherein it was found that the prisons are overcrowded with under-trial prisoners.
- Observing the prison data of Muzaffarnagar, it was discovered that the same prison also accommodates the under trials and convicts of Shamli, the adjoining district. Hence, having the

sanctioned capacity of 870, the Muzaffarnagar prison accommodates 2925 inmates (both district convicts and under trials). Following which, Meerut having asanctioned capacity of 1707 and currently having 2500 inmates out of which 1982 ofthem are under trials. Observing further, it was discovered that the ratio of under-trial prisoners in the prisons is much more than the ratio of convicts. This is where our criminal justice system lacks and needs immediate improvement.

- The reason for these under-trials occupying the prisons was prolonged delay in their respective cases. Overcrowding in prisons is one of the most important aspects that not only need immediate attention but also require correction. The prisons are grossly overcrowded and need to be de-congested. It was concluded that to fill this particular gap in our criminal justice system, appropriate actions are mandatorily required to be implemented.

S.No.	State	Sanctioned Capacity of Prisoners	No. of Prisoners/Inmates presently living <sup>32</sup>
1.	Meerut	1707	2500
2.	Baghpat	660	857
3.	Muzaffarnagar	870	2327
4.	Saharanpur	533	1564
5.	Ghaziabad	1704	4978
6.	Gautam Buddh Nagar, Noida	3750	2756

### Judges

- The strength of functional judges in U.P. is less in comparison to the pending criminal cases. The Judges are over-burdened with cases ranging 800-900 or more that are required to be heard and disposed of monthly.
- At the same time, the judges are committed to give their complied data within a period of 3 months. Hence, it makes it difficult for the judges to go through each file physically on its date of hearing and this further leads to adjournment of cases.
- So, the judges to complete their target number of cases take up the cases that are ready for proceedings. The inference drawn from the afore mentioned is that the judges do not have the adequate control over the files; rather the clerical staffs handle the same.
- On answering the question of vacancies, it was discussed that the vacancies must be filled in accordance with the population of the country.
- It was also recommended that the courts must be made approachable. We must have connecting police stations to judges' chambers or the infrastructure must be made in a manner that there remains coordination between the judges and police station.

### Police

- Adequate training must be given to police to handle cyber-crime cases effectively.
- Police must be counselled to lodge FIR as per the nature of crime and not under the Indian Penal

<sup>32</sup> Data taken from National Judicial Data Grid (01/01/2021) <https://njdg.ecourts.gov.in/njdgnew/index.php>

Code as it has been observed that due to lack of knowledge of police in IT Act, it becomes challenging for them to handle the case following which they lodge the FIR under IPC.

- Non-fulfilment of infrastructural requirements, the inadequacy of logistics environment, and excessive workload with police are the gaps that are required to be mitigated.

### **Round Table Conference at Galgotias University**

#### **Attended By:**

- Shri Kaviraj Singh, Founder & Secretary General, INBA
  - Justice Ravinder Singh, Retd. Judge, Allahabad High Court
  - Dr. Tabrez Ahmad, Pro Vice Chancellor and Dean, Galgotias University
  - Mr. Shantanu Mukherjee, Advocate, Supreme Court, Chair Policy Section, INBA
  - Smt. Vinakshi Kadan Singh, Advocate, Supreme Court, Legal Advisor , INBA
  - Km. Vandana Agarwal, Civil Judge Jr. Division
  - Kush Srivastava, Regional Manager, Legal at DHL- Bluedart Express Ltd
  - Mrs. Pallavi Gupta, Professor, HOD, School of Law, JIMS
  - Mr. Swadesh Sharma, APP, Bagpat District, U.P.
  - Mr. Abhinav Mishra, Associate, Trilegal
  - Rupesh Chandra Madhav, Assistant Professor of Law
  - Mr. Salman Waris, Corporate Lawyer, Delhi
  - Mr. Manu Yadav, Advocate, Delhi
  - Mr. Ashwini Pant, Asst. Professor Amity University
  - Dr. Azim B. Pathan, Professor, Galgotias University
  - Dr. Sandhya Kumari, Associate Professor, Galgotias University
  - Mrs. Shweta Thakur, Assistant Professor of Law
  - Dr. Ajit Kaushal, Associate Professor Galgotias University
  - Mrs. Abhilasha Sisodia, Assistant Professor of Law
  - Mrs. Puja Kumari, Assistant Professor, Galgotias University
  - Mr. Deepak Kaushik, Asst. Professor Galgotias University
  - Dr. Gazal Gupta, Associate Professor, Galgotias University
  - Mr. Manu Dutta, Asst. Professor, Galgotias University
  - Dr. Eakramuddin, Assistant Professor, Galgotias University
  - Law Students, SOL Galgotias University
- The causes of crime have also been dynamic and are continuously changing according to the time. The crime is generally committed due to lack of education, ineffective legal system, poverty, intoxication caused due to alcohol and drugs, unemployment, etc. The exact causes of crime in a case cannot be determined on any scale as it differs case to case and so the effective counter methods should be adopted against the crimes.
  - Investigating agency is inadequate as the police force is the one who investigates the cases as well as take care of the execution of laws in the society. Since, the number of police force is limited and work is more, investigation process slows down and takes days or even months to complete the procedure.

- Also, after the Investigation, during the trial, the IO or the Investigating Officer does not turn up before the Court making it huge possibility of non-disclosure of complete relevant facts which were discovered during such investigation.
- In several cases, there is a political influence in various cases which results in improper investigation.
- The Police Officers receive salary according to the laws which needs to be amended from time to time as per the inflation rates but are not amended and as a result the police force does not receive proper amount of salary which may also lead to corruption.
- Delay in the investigation procedure hampers the accuracy of the medical evidences which may be found during the investigation at the crime scene and the victims.
- Evidence in case of cybercrimes can also be manipulated or destroyed if the investigation is delayed.
- Even when the police force is overburden with the work, generally people have tendency to file false cases for their personal benefits, which ultimately results in delay in the investigation and disposal of cases.
- It is very difficult to understand the mentality of people and to make them understand that the criminal justice delivery system should not be used for their own personal benefits but should be left for the actual mishaps and should only approach the court when required.
- Due to the thinking of the society many cases are not registered as the people think that it may harm the reputation of the family, also there have been cases where the police did not registered the case considering it to be a false one and as a result, we do not have an accurate crime rate. There are some incidents where the police are also charging some kind of money for registering the case.
- The witnesses are not produced before the court at the time of trial due to various reasons or even at times, during the proceedings they turn hostile.
- The judges deciding the case at times are not specialized in the subject matter which at times results in the poor decision leaving a negative impact in the society. Also, the number of judges as compared to the number of cases and as per the requirement is not sufficient.
- The students who are appointed as new judges without any prior experience as a lawyer needs someone to assist and train them.
- Judges have been given immunities under various legislations this means that if the judge makes a bad decision, he may not be liable for the decision made. These liabilities should be decided accordingly.
- In the emergency situations, police need to use money out of their own pocket which also demoralizes them for future events.

### **Suggestions**

- Use of technology in investigation should be encouraged.
- The investigation agency should be independent and empowered so they could investigate the cases in short span of time.
- More judges should be appointed who are trained and specialized in specific areas.
- Liability of judges should also be fixed.
- Judges specialized in cyber matters should be appointed.
- Funding should be increased.
- E-Courts, e-filing of cases.

### **2.2.2 Reports based on interviews with members of the Bar**

Interview with **Mr. Sushanta Sengupta**, Advocate and former Public Prosecutor, on the overall criminal justice delivery system and role of courts in West Bengal with special emphasis on Hooghly district.

#### **Key points to consider from the interview:**

- Rigorous practical training of Judicial officers before joining services at lower courts

The judicial magistrates who qualify for judicial services, often lack practical application of law and at times even get confused with the legal language used, apparent from drafting of their judgments. They also often get entangled with other technicalities but gradually with time get settled. Hence, it may be suggested that newly qualified officers must undergo extensive practical training and also exposed to the usage of modern techniques of research and online tools. There should be significant balance between the modern skills and traditional skills as to reap best out of them. There cannot be any substitute of reading and as such they should be encouraged to read extensively during their training itself so that they are used to bulk reading so that they can write quality judgments.

- Unskilled court staff not well equipped with computer usage and functioning

The procedure by which courts appoint their daily staff is very primitive and non-technical. The examination conducted for the filling up of such posts generally include subjects are simply subjective without involving the usage of intellect of the exam takers. Further, after selection such candidates are not trained in various skill sets including the usage of computer and other digital tools which they require daily in their work. There is complete lack of proper para-legal training, the trainees are only exposed to a few weeks hands-on training before they are declared qualified and hear matters as a magistrate.

- Improper usage of the working hours on working days of court

Most of the working hours of a court is mostly unaccounted and unproductive. Many of the magistrates come and leave at their own convenience and seems not answerable for it to anyone. The huge vacations in the courts also account to slow down disposal of cases. Further strikes by Bar Associations and 'pen down' protests by lawyers at the drop of a hat, hampers the working days of the court. Further, on the event of death of any Court officer or Court official, all official works are suspended. Such practices require serious rectification and need to be stopped if better work culture is to be brought back.

- Huge load of writing judgments in bulk leads to lower quality of judgment.

The West Bengal judicial service is already functioning with lesser number of functional judges and a higher vacancy. The existing judges at service are compelled to hear numerous matters before them and aim for their speedy disposal. The judges also require writing a judgment for a case. The bulk quantity of cases automatically lowers the quality of judgment.

- Lack of forensic research laboratory in West Bengal. Presently only one functional in West Bengal

There exists only one State Forensic Science Laboratory in West Bengal where all the samples for investigation are sent. The regional forensic science laboratory with two officers can hardly cater to the requirements due to lack of infrastructure. These delays reports systematically as they are unable to take the case loads and negatively affects the justice delivery system at large.

- Section 313 of CRPC may be repealed due to its redundancy.

Issues of technicalities were raised. Composite questions put to the accused at the stage of recording statement under Section 313 of CRPC makes the entire exercise meaningless and admissibility of evidence is stalled till the final judgment.

- Possibility of filing FIR through email and online medium.

The process of filing FIR must be digitally enabled too, so that such process of filing FIR through electronic mail or other modes of online communication will remove police interface. The existing fears in the minds of common people with respect to filing police complaint that could qualify as FIR needs to be dispelled.

- Implementing Zero FIR cases.

The filing of Zero FIR needs to be brought in practice through a top-down approach from the enforcement hierarchy. The Zero Fir allows a plaintiff or authorized representative of an aggrieved party or even the person who witnessed the crime, to file an FIR at any police station which can later be transferred to the appropriate jurisdictional police station.

- Possibility of informing witnesses about their summons through mobile communication, email or other modern methods.

The procedure of sending summons to witnesses asking them to appear before the court is a very cumbersome procedure. The same requires the letters to go via the police station and has multiple steps in between. The witnesses often receive delayed summon letters or never reaches them delaying the entire process. It was proposed that the witnesses are sent the summons through digital means so that there is absolutely no communication lapse.

- *Section 161* of the CRPC is misused by the police.

The investigating officer of police in charge of interrogating the witness often never even examines all the witnesses. Serious malpractices are noticed where in a statement is given by a third party in exchange of commercial value on behalf of different witnesses. Sometimes one witness is examined by the police favoring one party and variations of that are presented through

different witnesses. There are instances where later the person who has been stated as a witness and summoned by the court is completely unaware of even the incident.

- Mediation can be used instead of criminal prosecution in petty matters or those for matters which can be easily settled without court intervention.

There must be a shift towards alternate means of dispute resolution like mediation/ conciliation which allows both the parties to peacefully resolve the dispute at a much quicker pace without even approaching the court. In matters of personal feuds, land related fights, etc. where parties are family members or neighbors, these can shed lot of burden.

- Reforms in the correctional home services.

The correctional homes do not serve the purpose for which they were built, they neither serve the purpose of being correctional nor they are punitive enough even with the statutes being sufficiently empowered. Inmates in these correctional homes can overlook their daily chores or get favorable work on transactional basis by paying. Further, there are instances of organized crime nexus continuously running within the walls of the prison. The data about the internal matters of prison are often diluted and not released. Further, the provisions of open-air prisons are yet to be implemented. The correctional homes do not adhere to the legislations made for the inmates; neither do they provide any environment for rectification and reformation.

- Keeping under-trial prisoners separately from convicts.

The under-trial prisoners should be kept separately from that of convicts since often the convicts are bullied for money and other gains. There are instances of under trial prisoners being brutally tortured in police custody by other convicts. The entire detention facilities for under-trials need to be revamped through revision of the Rules and enforcement authorities need to strictly adhere to the law.

- The much functional “*Shown Arrest*” by police has no legal validity neither backed by any legal statute.

According to the law, an arrested person should be produced before a magistrate within 24 hours of arrest. Under shown arrest under trials facing charges are booked under fresh charges. The police then move to the court pleading for fresh custody of these persons already in lock-up. This method is not backed by any legal statute.

**Interview of Advocate Suman Sen, Secretary Jhargram Bar Association, Advocate Kaushik Saha and Advocate Pradip Kumar Pal on the overall criminal justice delivery system and role of courts in Jhargram, West Bengal:**

**Key points to consider from the interview:**

- Lack of proper infrastructure facilities at court premises, even ladies’ toilets are not there, lady advocates need to request the magistrates to use their toilet. The bar association has an old demand for proper chamber space in the court premises but never got it.
- Severe lack of manpower in terms of clerks and court staffs in the district court.
- Improper training of judicial magistrates before they are posted.
- Mediation center has started functioning in the district and has showcased positive results in

closing long-term pending cases hence mediation / conciliation needs to be used more. The Sub-Divisional Legal Service Committee has resorted to mediation as a successful alternate to litigation for closing long pending matters.

- No availability of staff and funds at district court level.
- State Legal services are not responsive to the grievances of district legal services authority.
- Everything is being handled in ad-hoc manner, severe shortage of staff, are being catered through temporary contractual staff who remains temporary without any proper mechanism to be absorbed as regular employee. They are paid much less compensation for the amount of work they perform without even any travel allowance that eat away since often they need to travel long distances or any other benefits like medical benefits, etc.
- No practical implementation of plea bargaining even after post amendment of CrPC.
- Lack of coordination between police and judiciary. Improper follow ups, lack of infrastructure and internal police interventions.
- Forensic evidence loses their viability due to the slow nature of criminal proceedings and often become useless.

**Interviews of Senior Advocate Jay Prakash Bajpai, Advocate Shri Kant Dixit, Kanpur and Interview Of Advocate Kamlesh Pathak, Kanpur on the overall criminal justice delivery system and role of courts in Uttar Pradesh:**

**Key points to consider from the interview:**

- To treat under trials humanely and with dignity in police custody as well as in judicial custody.
- Segregation of under trials as well as convicts charged with the heinous crime and petty crimes from those who are charged or convicted with lesser offences to avoid serious offences by the former against the latter.
- The judicial officers and members of the district legal service authority rarely visit the correctional homes and interact with the inmates to know about their problems.
- Video conferencing between the council and the accused in criminal cases whenever necessary is not implemented in Uttar Pradesh.
- In Uttar Pradesh, RTI can be filed online on the portal of Central ministries and departments. Although digitalization has happened in the state, users have not been trained and the interfaces not structured properly hence it has added to the confusion. E.g. due to erroneous docketing.
- There is a need for more judicial magistrates in Uttar Pradesh and their training lacks the state of the art, support, and comparative knowledge on global best practices in any given matter. There is a huge necessity to have more judges across the state than the circuit benches.

- The forensic laborites are archaic and old. DNA sampling in criminal cases is not done effectively whenever there is a necessity due to the lack of sufficient infrastructure.
- Digitalization is there in UP but has added to the confusion due to wrong docketing.
- There is a need to form separate custody not only for under trials and convicts but also among the undertrials to differentiate those who are charged with the heinous crime.

**Summary based on interviews of the legal practitioners and public prosecutors across Uttar Pradesh and West Bengal supported by the answers to the questionnaires (attached as Annexure – A)**

- Majority of the lawyers agreed that the huge vacancies at lower courts should be filled up to speed up the justice delivery system.
- Lawyers agreed that the current number of judges at lower court could cover a considerable chunk of pending matters with better efficiency and proper infrastructure support.
- Lawyers mentioned that the training procedure prior to the placement of a magistrate at lower courts should be more rigorous and practical based for better results.
- Majority of the lawyers interviewed agreed that an ordinary person while filing an FIR should first reach out to the police station and file FIR physically. In case physical filing is not possible then they may use digital modes to file a complaint requesting it to be taken as FIR.
- Most of the lawyers agreed that while attempting to file for a FIR the police often try to trivialize the matter and refuse taking FIR and passes it on as a GD.
- Majority of lawyers agreed that the investigation department of police administration requires serious modifications along with the placement of skilled investigation officer.
- It was also agreed that there must be a strict timeline for the police to file the charge sheet.
- Adjournment is a major cause of delay in criminal litigation.
- Most of the lawyers had little or no knowledge about digital forensics.
- All of the interviewed lawyers agreed that there was minimum proper use of forensic science for the purpose of investigation and the numbers of forensic labs are relatively low and more labs are to be set up.
- All of the lawyers agreed that the number of under trials is significantly higher in both the states.
- The under trials must be treated separately and kept separate from convicts as they are held innocent until proven guilty.
- Some lawyers agreed that under trials are subjected to both psychological and physical torture at police custody.
- Most of the lawyers agreed the non-implementation of video conferencing facilities between the counsel and the accused and the police custody and court.

- Only a handful of lawyers had an idea of plea bargaining and its usages.
- All of the lawyers agreed of the unsystematic digitization of the e courts which in turn made digitization more troublesome than beneficial.

### **2.2.3 Reports based on interviews of members and former members of Bench in Jhargram**

#### **Key points to consider from the interview:**

- Routine cases are not uploaded on a daily basis on the website of e-courts. Only such cases which have a judgment or the case appears to be an important one is updated. This often leads to improper data with regards to the number of pending and active cases. The magistrate cited sheer dearth of manpower and infrastructure in spite of the Supreme Court mandate.
- The district court at Jhargram prior to the formation of Jhargram as a district was a fast-track court. Currently the court has only three staff and that too on contractual basis.
- The salaries of the contractual employees of the courts are not regularized and that adds to uncertainty.
- Shortage of manpower results in non-compliance with data that should be uploaded on e-court websites.
- Under trials have spent more prison time than actual time post-conviction. There is a dire need to speed up the justice delivery system at lower court level.
- No proper video-conferencing facility made available for examining women victim of heinous crimes.
- There is no proper inspection of the lower courts either by Ministry of law and justice or by the High Courts.
- In spite of the amendment of CrPC and accommodating the concept of plea bargaining, the members of bar are not at speed with the developments in law and therefore totally avoid out the benefits that may arise from the use of plea bargaining.
- The lawyers at district court levels do not have clarity of law and its nuances. Most of them aim to willfully extend a matter over a longer duration to reap money unethically.
- Matrimonial disputes are best settled through mediation.
- Lok Adalats are functioning at an effective rate of 40 to 50 %. Most of the bank loan matters are settled through Lok Adalats. The functioning of Lok Adalats must be increased to an optimum level.

#### **Interview of Retired Justice Shri Ranga Nath Pandey (Allahabad High Court)**

- On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

*“I will definitely agree with all the reports that are being stated in regard to delay in the disposal of cases in the subordinate courts, but the reason that a primarily surface behind this delay is lack of transparency and accountability in the working of the Courts. I believe that the major parts of the judges in these Court are not true to the duties they are being bestowed with. With no practical implementation of the rules and no proper mandate (of the number of times) in regard to the adjournment given by the Court, the disposal of cases tends to lack way back.”*

- Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

*“Maybe, the point of understanding should be that the filing of charge sheet by the police is the preliminary step and then the Court comes into realm, so what I opine is that the effect of delay in filing the charge sheet is there but is minimal, since there are several other delays that occur and affect the justice delivery system.”*

- Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

*“With my understanding of the procedure from the offence happening to the Court trying the same, what I understand and opine is that there should be a division between the Investigation Wing focused Agency and Law; Order focused agency. There cannot be a same group (or team) working at both the places. Further, when we come to the Investigation Wing focused Agency, there has to be a monitoring agency, which the investigation wing is answerable to, and this may lead to a proper working when it comes to adjudication of the cases by the police. Like said before, there has to be transparency and accountability in all the departments or the phases of the justice delivery mechanism. Influence, power and money should not regulate law, there has to be transparency in the working.”*

- Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

*“No. The primary reason of increase in backlog of cases is not that the strength of judges or the number of seats in judiciary is less, rather as per my opinion it is the major portion of the judges in the judiciary themselves. The major portions of judges in these subordinate courts are not true to the duties assigned to them. I have few of my colleagues who don't even take time to adjudicate even a single proceeding or pronounce an order in a day. The basic reason of delay and backlog of cases is incompetency of judges to remain true to the duties assigned to them, the influential or the power aspect (in total corruption) plays a major role in such incidents of delay in disposal of cases. There is a need for a proper mandate of how the working of the judges has to be done.”*

- How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

*“Limiting the number of adjournments can be adopted. I am of the opinion that the Act or Statute as a judge we look up to is in itself of British era. We tend to forget the basic objective of why British enacted these rules and statutes, to govern us, to punish us for any wrongdoing (this rule acts as a basis), to torture us. The concept of justice remains solely on paper, while the Indian System of rules (the need of the hour) will entail practical justice, not limiting to just statutes and rules.”*

*The British ideology behind enacting these rules and statutes and our ideology behind re-*

*enacting them is all different and it should also be reflected in our rules too. Therefore, I opine that the Acts or Statutes of British era should be taken into account and should be renewed to the Indian system of imparting practical justice.”*

- Can lawyers bring about a change in their approach towards the cases or does thereformation has to be made by the judiciary?

*“There cannot be a one-party solution and it has to be a balance act by both referred in the question. I am of the opinion that there has to exist a consensus between the lawyers and the judges in order to bring about reforms.*

*As a step towards the same, there has to be a committee of both lawyers and judgesacting together, where the grievances of either are being shared and then a proper solution can be reached.*

*The improvement has to be done from the ground level. Several lawyers have economic disability and certain other issues that interfere in their working mechanism, the committee of grievance redressal may take charge in this situation. The judge’s grievanceredressal is equally important like the advocates. Both lawyers and judges have tocontribute together.*

*The Constitution under Article 124 provides for appointment of judges of the Supreme Court from three sources: (a) a person who has been a judge of High Court for 5 years. (b) an advocate in High Court for 10 years. (c) a person who is in the opinion of the President, ‘a distinguished jurist.*

*In its almost 71 years of existence, the Supreme Court had never got a ‘distinguished jurist’ as a judge, and we are talking about reforms here. I believe that non-considerationof ‘distinguished jurists’ (law experts) as the judge of the Supreme Court despite the mandate of the Constitution under Article 124 is wrong.*

*So, I would say that Lawyers, judges and distinguished jurists have to contribute together in order to move towards reforms.”*

- To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee’s Report, and what has it done to eradicate those issues?

*“One of the recommendations of the Malimath Committee report was the ‘hiving off the Investigation wing and the Law & Order’ regarding which have already given my opinion previously. There has to be a division in the foregoing, in order to curb the excuses given by the police authorities while denying immediate action towards cases.The lack of manpower and time should not be an excuse by the authorities if such a division is implemented.”*

- To what extent has the e-courts project impacted the existing judicial system?

*“Definitely it has impacted a lot and I would say in a positive sense. The best example is the virtual courts during this pandemic, if it would not have been there; the Courts would have still been closed or would have been forced to open early. The proclamation of e- courts may not very well impact the lower judiciary other than the High Court and the Supreme Court, primarily due to economic disabilities existing and lack of good infrastructure at the district level.”*

- Would you say that lawyers and police officials are trained to fully utilize the facilities being

introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

*“No, they are not trained that regularly. Periodical training is important because new evolution of technology is imminent, and officials are ought to be trained in consonance of the same.”*

- Do you have any suggestions as to how digitization can improve the efficiency of the work?

*“See, digitization will definitely bring improvement that is for sure, but how far the workers who are using this digital means are themselves true to their working will decide how efficient the work or output will be. Alone digitization is hardly going to bring any reform.”*

- How can we improve the criminal justice delivery system? Give suggestions.

*“Like, I have previously answered, the crux part is the existence of transparency and accountability in the system. Power and Money cannot regulate law. The workers under this justice delivery system have to be prudent towards their duties and have to work together with a consensus of reforming the criminal justice delivery system.”*

- How do you think COVID-19 would impact the crime rate?

*“As far as I opine, the primary reason of crime is poverty. During COVID-19 pandemic, the economic offences have certainly decreased but there have been certain other offences that have gradually taken an upheaval like certain family offences (dowry etc).”*

### **Interview of Justice Sunder Lal Additional District and Session Judge, Uttar Pradesh**

- Justice Sunder Lal is an additional district and session judge who gets about 500 cases in a month, according to him the reason behind the delay in the disposal of criminal cases is mostly because of the regular strikes by advocates and the adjournment done by them.
- The frequency of the adjournment can be reduced if the personal grounds of the delay are removed. The lawyers will be able to bring a change in their approach towards the cases if the behavior of the advocates is changed and they are passionate enough to dispose of the cases.
- If the number of Judges is increased and the quantum of deciding of cases is developed then the Indian judiciary is taking proper cognizance of the issues underlined in the Malimath committee report but there is a huge need to take a shift from the traditional litigation to the alternative dispute resolution even in the criminal cases.
- The process of digitalization in the criminal justice system has even helped in fastening the completion of trials. If the internet connectivity is improved and the clients and advocates have the proper knowledge, then digitization can improve the efficiency of the justice delivery mechanism.
- One of the main reasons for the delay in justice is that the number of cases in the courts far surpasses their disposal. Conceivably, one of the principal challenges confronted by the Indian Judiciary is the massive burden of pending cases in the Court.
- Similar to other pillars of democracy, the judiciary too has been discovered to engage in corrupt activities in some instances. No system of accountability has been established for the judiciary.

- In addition to that, as per the constitutional provisions, there is no established process yet to register an FIR against a judge who has taken a bribe or indulged in corrupt activities, without prior permission of the Chief Justice of India.
- Judiciary has not been covered under the ambit of the Right to the Information Act, 2005. Due to that, certain considerable issues like the quality of justice delivered and accountability of the judges are not known to the citizens accurately. Other than that, there is also a requirement to establish transparency in the appointment of the judges starting from the highest level to the lowest district level.

Despite enjoying independence, judiciary still faces a lot of issues and challenges within the Indian judicial system.

- The delay in justice deliverance has demonstrated to be one of the prevalent shortcomings of the Indian judiciary system. Delay in justice denotes that the time taken to dispose of a case is more than the time which should have been reasonably consumed by the court of law to decide the case. This emasculates the competency of the judiciary.
- One of the main reasons for the delay in justice is that the number of cases in the courts far surpasses their disposal. Conceivably, one of the principal challenges confronted by the Indian Judiciary is the massive burden of pending cases in the Court. Another important reason for the pendency of cases is the frequent strikes by lawyers.
- Similar to other pillars of democracy, the judiciary too has been discovered to engage in corrupt activities in some instances. No system of accountability has been established for the judiciary.
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- Judiciary has not been covered under the ambit of the Right to the Information Act, 2005. Due to that, certain considerable issues like the quality of justice delivered and accountability of the judges are not known to the citizens accurately. Other than that, there is also a requirement to establish transparency in the appointment of the judges.

#### **Interview with District & Session Judge, Justice Neeraj Nigam, Uttar Pradesh**

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- Similar to other pillars of democracy, the judiciary too has been discovered to engage in corrupt activities in some instances. No system of accountability has been established for the judiciary.
- In addition to that, as per the constitutional provisions, there is no established process yet to register an FIR against a judge who has taken a bribe or indulged in corrupt activities, without prior permission of the Chief Justice of India.
- Judiciary has not been covered under the ambit of the Right to the Information Act, 2005. Due to that, certain considerable issues like the quality of justice delivered and accountability of the judges are not known to the citizens accurately. Other than that, there is also a requirement to establish transparency in the appointment of the judges.

**Summary based on interviews of members of the Bench across Uttar Pradesh and West Bengal supported by the answers to the questionnaires (attached as Annexure – A)**

- There is a pressing necessity of an increased number of judges in courts, considering that it is turning out to be increasingly difficult for the present strength of the judges to look over the copious number of cases. Filling up the vacancies will have a significant positive effect in reducing the number of pending cases.
- Magistrates are increasingly being drawn into courts without necessary practical training as a result they are unable to understand the applicability of laws and the issues involved, as a result delaying justice delivery.
- There is need for total overhauling of infrastructure at the trial court level and filling up the vacancies of staff strength. The staff are also over-worked hence they are unable to attend to their responsibilities. E. g. where there are provision for two assistants sanctioned to an additional sessions judge and an IT officer, if only one person is allotted instead of these three, procedural delays drag pending matters restraining them from reaching conclusion in time.
- To address the huge pendency in courts clogging justice delivery, technological means also need to be adopted. There is a need for the installation and continuous maintenance of the latest technology in way of both software and hardware to track the progress in cases, so as to ensure quick disposal of the cases. One such system can be the Indian Courts and Tribunals Services (ICTS).
- All the cases ought to be categorized upon admission according to the statute as well as subject matter. Categorization should also follow the process of priority, as it is suitable to settle particular types of cases more expeditiously than others, such as the cases filed by senior citizens, terminally ill persons etc. Such categorization can immediately point to certain cases that may be equally, if not better, resolved through Alternate Dispute Resolution (ADR) mechanisms, which will ultimately reduce the number of backlogs and will consequently establish a systematic procedure.
- Apart from the categorization, Judges must regulate the time period of cases presented before them. The courts should emphasize on the 90 days' time to conclude an investigation and file charge sheet to arrest delay in the first instance when a criminal case is initiated. This procedure needs to be followed by timely filing of charges and regular hearings with a scheduled timetable for the main stages of a case and meticulously adhering to it. Doing so also reduces the opportunity for defence counsel to seek multiple adjournments on flimsy grounds. As far as

possible, interim applications must be disposed of in a single hearing. For sensitive cases there needs to be structured fast-track courts as a matter of fact, well-defined within the rules rather than the higher courts of law deciding on case-by-case basis.

- The holidays given to the Judges must be regulated so as to ensure that cases do not keep mounting up in the absence of the Judges.
- There is a need for the establishment of ‘substitute judges’, who in the absence of the Judge could be assigned to a particular case and preside over the given court proceedings.
- It is important for the judicial officers to be sensitive towards the needs of the victims including emotional condition of victims and their immediate family, especially when they are in court as witness. Need for continuously ensure that the proceedings are conducted with dignity of the victim and in a compassionate manner.
- The Judiciary needs to upgrade in order to protect the witnesses as they are often the target of the crime during proceedings which can alter the course of the case.
- Efforts must be made to reduce the mental torture of the victim by ensuring minimal contact between the accused and the victim during the proceedings. There should be proper seating and waiting rooms installed in courts where the proceedings are to take place with necessary health care support, if video -conferencing facility cannot be provided.
- The court need to clearly distinguish between minor technical flaws that can be corrected and re-submitted without much delay and those that need to be substantially amended and re- filed. Matters before the judges should not be outright rejected and returned for minor technicalities.
- Regular workshops and training sessions should be conducted for the Judges to make certain that they are well equipped to deal with the evolving laws and the societal need as well as on technological developments, including that of information technology (IT).
- Criminal procedure lacks accountability on the investigating police officers hence necessary amendment of the Cr.P.C. and I.P.C. needed to make sure that if an accused is acquitted for lack of evidence, the investigating officer is reprimanded with proportionate penalisation and the Superintendent of Police in the district also held accountable. This needs independent study for practical recommendations.

#### **2.2.4 Summary based on interviews of members of the general public across Uttar Pradesh and West Bengal supported by the answers to the questionnaires (attached as Annexure – A)**

##### **Key points from the interviews:**

- Most of the interviewed personnel believe unemployment as the leading cause of everyday crimes.
- Most of the interviewed personnel have a neutral experience with law enforcement agencies.
- Most of the interviewed personnel have been interrogated by police once in their lifetime.
- Most of the interviewed personnel witness police patrols less frequently in their local area.
- All of the interviewed personnel agree to the fact that women and children are most vulnerable

to crimes.

- Most of the interviewed personnel have faced problems while filing for an FIR.
- Most of the interviewed personnel are not sure whether police personnel are well equipped to and trained to deal with cybercrimes and fraud.
- Most of the interviewed personnel believe there must be use of better technology and forensic science for investigation of crimes.
- Most of the interviewed personnel one time or more have been asked for money by the police personnel in order to lodge their complaint/FIR.
- All of the interviewed personnel agree that investigating officers should be better trained in order to perform their tasks meticulously.

The overall experience level of most of the interviewed personnel with regards to their satisfaction towards the criminal justice delivery mechanism is below average to average where the best option is extremely satisfied and worst option is extremely dissatisfied.

### 2.3 Timeline for a general criminal trial:

Based on the interviews conducted amongst Magistrates, Judges, Lawyers, Police officers and general public and also referring some secondary data<sup>33</sup> we have prepared a table showcasing the timeline for completion of general criminal trial:

Event	Timeline (time taken)
1. Filing of the FIR	1-345 days
2. Investigation by police	8-730 days
3. Filing of charge sheet	1-700 days
4. Framing of Charges	1-730 days
5. Evidence by prosecution and cross examination	1-1095 days
6. Statement of accused	1-180 days
7. Evidence by defence and cross examination	1-545 days
8. Final arguments	1 to 210 days
9. Judgment	1 to 180 days
10. Judgment on sentence and punishment	1 to 90 days

<sup>33</sup> ASCI Report, Table 6.2, page 100  
<https://doj.gov.in/sites/default/files/ASCI%20Final%20Report%20Page%20641%20to%20822.pdf>

## 2.4 State specific data:

### 2.4.1 District-wise pending criminal cases in 23 sample districts of Uttar Pradesh

S.No.	Name of the District	Total Number of CRIMINAL PENDING Cases of UP (District-wise) <sup>34</sup>
1	Agra	199329
2	Aligarh	136356
3	Allahabad	228752
4	Azamgarh	87472
5	Bahraich	114271
6	Balrampur	51370
7	Bareilly	164073
8	Basti	87200
9	Chitrakoot	19303
10	Gorakhpur	172447
11	Gonda	88424
12	Jhansi	77212
13	Kanpur Nagar	284927
14	Lucknow	297769
15	Meerut	186185
16	Mirzapur	70443
17	Moradabad	101324
18	Pratapgarh	98353
19	Saharanpur	143767
20	Varanasi	135369
21	Gautam Buddh Nagar (Noida)	182523
22	Ghaziabad	208025
23	Meerut	186185

### 2.4.2 District-wise pending criminal cases in 22 sample districts of West Bengal <sup>35</sup>

<sup>34</sup> NJDG

<sup>35</sup> NJDG

S.no	District	Total number of pending criminal cases.
1.	Bankura	23,240
2.	Birbhum	42,332
3.	Calcutta	5,82,677
4.	Coochbehar	28,249
5.	Darjeeling	23,091
6.	Hoogly	66,414
7.	Howrah	72,407
8.	Jalpaiguri	58,015
9.	Jhargram	98
10.	Kamil pong	914
11.	Malda	34,944
12.	Murshidabad	1,33,766
13.	Nadia	91,303
14.	North 24 parganas	1,78,549
15.	North Dinajpur	27,481
16.	Paschim Bardhaman	58,165
17.	Paschim Medinipur	61,240
18.	Purba Bardhaman	42,527
19.	Purba Medinipur	59,839
20.	Purulia	19,634
21.	South Dinajpur	22,153
22.	South 24 Parganas	2,35,767
<b>Total number of pending cases in west Bengal</b>		<b>18,61,835</b>
<b>Presently there are around eighteen lakh sixty one thousand eight hundred thirty five criminal cases pending in West Bengal in its 22 selected districts.</b>		

## 2.5 Addressing the challenges faced by the Judiciary

- **Need to Increase the Number of Judges and Creation of New Benches**

In almost every High Court, there is immense pendency of cases and the present strength of the judges can scarcely be supposed to be adequate to cope with the alarming situation. The institution of cases is significantly more than the disposal and it adds to arrears of cases. All the citizens including the litigating parties have a right to speedy justice, which is an important aspect of fundamental right of life.<sup>36</sup> Presently it has become fundamental that the current strength of the judges ought to be increased manifold as indicated by the pendency, present and likely. It is additionally important that the work of the High Courts is decentralized, that is, more Benches are established in all States.

If there is manifold increment in the strength of the judges and the staff, all cannot be housed in one campus.<sup>37</sup> Ergo, the establishment of new Benches is fundamental. It is likewise in light of a legitimate concern for the disputants. The Benches ought to be so established that a litigant is not required to travel long. The facts demonstrate that the new establishments will require money;

<sup>36</sup> Law Commission Report, 230<sup>th</sup> Report On Reforms In The Judiciary - Some Suggestions, <https://indiankanoon.org/doc/32424520/>

<sup>37</sup> The Hindu, Panel to consider demands for HC benches: Moily, <https://www.thehindu.com/news/national/Panel-to-consider-demands-for-HC-benches-Moily/article16301153.ece>

however, it is vital as an improvement measure, especially, when endeavors are being made for all-round advancement of the nation.

Therefore, the money ought not to be an issue. We have to watch and secure the interest of the litigants. We should consistently remember that the existence of judges and advocates is because of the disputants and they are there to serve their cause only. It is quite evident that creation of new Benches will turn out to be beneficial for the litigants as well as the lawyers and a beginning has to be made somewhere.<sup>38</sup>

- **Speedy Justice:**

Speedy justice is the privilege of every litigating individual. There is no denying the fact that delay frustrates justice. In the current set-up it often takes 10 to 20 to 30 or considerably more years before a matter is finally decided. In the recent past, litigation has increased immensely.<sup>39</sup> The populace growth, improved financial conditions, lack of tolerance and materialistic lifestyle might be some of the causes. But the delay in dispensation of justice must be dispensed with by taking effective steps otherwise the day is not far when the entire system will collapse. Recently, one Hon'ble Judge of Delhi High Court calculated that 464 years will be required to clear the arrears with the current strength of the judges in that High Court.

The position may not be that gloomy however is still alarming.<sup>40</sup> The sad state of our judicial framework is shown by the fact that the criminal appeals of the year 1980-82, criminal revisions of the year 1990-95 are still not disposed off and are lying before the Courts till date. In second civil appeals and writ matters the position is practically same. The position is equivalent in all other High Courts. Institution of cases is considerably more than disposal and it adds to the arrears nearly at all levels of judicial hierarchy. Indeed, even in subordinate courts, there is huge pendency of cases.

As expressed above, so as to meet this contingency significant increment in the number of judges and corresponding infrastructure is required at the earliest. Even if the judges and class III and IV employees are appointed, say, within three to six months basic infrastructure will require time.

Speedy trial is ensured under Article 21 of the Constitution of India. Any delay in quick disposal of criminal trial infringes the privilege to life and personal liberty ensured under Article 21 of the Constitution.

- **Fast Track Courts:**

It is surprising to note that 1562 Fast Track Courts were set up so far and they have been able to dispose of more than 18 lakh cases transferred to them. 190 Family Courts, set up in different parts of the nation, have speedily settled matrimonial disputes through reconciliation. Technology has acted as a blessing for judiciary by translating "offline"

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<sup>38</sup> Demand of Circuit Bench of the Bombay High Court at Kolhapur, <http://www.kolhapurdistrictbarassociation.org/documents/document1.pdf>

<sup>39</sup> Bharat.law, Litigation and delays in India, <http://www.legalservicesindia.com/article/145/Litigation-&-Delays-in-India.html>.

<sup>40</sup> Niti Karan, Rajasthan and Allahabad high courts contribute 29% of the pending cases, <https://www.businesstoday.in/current/economy-politics/rajasthan-and-allahabad-high-courts-contribute-29-per-cent-of-presented-the-pending-cases/story/306302.html>.

procedures into technological functions which may additionally foster inefficiency and unnecessary complexity.<sup>41</sup> With a greater number of Fast Track courts across Uttar Pradesh and West Bengal pending matters can be disposed much quickly and also High Courts and Districts courts will be availed time to decide on critical matters.

- **Symmetric digitization**

The efficiency of judicial functions is likewise being upgraded with the utilization of IT for case management. Until a couple of years ago, the allocation of matters before different judges and the preparation of cause-lists was a tedious procedure. Nonetheless, computerization in the higher judiciary since 1990 has prompted tremendous improvements.

The detailed specifics of the cases are entered into the computer which permit grouping and tagging of cases with comparable subject-matter. They are categorized and arranged, with the goal that comparable issues are heard by the same benches so as to avoid conflicting and overlapping decisions. This step is regarded as a progressive one as it has assisted the Apex Court in disposing off the cases efficiently by avoiding undue repetition of similar cases.<sup>42</sup>

To genuinely digitize court frameworks every single document utilized in legal processes and the courts should be made electronic across Uttar Pradesh and West Bengal thus making them accessible and index able. Also, all imperative forms should come with an option to file online, so there is a complete record of cases from their inception to their disposal, which litigants can access from anyplace.<sup>43</sup>

### **Suggestions given by Uttar Pradesh, State Law Commission**

#### **Interview with Ms. Sapna Tripathi, Secretary U.P. State Law Commission**

- **Upgradation of prosecution and criminal justice system:** - The suggestion given in the above proposal has been made to facilitate the system of transfer of information through ICJS web, which is definitely all the concerned institutions like the courts, Information flow between police, prosecution, prisons and forensic laboratories has been facilitated, which will make it easier to locate the object.
- **CCTNS (Crime & Criminal Tracking Network & System):** In regard of the available services in CCTNS (Crime and Criminal Tracking Network and System), the suggestion received at making CCTNS more effective is to train the police officers at all levels, and all police forms and proceedings on the CCTNS system. Suggestions, like, uploading, facilitating the evaluation of stations at the national level, transparency and competition at police stations, the general public will be benefitted. This will help in the performance and evaluation of the prosecutors as far as the question of having sufficient interest in the feedings work by DGC or ADGC is concerned. In relation to this, the Commission is of the opinion that guidelines should be issued from the

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<sup>41</sup> Justice Sunil Ambwani, Information and Communication Technology in Courts, [http://www.nja.nic.in/Concluded\\_Programmes/2018-19/P-1142\\_PPTs/1.Information%20and%20Communication%20Technology%20in%20Courts.pdf](http://www.nja.nic.in/Concluded_Programmes/2018-19/P-1142_PPTs/1.Information%20and%20Communication%20Technology%20in%20Courts.pdf).

<sup>42</sup> Justice K.G. Balakrishnan, Judicial Reforms in India, <http://www.delhihighcourt.nic.in/library/articles/Judicial%20Reforms%20in%20India.pdf>

<sup>43</sup> Dr. Setlur B. N. Prakash, E Judiciary: A Step towards Modernization in Indian Legal System, <http://jespnet.com/journals/Vol 1 No 1 June 2014/15.pdf>

government level and renewal should be considered only after review of work and other works given by DGC or ADGC.

- **E-Prosecution:** - K.P.I. for assessing the level of work of Public Prosecutors in the suggestion related to e-Prosecution. (Key Performance Indicators) has been determined.
- **E-Court:** - According to the suggestion received about the e-court system, the use of technology in the courts was mentioned to make the information of judicial proceedings simple and easy which are being done effectively under the supervision of Hon'ble Supreme Court and High Court.
- **E-Prison:** -, include keeping a data base of integrated information about detainees at national level, and applying to police stations (CCTNS) and (E-Prison) portal data base detainees. And the information about the criminals has been mentioned in an effort to be easily available.
- **E-F.S.L:** - It is clear in the suggestion received in the context of FSL that the status of performance gains and performance checks in FSL is being marked on the E-FSL and E-court systems. With the provision of this system in the state's forensic science laboratories, the information about the status of the preparation of the investigation report was made easy and simple. The Commission is of the opinion that FSL's Forensic Science Laboratories should be established in sufficient quantity and experts and personnel should be appointed as required so that the test can be done at a rapid pace.
- Referring to the efforts to be made in the near future in the suggestion received, it has been said that the E-Court has been given the F.I.R. by making better and more efficient integration of all the columns of the ICGS and linking it with the CCTNS. There is a facility to make the facility of sending case diary, arrest memos, Caesar memos, charge sheets and final reports on online e-court portal easy and convenient. So that the desired facilities and information suited to the user can be available. And the court's decision to prosecute through the e-court portal. Bail orders to send important information related to other orders and lawsuits and use of EFSL to work effectively and CCTNS.

It was suggested that the information is received instantly through e-prosecution and e-court portal. Similarly, making better use of the technical facilities, on the CCTNS portal from the court level, the information related to the arrest order and the surrender of the judgment order in the name of the jailed stalwarts of the court bail on the CCTN and linking the e-court portal to the CCTCNTS from the CCTNTS. Connectivity of Internet for providing IO app for information officers and uploading / transmitting of the forms related to investigation and geo tagger of miracles and events and sharing of information through the facility of linking and CCNCS facility. Facilities have been suggested to be increased and it has been suggested to make the use of CCTNS simpler and more useful. In order to ensure the same low-quality control and timeliness, it has been suggested to provide information related to the various actions taken at the time of deliberation and prosecution.

- Detection, location identification and identification of clues, collection of evidence, identification of digital evidence and proper handling, packaging and transportation of evidence during investigation by investigative authorities, lab to send evidence for evidence preservation

with identity test questionnaire Suggestions have been given to the laboratory for the use of techniques for transmitting evidence, etc. and to attempt to rectify the deficiencies pointed out by the Hon'ble Supreme Court in *Perumal v. Janaki*, Criminal Appeal No.169, 2014 and *State of Gujarat v. Kishore Bhai*, Criminal Appeal No.1485, 2008, to bring qualitative improvement in deliberations and prevent serious irregularities. Emphasis has been given.

- In the suggestion, the E-FSL portal has also been suggested to be linked with CCTNS and E-procedure portal for the purpose of re-testing the rendition samples and coding of the exhibits.
- In order to achieve the targets, set by the prosecution department in relation to ICJS, e- courts, e-SFL, e-prisons, fingerprints etc., meaningful efforts should be made and pursued - so that the common man can get speedy justice.
- The Uttar Pradesh State Law Commission is of the opinion that the suggestion of Directorate of Prosecution Uttar Pradesh has been mainly to use the technical facilities and internet facility to make extensive use on every sub-division from registration of crime to decision which is definitely the facility is useful and useful for adjudicating criminal justice. Although there has been a provision in CCTNS to register the prosecution without any police station, print media, social media should be used in full to give information about this system to the public and wide publicity and dissemination should be done.
- From time to time, the point of making the criminal justice process simple and effective has been considered at various levels and instructions have been given by the Hon'ble Supreme Court and High Courts, on this point, by the Supreme Court in *Perumal v. Janaki* and *Gujarat State v. Kishor Bhai*. The instructions given in it are noteworthy. Apart from this, the process of segregation of police for police investigation and law and order was started in Uttar Pradesh at the state level since 2000 and in this regard reference to internal communication was referred.<sup>44</sup>
- In cases where the accused are barred from judicial custody, the evidence of the prosecution witnesses should be ensured in the Court on the date fixed on the basis of priority.
- In cases, witnesses and policemen are made to be present on the scheduled date to enable record of statements. This is needed for the judicial proceedings to be completed on priority basis, failing which strict punitive action should be taken against the concerned personnel.
- In future, if such a situation does not arise, the responsibility of the concerned officer should also be determined to ensure timely completion of the District Summons Cell.
- Full details of the transferred police personnel will be recorded by the summons cell in charge. In which the telephone numbers and other relevant details of the concerned police witnesses will be ensured, and they will be ensured through quick communication to be present for the evidence in time.
- The timing process of summons / warrant will be supervised by the officer level officer. By coordinating with the District Prosecution Officer / DGC Commissionerate, Courts will be

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<sup>44</sup> <https://www.latestlaws.com/latest-caselaw/2014/january/2014-latest-caselaw-36-sc/>.

responsible for timely compliance of the process.

- In the future, if any negligence is shown in compliance with this procedure, then the responsibility of supervisory senior officers should be determined and action taken against them should be ensured.

In the less of the above orders, it should also be directed that police witnesses should be ordered by district level officers to be present in the court for evidence. In any case, they should not be stopped from giving evidence. Summons cell for attendance of witnesses in court the system should be strengthened.

### **2.5.1 Suggested reforms in the Code of Criminal Procedure:**

While conducting ground research through various workshops and round table conferences we came across certain sections of legislation in criminal justice delivery system that need

#### **Section 11 – Courts of Judicial Magistrates**

*Existing Provision-*

*“(1) In every district (not being a metropolitan area) there shall be established as many Courts of Judicial Magistrates of the first class and of the second class, and at such places, as the State Government may, after consultation with the High Court, by notification, specify: 1[Provided that the State Government may, after consultation with the High Court, establish, for any local area, one or more Special Courts of Judicial Magistrates of the first class or of the second class to try any particular case or particular class of cases, and where any such Special Court is established, no other Court of Magistrate in the local area shall have jurisdiction to try any case or class of cases for the trial of which such Special Court of Judicial Magistrate has been established.]*

*(2) The presiding officers of such Courts shall be appointed by the High Court.*

*(3) The High Court may, whenever it appears to it to be expedient or necessary, confer the powers of a Judicial Magistrate of the first class or of the second class on any member of the Judicial Service of the State, functioning as a Judge in a Civil Court”*

**Recommendation-** The Section may further include a retired High Court judge within two years of retirement for a fixed tenure of three years. Explanation may be added appropriately to the legislation which will empower the State Government to establish Special Courts not only of Judicial Magistrates of the First Class or of the Second Class to try any particular case in consultation with the High Court but also retired High Court judges. This will help substantially reduce the burden on the pre-existing courts immediately and enable more time to dispose criminal cases pending for some time.

### **2.5.2 Suggested reforms in the Indian Penal Code:**

#### **Section 53**

*“Punishments —the punishments to which offenders are liable under the provisions of this Code are—*

*(First) — Death; 1 [Secondly. —Imprisonment for life;] 2[\*\*\*]*

*(Fourthly) —Imprisonment, which is of two descriptions, namely: —*

- *Rigorous, that is, with hard labour;*

- *Simple;*
- (Fifthly) — *Forfeiture of property;*
- (Sixthly) — *Fine.*”

**Recommendation-:** Community service, social work may be added to the existing provisions of punishment. Though there are many instances where the court orders on community service as punishments for the offenders in place of or to supplement traditional forms of punishments. However, without any statutory provision on the same there are inconsistencies depending solely on the judge’s discretion. In a recent development, the Delhi High Court directed Swan Telecom promoter Shahid Usman Balwa and three others to plant 500 trees each as penalty for seeking more time to file their responses in the appeal of CBI challenging their acquittal. To avoid any feeling of arbitrariness or a sense of disproportionate decision, statutory provision is very much necessary.

### **Section 73 & Section 74: Existing Provisions –**

#### *Section 73*

*“Solitary confinement.—Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say— a time not exceeding one month if the term of imprisonment shall not exceed six months; a time not exceeding two months if the term of imprisonment shall exceed six months and 1[shall not exceed one] year; a time not exceeding three months if the term of imprisonment shall exceed one year.”*

#### *Section 74*

*“Limit of solitary confinement.—In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.”*

**Recommendation-** The provision for solitary confinement may be deleted as the same is a violation of basic human rights, also observed by Uttarakhand High Court in the case of *State of Uttarakhand vs Mehtab, Sushil & Buhra*.

### **2.5.3 Suggested reforms in the Indian Evidence Act:**

#### **Section 26**

##### **Confessions –**

*“Confession by accused while in custody of police not to be proved against him.*

*No confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.*

*Explanation — In this section “Magistrate” does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882 (10 of 1882).”*

**Recommendation –** There may be addition of the following phrase after the term ‘Magistrate’ in

the Section - 'or recorded by him in accordance with chapter 12 of the Code of Criminal Procedure ...'. This will enable checks and balance and arrest possibilities of abuse of power exercised by the magistrate which is witnessed at times.

## **2.6 Alternate Dispute Resolution in criminal Courts**

Alternative Dispute Resolution (ADR) refers to the modes of dispute resolution which fall outside the ambit of litigation. ADR is comprised of arbitration, negotiation, conciliation and mediation amongst its various forms. A criminal case is substantially a criminal charge brought against a person by the state hence the preference of dispute resolution by court adjudication seems obvious. However, there are many instances where the initiation of criminal charge is through a complaint that may be resolved in between the complainant and the defendant.

In such cases ADR would be an ideal mode to improve justice delivery through resolving disputes within a reasonable time-frame. However, given the nature of criminal nature of the offences there may be a prejudice that the conflicts can be resolved only through court adjudication although in reality, out-of-the-box thinking can show that much can be accomplished by a structured segregation of offences and allowing ADR for some of the offences. The use of ADR as opposed to criminal prosecution will ensure matters which can be settled outside the courts are settled there and hence, avail courts the time to look into more serious matter. Detailed study is needed in exploring resolution of criminal complaints through ADR and global best practices may also be studied, the aim being not to prove guilty and, in a way, to rebuke the offender but resolving the problem.<sup>45</sup>

### **The advantages of ADR can be listed as:**

- ADR is usually faster and less costly in comparison to delayed litigation.
- The parties in an ADR have the chance to choose their adjudicating authority.
- ADR is more flexible and responsive to the need of an individual.
- In ADR the parties are involved in the process and hence creates greater commitment to the result so that compliance is more likely.
- Unlike litigation which makes the information public, ADR is strictly confidential and privileged.
- Alternative Dispute Resolution is more likely to preserve goodwill or at least not escalate the conflict, which is especially important in situations where there is a continuing relationship.

## **2.7 Plea bargaining and its advantages**

### **Introduction**

A new chapter, Chapter XXIA on plea bargaining was introduced in the Criminal Procedure Code, through the Criminal Law (Amendment) Act, 2005 by the Parliament. It started operating from 5th July 2006. Plea Bargaining is actually a concept borrowed from the United States (US) and origin can be traced back to US during the 19th Century. Over time, the concept of Plea bargaining has

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<sup>45</sup> Harry Mika, Kimberley Cole, and Anmarie Aylward, Mediation Interventions and Restorative Potential: A Case Study of Juvenile Restitution, 1989 J. Disp. Resol. (1989) Available at: <https://scholarship.law.missouri.edu/jdr/vol1989/iss/6>.

emerged as an outstanding feature of the US judicial System.

Plea bargaining is applicable with respect to those offenses for which the maximum punishment extends up to 7 years. Also, it is inapplicable in the cases where the offense committed is socio-economic in nature or if such offense has been committed against a woman or a child below the age of 14 years. Moreover, once the court passes an order in the case of plea bargaining no appeal shall lie against such order to any court.

### **Meaning**

A plea bargaining is an agreement resulting from the negotiation between the prosecution and defense (sometimes, also the judge) that settles a criminal case, usually in exchange for a lesser punishment. Usually, the defendant pleads guilty to a lesser crime or for fewer charges than the ones originally charged, in exchange for a more lenient punishment than the defendant would be convicted at the trial. It is usually seen as a success for prosecution in admittance of guilt while the defendant benefits lenient sentence.

Ultimately it excuses the risks of proven not-guilty in a trial due to different reasons and on the other hand the judge is freed to move to other cases and disputes that need more dedicate time.

Successful plea-bargaining is thus capable of concluding a criminal case without a trial as a plea agreement between the prosecutor and defense. By this agreement, the defendant accepts on pleading guilty without a trial, while the prosecutor agrees to dismiss certain charges against the defense or agrees recommending a more lenient sentence to the court as negotiated between the parties.

### **CrPC and Plea Bargaining**

Section 265A to 265L, Chapter XXIA of the Criminal Procedure Code deals, inserted through the Criminal Law (Amendment) Act, 2005, allows plea bargaining for cases:

- Where the maximum punishment extends up to 7 years of imprisonment.
- Where the offenses have little to no impact upon the socio-economic situation of the country.
- When the offenses are not committed against a woman or a child below 14 years.

Now let us introspect each section concerning plea bargaining.

- **Section 265-A (Application of Chapter):** the plea bargaining shall be available to the accused that is charged with any offense other than the ones punishable with death or life imprisonment or imprisonment for a maximum of up to 7 years. *Section 265 A (2)* empowers the Central Government to notify the offenses.
- **Section 265-B (Application for Plea Bargaining):** An accused may file the plea-bargaining application with respect to pending trials. Such an application should contain brief details about the case relating to which the application is filed. It is inclusive of the offenses to which the case relates and shall be accompanied by an affidavit sworn by the accused declaring therein that he/she has voluntarily filed the application, the plea bargaining the nature and extent of the punishment provided under the law for the offense, the plea bargaining in his/her case that he/she has not previously been convicted by a court in a case in which he/she had been charged with the same offense.

- The court will, consequently, notify the concerned public prosecutor, investigating officer of the case, the victim of the case, and the accused of the date fixed for the pleabargaining.
- On the appearance of the parties, the court shall examine the accused in-camera wherein the absence of the other parties, for being satisfied that the plea-bargaining application has been filed voluntarily.
- **Section 265-C (Guidelines for Mutually satisfactory disposition):** In a case instituted through a police report, the court shall notify the concerned public prosecutor, investigating officer of the case, the victim of the case, and the accused to attend the meeting for working out a satisfactory settlement of the case. In a complaint case, the Court shall issue a notice to the accused and the victim of the case.

- **Section 265-D (Report of the mutually satisfactory disposition):** This provision deals with the preparation of the report of mutually satisfactory disposition and its submission.

Two situations may arise, namely:

If in a meeting under *Section 265-C*, a satisfactory disposition of the case has worked out, then the report of such disposition shall be prepared by the court. Such report shall be signed by the presiding officer of the Courts and all other participants in the meeting.

In case no disposition has worked out, then the Court shall record such observation and advance further in accordance with the provisions of this Code from the stage the application under *Section 265-B (1)* has been filed in such case.

- **Section 265-E (Disposal of the case):** This section prescribes the procedure to be adopted in disposing of the cases on working out of a satisfactory disposition of the case. After the proceedings under *Section 265-D*, are complete a report has to be prepared and signed by the presiding officer of the Court and parties in the meeting, the Court shall then hear the parties on the quantum of the punishment or accused entitlement of release on probation of good conduct or after admonition. The Court can then either release the accused on probation under the provisions of *Section 360* of the Code or under the *Probation of Offenders Act, 1958* or under any other legal provisions in operation or punish the accused, and pass the sentence. While punishing the accused, the Court, using its discretionary powers, can pass sentence of minimum punishment, if the same is provided for the offenses committed by the accused. In case such minimum punishment is not provided, the Court can pass a sentence of 1/4th of the punishment provided for such offense.”
- **Section 265-F (Judgment of the Court):** Deals with the pronouncement of judgment in terms of mutually satisfactory disposition.
- **Section 265-G (Finality of Judgment):** Provides that no appeal shall lie against such judgment but Special Leave Petition under *Article 136* or Writ petition under *Article 226 or 227* can be filed.
- **Section 265-H (Power of Court in Plea Bargaining):** Deals with the judicial powers in plea bargaining. These powers are inclusive of powers with respect to bail, trial of offenses, and matters relating to disposal of case in such court under Criminal Procedure Code.
- **Section 265-I (Period of detention undergone by the accused to be set off against the sentence of imprisonment):** Provides that *Section 428 of CrPC* is applicable for setting

off the period of detention undergone by the accused against the sentence of imprisonment imposed under this chapter.

- **265-J (Savings):** Deals with the provisions of the chapter which shall have effect notwithstanding anything inconsistent therewith contained in any other provisions of the Code and nothing in such other provisions shall be construed to contain the meaning of any provision of *Chapter XXI-A*.
- **Section 265-K (Statement of the accused to be used):** specifies that the statements or facts stated by the accused in an application under *Section 265-B* shall not be used for any other purpose except for the purpose as mentioned in the chapter.
- **Section 265-L (Non-application of the chapter):** Makes it clear that this chapter will be inapplicable in case of any juvenile or child as defined in *Section 2(k)* of Juvenile Justice (Care and Protection of Children) Act, 2000.

### **Advantages of Plea Bargaining**

- **Speedy Disposal of Cases:** Plea bargaining benefits both the prosecution and the defence it is free from the risk of complete loss of trial by prosecution. It helps the advocates in defending their clients in an easy manner since both parties possess bargaining capacity. In this way, the long-standing disputes get resolved and the court avoids facing the encumbrance of case files. Furthermore, plea bargaining aids the courts in conserving scarce resources for more essential cases.
- **Charging for less serious offenses:** In a nation like India, society is a vital role player. Once a person is convicted, chances of being disgraced by society is high and that might affect even the person's survival. At times, the stigmatization forces the person move away from his home due to societal pressure and sometimes society even directly or indirectly throws out a "jail returnee" from locality. In such a scenario, plea bargaining permits a person in pleading guilty or no contest, in exchange for a reduced number of charges or the seriousness of the offenses, thereby resulting in recording less serious offenses on the official judicial records of an accused. This can be beneficial for the accused in the event of a future conviction.
- **A hassle-free mechanism:** In India, many case proceedings continue for 8-10 years, thereby resulting in suffering for both parties. There are many instances where the accused under-trial serves more time in the correctional homes than the maximum punishment for which the person was accused. Such instances exhibit a serious infringement of their human rights but is continuing until specific intervention by the courts. Through, plea bargaining a person can plead guilty without hiring a lawyer. However, had they decided to go for trial, they would have to find and hire a lawyer, and during the process, they would have to spend at least some time working with the lawyer and prepare for trial and also pay the lawyer. The concept of plea bargaining protects the interest of such persons by dodging the hassles faced during the pendency of the case.
- **Avoiding Publicity:** Besides, the above benefits, plea bargaining serves as a good mechanism for avoiding publicity because the longer the case stretches the more publicity it attracts. Plea bargaining avoids such publicity through a fast settlement of the case. Famous and ordinary people dependent on their community reputation for their living, and the ones desirous of escaping any unnecessary stigmatization. Although the news of the plea itself may be public yet it remains only for a short time period compared to the news of a trial.

## 2.8 E-Courts in India:

### Background

The Hon'ble Supreme Court of India, so as to expand the utilization of IT as one of the promising possibilities for lessening pendency, made a summit body, e-Committee (e-Committee, 2005) – to execute the e-Courts venture activity in 2005 with a move of INR 4.42 billion (Action Plan Phase-I, 2005).

The objective was to actualize Information and Communications Technologies (ICT); to speed up the way toward choosing cases just as to give an increasingly straightforward and simple access to equity. The term e-Court has been authored for a court that is furnished with current ICT gadgets. For instance, the appointed authorities are furnished with LCD contact screen machines to compose the cases and remark upon them.

There are screens and projectors accessible associated through the neighborhood (LAN) where it is workable for a legal counsellor to introduce the case utilizing a PC. There are electronic sheets accessible in the court premises just as online devices to show the line of case numbers planned for hearing in the courts on a specific day. The e-Courts venture has executions past only computerization of courts.

For instance, the postponement in service and receipt of summons is one of the central explanations behind judicial deferral. Subsequently, summons are being sent utilizing SMS on PDAs too. In general, numerous instruments for direct access of information to the prosecutor are being conveyed. There are likewise provisions for video conferencing among prisons and the courts just as among courts and courts.<sup>46</sup>

Aside from making a physical ICT framework for the courts, numerous prosecutor-focused administrations like e-documenting of cases, bringing changes via preparing judicial officers, digitization of legitimate instruments, resolution laws and case laws, advanced files of cases, and so on are additionally being done as a piece of E-Courts venture.

Valuing the means taken by the Hon'ble Supreme Court of India, the then President of India, Dr. Abdul Kalam had conveyed a compelling discourse, uncovering the capability of e-judiciary, at the occasion of propelling of computerization of courts by the Supreme Court. While much work has been done in most recent a long time since this activity, a ton stays to be done the extent that the utilization of software engineering is concerned. With this objective of impromptu creation, the Government of India again discharged a reserve of INR16.70 billion (proportionate to approximately 400 million USD) (Action Plan Phase-II, 2014).<sup>47</sup>

E-Courts should prompt e- Judiciary by reasonably interconnecting different organs of the general public, government, organizations, and residents giving consistent progression of information between the previously mentioned organs of popular government. The Hon'ble Supreme Court has just set out a strong establishment that can be misused by PC researchers to have a greater effect.

An extraordinary jump in giving free access to the judicial information was given by the usage of the National Judicial Data Grid (NJDG), 2018. Anybody can see the status of the cases that are pending, and information identified with past hearings that have occurred. The NJDG, a significant

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<sup>46</sup> E-Committee, Supreme Court of India, available at: <http://supremecourtindia.nic.in/e-committee> (Accessed 30 March 2018) Hindustan Times (2016), Waiting for Justice: 27 Million Cases Pending in Courts, 4500 Benches Empty, available at: <http://www.hindustantimes.com/indianews/waiting-for-justice-27-million-cases-pending-in-courts-4500-benches-empty/story-H0EsAx4gW2EHPr1l1ddzIN.html>

<sup>47</sup> Hindustan Times (2016), Chief Justice Breaks Down Before PM over Burden on Judiciary, available at: <http://www.hindustantimes.com/india/pmassures-emotional-cji-of-govt-support-in-increasing-judge-strength/storyEgEh9e7DkCgwyBOS5nI2PN.html>

result of the e-Courts ventures, has information of just about 27 million pending cases. This information can be concentrated from numerous points of view to concoct the strategies to expand the pace of arranging the cases in an ideal way.

Valid, having recently the information isn't adequate, it should be cleaned to arrive at a state with the end goal that it very well may be utilized to help the adjudicators during the time spent creation decisions.<sup>48</sup>

Although its highly benefitting, the present status of the NJDG has gaps too. Due to its dynamic nature, data is always changing and there is no option of accessing archives further it depends totally on the data provided and there has been allegation in West Bengal that the data made available are not accurate. To help to the endeavors made by the Supreme Court for making the information openly accessible, utilization of large information examination has been recommended. AI and characteristic language handling can be utilized to discover the comparability in the cases that are pending. This can help in a quicker removal of cases as comparative cases can be heard simultaneously. All the decisions that have been conveyed by the Supreme Court and different High Courts are as of now on the web (Judgment Information System, 2018).

While these measures are commendable, they are not sufficient. This is because of the following reasons<sup>49</sup>:

- The virtual system of functioning has not been adopted by all judicial and quasi-judicial institutions across the country.
- Institutions which have adopted this system have only been employing it for select matters i.e. to hear and dispose of urgent/extremely urgent matters;
- The current situation with COVID 19 pandemic has made normal functioning of courts unpredictable. It is impossible to foresee for how long 'social distancing' directives and restrictions on movement will remain in force even after the entire working population is vaccinated. It is likely that these preventive measures will be continued for some time even after the present threat has subsided.
- In this backdrop, the directions passed by the Supreme Court, on 6 April 2020, for the conduct of court proceedings across the country via video conferencing (VC), during the period of the outbreak of the COVID-19 pandemic are a welcome step. Broadly, the Supreme Court has directed as under<sup>50</sup>:
- All High Courts shall ensure functioning of the judicial system through use of VC technologies and to this end, shall decide the modalities for use of VC technologies after considering relevant factors (such as peculiarities of the judicial system in every state as well as the dynamically developing public health situation).

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<sup>48</sup> The National Judicial Data Grid, available at: [http://njdg.ecourts.gov.in/njdg\\_public/main.php](http://njdg.ecourts.gov.in/njdg_public/main.php) (Accessed 30 March 2018) Economic Times (2016), HC Judges get 5-6 Minutes to Decide a Case, available at: <http://economictimes.indiatimes.com/news/high-court-judges-get-just5-6-minutes-to-decide-cases-says-study/articleshow/51725395.cms>

<sup>49</sup> Kingshuk Banerjee and Preeti Sahai, *Virtual Courts In India*, Mondaq (May 14, 2020)

<sup>50</sup> Decision passed on 6 April 2020 in Suo Motu Writ (Civil) No 5 of 2020 available at: [https://main.sci.gov.in/supremecourt/2020/10853/10853\\_2020\\_0\\_1\\_21588\\_Judgement\\_06-Apr-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10853/10853_2020_0_1_21588_Judgement_06-Apr-2020.pdf)

- District Courts in every state shall adopt VC technologies prescribed by the appropriate High Court.
- Courts shall make VC facilities available for those litigants who do not have access to these facilities, including by appointment of advocates as "amicus curiae" and making VC facilities available to such advocates (if necessary).

### **The Way Ahead**

- For the purposes of an effective implementation, it is imperative to step back into the E-Courts Project, and take a step ahead, so as to ensure maximum benefits accruing out of a virtual court system, due to its expanded outreach.
- The undertaking conceives sending of hardware, software and networking to help area and 'Taluk' level courts in smoothing out their everyday working. Key capacities, for example, case recording, distribution, enlistment, case work process, requests and decisions will be ICT empowered. Cause-lists, Case-status, orders, and judgments will be made accessible on the web and made open to prosecutors, backers and overall population. The task plans to construct a national grid of key judicial information accessible all nonstop in a dependable and secure way. For data the executives, as of now the Application software created by NIC called Case Information System (CIS) software for district and sub-ordinate courts has been tried in a significant number of the significant pilot locales and is by and large completely practical at this point. Computerized mailing service is as of late propelled which gives the information to specific disputants and legal advisors all the improvements by a solitary mail. SMS Push service has been broadly utilized the nation over and progressively well known in far off territories where cell phones without web office are utilized by the defendants and legal advisors.
- The administration had carried online availability to around 2,992 locale and lower courts the nation over by the end 2018. Under the most recent period of the e-courts program, the state-run Bharat Sanchar Nigam Limited (BSNL) will interface subordinate courts with 'wide zone arrange' network at an expense of 167 crores. Video-conferencing offices between 488 court buildings and 342 comparing correctional facilities are likewise introduced. The NJDG is an online stage that presently gives information on procedures and choices of 16,089 mechanized locale level courts. 3 utilizations of e-documenting, e-pay, and NSTEP (National Service and Tracking of Electronic Processes) made under the e-Courts venture were propelled first. The second period of the e-Courts venture is actualized by Department of Justice during 2015 – 19 under the direction of e-Committee, Supreme Court of India for ICT enablement of all locale and subordinate courts in the country. The number of electronic transactions transacted under e-court venture according to the information accessible on e-Taal is exceptionally high and are among top 5 entertainers with number of electronic transactions being in excess of 40 crores.

### **The following should be the areas of focus:**

- Redesign of framework (Strictly in cases if a judge is communicating or temporarily in the court): The current courts in subordinate courts ought to be in-sync since the current rooms are little. The Judicial Service Centre and server room ought to be situated in two distinct rooms of the town hall. Appropriate street bearings ought to be given to arrive at the Judicial Service Centre. Force back-up ought to be given in all the court buildings, comprising of a DG set and UPS.

- **Hardware and IT equipment not sufficient:** Courts have been provided with IT hardware including desktops, printers, scanners and internet connection under the e-Courts venture. However, in many district courts proper training is not imparted so these equipment sits down as show pieces. Sometimes the devices provided are defective and does not function from day one and the magistrates hardly get time to manage these administrative issues. Just supplying IT hardware and internet connection is of no use, they need to be functional and there should be trained staff to use them.
- **Trained IT assistants:** The magistrates are usually sanctioned IT assistants to address all issues related to running of the e-court system and are also required to upload the judgments on the systems. However, in many instances the vacancy is not filled and the assistant of the magistrate extends to address the responsibility of updating e-records etc. Very often they are not competent in the work which delays the e-courts to run even in the most rudimentary manner.
- **Needs persistent continual training:** Technology is ever evolving and this requires to be assimilated among the work-staff. One needs to carefully design the training programme that takes care not only immediate requirements but the years to come with periodical revamp. If we consider global best practices, we will note a report distributed by the Judicial Commission of New South Wales, Australia that refers to computerization of the court and preparing their staff by not just providing personal computers but training them for over two decades.
- **Persistent information passage:** Data section ought to be done consistently with the goal that the most recent case update consistently happens in all the court buildings independent of its physical area. Change the executives ought to be not kidding enough to make the information section process continuous.
- **Improvement in availability:** Court buildings in distant areas endure because of low network. One fundamental significant condition for the achievement of the task is continuous availability. Web just as electrical network should be improved.
- **Customization of utilization software:** The tools provided can actually delay the system instead of speeding up support mechanisms that they are installed in the first place. The CIS application should be altered after taking necessary feedback so that it is user- friendly. The application software could comprise of a center form alongside the fringe variant. The center variant might be constrained by NIC while lower courts in various states may have the entrance to modify the database utilizing the fringe form. Security of information can be kept up through legitimate information characterization.

## **2.9 Conclusion**

The Indian Judiciary has come a long way over the past decades and in this process, it has established trust and confidence among the general public. Thus, it can be said that the Indian judiciary has done a fair job but there is still a long road ahead for the criminal justice delivery system to remove the existing anomalies.

Judiciary not only needs to enjoy the confidence of general public but also needs to be perceived as delivering justice to one and all. The judiciary has an exceptional responsibility of delivering socio-economic objectives justice in line with the essence of our Constitution.

The role of judiciary in the criminal justice delivery system is to bring about societal balance,

maintaining justice. Hence, utilize the tools of criminal prosecution through necessary penal measures against offenders and law breakers and compensate victims as far as possible and even rehabilitate the criminal.

This task of judiciary is frequently hampered because of huge pendency in the various courts or due to other procedural and organizational issues obstructing the smooth working of the courts. The usage of IT cannot and should not be restricted just to the Supreme Court and other High Courts but should be effectively utilized right at the district level.

IT will empower judges to assume far more noteworthy accountability in tracking and managing cases. Checks and balance measures need to be implemented at the national level to make sure that states comply with the data management provided through software tools of the national judicial data grid. Cross-checking the data collected from local courts at the district level with that available on the NJDG, we find there are lapses and errors, Particularly, data flowing from West Bengal. Further, data from the state of West Bengal has not been publicly available after 2017 to NCRB It has already been noted the benefits of data readily available on NJDG has been proven useful to members of the bar and bench, state administration including the police as well as legal analysts and researchers.

Hence, the dissemination of such statistics and their accessibility increases accountability and effective delivery of justice. Further, it also increases public scrutiny and opportunity to improve justice delivery system.

Further, there is a need for a revamp in the technological methods for collecting evidence, especially the forensic evidence. For this, apart from enhancing technology, it is important to train the police officers and investigating agencies must conduct regular workshops to educate the police personnel on advanced and efficient methods of collecting and dealing with forensic evidence.

Students must regularly get involved in activities with respect to legal aid campaigns and workshops to educate the underprivileged on their rights and easier methods for filing an FIR. In addition, Law faculties must continuously take part in research work to ensure that there is always a growth in knowledge which in turn helps people to become aware of their rights with respect to seeking justice from the judicial system.

From the point of view of advocates/ public prosecutors, there is a need for improvement in the manner in which the judiciary is currently functioning which includes adjournment of cases that leads them being dragged for years that not only causes mental torture to the litigants but also slows down the justice delivery system. Further, a digital revamp of the judicial system is the need of the hour which has intensified with the onset of the pandemic. This as earlier stated can be implemented by installing microphones system in courts and provisions for enabling audio- video recording of cases along with maintenance of databases which can keep track record of cases being filed in each of the court to ensure there is no burden of cases on the judges.

From the future perspective, if these recommendations are implemented effectively then via a feedback system, responses can be collected to identify the remaining loopholes and how the same can be resolved.

In the words of Justice Shah:

*“People have put and reposed faith in the courts, judiciary and the justice delivery system. Today, people have faith and trust/only in judiciary. They come with high hopes. They come to the court considering the court as a “Temple of Justice. Therefore, it is duty of judiciary to rise*

*to the occasion and see to it that the faith and trust of the people in the judiciary are not shaken.*"<sup>51</sup>

### **3.0 Role of Police administration in criminal justice delivery System**

#### **3.1 Introduction**

The rule of law is the basis of a just and equitable society. It requires a reasonable and successful criminal justice system in which the police have a crucial job to play. The police are additionally the most discernable face of the State and police station is inevitably a citizen's first point of contact in an hour of emergency. We anticipate that police persons will secure our lives and freedom, authorize the law and keep up harmony and congruity in the society. The sheer scope of obligations and errands appointed to them require both, sufficient and modern-day infrastructure, as well as well-trained personnel. We need to build capacities of our police persons for not only upholding the law but also in constitutional conduct and compassionate handling of crises involving all sections of citizens. India aims to be, and rightly so, a financial superpower with affluence for all its citizens. In any case, India's future as democracy and a financial superpower can't be procured by an outmoded criminal justice system where the police work for the leaders of the day and not for the real masters, the masses of the nation. The police force as an equitable and democratic arrangement, must be made receptive to the predominant and developing needs of this new India.<sup>52</sup>

Police staff works for 14 hours every day on a normal, with around 80 percent police faculty working for over 8 hours per day. There are regular cases of leave cancellation, no weekly leaves and this has resulted the police being a spent force. One of the essential roles of the police is to maintain and uphold the law fairly, and to secure life, freedom, property, human rights of the individuals, according to the Model Police Act 2006.

Under the seventh schedule of the Constitution, police is a subject which falls under the List 2.<sup>53</sup>

- Therefore, each of the 29 states has their own police forces. The central government is also allowed to maintain its own central police forces to assist the states with ensuring law and order.
- Therefore, it maintains seven central police forces and some other police organizations for specialized tasks such as intelligence gathering, investigation, research and record keeping, and training.

The essential job of police forces is to maintain and uphold laws, investigate crimes and guarantee security for people in the country. In a large and populous country like India, police forces need to be well-equipped, regarding work force, weaponry, scientific, correspondence and transport support, to play out their job well. Further, they need to have the operational opportunity to do their duties efficiently, and palatable working conditions (e.g. regulated working hours and promotion opportunities), while being considered accountable for poor performance or misuse of power.<sup>54</sup>

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<sup>51</sup> Duty of the Judiciary to ensure that faith of the people is not shaken: Justice MR Shah at GNLU lecture available at <https://www.barandbench.com/news/duty-of-the-judiciary-to-ensure-that-faith-of-the-people-is-not-shaken-justice-mr-shah-at-gnlu-lecture>.

<sup>52</sup> "Compendium on Performance Audit Reviews on Modernisation of Police Force", Comptroller & Auditor General, [http://saiindia.gov.in/english/home/Our\\_Products/Other\\_Reports/Compendia/police\\_Force.swf](http://saiindia.gov.in/english/home/Our_Products/Other_Reports/Compendia/police_Force.swf).

<sup>53</sup> Entry 2, List II, Schedule 7, Constitution of India, 1950.

<sup>54</sup> "Public Order", Second Administrative Reforms Commission, 2007, <http://arc.gov.in/5th%20REPORT.pdf>; "Police Organisation in India", Commonwealth Human Rights Initiative, 2015, <http://www.humanrightsinitiative.org/download/1456400058Final%20Police%20Org%20in%20India%202016.pdf>; Prakash Singh vs Union of India, Supreme Court, Writ Petition (Civil) No. 310 of 1996, November 8, 2010;

The police play a vital job in victim assistance as it is the primary agency any victim comes in contact with in the wake of being misled by a wrongdoing. The attitude of the victims towards the criminal justice system is dependent on the treatment the victims get from the police whom they first encounter. Lamentably, in India the police are not yet suited to meet the desires of the victims according to the UN Handbook on ‘Justice for Victims’.<sup>55</sup>

### **3.1.1 Challenges faced by police administration in criminal justice delivery mechanism based on interviews and questionnaire distributed amongst police officers.**

While conducting round tables and meetings across the states this study collected some sensitive data. The individuals who participated in such round tables and interviews were reluctant to speak due to fear of being reprimanded. On assurance of following the Chatham house rule of conferencing, the discussion was open and real-time problems were extensively recorded.<sup>56</sup> Names of the participants are provided attributing these comments to any particular speaker / participant.

#### **Round table conference at Police Training Centre Moradabad**

**Forensic Science and Cyber Crime are the two key areas on which training is provided by the Police Training College.**

#### **Participants**

1. Director General (The names of the police officers to be kept anonymous).
  2. Four junior police personnel (The names of the police officers to be kept anonymous).
  3. Mr. Kaviraj Singh, Secretary-General INBA.
  4. Ms. Vinakshi Kadan, Senior Advisor, INBA.
- The Police Training Centre, Moradabad has a capacity of 800 for training. However, one batch comprises of more than 800 plus inspectors for training thereby lowering the quality of training provided to the candidates.
  - The tenure of the training for police constable is that of six months, however, the prescribed period of training previously adhered to was that of nine months.
  - During the meeting, the police personnel highlighted grave concern towards the lack of infrastructural requirements to meet the requirements of the candidates.
  - It was recommended at the discussion that the ratio of police must be in accordance with

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“Building SMART Police in India: Background into the needed Police Force Reforms”, NITI Aayog, 2016, [http://www.niti.gov.in/writereaddata/files/document\\_publication/Strengthening-Police-Force.pdf](http://www.niti.gov.in/writereaddata/files/document_publication/Strengthening-Police-Force.pdf).

<sup>55</sup> See, “Handbook on Police Accountability, Oversight and Integrity”, United Nations Office on Drugs and Crime, 2011, [Handbook on police accountability, oversight and integrity A handbook to facilitate the efforts of policymakers and police to enhance professional policing that is responsive to the communities served and open to scrutiny from outsiders \(unodc.org\)](http://www.unodc.org/handbook-on-police-accountability-oversight-and-integrity).

<sup>56</sup> See, [Chatham House Rule | Chatham House – International Affairs Think Tank](http://www.chathamhouse.org/uk/en/2011/04/chatham-house-rule), “When a meeting or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s) nor that of any other participant, may be revealed.”

the relevant public count. In order to lessen the burden of police officials, the vacancy must be filed timely. Emphasis was placed on the need to invest in the infrastructure of police stations. Sensitization among people was another recommendation given by the officials.

- It was discovered that despite the training center's specialization being cyber-crime, it was found that the training center has missing faculty.

**Summary based on interviews of police officers across Uttar Pradesh and West Bengal supported by the answers to the questionnaires (attached as Annexure – A)**

**The key points from the interview are stated as follows:**

- Most of the interviewed police officers were of the opinion that they had to work for more than 8 hours a day and sometimes the duty hours exceeded 12 hours.
- Most of the interviewed police officers were of the opinion that more than 70 percent of all crimes were reported by the complainant by physically visiting the police station and only 30 percent were first reported via telephone or digital means and then followed up by physical visit to police station.
- Most of the interviewed police officers were of the opinion that they had not received robust all-round training at their respective police training institutes. Greater emphasis was only given to physical combat and arms training. Training related to investigation of crimes, cyber-crimes, crimes dealt by different social legislations was not properly imparted.
- Most of the police officers did not consider filing of FIR via email and 'WhatsApp' message as a viable and accepted means of recording a formal complaint.
- Most of the interviewed police officers were of the opinion that filling the existing vacancies in police would contribute to quicker efficiency and better functioning of police administration.
- Most of the interviewed police officers were of the opinion that investigation department of police should be separated from policing and maintenance of law-and-order department. Further, they suggested the role of investigation should be taken up by officers trained in investigation skills.
- Only a few of the interviewed police officers were aware of the provisions of 'Zero FIR' and acknowledged its functioning at their respective police day.
- Most of the interviewed police officers were of the opinion that the delay in filing charge sheet by the police was primarily due to other burden of policing and maintenance of law-and-order activities on the investigation officer.
- Most of the interviewed police officers had little or no training to deal cyber-crime and frauds.

## Interview with the Police Officer, DSP,

### Mahendra Singh Dev

- Mahendra Singh Dev has contributed around 10-20 years of his service for which he was trained for a year in physical combat training, a year for small arms training, a year for armed combat training, 6 months for criminology and criminal psychology, 6 months for forensic science and use of technology, 6 months for criminal law and legal developments, 1 year for use of technology in crimes and counter techniques, 1 year for public relations and man-management skills. He has special pieces of training in Cyber- crime and forensic.
- Mahendra Singh Dev receives about 70% of reports by telephone or WhatsApp or other social media, if there is a delay in filing of charge sheet then the main reason for it is an insufficient policeman to do an investigation which can be avoided if a single policeman if not overburdened.
- The FIR which is registered online via email or WhatsApp is investigated well and they are investigated without discrimination as compared to those filed physically. For these cases, the public prosecutor works in full tandem with the police and complete synchronization. According to him if the policing and investigation roles are separated in a police station then it will help in filing the charge sheet faster.
- The investigating police officer is provided with sufficient legal assistance during the course of investigation Mr. Mahendra Singh Dev is properly aware of the different projects which are launched by the NCRB which are aimed at the linking of information across the police station but are properly implemented.
- The police are implementing it in some districts under using digitalization in the trial court because of the lack of facilities available. If the digitalization is to be properly implemented then more trained personnel will be needed.
- The digital policy initiative has been successfully utilized in the resolving of the issues which are faced in filing the FIR manually. The police officers get a sufficient number of the art technology-centric in-service training but there is a need to improve the quality. The Crime and criminal tracking network and system have helped fasten the criminal justice delivery system efficiently.

### 3.1.2 Details of police atrocities across Uttar Pradesh and West Bengal

The details of police atrocities across the state of Uttar Pradesh and West Bengal have been portrayed in the tables below:

#### Uttar Pradesh

Number of Custodial Deaths Cases Registered (Police/Judicial Custody) in Uttar Pradesh (As on 01.04.2019 to 31.03.2020)		
State	Police Custody	Judicial Custody
Uttar Pradesh	3	400
India	113	1584

Source : Lok Sabha Unstarred Question No. 292, dated on 15.09.2020.

**Number of Cases Registered, Disposed and Pending  
of Death in Police Custody in Uttar Pradesh  
(2018-2019-upto 20.11.2018)**

State	Registration	Disposal	Pending
Uttar Pradesh	6	1	5
India	73	22	51

**Number of Cases Registered, Disposed and Pending of Alleged Custodial Rape in Police Custody in Uttar Pradesh  
(2015-2016 to 2018-2019-upto 20.11.2018)**

State	01.04.2015 to 31.03.2016			01.04.2016 to 31.03.2017			01.04.2017 to 31.03.2018			01.04.2018 to 20.11.2018		
	No. of Cases Registered	Disposed	Pending	No. of Cases Registered	Disposed	Pending	No. of Cases Registered	Disposed	Pending	No. of Cases Registered	Disposed	Pending
Uttar Pradesh	6	5	1	1	1	0	4	1	3	2	1	1
India	13	10	3	5	4	1	8	2	6	5	1	4

Source : Lok Sabha Unstarred Question No. 218, dated on 11.12.2018.

**Number of Registered, Disposed and Pending Death  
Cases in Judicial Custody in Uttar Pradesh  
(As on 01.01.2014 to 30.06.2018)**

State	Registered	Disposed	Pending
Uttar Pradesh	1669	853	816
India	7375	4778	2597

Source : Lok Sabha Unstarred Question No. 196, dated on 11.12.2018.

## West Bengal

**Number of Cases Registered, Disposed and Pending under Death in Police Custody (Police) in West Bengal  
(2015-2016 to 2018-2019-upto 20.11.2018)**

State	01.04.2015 to 31.03.2016			01.04.2016 to 31.03.2017			01.04.2017 to 31.03.2018			01.04.2018 to 20.11.2018		
	No. of Cases	Disposed	Pending									
West Bengal	10	6	4	9	7	2	5	1	4	4	0	4
India	151	94	57	145	85	60	146	50	96	98	14	84

Source : Lok Sabha Unstarred Question No. 218, dated on 11.12.2018.

**Number of Custodial Deaths Cases Registered  
(Police/Judicial Custody) in West Bengal  
(As on 01.04.2019 to 31.03.2020)**

State	Police Custody	Judicial Custody
West Bengal	7	115
India	113	1584

Source : Lok Sabha Unstarred Question No. 292, dated on 15.09.2020.

Number of Cases Registered, Disposed and Pending of Death in Police Custody in West Bengal (2018-2019-upto 20.11.2018)			
State	Registration	Disposal	Pending
West Bengal	2	1	1
India	73	22	51

Source : Lok Sabha Unstarred Question No. 218, dated on 11.12.2018.

Number of Registered, Disposed and Pending Death Cases in Judicial Custody in West Bengal (As on 01.01.2014 to 30.06.2018)			
State	Registered	Disposed	Pending
West Bengal	503	289	214
India	7375	4778	2597

Source : Lok Sabha Unstarred Question No. 196, dated on 11.12.2018.

### 3.2 State specific data:

#### 3.2.1 Sanctioned strength and vacancies in police force in Uttar Pradesh<sup>57</sup>

Strength of civil police including Strength of district armed reserve police		Strength of state armed police	
Sanctioned	Actual	Sanctioned	Actual
2,80,456	1,89,101	1,34,036	96,234

- **Total Sanctioned: 4, 14, 492**
- **Actual strength: 2, 85, 335**

Civil/District/Armed Police Population and Area Ratio (Sanctioned and Actual) in Uttar Pradesh - Part I (As on 01.01.2018)								
State	Civil Police per Lakh of Population		District Armed Reserve Police per Lakh of Population		Armed Police per Lakh of Population		Total Police per Lakh of Population	
	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
Uttar Pradesh	125.50	84.62	0.00	0.00	59.98	43.16	185.48	127.78
India	124.59	96.03	21.71	18.17	46.69	36.63	192.99	150.83

Source : Ministry of Home Affairs, Govt. of India. (ON1959)

<sup>57</sup> BPRD 2018.

Civil/District/Armed Police Population and Area Ratio (Sanctioned and Actual) in Uttar Pradesh - Part II (As on 01.01.2018)								
State	Civil Police per 100 SQ KM of Area		District Armed Reserved Police per 100 SQ KM of Area		Armed Police per 100 SQ KM of Area		Total Police per 100 SQ KM of Area	
	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
Uttar Pradesh	116.37	78.47	0.00	0.00	55.62	40.02	171.99	118.48
India	50.65	39.04	8.82	7.39	18.98	14.89	78.45	61.31

Source : Ministry of Home Affairs, Govt. of India. (ON1959)

### 3.2.2 Sanctioned strength and vacancies in police force in West Bengal

- **Total Sanctioned: 1,40,904**

Strength of civil police		Strength of district armed reserve police		Strength of state armed police	
Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
<b>89,203</b>	55,685	22,838	16,076	28,863	20,162

- **Total Actual : 91,92<sup>58</sup>**

Civil/District/Armed Police Population and Area Ratio (Sanctioned and Actual) in West Bengal - Part II (As on 01.01.2018)								
State	Civil Police per 100 SQ KM of Area		District Armed Reserved Police per 100 SQ KM of Area		Armed Police per 100 SQ KM of Area		Total Police per 100 SQ KM of Area	
	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
West Bengal	100.51	62.74	25.73	18.11	32.52	22.72	158.76	103.57
India	50.65	39.04	8.82	7.39	18.98	14.89	78.45	61.31

Source : Ministry of Home Affairs, Govt. of India. (ON1959)

Civil/District/Armed Police Population and Area Ratio (Sanctioned and Actual) in West Bengal - Part I (As on 01.01.2018)								
State	Civil Police per Lakh of Population		District Armed Reserve Police per Lakh of Population		Armed Police per Lakh of Population		Total Police per Lakh of Population	
	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
West Bengal	94.10	58.74	24.09	16.96	30.45	21.27	148.64	96.97
India	124.59	96.03	21.71	18.17	46.69	36.63	192.99	150.83

Source : Ministry of Home Affairs, Govt. of India. (ON1959)

<sup>58</sup> <https://bprd.nic.in/WriteReadData/Orders/DOPO%202018w.pdf>

### 3.2.3 Sanctioned strength and vacancies in forensic laboratories in Uttar Pradesh

At present, a total of four (4) Forensic Laboratories have been set up in the State of Uttar Pradesh as follows<sup>59</sup>:

- Forensic Laboratory, State capital Lucknow;
- Forensic Laboratory, City of Agra;
- Forensic Laboratory, City of Varanasi;
- Forensic Laboratory, City of Ghaziabad.

The following seven divisions were sanctioned in each of the laboratories at Lucknow and Agra<sup>60</sup>:

- Physics Division
- Documents Division
- Ballistics Division
- Chemistry Division
- Toxicology Division
- Biology Division
- Serology Division

At present the Total staff sanctioned including field units stands at a number of 507 Personnel<sup>61</sup> (Please note: The total number of vacancies in the field unit is not available as on 11.03.2021 on any of the official websites of the U.P. Government).

### 3.2.4 Sanctioned strength and vacancies in forensic laboratories in West Bengal Staff Strength at Forensic Science Laboratory, HQ, Kolkata (01.07.2017)

Position	Sanctioned	Vacant
Director	1	1
Joint Director	1	1
Deputy Director	3	3
Senior Scientific Officer	24	13
Scientific Officer	13	10
Senior Scientific Assistant	4	2
Scientific Assistant	23	15
Laboratory Assistant	24	14

- Overall total sanctioned strength (Group A to D): 200
- Actual Strength (Group A to D): 107

Staff Strength at Regional Forensic Science Laboratory, Jalpaiguri (01.07.2017)

<sup>59</sup> Available at: <https://uppolice.gov.in/site/writereaddata/siteContent/FSL%20LKO/2017120516010310801.pdf>.

<sup>60</sup> Available at: [https://uppolice.gov.in/pages/en/topmenu/police-units/technical-services-\(ts\)/about-us/en-forensic-laboratory](https://uppolice.gov.in/pages/en/topmenu/police-units/technical-services-(ts)/about-us/en-forensic-laboratory).

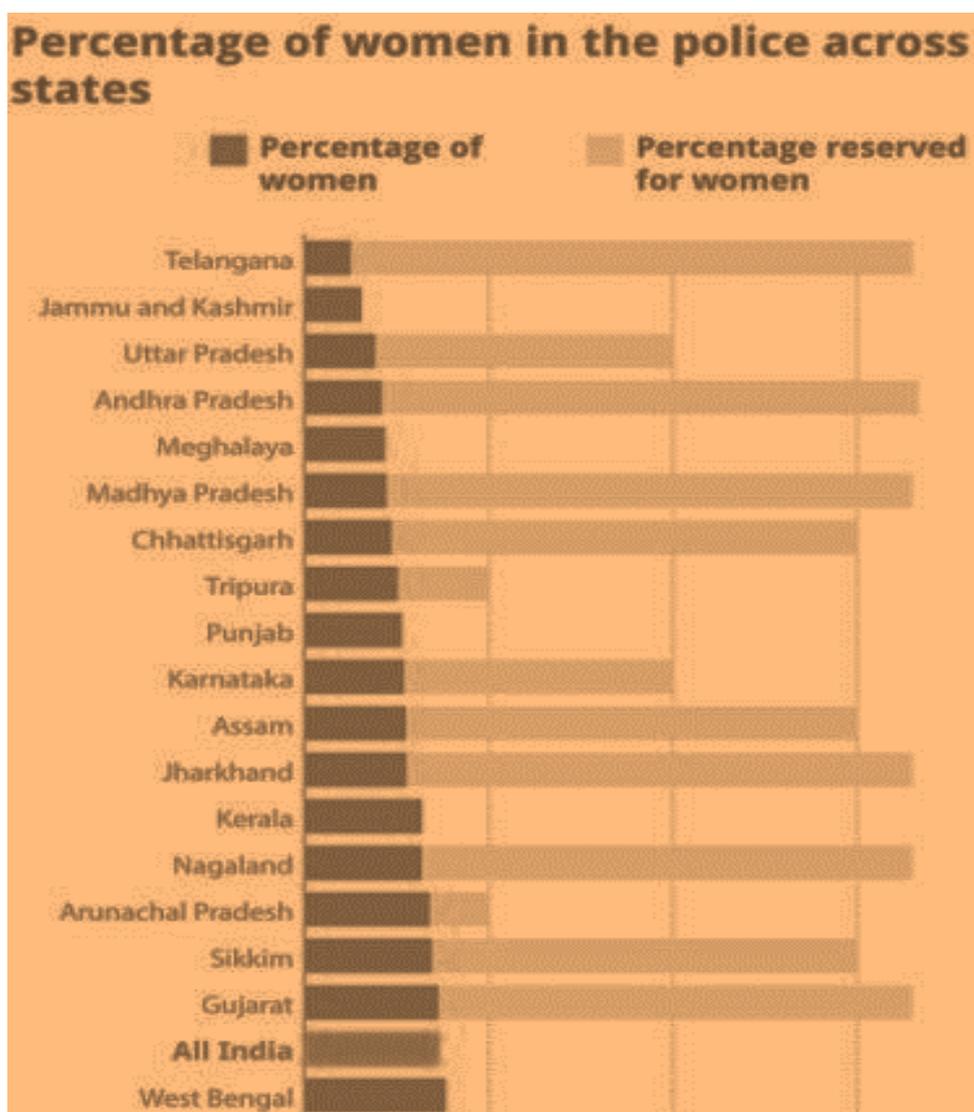
<sup>61</sup> *Supra* note 2.

- Overall total sanctioned strength: 27
- Actual Strength: 17

### 3.2.5 Number of special purpose police station for cyber crime

State	Number of cybercrime police stations
Uttar Pradesh	02
West Bengal	06

### 3.2.6 Sanctioned strength and actual strength of female in police forces across Uttar Pradesh and West Bengal



<b>State<sup>62</sup></b>	<b>Actual strength of police</b>	<b>Actual strength of women police</b>	<b>Percentage of women police</b>
Uttar Pradesh	2,85,540	22,778	7.98%
West Bengal	91,923	7,487	8.14%

<b>State</b>	<b>Prescribed reservation of women in police</b>	<b>Female population in thousands</b>	<b>Female population per policewomen</b>
Uttar Pradesh	20	1,05,748	4,642.55
West Bengal	0	44,420	5,933

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<sup>62</sup> BPRD 2017

### 3.3 Data based on crime across Uttar Pradesh and West Bengal

#### 3.3.1 Crime against women in Uttar Pradesh

Number of Sexual Harassment Complaints Registered, Resolved and Pending under Sexual Harassment Electronic Box (SHe-Box) in Uttar Pradesh (As on 07.02.2020)			
State	Complaint Registered	Complaint Resolved	Complaint Pending
Uttar Pradesh	69	23	46
India	539	164	375

Source : Lok Sabha Unstarred Question No. 1138, dated on 07.02.2020.

Incidence of Crime Against Women in Uttar Pradesh (2014 to 2016)								
State	2014	2015	2016	Percentage State Share to All-India	Rank Based on Incidence/ % share	Mid-Year Projected Female Population (In Lakh)+	Rate of Total Cognizable Crimes++	Rank Based on Crime Rate
Uttar Pradesh	38918	35908	49262	14.5	1	1037.3	47.5	17
India	339457	329243	338954	100.0	-	6142.0	55.2	-

#### Incidence & Rate of Crime Committed Against Women in Uttar Pradesh 2017-19

State/U T	2017	2018	2019	Percentage State Share To All-India (2019)	Mid-Year Projected Female Population (In Lakhs) (2019)	Rate of Total Crime against Women (2019)
Uttar Pradesh	56011	59445	59853	14.7	1081.4	55.4

### 3.3.2 Crime against women in West Bengal

Number of Sexual Harassment Complaints Registered, Resolved and Pending under Sexual Harassment Electronic Box (SHe-Box) in West Bengal (As on 07.02.2020)			
State	Complaint Registered	Complaint Resolved	Complaint Pending
West Bengal	13	0	13
India	539	164	375

Source : Lok Sabha Unstarred Question No. 1138, dated on 07.02.2020.

Incidence of Crime Against Women in West Bengal (2014 to 2016)								
State	2014	2015	2016	Percentage State Share to All-India	Rank Based on Incidence/ % share	Mid-Year Projected Female Population (In Lakh)+	Rate of Total Cognizable Crimes++	Rank Based on Crime Rate
West Bengal	38424	33318	32513	9.6	2	456.8	71.2	7
India	339457	329243	338954	100.0	-	6142.0	55.2	-

### Incidence of crime against Women in West Bengal (IPC + SLL) - 2016-2018

2016	2017	2018	Percentage State Share To All-India (2018)	Mid-Year Projected Female Population (In Lakhs) (2018)	Rate of Total Crime against Women (2018)
32513	30992	30394	8.0	471.7	471.7

- Last proper data made available by the state of West Bengal to NCRB was in 2017.
- The data sent by West Bengal for Crime against women and juveniles to NCRB was on 2018. However, no proper clarifications have been substantiated after submitting such data.

### 3.3.3. Crime against juveniles in Uttar Pradesh

Incidence and Rate of Crime Against Children in Uttar Pradesh (2018)				
State	Incidence	%age State Share to all India	Mid-Year Projected Children Population (In Lakh) (2014)+	Rate of Total Crime against Children
Uttar Pradesh	19936	14.1	885.8	22.5
India	141764	100.0	4458.0	31.8

Disposal of Cases of Crime Against Children by Courts in Uttar Pradesh - Part I (2018)										
State	Cases Pending Trial from the Previous Year	Cases Sent for Trial during the year	Total Cases for Trial*	Cases Abated by Court	Cases Withdrawn From Prosecution	Cases Compounded or Compromised	Cases Disposed off by Plea Bargaining	Cases Quashed	Cases Disposed off Without Trial#	Cases Stayed or Sent to Record Room
Uttar Pradesh	46291	13496	59787	5	0	12	29	0	46	0
India	251937	87796	339733	90	14	1067	274	63	1508	50

Note : \* : Cases Pending Trial from the Previous Year + Cases Sent for Trial during the year.

# : Cases Abated by Court + Cases Withdrawn From Prosecution + Cases Compounded or Compromised + Cases Disposed off by Plea Bargaining + Cases Quashed.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

Disposal of Cases of Crime Against Children by Courts in Uttar Pradesh - Part II (2018)										
State	Cases Convicted Out of Cases from Previous Year	Cases Convicted Out of Cases during the Year	Cases Convicted\$	Cases Discharged	Cases Acquitted	Cases in which Trials were Completed^	Cases Disposed off by Courts@	Cases Pending Trial at End of the Year**	Conviction Rate##	Pendency Percentage\$\$
Uttar Pradesh	2074	454	2528	324	1178	4030	4076	55711	62.7	93.2
India	8973	2797	11770	1612	18674	32056	33564	306169	36.7	90.1

Note : \$ : Cases Convicted Out of Cases from Previous Year + Cases Convicted Out of Cases during the Year.

^ : Cases Convicted + Cases Discharged + Cases Acquitted.

@ : Cases Disposed off Without Trial + Cases in which Trials were Completed.

\*\* : Total Cases for Trial - Cases Disposed off by Courts.

## : (Cases Convicted / Cases in which Trials were Completed) x 100.

\$\$ : (Cases Pending Trial at End of the Year / Total Cases for Trial) x 100.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

**Number of Cases Reported/Chargesheeted/Convicted/Submitted/Aquitted or Discharged, Cases Chargesheeting/Conviction Rate and Persons Arrested/Chargesheeted/Convicted under Crime Against Children (Prohibition of Child Marriage Act, 2006) in Uttar Pradesh (2015)**

State	CR	CCS	CSR	CNCFR	CON	CVR	CAQ	PAR	PCS	PCV
Uttar Pradesh	4	3	75.00	1	1	33.30	2	10	6	6
<b>India</b>	<b>293</b>	<b>240</b>	<b>89.60</b>	<b>28</b>	<b>15</b>	<b>21.40</b>	<b>55</b>	<b>704</b>	<b>656</b>	<b>53</b>

Abbr. : CR : Cases Reported.

CCS : Cases Chargesheeted.

CSR : Cases Chargesheeting Rate.

CON : Cases Convicted.

CVR : Cases Conviction Rate.

CAQ : Cases Acquitted or Discharged.

PAR : Persons Chargesheeted.

PCS : Persons Chargesheeted.

PCV : Persons Convicted.

CNCFR : Cases not Chargesheeted but Final Report Submitted.

**Number of Cases of Offenders Relation and Proximity to Victims Reported under Crime Against Children (Section 4 and 6 of POCSO Act) in Uttar Pradesh (2018)**

State	Cases in which Offenders were Known to Victim				Cases Offenders Unknown or Not Identified	Total Cases (Known+ unknown Offenders)#	Percentage Share of Known Persons Cases to Total Cases
	Cases Offender Known to Victim (Total)*	Family Members	Family Friends/ Neighbours/ Other Known Persons	Friends/ Online Friends on Pretext of Marriage			
Uttar Pradesh	1794	84	1341	369	229	2023	88.7
<b>India</b>	<b>20499</b>	<b>1700</b>	<b>9919</b>	<b>8880</b>	<b>1106</b>	<b>21605</b>	<b>94.9</b>

Note : \* : Family members + Family Friends/Neighbours/Other Known Persons + Friends/Online Friends on Pretext of Marriage

# : Cases Offender known to Victim (Total) + Cases Offenders Unknown or Not Identified.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

### 3.3.4 Crime against juveniles in West Bengal

Incidence (I), Victims (V) and Rate (R) of Crimes Committed Against Children in West Bengal - Part I (2015)										
State	Estimated Mid-Year Children Population (In Lakh)	Murder			Infanticide			Rape		
		I	V	R	I	V	R	I	V	R
West Bengal	294	53	54	0.2	0	0	0.0	0	0	0.0
India	4458	1758	1937	0.4	91	94	0.0	10854	10934	2.4

Note : Adjusted Estimated Mid-year population of Children(Upto 18 years).  
Source : Ministry of Home Affairs, Govt. of India. (ON1181)

Incidence (I), Victims (V) and Rate (R) of Crimes Committed Against Children in West Bengal - Part II (2015)											
State	Assault on Women (Girl Child) With Intent to Outrage Her Modesty										
	Total			Sexual Harassment			Assault or Use of Criminal Force to Women (Girls Children) with Intent to Disrobe				
	I	V	R	I	V	R	I		V		R
West Bengal	203	209	0.7	32	35	0.1	30		30		0.1
India	8390	8452	1.9	3350	3376	0.8	540		541		0.1

Source : Ministry of Home Affairs, Govt. of India. (ON1181)

Incidence (I), Victims (V) and Rate (R) of Crimes Committed Against Children in West Bengal - Part IV (2015)												
State	Kidnapping and Abduction (Section 363, 364, 364A, 366 IPC)											
	Kidnapping and Abduction (Total)			Kidnapping and Abduction (Section 363 IPC)			Kidnapping and Abduction in Order to Murder			Kidnapping for Ransom		
	I	V	R	I	V	R	I	V	R	I	V	R
West Bengal	1951	1967	6.6	1077	1083	3.7	11	11	0.0	15	15	0.1
India	41893	42993	9.4	23462	24304	5.3	192	192	0.0	142	147	0.0

Abbr. : IPC : Indian Penal Code.

Source : Ministry of Home Affairs, Govt. of India. (ON1181)

Disposal of Cases of Crime Against Children by Courts in West Bengal - Part I (2018)										
State	Cases Pending Trial from the Previous Year	Cases Sent for Trial during the year	Total Cases for Trial*	Cases Abated by Court	Cases Withdrawn From Prosecution	Cases Compounded or Compromised	Cases Disposed off by Plea Bargaining	Cases Quashed	Cases Disposed off Without Trial#	Cases Stayed or Sent to Record Room
West Bengal	17033	5875	22908	0	0	1	0	0	1	0
India	251937	87796	339733	90	14	1067	274	63	1508	50

Note : \* : Cases Pending Trial from the Previous Year + Cases Sent for Trial during the year.

# : Cases Abated by Court + Cases Withdrawn From Prosecution + Cases Compounded or Compromised + Cases Disposed off by Plea Bargaining + Cases Quashed.

: Clarifications are pending from West Bengal.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

Disposal of Cases of Crime Against Children by Courts in West Bengal - Part II (2018)										
State	Cases Convicted Out of Cases from Previous Year	Cases Convicted Out of Cases during the Year	Cases Convicted\$	Cases Discharged	Cases Acquitted	Cases in which Trials were Completed^	Cases Disposed off by Courts@	Cases Pending Trial at End of the Year**	Conviction Rate##	Pendency Percentage\$\$
West Bengal	84	17	101	10	804	915	916	21992	11.0	96.0
India	8973	2797	11770	1612	18674	32056	33564	306169	36.7	90.1

Note : \$ : Cases Convicted Out of Cases from Previous Year + Cases Convicted Out of Cases during the Year.

^ : Cases Convicted + Cases Discharged + Cases Acquitted.

@ : Cases Disposed off Without Trial + Cases in which Trials were Completed.

\*\* : Total Cases for Trial - Cases Disposed off by Courts.

## : (Cases Convicted / Cases in which Trials were Completed) x 100.

\$\$ : (Cases Pending Trial at End of the Year / Total Cases for Trial) x 100.

: Clarifications are pending from West Bengal.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

### Crime against Children (below the age of 18) in West Bengal (IPC + SLL) - 2016-2018

2016	2017	2018	Percentage State Share To All-India (2018)	Mid-Year Projected children Population (In Lakhs) (2018)	Rate of Total Crime against children (2018)
7004	6551	6286	4.4	293.7	21.4

### 3.3.5 Crime committed by foreigners

#### Crime Committed by Foreigners in Uttar Pradesh (Crime Head-wise & State/UT-wise) –<sup>63</sup>2016-2018

##### Uttar Pradesh

2016	2017	2018	Percentage State share to All India (2018)
12	19	35	1.6

#### Crime Committed by Foreigners in West Bengal (Crime Head-wise & State/UT-wise) – 2016-2018

2016	2017	2018	Percentage State share to All India (2018)
520	1098	744	35.0

As per the NCRB 2018 Volume III data, West Bengal has the highest crime rate committed by Foreigners including border crimes as well.

As can be concluded from the above data, there is dire need for awareness regarding one's safety especially among children aged below 18 years. The above data is the evidence of the fact that many crimes that take place against women are initiated by perpetrators who were either a close relative or had known the victim. In such cases, women are often pressured to not speak up for themselves for the fear of being held wrong and/or losing a job in case the offender is an employer or even in some cases it is to save the "honor" of the family when the offender is a family member or a close relative.

Thus, it is required that there should be an awareness campaign to empower women to stand up for themselves and also empower others to speak when they see or observe a crime being committed in their vicinity. Gender sensitization is another important factor along with training of children

<sup>63</sup> [https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Chapter%2025-15.11.16\\_2015.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%2025-15.11.16_2015.pdf)

aged below 18 years of age on good touch and bad touch so that they can speak up if an untoward act is initiated against them.

In addition, there is a need to make lawmakers and law enforcers more accountable and save the victim from the stigma associated with being a rape victim, and the need to make security and legal protocols clearer and more accessible.

### 3.3.6 Cyber-crimes in Uttar Pradesh

Disposal Cyber Crime Cases by Courts in Uttar Pradesh - Part I (2018)										
State	Cases Pending Trial from the Previous Year	Cases Sent for Trial during the year	Total Cases for Trial*	Cases Abated by Court	Cases With-drawn From Prosecution	Cases Compounded or Compromised	Cases Disposed off by Plea Bargaining	Cases Quashed	Cases Disposed off Without Trial#	Cases Stayed or Sent to Record Room
Uttar Pradesh	3545	2325	5870	0	0	0	1	0	1	0
India	13086	7234	20320	3	2	288	1	16	310	0

Note : \* : Cases Pending Trial from the Previous Year + Cases Sent for Trial during the year.

# : Cases Abated by Court + Cases With- drawn From Prosecution + Cases Compounded or Compro-mised + Cases Disposed off by Plea Bargaining + Cases Quashed.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

Disposal Cyber Crime Cases by Courts in Uttar Pradesh - Part II (2018)										
State	Cases Convicted Out of Cases from Previous Year	Cases Convicted Out of Cases during the Year	Cases Convicted\$	Cases Discharged	Cases Acquitted	Cases in which Trials were Completed^	Cases Disposed off by Courts**	Cases Pending Trial at End of the Year##	Conviction Rate\$\$	Pendency Percentage^^
Uttar Pradesh	298	75	373	7	89	469	470	5400	79.5	92.0
India	371	124	495	36	513	1044	1354	18966	47.4	93.3

Note : \$ : Cases Convicted Out of Cases from Previous Year + Cases Convicted Out of Cases during the Year.

^ : Cases Convicted + Cases Discharged + Cases Acquitted.

\*\* : Cases Disposed off Without Trial + Cases in which Trials were Completed.

## : Total Cases for Trial - Cases Disposed off by Courts.

\$\$ : (Cases Convicted / Cases in which Trials were Completed) x 100.

^^ : (Cases Pending Trial at End of the Year / Total Cases for Trial) x 100.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

### 3.3.7 Cyber-crimes in West Bengal

Disposal Cyber Crime Cases by Courts in West Bengal - Part I (2018)										
State	Cases Pending Trial from the Previous Year	Cases Sent for Trial during the year	Total Cases for Trial*	Cases Abated by Court	Cases With-drawn From Prosecution	Cases Compounded or Compromised	Cases Disposed off by Plea Bargaining	Cases Quashed	Cases Disposed off Without Trial#	Cases Stayed or Sent to Record Room
West Bengal	337	186	523	0	0	0	0	0	0	0
India	13086	7234	20320	3	2	288	1	16	310	0

Note : \* : Cases Pending Trial from the Previous Year + Cases Sent for Trial during the year.

# : Cases Abated by Court + Cases With- drawn From Prosecution + Cases Compounded or Compro-mised + Cases Disposed off by Plea Bargaining + Cases Quashed.

: Clarifications are Pending from West Bengal.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

Disposal Cyber Crime Cases by Courts in West Bengal - Part II (2018)										
State	Cases Convicted Out of Cases from Previous Year	Cases Convicted Out of Cases during the Year	Cases Convicted <sup>\$</sup>	Cases Discharged	Cases Acquitted	Cases in which Trials were Completed <sup>^</sup>	Cases Disposed off by Courts <sup>**</sup>	Cases Pending Trial at End of the Year <sup>##</sup>	Conviction Rates <sup>\$\$</sup>	Pendency Percentage <sup>^^</sup>
West Bengal	3	0	3	0	8	11	11	512	27.3	97.9
India	371	124	495	36	513	1044	1354	18966	47.4	93.3

Note : \$ : Cases Convicted Out of Cases from Previous Year + Cases Convicted Out of Cases during the Year.

<sup>^</sup> : Cases Convicted + Cases Discharged + Cases Acquitted.

<sup>\*\*</sup> : Cases Disposed off Without Trial + Cases in which Trials were Completed.

<sup>##</sup> : Total Cases for Trial - Cases Disposed off by Courts.

<sup>\$\$</sup> : (Cases Convicted / Cases in which Trials were Completed) x 100.

<sup>^^</sup> : (Cases Pending Trial at End of the Year / Total Cases for Trial) x 100.

<sup>^</sup> : Clarifications are Pending from West Bengal.

Source : Ministry of Home Affairs, Govt. of India. (ON2251)

### 3.4 Duties of police as an enforcement agency

Being the essential responders to a reported crime, the police/law enforcement agencies structure the foundation of the criminal justice system. In lieu of failure of the state to forestall the crime, the police have a special commitment to enable the victims cope with the immediate trauma as well as to restore the sense of security that the victim loses all the while. The reaction of the police should consider the emotional, psychological, and physical of the person in question.<sup>64</sup> The training of police officials ought to obligatorily include:

- Sensitization towards victims as well as the capacity to furnish them with ‘psychological first aid’ trailed by victim support strategies.
- Equal importance with respect to physical training and technological knowledge.
- A working legal knowledge base to guarantee proficient investigations from the perspective of arraignment.
- Impart training with respect to investigation strategies.

#### 3.4.1 The police organization and its structure

##### Introduction and Background

The occasions of 1857 required an instrument to control the huge terrains at an affordable expense. Subsequent to confronting a genuine danger of losing power in 1857, the British rulers were resolved to guarantee total suzerainty and concealment of all difficulties to their capacity (Arnold, 1986). A Police Commission was designated in August 1860 with the point of making police an effective instrument for the anticipation and identification of wrongdoing. By the by, an inside government reminder to the Police Commission didn't cover the genuine objectives for the new police power.

The commission was advised to endure as a main priority that elements of a police are either protective and repressive or detective and that the line which isolates the protective and repressive elements of a civil power from capacities absolutely military, may not generally be exceptionally clear.<sup>65</sup>

The Indian police framework, structured in 1860, was, in this way, forcefully inverse to the British

<sup>64</sup> Ferguson, A.G., 2017, The Rise of Big Data Policing: Surveillance, Race and the Future of Law Enforcement, NY University Press, pp 60.

<sup>65</sup> Imperial Gazetteer of India, Part IV, reprint 1909, p. 380.

Bobby who is praised image of law-based policing all through the world. The essential objectives were to meet the exigencies of exchange and friends' profit. In like manner, the accentuation was on hand support, on keeping the exchange courses safe and guaranteeing that the misuse of assets could proceed with unhindered. In any case, notwithstanding the objectives of controlling the huge terrains and oppressing the individuals, there were imperialistic and supremacist contemplations too for the British rulers.<sup>66</sup> The plan of the British police framework depended on the structure created by the Mughals in the seventeenth century. The new model fused numerous highlights of the Mughal framework and officials, for example, Daroga, Kotwal and Faujdar discovered spot in the rearranged British framework.

The Indian Police Act (IPA) of 1861 forced a uniform police framework on the whole nation. The Act set up composed police powers the obligation of the different common governments. Inside the territories the police were to be enlisted, prepared, restrained and control by British officers. The Act set up Indian police (IP), an unrivalled police administration. It was conceived to soothe the District Magistrate of his obligations to keep look at over the nearby police and make it increasingly professional in nature. Along these lines, police power got sorted out, restrained and all around managed. The Act founded an arrangement of policing in India which is still in power. It might be noticed that the Act acquired consistency organization with the region police put under the management and control of the District Magistrate.<sup>67</sup>

The Police Act was executed all through the nation. Be that as it may, the general states of wrongdoing control stayed unsatisfactory because of different reasons, noticeable being the pervasiveness of the destitution and starvations, unfavourable conditions and lack of power. The Government of India set up the Second All India Police Commission in 1902. The Commission suggested major auxiliary changes as arrangement of new Dy. IG and Dy. SP posts, constitution of Railway Police Force, division of areas into extents, and constitution of equipped power at local level.

The proposals were executed yet they were against Indianisation. In spite of the dispute of the Maharaja of Darbhanga, the main Indian individual from the group, the Commission's suggestions were acknowledged by the Government of India.<sup>68</sup> Other significant improvements during this period were setting up of Islington Commission (1912) and Lee Commission (1924). The suggestions of these commissions prompted significant Indianisation of the senior position of the Police Force. By Islington Commission, the worthy Indians were suited at the senior levels. Later in the year 1919, 33% of IPS share was fixed for the Indians. With Lee Commission (in 1924), the portion was raised to half. The advancement had likewise been appeared in the subordinate level step by step. Along these lines, before Independence of the nation, a framework had been built up which the children could enhance.

### **An insight into the division and categorization at different levels**

As indicated by Article 246 of the Indian Constitution and section 3 of the IPA, the police power is a state subject and not managed at focal level. Each state government has the duty to draw rules, rules and guidelines for its police power. These guidelines are found in the state police manuals (Commonwealth Human Right Initiative Report, 2005). The authoritative structure of police powers in India is genuinely uniform in all the states all through the nation.

State police works under the general control of State Government. The leader of the police power

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<sup>66</sup> A Verma, *The Indian police: A critical evaluation*, Daya Books (2005).

<sup>67</sup> Aparna Srivastava, *Role of Police in a Changing Society*, APH Publishing (1999).

<sup>68</sup> S. Mehartaj Begum, *District police administration: A case study*, Anmol Publishers (1996).

in a state is the Director General of Police DGP). DGP is mindful to the state government for the organization of the police power in the state and for prompting the government on police matters. The state is additionally divided into a few zones, ranges and areas.<sup>69</sup> An officer of the position of Superintendent of Police (SP) heads the area police power.

A gathering of locale structure a range, which is taken care of by an officer of the position of Deputy Inspector General of Police (DIGP). DIGP aides, advices and helps the SP through standard visits and examinations. A few states have zones including at least two territories. Zones are the territories which are under the charge of an officer of the position of an Inspector General of Police (IGP).

The locals are again divided into sub-divisions, circles and police stations. A sub-division is under the charge of an officer of the position of Additional or Deputy Superintendent of police (ASP/Dy. SP). Each sub-division is additionally divided into various police stations, contingent upon its territory, populace and pervasiveness of wrongdoing. The police station is going by the station accountable for the position of Inspector/Sub-Inspector. Each police station is additionally divided into various beats relegated for watching, reconnaissance and assortment of knowledge. Police beats are under the charge of Sub Inspector. Head Constables and Constables structure lower level of police chain of importance. Between the police station and the sub-division, there are police hovers in certain states. The leader of the circle is an Inspector of Police.

Local police are divided into two significant parts of police power for example the equipped police and the civil police. The essential capacity of the civil power is to control wrongdoing, while the essential capacity of equipped police is to manage peace circumstance. Equipped police are the save police of the locale. The power is kept held to meet any crisis circumstance. Equipped police and civil police flexibly material and officers to different branches. In this way, these two branches comprise the most obvious part of the power.<sup>70</sup> Notwithstanding civil and military there are departments like detective police, traffic police income police, mounted police, fire police, and specialized branches like indictment branch, radio branch and insight police.

### **Structures of State Police Forces**

Each State Government's Home Department is answerable for its State Police power. By and large the administrative leader of the Home Department of a state is an IAS officer in the position of Additional Chief Secretary or Principal Secretary to State government.

Each state police power is going by an IPS officer in the position of Director General of Police. The leader of a state police power has the assignment of Director General of Police and is helped by one to a few Additional or Special DGPs. Each Additional/Special DGP is answerable for an agency inside the state police (Law and Order, Crime, etc.). Some enormous state police powers, for example, the Maharashtra Police and Tamil Nadu Police are commonly divided into zones, goes and Commissionerate. Anyway, even some enormous police powers, for example, Uttar Pradesh Police (with the exception of Lucknow and Gautam Buddha Nagar Police) and Bihar Police don't have Police Commissionerate. Smaller state police powers, for example, the Andaman and Nicobar Police or the Arunachal Pradesh Police, are ordinarily just divided into ranges; be that as it may, this arrangement of divisions can differ from power to power. Each range or zone is going by an officer in the position of Additional DGP or Inspector General of Police.

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<sup>69</sup> Amit Srivastava, *Police Organization and Management in Changing Scenario: A Study of State Police Organizations in Special Reference to Uttarakhand*, The Indian Police Journal, October-December, 2014.

<sup>70</sup> Giri Raj Shah, *Encyclopedia of Crime, Police and Judicial System*, Vol.1, Anmol Publishers (1991).

Commissionerate by and large envelop significant urban communities that are so assigned, for example, Kolkata, Mumbai, Delhi, or Chennai. Each Commissionerate has its own individual police power headed by an IPS officer with the assignment of Commissioner of Police (CP). The Commissioner of Police might be of the position of Additional DGP, or IGP yet can likewise be in the position of DIGP. The Commissioner of Police is engaged with the forces of an executive judge, and capacities all things considered. The Commissioner of Police is helped by one to a few Joint Commissioners of Police, who for the most part hold the position of IGP (or Deputy IGP).

Each is accountable for an authority (Law and Order, Crime, and so forth.), reflecting the association of the state police all in all. Underneath the JCPs, the association is normally as follows:

- District: Headed by an IPS Additional Commissioner of Police (Addl. CP) in the position of DIGP. Gazette officers underneath the position of DIGP may either be IPS or SPS officers.
- Zone: Each district is divided into various zones, each headed by a Deputy Commissioner of Police in the position of Superintendent of Police.
- Division: A zone for the most part contains one to two divisions, each headed by an Assistant Commissioner of Police (ACP) in the position of Deputy Superintendent.

The general association outside Commissionerate is as per the following:

- Zone: Headed by an IPS officer in the position of ADG.
- Range: Headed by an IPS officer in the position of IGP or DIG.
- Area: Headed by a Senior Superintendent or a Superintendent of Police.
- Region: Headed by a Superintendent of Police, by and large having a lower grade pay than the area head if the locale head is a SSP.
- Hover: Headed by a Deputy or Assistant Superintendent of Police.
- Police station: Commanded by a non-Gazetted police officer. In a city, an Inspector or Sub-reviewer perhaps might be responsible for one police station. They are posted as Station House Officer and Station Officer respectively. The Inspector or sub-controller orders a few sub-investigators (SI) or right-hand sub-reviewer and other low-positioned officials.

Be that as it may, District Superintendents or Senior Superintendents of Police are not enabled with the forces of an executive judge, in Districts these forces, such as declaring Section 144, giving arms licenses, are practiced by the District Magistrate, who is an IAS officer.

Sub-inspectors (PSIs), the main police officers who may document a charge sheet, often order police stations in country areas or police stations or substations; in urban areas, they work out of a police station and manage beats (chowkies). Sub-auditors are helped by right hand sub-monitors (ASIs), who may likewise be responsible for chowkies, under them are head constables (senior constables), who lead groups of constables.

### **3.4.2 Registration of FIR**

A First Information Report or FIR is a composed record arranged by the Police when they get information about the commission of a cognizable offense. It is a report of information that arrives at the police first in purpose of time and that is the reason it is known as the First Information Report. Anybody can report the commission of a cognizable offense either orally or recorded as a hard copy to the police.

The articulation, First Information or First Information Report isn't defined in the Criminal

Procedure Code (Cr.P.C.) 1973, however these words are constantly comprehended to mean, Information recorded under Section 154(1) of Cr.P.C. It is the Information given to a Police Officer as a grumbling or allegation, with respect to the commission or associated commission with a cognizable offense. It is given with the object of getting the criminal law under way and police beginning the examination. This report shapes the establishment of the case. The inquiry whether a specific record would comprise F.I.R. is an issue of actuality, which relies on the conditions of each case.

The announcement made by an observer who started the procedures when diminished to composing is the F.I.R.<sup>71</sup> Validity or believability of the information isn't a condition point of reference for enlistment of the case.<sup>72</sup> Information held up with Police uncovering cognizable offense, the official responsible for a Police station is legally obliged to enlist a case.<sup>73</sup> F.I.R. is the information which is given first in purpose of time. Clearly, there can't be more than one F.I.R. in one case; in any case, there might be numerous the casualties in one case.<sup>74</sup> This First Information Report will be founded on the grumbling as made or on the information as accessible by then in time.<sup>75</sup>

The accompanying two conditions are to be fulfilled before information could be treated as F.I.R.:

- It must constitute information on the case/matter investigated;
- Secondly, it must identify with a cognizable offense by all accounts and not simply in the light of the resulting events.<sup>76</sup>

Section 154 utilizes the word 'report' the words F.I.R. have a lawful import. It might be conceivable that there ought to be more than one report about the indeed the very same episode. In such cases, the F.I.R. would be a report under this segment. The F.I.R. is the most punctual report made to the cop with a view to his making a move in the issue.<sup>77</sup>

The F.I.R. must be in the idea of a grumbling or allegation with the object of getting the law in motion.<sup>78</sup> The F.I.R. is information given by a source provided by a witness on which the examination is commenced.<sup>79</sup> Now, it is very much settled that any information given on telephone too in regard of a cognizable offense to a cop accountable for a police station will be treated as F.I.R., given the said information got through the telephone is reproduced into writing by the police responsible for the police station and marked by him.<sup>80</sup>

It is first report of the wrongdoing thus it is an important record that illuminates the wrongdoing. It is additionally significant in light of the fact that it is an explanation which is made not long after the event of the wrongdoing without manufacture and any arraignment case that might be along these lines made-up can be checked in the light of the first report. FIR is a significant archive. FIR isn't meaningful bit of proof yet now and again it influences the indictment case. In this way, right

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<sup>71</sup> Hari Dev Sharma v. State, 1971 Cri. LJ 1615 (1616)

<sup>72</sup> Mohinder Singh v. State of Punjab, 2007 (1) RCR (Criminal) 536 (P&H)

<sup>73</sup> Parkash Singh Badal v. State of Punjab, 2007 (1) RCR (Criminal) 3 (SC).

<sup>74</sup> Ram Lai Singh v. State, AIR 1958 M.P. 380: 1958 Cri. L.J. 1402.

<sup>75</sup> First Report National Police Commission, Ch. - X Modalities for inquiry in to complaints against Police.

<sup>76</sup> J.K. Devalya v. State of Coorg. AIR 1956 Mys. 51: 1956 Cri. LJ 904

<sup>77</sup> Soma Bai v. State of Gujarat. AIR 1956 SC 1453: 1975 Cri. LJ 1201

<sup>78</sup> In Re. M. Ranga Rajulu. 1958 Cri. LJ 906: AIR 1958 Mad. 368: in re: SreenVasulu, AIR 1958 A.P. 37: 1958 Cri. LJ 18: Bhanu Lai v. State of Tripura. AIR 1958 Tri. 40: 1958 Cri LJ 1549; Vinayak Datta v. State. 1970 Cri. LJ 1081: AIR 1970 Goa 96.

<sup>79</sup> State of Bombay v. Rusy Mistry. AIR 1960 SC 391: 1960 Cri. LJ 532: In re. Kanta Reddi, 1963(1) Cri. LJ 735: AIR 1963 AP 252: State of Rajasthan v. Shiv Singh, 1962(1) Cri. LJ 82: AIR 1962 Raj. 3.

<sup>80</sup> Randheer Singh v. State, 1980 Cri. LJ.1397; Rabezi Krishen v. State of Gujarat, 1977 Cri.L.J. 107.

account of FIR is required. FIR ought to contain as much information as is accessible at the hour of recording it.

### **Conditions required for recording FIR under Section 154 Cr.P.C**

The accompanying necessities are to be fulfilled to establish information as "First Information Report" inside the significance of this area:

- It must be information with respect to the commission of a cognizable offense;
- It must be given to an official responsible for a police headquarters;
- It must be decreased into composing either by the source (complainant) himself what's more, it ought to be marked by the Informant;
- If it is oral, it must be brought down recorded as a hard copy and read over to the Informant, who should sign it and it ought to be recorded by the heading of the Informant.
- The substance of information ought to be entered in the endorsed register, every day journal, General Diary, in any case known Station Diary or Station House Register in the structure as the State Government has endorsed for the previously mentioned reason.

The information with respect to a cognizable offense by whomsoever given which is first in purpose of time and on which examination really starts is the FIR and not one recorded from that point or on coming to the spot.<sup>81</sup> The information recorded u/s. 154 Cr.P.C. is known as First Information Report.<sup>82</sup> However, the first isn't referenced in the Code of Criminal Procedure.

The information need not really be against an individual by name, it might be against an obscure individual. In such a case it is the obligation of the Police Officer to discover the genuine wrongdoer over the span of investigation.<sup>83</sup>

### **Information and misinformation: The kind of information that can be registered:**

Some information might be diverse in their tendency however might be treated as FIR. First Information Report (FIR) under Section 154 Cr.P.C., the information must relate the commission of a cognizable offense. Regardless of whether information is one under Section 154 Cr.P.C., is an issue of actuality and, it isn't available to the Officer-in-charge of a Police Station to treat accordingly or not. At the end of the day, if information is actually a snippet of information uncovering commission of a cognizable offense it would establish the FIR of the case whether the Police Officer decreased it into composing or not.<sup>84</sup>

F.I.R. must be recognized from information got after the initiation of the examination which is secured by Sections 161 and 162, Code of criminal Procedure. Such information is prohibited. At the point when a telephonic message only passes on certainty of slaughtering, at that point such message can't be treated as FIR nor would such message be acceptable as considerable proof. It just adds up to giving of information as to commission of offence.<sup>85</sup>

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<sup>81</sup> Candruk Ram Khuhar v. Emp, 24 Cr.L.J., 129 Patna; Sirajuddin v. State, 1968 CrL. L.J. 193 Madras.

<sup>82</sup> Emperor v. Nazir Ahmad, AIR 1945 PC 18.

<sup>83</sup> 1978 (2) Ker. LJ 273.

<sup>84</sup> Bhanulal v. State of Tripura, 1958, CrL. LJ 1549 Tripura; The State v. Jagdeo and others, AIR 1955 N.U.C., 1516 (vol. 42).

<sup>85</sup> State of Karnataka v. Rajan, 1994 Cri.LJ. 1042.

In State through *C.B.I. v. Vistaria Prakash*,<sup>86</sup> the Hon'ble Supreme Court concluded that without a doubt he didn't offer any expression that pink hued shirt was worn by the appealing party in the first information report as likewise in his announcement recorded under Section 161 of the code of Criminal Procedure (for short 'the Code'), however the equivalent as we would like to think isn't of much essentialness.

Information got with respect to commission of a cognizable offense isn't required to be gone before by a First Information Report. Obligation of the State to ensure the life of a harmed as likewise an Endeavour with respect to the cop to arrive at the spot of event is his certain duty.<sup>87</sup> An announcement under Sec. 162, Cr. P.C. can likewise be utilized to verify proof of other eyewitnesses.<sup>88</sup> An announcement of an observer or blame made to a cop after he began the examination in no FIR.<sup>89</sup> By no inspire bigger thoughts the announcement made by a blamed in the course for examination will be taken and rewarded as FIR as pondered under Section 154. Cr. P.C.<sup>90</sup>

Lodging of FIR at spot of event after the beginning of examination is hit by Section 162, Code of Criminal Procedure.<sup>91</sup> Unless the information held up in the Police Station before the Station House Officer as required under Section 154 Cr. P.C., the unimportant information that a Police Officer may infer on heading off to the spot doesn't make that information the "First Information Report".<sup>92</sup>

In *Ravishwar Manjhi and Ors. v. Territory of Jharkhand*,<sup>93</sup> Supreme Court held that insignificant information got on telephone by cop with no subtleties as respects character of denounced or nature of injuries brought about by casualties just as name of guilty parties may not be treated as FIR.

In *Vikram and Ors. v. Territory of Maharashtra*,<sup>94</sup> the noteworthy Supreme Court concluded that for this situation the casualty was conceded as an indoor patient in the medical clinic on 23.1.1997 and was released uniquely on 26.1.1997. In a circumstance of this nature, clarification of PW2 and others that they gave need of the treatment of the perished and the denounced which occasioned the postponement in housing the First Information Report and the equivalent having been acknowledged by two courts underneath, we don't discover nay motivation to oppose this idea. We discover no motivation to dispose of the declaration of P.W.2 who is an autonomous observer.

Every once in a while, discussion has been raised, as to at what stage the examination begins. That must be thought of and inspected on the realities of each case. Particularly when the information of a cognizable offense has been given on phone. In the event that the telephonic message is secretive in nature and the official in control, continues to the spot of event onpremise of that information to discover the subtleties of the idea of the offense itself, at that point it can't be said that the information, which has been gotten by him on telephonic, will be regarded to be First Information Report.

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<sup>86</sup> AIR 2009 SUPREME COURT 3129 page 3133.

<sup>87</sup> Ammireddy Venkata Ramana v. Public Prosecutor, High Court of A.P., 2008 (2) Crimes 63 (SC)

<sup>88</sup> Paresh Kalyan Das Bhavsar v. Sadiq Yaqoob Bhai Jamadar, 1993 Cri LJ 1857: A.I.R. 1993 S.C. 1544 ;1993: S.C.C. (Cri) 612.

<sup>89</sup> K.K. Das v. State, 1959 Cri LJ. 694. A.I.R. 1959 Cri. 342; Ibrahim Hussanin v. State, A.I.R. 1969, Goa 68: State v. Ram Ajodhya, 1965 (2) Cri. LJ. 79: Krishna K. Puthram v. Shri Krishna Jadhav, (1986) 2 Crimes 458.

<sup>90</sup> V. Thoman v. State of Kerala, 1974 Cri. L.J. 849.

<sup>91</sup> Thankeshwar Hazarika v. State of Assam, 1985 Cri. L.J. N.O.C. 101/1984 Cri. L.J. 217

<sup>92</sup> Mohammed v. State of Karnataka, 1990 (3) Crimes 417 (413) Kant. (D.B.)

<sup>93</sup> ALL INDIA REPORTER 2009 SUPREME COURT 1262, para 25.

<sup>94</sup> Vikram and Ors.v. Territory of Maharashtra, Criminal Appeal 431 of 2006.

A telegram can't be treated as F.I.R.,<sup>95</sup> where messages are transmitted between Police Offices by air, the item and reason in transmitting the message must be found out before any message is named as F.I.R. It is just if the object was to portray the conditions of a wrongdoing, with a view that the getting Police Officer may continue to research consequently, that the message would be F.I.R. Be that as it may, if the message sent was enigmatic on the grounds that the article was just to look for guidelines from higher Police Officers or in light of the fact that the item was to send bearing for the police power to arrive at the spot of event quickly or to simply offer information to unrivalled Police Officers about the circumstance of law and request, the message would not be F.I.R.<sup>96</sup>

Telephonic or Telegraphic Message Information about a wrongdoing implied to the Officer accountable for a Police Station on Telephone can be considered as FIR now and again where there is probability to get the mark of the witness and information is bona fide one. Some of the time information in regards to the cognizable offense might be implied to the Officer accountable for a Police Station by methods for a Telephonic or Telegraphic message, consequently such snippet of information establishes a substantial first information report. Since it is beyond the realm of imagination to expect to acquire the mark of the witness, on a telephonic or telegram, it has been held now and again that such a message can't be viewed as a FIR under the law.<sup>97</sup>

As indicated by law, telephonic call can't be the premise of FIR, since it needs realness and it's anything but a marked archive. There is no assurance concerning its validity. Consequently, for the most part, dependence can't be set and examination started, except if and until it is confirmed by a starter request.

In the event that the telephonic message is given by known individual who reveals his character and it contains all the necessary realities which can establish a cognizable offense and is diminished into composing by official responsible for Police Station it tends to be treated as FIR. The inquiry whether the telephonic message can be treated as the FIR is to be chosen concerning the realities of each case.<sup>98</sup>

On the off chance that, in the assessment of official accountable for Police Station accepting telephonic message or wire about the commission of cognizable offense, the conditions legitimize move being made, he should himself stop first information based on the telephonic information or wire. On receipt of telephonic message of commission of cognizable offense, official responsible for police headquarters may diminish it into composing and sign it himself in which case it will become FIR.<sup>99</sup>

As indicated by Section 157 Cr.P.C. an official responsible for Police Station may continue with examination from information got or in any case for example suo motu. In the event that he doesn't make any such move, he should make a passage in General Diary.

On the off chance that the information given on phone isn't obscure and based on that information the official in charge is by all appearances fulfilled about the commission of a Cognizable offense

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<sup>95</sup> Sarup Singh v. State, 1964(2) Cri. L.J. 718; A.I.R. 1964 Pun. 508; Sailendra Kumar v. Union Territory of Tripura, 1959 Cri. L.J. 237; A.I.R. 1959 Tripura 11; C.V. DevassiKutti v. State, 1953 Cri.LJ.1301; K.S. Nirmal v. State, 1954 Cri.L.J. 678.

<sup>96</sup> State of M.P. v. Jagadish, 1992 Cri. L.J.; 981 : 1991(3) Crimes 551(557) D.B

<sup>97</sup> Mrs. Savita Kumari v. Union of India, 1993 S.C.C. (Cri.L.J.) 445; 1993 Cri. L.J. 1590; 1993 All.C.C. 253; Marudhapandiyani v. State, 1993 Cri.L.J. 1594; (1993) Mad. L.J.(Cri.) 434.

<sup>98</sup> 1976 Cr.L.L.J. 132.

<sup>99</sup> 1943 Cri.LJ 157 DB.

and he continue from the police headquarters in the wake of recording such information to examine such offense then a Statement made by any individual in regard of such offense including about the member will be considered to be an announcement made by an individual to the cop over the span of examination secured by Section 162 of the Code.

### 3.4.3 Zero FIR

The concept of Zero FIR has led to the establishment of registration of jurisdiction free FIR. It was on the recommendations of the Justice Verma Committee of 2013 that such a concept was brought forth. The same was in the aftermath of Delhi gang rape case of December 2012.

The Justice Verma Committee's recommendations then led to the criminal Amendment Act, 2013. This amendment brought several noteworthy changes in the system along with that of zero FIR.

In the case of *Kirti Vashisht v State & Others*<sup>100</sup>, the Delhi High Court made the following observation:

*“As per section 154 CrPC, if any information relating to the commission of a cognizable offense is received by any police station, the said police station is duty-bound to register the FIR. However, if the crime has not occurred in the jurisdiction of the said police station, then after registering the zero FIR, the same has to be transferred to the concerned police station for investigation, where the offense has been committed [...] A zero FIR can be filed in any police station by the victim, irrespective of their residence or the place of occurrence of crime.”*

Salient features:

- A zero FIR can be filed at any police station irrespective of jurisdiction.
- Filing of such FIR is mandatory and no one can no police station deny its registration on the grounds of jurisdiction or other.
- It is lodged under the serial number “0” and hence, it is called the same.
- Once a zero FIR is registered the same is then later transferred to the police station that has the actual jurisdiction. If the officer-in-charge of the police station refuses to record the information, then that person can take his case to the Superintendent of Police (SP). The SP then can either direct the lodging of the FIR or register it himself and initiate the investigations.
- The jurisdiction is case of a zero FIR is not disturbed. The police station within whose borders the offense was committed will have sole jurisdiction. The police station where zero FIR is filed is only responsible the filing and timely transfer.
- It is introduced to protect the informant and the victim against technicalities of the system. Zero FIR takes away the concept of jurisdiction to allow for smooth initiation of proceedings.

## 3.5 The need of police reforms in India

### 3.5.1 Detailed Overview

With the progress in innovation, more up to date forms of dangers are consistently emerging as digital assaults, bank cheats, and composed wrongdoings, just to give some examples, which should be handled in an increasingly specific way. Current National Security Advisor Ajit Doval named this sort of war ‘fourth era war’, a fighting with an imperceptible armed force and cautioned

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<sup>100</sup> 1943 Cri.LJ 157 DB.

the police officers “... *this war can't be won by the armed forces. This is the war of a policeman and in the event that you win, the nation wins and in the event that you lose, at that point the nation loses.*”<sup>101</sup>

In such a situation, the job of a policeman turns out to be significant. Against all these security dangers, the primary line of protection is the police framework. Inside security is a lot of a prerogative of police and productive policing is required so as to handle these dangers. Yet, for that, the police framework should be productive, effective, and innovatively solid.

Existing police framework experiences bunch inadequacies. From issues identifying with police association, framework, and condition to outdated weaponry and insight gathering procedures to deficiency of labor to defilement, police power in the nation isn't in a decent shape.

The administration and control of the police is a disputable issue. According to the police laws, both the Central and State police powers go under the administration and control of political executives. This has brought about the absence of fair working and fitting course. Police needs are every now and again modified dependent on the desire of political executives. It appears that the police power has become a manikin in the possession of its political bosses. There is no instrument for enrolling a grumbling against failing police officials. Both the Second Administrative Reform Commission and the Supreme Court have acknowledged the requirement for having a free grumbling power to ask into the instances of police unfortunate behavior.<sup>102</sup>

The current police framework is likewise deficient to take into account the requirements of the police power. There is a colossal labour lack in the police department. The police-populace proportion, at present 192 policemen per lakh populace, is not as much as what is suggested by UN for example 222 policemen per lakh populace. This results in overburdening of work which is another grave test for the police power. Overburdening of work not just diminishes the effectiveness and productivity of the police faculty yet additionally prompts mental trouble which adds to different wrongdoings submitted by the policemen.

### 3.5.2 Statistical indications of Issues<sup>103</sup>

While state police powers are liable for keeping up peace and researching wrongdoings, focal powers help them with knowledge and interior security challenges (e.g., revolts). The budget spends of Uttar Pradesh and West Bengal on police forces is stated below:

#### State-wise expenditure on police (2015-16) (in Rs crores)<sup>104</sup>

State	Total Budget of state	Budget for Police	Police Expenditure	Police Expenditure as % of State Budget
Uttar Pradesh	3,02,687	13,765	10,387	3.4%

<sup>101</sup> Press Information Bureau, *PM's Speech at the Conference of CMs on Internal Security* (2012).

<sup>102</sup> Mohan, Garima and Navaz Kotwal, *State Security Commissions: Reforms Derailed*, Commonwealth Human Rights Initiative (2011).

<sup>103</sup> Anviti Chaturvedi, *Police Reforms in India*, (June, 2017).

<sup>104</sup> <https://prsindia.org/policy/analytical-reports/police-reforms-india>.

<b>West Bengal</b>	1,09,103	5,284	3,708	3.4%
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### 3.5.3 Overburdened Police Forces

State police powers had 24% opening (about 5.5 lakh opportunities) in January 2016. Consequently, while the authorized police personnel were 181 police for each lakh people in 2016, the actual quality was 137 police. Note that the United Nations suggested standard is 222 police for every lakh people. 86% of the state police include constabulary.

Constables are regularly advanced once during their administration, and typically resign as head constables. This could debilitate their incentive to perform well.

Wrongdoing per lakh populace has expanded by 28% in the course of the most recent decade (2005-2015). Be that as it may, feelings have been low. In 2015, feelings were made sure about in 47% of the cases enlisted under the Indian Penal Code, 1860. The Law Commission has seen that one reason behind this is the low quality of examinations CAG reviews have discovered deficiencies in weaponry with state police powers. For instance, West Bengal had deficiency of 71% r in required weaponry with the state police.

The Bureau of Police Research and Development has additionally noticed a 30.5% insufficiency in load of required vehicles (2, 35, 339 vehicles) with the state powers.

### 3.5.4 Need for range specific forensic labs across Uttar Pradesh and West Bengal

Forensic infrastructure in our country needs major developments as it may be noted that currently India has seven Central Forensic Science Laboratories, 30 State Laboratories, 50 Regional Laboratories and 144 District Mobile Laboratories. These laboratories conduct scientific analysis of ballistics, bodily fluids, computer records, documents, explosives, fingerprints, narcotics and voice identification, among other things. Expert bodies have however said that these laboratories are short of funds and qualified staff. Further, there is indiscriminate referencing of cases to these labs resulting in high pendency.

There are only two functional Forensic Laboratories in West Bengal. The central lab located in Kolkata and the regional one located in Jalpaiguri. Both the labs have major vacancy in their staff strength. It is highly recommended to constitute 4 regional laboratories across North, South, East and West part of the state with the central lab being located in Kolkata.

**At present the Total staff sanctioned including field units stands at a number of 507 Personnel**<sup>105</sup> (Please note: The total number of vacancies in the field unit is not available as on 11.03.2021 on any of the official websites of the U.P. Government).

The lack of access to proper data showcases the need of strict measures for proper functioning and management of Forensic laboratories across Uttar Pradesh and West Bengal.

### 3.5.5 Need for responsible policing in Uttar Pradesh and West Bengal.

**In order to give rise to responsible policing the recommendations of Model Police Act, 2006 must be implemented**

- **Organization and recruitment:** Every state will have one functional police service, which shall be headed by the DGP. Direct recruitments to subordinate ranks starting from the ranks of SP will be made through a state level Police Recruitment Board. Recruitment to

<sup>105</sup> *Supra* note 2.

officers' ranks will be through the Union Public Service Commission.

- **Responsibilities:** The responsibilities of the police service will include:
  - Enforcing the law impartially, and protecting life, liberty and human rights.
  - Preserving public order, and preventing terrorist, militant and other activities affecting internal security.
  - Protecting public properties.
  - Preventing and investigating crimes.
  - Providing help in natural or man-made disasters,
  - Collecting intelligence, etc.

In police stations in urban areas and crime prone rural areas, investigation of heinous and economic crimes (e.g., murder, serious cases of cheating) will be carried out by a Special Crime Investigation Unit, headed by an officer at least of the rank of a Sub-Inspector. Officers of these units will generally not be diverted for any other duty.

**Accountability:** The state government will exercise superintendence over the police service. This will include laying down policies and guidelines, setting standards for quality policing, and ensuring that the police perform their duties in a professional manner. State Police Boards will be constituted in each state to frame guidelines, select officers who are qualified to be promoted to rank of DGP, and evaluate police performance. Police Accountability Commissions will also be set up by states to address complaints of police misconduct. However key police functionaries (e.g., DGP and police station in charge) will have a minimum tenure of two years unless they have been convicted.

**Service Conditions:** The state government will ensure that the average hours of duty of a police officer do not exceed 8 hours (in exceptional situations, 12 hours). Adequate insurance coverage will also be provided to personnel against any injury disability or death caused in line of duty. A Police Welfare Board must also be set up to administer and monitor welfare measures for police, including medical assistance, group housing, and legal aid for officers facing court proceedings.

#### **Directions of the Supreme Court in *Prakash Singh vs Union of India***

- Constitute a State Security Commission in every state that will lay down policy for police functioning, evaluate police performance, and ensure that state governments do not exercise unwarranted influence on the police.
- Constitute a Police Establishment Board in every state that will decide postings, transfers and promotions for officers below the rank of Deputy Superintendent of Police, and make recommendations to the state government for officers of higher ranks.
- Constitute Police Complaints Authorities at the state and district levels to inquire into allegations of serious misconduct and abuse of power by police personnel.
- Provide a minimum tenure of at least two years for the DGP and other key police officers (e.g., officers in charge of a police station and district) within the state forces, and the Chiefs of the central forces to protect them against arbitrary transfers and postings.
- Ensure that the DGP of state police is appointed from amongst three senior-most officers who have been empaneled for the promotion by the Union Public Service Commission on the basis of length of service, good record and experience.
- Separate the investigating police from the law-and-order police to ensure speedier investigation, better expertise and improved rapport with the people.

### 3.5.6 Need for increasing the numbers of women officers in every police station across Uttar Pradesh and West Bengal

There is a need for increasing women officers in law enforcement agencies as the same shall improve the response of Law Enforcement agencies against the violence against women. Women officers can work and help in implementation of community-oriented policing. An increase in the number of women officers reduces the threat and problems of harassment and sex determination within an agency especially in cases of body check-up and examination of female victim.

Moreover, in terms of Code of Criminal Procedure 1973 (Act No. 2 of 1974) (“CrPC”):

- i. A woman shall be arrested only by the female police officer<sup>106</sup>; and
- ii. The full body search of the females shall be carried out by only women officers, that too with strict regard to decency<sup>107</sup>;
- iii. Whenever a female person is to be examined, the examination shall be made only by/ or under the supervision of a women registered medical practitioner<sup>108</sup>;
- iv. A woman shall be guarded by women police officers and that they must be questioned in presence of a women police officers<sup>109</sup>;

Therefore women, whether be it accused or victim shall be dealt by women police officers. But what if enough number of women officers were not present. The data from Bureau of Police Research and Development shows that the actual strength of total women police officers is 2, 15,504 in the country as on January 1, 2020.

It is pertinent to note that *Woman to Men police officers only accounts for 9.59%*.<sup>110</sup>

The gap of male to women sex ratio is not much as compared to the gap of male to female police officers in the States of Uttar Pradesh and West Bengal. Therefore, for a total number of women officers in uniform is significantly lower for the number of women population in the states.

State	Actual strength of police	Actual strength of women police	Percentage of women police
Uttar Pradesh	2,85,540	22,778	7.98%
West Bengal	91,923	7,487	8.14%

Thus, to abide by the rules and regulation, there is an urgent need for the appointment of increased number of women police officers, that too in every police station of Uttar Pradesh and West Bengal. This will ensure that if a crime is committed by a woman or on a woman then there shall be a woman police officer in every police station to visit the crime scene for the investigation and interrogation as well as examination of women witness.

Moreover, a women police officer is in a better position to provide physiological support to women victim and a woman (victim or accused) is more comfortable with the women police officer. The women police officer is likely to use lesser force as compared to male police officers, and are even

<sup>106</sup> Code of Criminal Procedure 1973, s. 46.

<sup>107</sup> Code of Criminal Procedure 1973, s. 51(2).

<sup>108</sup> Code of Criminal Procedure 1973, s. 53.

<sup>109</sup> Code of Criminal Procedure 1973, s. 160.

<sup>110</sup> Available at: [https://bprd.nic.in/content/62\\_1\\_DataonPoliceOrganizations.aspx](https://bprd.nic.in/content/62_1_DataonPoliceOrganizations.aspx).

considered better at defusing and de-escalating potentially violent confrontations with citizens.<sup>111</sup> It also encourages in creating a more balanced public safety force in the law enforcement agency.

For the above-mentioned reasons, it is high time for the government and law enforcement agencies to take this as a serious issue and implement certain guidelines or appointment for increasing number of women police officers and to make sure that woman police officer shall be present in every police station especially in cases of women centric crimes.

### **3.6 Implementing the existing guidelines from judgments, directives and orders by the Honorable Supreme Court and High courts:**

#### **3.6.1 Introduction**

The Government of India, on 15th November, 1977, appointed a National Police Commission, considering the sweeping changes that had occurred in the nation after the establishment of the Indian Police Act, 1861 and absence of any thorough audit at the national degree of the police framework after independence in spite of radical changes in the political, social and monetary circumstance in the nation. The commission was appointed for fresh assessment of the job and execution of the police both as a law implementing organization and as foundation to ensure the rights of the citizens revered in the Constitution. The apex court and other honorable courts have issued various directions with this regard. Without a doubt, the Commission accomplished admirable work, and made very valuable suggestions. However, these progressions were not brought into practice for However, these progressions were not brought 15 years, henceforth, the Supreme Court was approached.

The Court noted that undoubtedly the quality of Criminal Justice System in the nation, to a large extent, relies on the working of the police force. In this manner, having regard to the larger public interest, it is absolutely necessary to issue the requisite directions.

In the year 1996, a petition was filed before the Supreme Court that raised various instances of abuse of power by the police and claimed that police faculty play out their obligations in a politically factional way. The Supreme Court delivered its judgement in 2006, directing the center and states to set up authorities to set down rules for police working, assess police performance, decide postings and transfers, and receive complaints of police misconduct. The court additionally noted that minimum tenure of service must be ensured to key police officers to protect them from arbitrary transfers and postings.<sup>112</sup>

In the case of *Vineet Narain and Ors. v. Union of India and Anr.*,<sup>113</sup> the apex Court noted that there is a dire requirement for the State Governments to set up the imperative system and ergo, directed the Central Government to pursue the matter of police reforms with the State Governments and ensure the setting up of a mechanism for selection/appointment, tenure, transfer and posting of not only of the Chief of the State Police rather, for all police officers of the rank of Superintendents of Police and above.

The Court communicated its stun that in certain States the tenure of a Superintendent of Police is for a couple of months and transfers are made for whimsical reasons which has dampening impact

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<sup>111</sup> Available at: <https://www.ojp.gov/pdffiles1/bja/185235.pdf>.

<sup>112</sup> Prakash Singh and Ors. vs. Union of India (UOI) and Ors. 2006 (4) RCR (Criminal) 439.

<sup>113</sup> Vineet Narain and Ors. v. Union of India and Anr. AIR 1998 SC 889.

on the police force as well as alien to the envisaged constitutional machinery. The court further observed that apart from demoralizing the police force, it has likewise the antagonistic impact of politicizing the personnel and, in this manner, it is essential that prompt measures are taken by the Central Government.

### **3.6.2 Directions pertaining to police brutalities**

Courts have, time and again, reprimanded police brutalities in various significant judgments in particular, *Nilabati Behera v. State of Orissa and Ors.*<sup>114</sup>, *Rudal Shah v. State of Bihar*<sup>115</sup>, *Joginder Kumar v. State of Uttar Pradesh*<sup>116</sup>, and *D.K. Basu v. State of West Bengal*<sup>117</sup>.

The Hon'ble Supreme Court has observed that police should be sensitized about the rights of citizens and the civilized manner in which police is required to keep up peace in this nation. They have acknowledged the fact that from time to time; various proposals have been given by National Crime Records Bureau, National Police Commission as well as certain NGOs like Human Rights Watch, Amnesty International, Commonwealth Human Rights Initiative, etc. to bring in reforms in terms of amendments in Indian Police Act, appointing commissions to manage instances of police brutalities, and so forth. Be that as it may, the Court noted that, we presently can't seem to see the altruistic essence of the police. Police officials falling in this category are far and few.

The apex court has noted that it is high time that training of police toward this direction is given a concrete shape so that it achieves about positive outcomes, and the use of force on citizens is diminished and police authorities become more sensitive towards them and fulfil their job as the defender of citizens. In this case, the Court observed that the MOU between IGNOU and NHRC would be able to create imperative programme of top notch which would be able to sensitize the police personnel. The Court observed that likewise they hope that the training under this programme shall be administered to the stake holders in great measures. They further noted that, there is likewise a need to manage erring police officials by taking harsh measures whose activities amount to 'misconduct' or may even be 'criminal' in nature, because simply overseeing an admonition may not be appropriate. The court quoted Thomas Bernhard's words:

*"The anger and brutality against everything can readily from one hour to the next, be transformed into its opposite."*

Thereby, observed that they hope that the desired attention shall be given at the right quarters from the perspective of human rights of innocent and helpless citizens.<sup>118</sup>

### **3.6.3 Orders for improving the condition of police personnel**

In another case, Uttarakhand High Court directed the appropriate government to improve conditions of service of the police personnel. They were of the view that Section 42 of the Uttarakhand Police Act, 2007, deals with the duty hours of the police officers, but there are no separate duty hours provided for police personnel. The police personnel discharge regal functions to maintain law and order. Ergo, there must be some provision to improve their condition of service. The police officers/personnel should work only 8 hours. The Court observed that there are very few promotional avenues to the police personnel. There is lack of appropriate lodging facilities for the police personnel. Their conditions of service are additionally not humane. They do not get adequate rest leading to psychological problems. Their family members are not duly compensated when the police officer receives injuries or bites the dust in the line of obligation. There is no

<sup>114</sup> *Nilabati Behera v. State of Orissa and Ors.* AIR 1993 SC 1960.

<sup>115</sup> *Rudal Shah v. State of Bihar* AIR 1983 SC 1086.

<sup>116</sup> *Joginder Kumar v. State of Uttar Pradesh* AIR 1994 SC 1349.

<sup>117</sup> *D.K. Basu v. State of West Bengal* AIR 1997 SC 610.

<sup>118</sup> *Monica Kumar and Ors. vs. State of U.P. and Ors.* (2017) 16 SCC 169.

appropriate scientific training to the police personnel. The funds provided by the State Government, as noticed hereinabove, are very meagre. The State Government has not created any corpus for welfare of the police personnel as recommended by One-Member State Police Reforms Commission, established in 2012. The increments are not given for obtaining higher qualification. The representation of the women in the police force is likewise low. Ergo, Court observed that it is the obligation cast up the State to make provisions for securing just and humane conditions of work under Article 42 of the Constitution of India.<sup>119</sup>

The High court stressed on the point that the police officer should be available for 24 hours but it does not propose that he has to work uninterruptedly for 24 hours. The stress and strain are the equivalent of police officer-personnel. Thereafter the Court directed the state Government to create corpus as per the recommendation of One-member State Police Reforms Commission, for the welfare of the police force.

### **3.6.4 Directions to protect the victims of sexual assault**

In another case Supreme Court highlighted that, victims of sexual assault are generally humiliated at the hands of police, to battle this problem, the Supreme Court laid down certain guidelines. The Court noted that the complainants of sexual assault cases ought to be provided with legal representation. Legal assistance will have to be provided at the police station itself. A list of advocates willing to act in these cases ought to be kept at the police station for victims. The police ought to likewise be under an obligation to inform the victim of her right to representation.<sup>120</sup>

### **3.6.5 Directions related to registration of FIR**

In another case the Supreme Court issued guidelines pertaining to the registration of FIR, the Court noted that registration of FIR is compulsory and where the information pertains to the commission of a cognizable offence, no preliminary inquiry is permissible. Action must be taken against erring police officers who do not register an FIR where the information received by him discloses a cognizable offence. A preliminary inquiry might be made in instances of matrimonial disputes, commercial offences, medical negligence cases, corruption cases and cases where there is an anomalous delay.

All information identifying with cognizable offences whether leading to registration of FIR or preliminary inquiry must be recorded in the General Diary/Station Diary/Daily Diary and the decision to conduct a preliminary inquiry should likewise be reflected.<sup>121</sup>

The requirement for police reforms for better and more effective investigation and prosecution has additionally been universally felt for some time now and measures regarding the same should be taken on a priority basis.<sup>122</sup>

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<sup>119</sup> Arun Kumar Bhadoria vs. State and Ors.2018(3) RCR (Criminal)146.

<sup>120</sup> Women's Forum v. Union of India and Ors. (1995) 1 SCC 14.

<sup>121</sup> Lalita Kumari v. Govt. of U.P. & Ors. AIR 2014 SC 187.

<sup>122</sup> Chhannu Lal Verma vs. The State of Chhattisgarh AIR 2019 SC 243.

### 3.6.6 Directions for arrest

Arrest can be influenced by Police officials, Individuals and Magistrates.<sup>123</sup> The Code of Criminal Procedure has made it clear in its writings.

The Criminal Procedure Code makes reference to that the accompanying people can be arrested by police authorities without warrant <sup>124</sup>:

- Who submits, within the sight of a cop, a cognizable offense.
- Against whom a sensible protest has been made, or believable data has been gotten, or a sensible doubt exists that he has submitted a cognizable offense culpable with detainment for a term which might be under seven years which may reach out to seven years whether with or without fine, if the accompanying conditions are fulfilled, to be specific: —
  - the cop has motivation to accept based on such grievance, data, or doubt that such individual has submitted the said offense;
  - the cop is fulfilled that such arrest is essential:
    - to keep such individual from submitting any further offense; or
    - for appropriate examination of the offense; or
    - to keep such individual from making the proof of the offense vanish or messing with such proof in any way; or
    - to keep such individual from making any instigation, danger or guarantee to any individual familiar with the realities of the case in order to prevent him from revealing such realities to the Court or to the cop; or

As except if such individual is arrested, his quality in the Court at whatever point required can't be guaranteed and the cop will record while making such arrest, his reasons recorded as a hard copy.

Given that a cop will, in all situations where arrest of an individual isn't required under the arrangements of this subsection, record the reasons recorded as a hard copy for not making the arrest.

- Against whom a dependable data has been gotten that he has submitted cognizable offense culpable with detainment for a term which may reach out to over seven years whether with or without fine or with capital punishment and the cop has motivation to accept based on that data that such individual has submitted the said offense.
- Who has been announced as a guilty party either under this Code or by request of the State Government; or
- In whose ownership anything is seen which may as suspected to be taken property and who may sensibly be associated with having submitted an offense concerning such thing; or
- Who discourages a cop while in the execution of his obligation, or who has gotten away, or endeavors to get away, from legitimate custody; or
- Who is sensible associated with being a miscreant from any of the Armed Forces of the Union; or

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<sup>123</sup> Sections 41, 42, 43 and 44 of Criminal Procedure Code illustrate the procedure for arrests by different classes of persons.

<sup>124</sup> Section 41, The Code of Criminal Procedure (1973).

- Who has been worried in, or against whom a sensible grievance has been made, or trustworthy data has been gotten, or a sensible doubt exists, of his having been worried in, any demonstration submitted at wherever out of India which, if submitted in India, would have been culpable as an offense, and for which he is, under any law identifying with removal, or something else, subject to be captured or kept in custody in India; or
- Who, being a discharged convict, submits a penetrate of any standard made under sub Section (5) of area 365; or

For whose arrest any demand, regardless of whether composed or oral, has been gotten from another cop, given that the order determines the individual to be arrested and the offense or other reason for which the arrest is to be made and it shows up there from that the individual may legitimately be arrested without a warrant by the official who gave the demand.

### **Modes and Stages of Arrest:**

#### **Cuffing and Restraint**

The arrest infers custody subject to consistence of Section 49 Cr.P.C.<sup>125</sup> whereby the limitation is constrained to keep the charged from escape. The overall guideline is that a cop will not put binds on the denounced while arresting him. Binding is possibly supported under extraordinary conditions or if there are adequate motivations to accept that blamed may endeavour to escape from custody. Generally speaking, binding or different chains will not be constrained on detainees, convicts or under-preliminaries while held up in a Jail anyplace in the nation or while moving or in travel starting with one Jail then onto the next or from Jail to Court or back. Police and the Jail specialists, all alone, will have no position to coordinate the binding of any detainee of the Jail in the nation or during transport starting with one Jail then onto the next or from Jail to Court or back. In *Sunil Batra v. Delhi Administration*,<sup>126</sup> the Supreme Court of India decided that chains ought to be disregarded as violative of human pride and that the indiscriminative utilization of cuffs is unlawful.

The detainee ought to be created before the Magistrate concerned and a supplication for consent to cuff the detainee be made before the said Magistrate, where the Police or the Jail specialists have all around grounded reason for drawing a solid deduction that a specific detainee is probably going to bounce Jail or break out of the custody. In uncommon instances of solid verification in regards to inclination of the detainee to viciousness, his propensity to get away, he being excessively perilous, urgent and finding no other down to earth method of prohibiting escape is accessible, the Magistrate may allow authorization to bind the detainee.

In all the instances of arrest where the arrestee is created by police before the Magistrate and remand legal or non-legal is given by the Magistrate, the individual concerned will not be cuffed except if unique requests in that regard are gotten from the Magistrate at the hour of the award of the remand. At the point when the Police arrests an individual in execution of an arrest warrant got from a Magistrate, the individual arrested will not be bound except if the police have additionally gotten orders from the Magistrate for the binding of the individual to be so arrested.

In instances of arrest without warrant by police, the Police Officer concerned may in the event that he is fulfilled, based on the rules given by the Supreme Court in para over, that it is important to bind such individual, he may do as such till the time he is taken to the Police Station

<sup>125</sup> Section 49, The Code of Criminal Procedure (1973).

<sup>126</sup> *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.

and from there on his creation before the Magistrate. However, these sorts of instances of human rights infringement keep on happening once in a while. This is actually what occurred for the situation in *Sunil Gupta v. State of Maharashtra*.<sup>127</sup> Handcuffing the candidates who are taught and not liable to escape from prison was viewed as uncalled for and preposterous by the Supreme Court. For this situation, the Supreme Court guided the legislature to guarantee that proper move is made against the 'accompanying party,' to be specific the cops, for binding the solicitors infringing upon the law set somewhere near the Supreme Court.

There are numerous cases identifying with human rights infringement of arrested people in India. In a milestone case, *Citizens for Democracy v. State of Assam*,<sup>128</sup> it was held that when an individual is arrested dependent on a warrant of arrest that is given by a Magistrate, the police will not cuff the said individual except if the Magistrate has requested binding. It was additionally held that when the police arrest an individual without a warrant, the individual perhaps cuffed in consonance with the Supreme Court rules.

In any case, when he is created before the Magistrate, he can't be tied or bound without the sets of the Magistrate. The court additionally held that cuffing and binding in broad daylight, "corrupts and humiliates better sensibilities and is a slur on our way of life". It was additionally seen that binding ought to be avoided as volatile of human nobility.

### **Interrogation**

At the point when an individual considers arrest, the image that frequently springs to one's psyche as encouraged by pictures and TVs show is that cop executing all methods for mistreatment. The police remand has likewise a similar picture in psyches of average citizens. Truth be told law doesn't permit this and it is just the cross examination which is required to get forward leap in examination. The suspect has an option to guide during interrogation<sup>129</sup> and ought to be permitted to meet his advice; yet the direction need not be available all through the cross examination; where fundamental, he is qualified for nothing lawful guide and appreciates the option to stay quiet. A lady or a youngster under 16 years old can't be taken to a police headquarters for cross examination.

This ought to apply similarly to the individuals who have genuine physical or mental issues. Despite the fact that this doesn't make a difference to the suspect/blamed, it might be important to present this change. Whenever tormented, a blamed ought to have the opportunity to inform the Magistrate of the occurrence, when created before him. In such cases, the officer can remand him to legal custody. This ought to be valid for any brutality or sexual offense executed against a charged individual in custody. In every single such case, there must be a definite enquiry. The Criminal Procedure Code had arrangement for clinical assessment of the arrested individual at his command under Section 54,<sup>130</sup> which has been additionally fortified by replacement of new Section by Act 5 of 2009, Section 8, for Section 54, making clinical assessment obligatory after arrest. The clinical official or an enrolled clinical professional so looking at the arrested individual

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<sup>127</sup> *Sunil Gupta v. State of Maharashtra*, (1990) 3 SCC 119.

<sup>128</sup> *Citizens for Democracy v. State of Assam*, (1995) 3 SCC 743.

<sup>129</sup> Section 41D, The Code of Criminal Procedure (1973).

<sup>130</sup> **Section 54. Examination of arrested person by medical practitioner at the request of the arrested person** When a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the period of his detention in custody that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any offence against his body, the Magistrate shall, if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice.

will set up the record of such assessment, referencing in that in any wounds or characteristics of viciousness upon the individual of the arrested individual and estimated time when such wounds or checks have been delivered. Besides, the clinical official or enrolled clinical expert is under commitment to flexibly a duplicate of the clinical report to the arrested individual or some other individual selected by such arrested individual. In this manner, torment during cross examination may place the police authorities in a tough situation as the clinical assessment will outfit proof with this impact and arrestee can sue them for infringement of human rights.

### **Misuse of Power granted:**

Despite the protection contained in the Code of Criminal Procedure and the Constitution alluded to over, the reality remains that the intensity of arrest is wrongly and wrongfully practiced in countless cases everywhere throughout the nation. Regularly this force is used to coerce the individual arrested. The tremendous prudence given by the Cr.P.C. to arrest an individual even on account of a bailable offense (not just where the bailable offense is cognizable yet in addition where it is non-cognizable) and the further capacity to make preventive arrests (for example under Section 151 of the Cr.P.C. and the few city police authorizations), dress the police with exceptional force which can undoubtedly be manhandled. Neither there is any in-house instrument in the police division to check such abuse or misuse nor does the objection of such abuse or maltreatment to higher cops prove to be fruitful aside from in some excellent cases. We should rehash that we are not managing the immense optional forces of a minor common administration simpliciter, we are managing the huge optional forces of the individuals of an assistance which is furnished with guns, which are getting to an ever increasing extent advanced as time passes (which is actually called a common assistance for the motivations behind Service Jurisprudence) and whose demonstrations address the freedom and opportunity of the residents of this nation and not just their privileges and properties. This is a common help which is as a rule progressively mobilized, no uncertainty, to meet the developing exigencies.

### **Guidelines issued by the Supreme Court**

The exertion of the courts, and specifically of the Supreme Court in the course of the last over two decades has been to encompass the huge optional force vested by law in Police by forcing a few shields and to manage it by setting out various rules and by exposing the said capacity to a few conditionality. The exertion all through has been to forestall its maltreatment while leaving it allowed releasing the capacities depended to the Police. While it isn't important to allude to every one of them with the end goal of this working paper, it would be adequate on the off chance that we allude to a couple of them (which to be sure reaffirm and summarize the bearings and rules contained in before choices).

### ***Joginder Kumar v. State of U.P.*<sup>131</sup>**

The skyline of human rights is extending. Simultaneously, the crime percentage is additionally expanding. Recently, this court has been getting grievances about infringement of human rights as a result of unpredictable arrests. How are we to find some kind of harmony between the two? A reasonable methodology ought to be made toward this path. The law of arrest is one of adjusting singular rights, freedoms and benefits, from one perspective, and individual obligations, commitments and duties on the other; of gauging and adjusting the rights, freedoms and benefits of the single individual and those of people all things considered; of basically choosing what is needed and where to put the weight and the accentuation; of choosing which starts things out – the crook or society, the law violator or the law abider; of meeting the test which Mr. Justice Cardozo so frankly met when he grappled with a comparative assignment of adjusting singular rights against society's privileges and astutely held that the avoidance rule was awful law, that society started things out, and that the criminal ought not go free in light of the fact that the constable screwed up.

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<sup>131</sup> Joginder Kumar v. State of U.P., AIR 1994 SC 1349

The nature of a country's civilization can be to a great extent estimated by the techniques it utilizes in the implementation of criminal law.

***Smt. Nandini Satpathy v. P.L. Dani*** <sup>132</sup>

In para 21, at page 1033, it has been observed: 8 “We have earlier spoken of the conflicting claims requiring reconciliation. Speaking pragmatically, there exists a rivalry between societal interest in effecting crime detection and constitutional rights which accused individuals possess. Emphasis may shift, depending on circumstances, in balancing these interests as has been happening in *America. Since Miranda* ((1966) 334 US 436) there has been retreat from stress on protection of the accused and gravitation towards society’s interest in convicting law-breakers. Currently, the trend in the American jurisdiction according to legal journals is that ‘respect for (constitutional) principles is eroded when they leap their proper bounds to interfere with the legitimate interests of society in enforcement of its laws.... (*Couch v. United States* (1972) 409 US 322, 336). Our constitutional perspective has, therefore, to be relative and cannot afford to be absolutist, especially when torture technology, crime escalation and other social variables affect the application of principles in producing humane justice.”

The National Police Commission in its Third Report referring to the quality of arrests by the Police in India mentioned power of arrest as one of the chief sources of corruption in the police. The report suggested that, by and large, nearly 60% of the arrests were either unnecessary or unjustified and that such unjustified police action accounted for 43.2% of the expenditure of the jails. The said Commission in its Third Report at page 31 observed thus: “It is obvious that a major portion of the arrests were connected with very minor prosecutions and cannot, therefore, be regarded as quite necessary from the point of view of crime prevention. Continued detention in jail of the persons so arrested has also meant avoidable expenditure on their maintenance. In the above period it was estimated that 43.2 per cent of the expenditure in the connected jails was over such prisoners only who in the ultimate analysis need not have been arrested at all ...” (The figures given in the Report of the National Police Commission are more than two decades old. Today, the position is estimated to be worse.)

It would equally be relevant to quote para 24, which reads as follows: “The above guidelines are merely the incidents of personal liberty guaranteed under the Constitution of India. No arrest can be made because it is lawful for the Police Officer to do so. The existence of the power to arrest is one thing. The justification for the exercise of it is quite another. The Police Officer must be able to justify the arrest apart from his power to do so. Arrest and detention in police lock-up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a Police Officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint and a reasonable belief both as to the person’s complicity and even so as to the need to effect arrest.

Denying a person of his liberty is a serious matter. The recommendations of the Police Commission merely reflect the constitutional concomitants of the fundamental right to personal liberty and freedom. A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offences, an arrest must be avoided if

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<sup>132</sup> *Smt. Nandini Satpathy v. P.L. Dani*, AIR 1978 SC 1025

a police officer issue notice to person to attend the Station House and not to leave Station without permission would do.”

The ultimate directions given, contained in paras 26 to 29, read as follows: “These rights are inherent in Articles 21 and 22(1) of the Constitution and require be recognizing and scrupulously protecting. For effective enforcement of these fundamental rights, we issue the following requirements:

- An arrested person being held in custody is entitled, if he so requests to have one friend relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where he is being detained.
- The Police Officer shall inform the arrested person when he is brought to the police station of this right.
- An entry shall be required to be made in the Diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and enforced strictly.

It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with.

The above requirements shall be followed in all cases of arrest till legal provisions are made in this behalf. These requirements shall be in addition to the rights of the arrested persons found in the various Police Manuals. These requirements are not exhaustive. The Directors General of Police of all the States in India shall issue necessary instructions requiring due observance of these requirements. In addition, departmental instruction shall also be issued that a police officer making an arrest should also record in the case diary, the reasons for making the arrest.

### **3.6.7 Rights of an arrested person**

#### ***D.K. Basu v. State of West Bengal***<sup>133</sup>

Paragraphs 36 to 40 of this judgment, which deal with provisions and safeguards against arbitrary arrests, read as follows:

“We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or detention, till legal provisions are made in that behalf, as preventive measures:

- The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
- That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from

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<sup>133</sup> D.K. Basu v. State of West Bengal, AIR 1997 SC 610.

where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

- A person who has been arrested or detained and is being held in custody in a police station or interrogation center or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next in kin or friend of the person who has been informed of the arrest and the names and particulars of the police officials who has custody of the arrestee.
- The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any, present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer affecting the arrest and its copy provided to the arrestee.
- The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
- Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.
- The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous police board.

Failure to comply with the requirements hereinabove mentioned shall apart from rendering the concerned official liable for departmental action, also render him liable to be punished for contempt of Court and the proceedings for contempt of Court may be instituted in any High Court of the country, having territorial jurisdiction over the matter. The requirements, referred to above flow from Articles 21 and 22(1) of the Constitution and need to be strictly followed. These would apply with equal force to the other governmental agencies also to which a reference has been made earlier. These requirements are in addition to the constitutional and statutory safeguards and do not detract from various other directions given by the Courts from time to time in connection with the safeguarding of the rights and dignity of the arrestee.

The requirements mentioned above shall be forwarded to the Director General of Police and the Home Secretary of every State/Union Territory and it shall be their obligation to circulate the same

to every police station under their charge and get the same notified at every police station at a conspicuous place. It would also be useful and serve larger interest to broadcast the requirements on the All-India Radio besides being shown on the National Network of Doordarshan and by publishing and distributing pamphlets in the local language containing these requirements for information of the general public. Creating awareness about the rights of the arrestee would in our opinion be a step in the right direction to combat the evil of custodial crime and bring in transparency and accountability. It is hoped that these requirements would help to curb, if not totally eliminate, the use of questionable methods during interrogation and investigation leading to custodial commission of crimes.”

### **3.7 Report on Studies and commissions instituted for police reformation by the Government**

Each state and Union Territory in India has its own different police power. Article 246 of the Constitution of India assigns the police as a state subject, which implies that state governments outline the Police Acts, rules, and guidelines that administer each police power. There is additionally focal enactment set up; states which have not passed their own Police Acts are represented by the focal Police Act. Furthermore, various parts of police work and methodology are administered by a variety of laws. Case law and law additionally set down system to be followed. The definite principles and guidelines, which set out obligations, approaches, and operational methodology, are contained in state Police Manuals.

The requirement for police changes in India is for quite some time perceived. There has been just about three many years of conversation by government made councils and commissions. Path in 1979 the National Police Commission (NPC) was set up to provide details regarding policing and give suggestions for change. The Commission created eight reports, many points explicit suggestions and furthermore a Model Police Act.

None of the significant proposals were received by any administration. This convinced two previous Director Generals of Police (DGPs) in 1996 to record a Public Interest Litigation (PIL) in the Supreme Court requesting that the Court direct governments to actualize the NPC suggestions. Over the span of the multi-year long case, in 1998 the Court set up the Ribeiro Committee which delivered its reports in 1999. This was trailed by the Padmanabhaiah Committee report in 2000 and in the end the Police Act Drafting Committee (PADC or Soli Sorabjee Committee) that drafted another model police bill to supplant the frontier 1861 Police Act. Then next to no was at any point done on the ground to improve policing or execute proposals set forth by any of these panels or commissions.

It was just 10 years after the fact in 2006 that the Court conveyed its decision. In what is prominently alluded to as the Prakash Singh case the Supreme Court requested that change must happen. The states and association regions were coordinated to consent to seven restricting orders that would launch change. These orders arranged the different strands of progress created since 1979. The Court required prompt usage of its requests either through official requests or new police enactment. At first, the Court itself checked consistence everything being equal and Union Territories. In any case, in 2008 it set up a three parts Monitoring Committee with a multi-year command to look at consistence state by state and report back to it intermittently.

#### **3.7.1 Report of the national police commission**

The National Police Commission (NPC) was comprised in 1977 to examine the issues of police and make a far-reaching survey of the police framework at national level. The NPC managed wide scope of parts of police working. The National Police Commission submitted eight reports

during the period February, 1979 to May, 1981. The main report was laid on the Table of Lok Sabha on 1.2.1980. The staying seven reports were discharged in March, 1983 with the particular mandate from the Central Government to all State Governments/UT Administrations that these reports might be inspected rapidly and proper action taken. The Central Government took activities in convincing the State Governments / UTs to execute the suggestions of the National Police Commission.

The significant suggestions of the NPC to revise the Code of Criminal technique 1973 were considered in the Chief Minister's Conference on the Administration of Criminal Justice System hung on thirteenth November, 1992. The Code of Criminal Procedure (Amendment) Bill, 1994 presented in the Rajya Sabha had, entomb alia, contained these suggestions. This Bill was passed in the Rajya Sabha on 4.5.2005 and in Lok Sabha on 9.5.2005 separately. Other significant suggestions of NPC for amendment of schedule for IPS probationer's learners/enlargement of DCPW have just been executed and another Bill for guideline of private security organizations has since been passed by the Parliament and become an Act.

### **3.7.2 Report of Rebeiro committee**

#### **Ribeiro Committee<sup>134</sup>**

On the headings of the Supreme Court of India on account of Prakash Singh v. Association of India<sup>135</sup> and others relating to usage of the proposals of the National Police Commission, the Government had on 25th May, 1998, comprised a Committee under the Chairmanship of Shri J.F. Ribeiro, IPS (Retd.). The Ribeiro Committee submitted two reports which were recorded in the Supreme Court during 1998 and 1999, individually.

The Rebeiro Committee embraced the proposals of the NPC with specific adjustments. The case came okay with hearing on 10.2.2005 and the Hon'ble Court coordinated Union of India and particular State Governments including NHRC to document their reactions as to the bearing gave in the Vineet Narain case and execution of proposals of Rebeiro Committee.

### **3.7.3 Report of Padmanabhaiah committee**

#### **Padmanabhaiah Committee<sup>136</sup>**

Government had set up a Committee in January, 2000 under the Chairmanship of Shri K. Padmanabhaiah, previous Union Home Secretary, to recommend the auxiliary changes in the police to address the difficulties in the new years. The Committee presented its report to the Government on 30.8.2000. On the whole, there are around 240 proposals made by the Committee. The suggestions have been analyzed in this Ministry. Out of 240 proposals of the Committee, 23 suggestions in regards to survey of designation of unit strategy, direct IPSofficials to be given charge of area, to post IAS/IPS as legal justice, police commissioners framework in urban areas, division of NICFS, mandatory retirement to those not empaneled as DIG, audit of framework portion strategy of IPS for NE, enlistment of Constables and sub- Inspectors from the young men who have breezed through tenth and twelfth Examination and giving them 2/3 years preparing in Police preparing Schools/Police Training Colleges separately, most extreme time of passage of IPS to be decreased to 24 years and government offenses and so forth were not acknowledged, after assessment.

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<sup>134</sup> Summary of Ribeiro Committee's Recommendations, available at: [https://humanrightsinitiative.org/publications/police/recommendations\\_ribeiro.pdf](https://humanrightsinitiative.org/publications/police/recommendations_ribeiro.pdf).

<sup>135</sup> Prakash Singh v. Association of India, Writ Petition (civil) 310 of 1996.

<sup>136</sup> Summary of Recommendations made by the Padmanabhaiah Committee on Police Reforms, available at: [https://humanrightsinitiative.org/programs/aj/police/india/initiatives/summary\\_padmanabhaiah.pdf](https://humanrightsinitiative.org/programs/aj/police/india/initiatives/summary_padmanabhaiah.pdf).

### 3.7.4 Report of MHA committee

#### **MHA Committee to review the various recommendations**<sup>137</sup>

The Hon'ble Prime Minister then, while interacting with DGPs/IGPs in 2004, valued the requirement for police changes and announced that a committee would be comprised to audit the status of usage of suggestions made by the different Commission/Committees. As needs be a committee was established by MHA in December 2004 to investigate this perspective.

The Committee short-recorded 49 suggestions from out of the proposals of the past Commission/Committees on Police Reforms as being essential to the way toward changing the police into an expertly capable and administration arranged association. These 49 suggestions predominantly relate to:

- improving proficient principles of execution in urban also country police stations,
- stressing the inner security job of the police,
- tending to the issues of enrolment, preparing, vocation movement and administration states of police staff,
- handling grumblings against the police as to non-enrolment of wrongdoing, captures, and so on and
- Protecting police apparatus from unessential impacts.

The report of the Review Committee was sent to all State Governments/UTs Administrations to start action on the suggestions concerning them and to start action on normal premise on the equivalent. The usage of these suggestions in the States was looked into twice with the Chief Secretaries and DGPs of the considerable number of States by the Union Home Secretary in September 2005 and February 2006.

The Committee of Secretaries under the Cabinet Secretary additionally looked into the advancement of usage of these proposals on 20.9.2005, 28.9.2005 and 17.2.2006 and furthermore recommended achievements to be accomplished in a period bound way.

### 3.7.5 Supreme Court Judgment Dated 22.09.06 On Police Reforms

The Supreme Court of India has passed a judgment on September 22, 2006 in Writ Petition (Civil) No.310 of 1996 – *Prakash Singh and others v. Union of India*<sup>138</sup> and others on several issues concerning Police reforms. The Court in the said judgment directed the Union Government and State Governments to set up mechanisms as directed by December 31, 2006 and file affidavits of compliance by January 3, 2007. The directions inter-alia was:

Constitute a State Security Commission on any of the models recommended by the National Human Right Commission, the Riberio Committee or the Sorabjee Committee.

- Select the Director General of Police of the State from amongst three senior-most officers of the Department empanelled for promotion to that rank by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years

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<sup>137</sup> Reference Note on Police Reforms, Lok Sabha Secretariat, available at: [http://164.100.47.193/Refinput/New\\_Reference\\_Notes/English/Police\\_Reforms.pdf](http://164.100.47.193/Refinput/New_Reference_Notes/English/Police_Reforms.pdf), p.4 (Feb., 2016).

<sup>138</sup> *Prakash Singh v. Association of India*, Writ Petition (civil) 310 of 1996.

irrespective of his date of superannuation.

- Prescribe minimum tenure of two years to the police officers on operational duties.
- Separate investigating police from law & order police, starting with towns/ urban areas having population of ten lakh or more, and gradually extend to smaller towns/urban areas also.
- Set up a Police Establishment Board at the state level for inter alia deciding all transfers, postings, promotions and other service-related matters of officers of and below the rank of Deputy Superintendent of Police.
- Constitute Police Complaints Authorities at the State and District level for looking into complaints against police officers. (vii) The Supreme Court also directed the Central Government to set up a National Security Commission at the Union Level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organisations (CPOs), who should also be given a minimum tenure of two years, with additional mandate to review from time to time measures to upgrade the effectiveness of these forces, improve the service conditions of its personnel, ensure that there is proper coordination between them and that the forces are generally utilized for the purposes they were raised and make recommendations in that behalf.

### **3.7.6 Ground implementation of the Supreme Court Judgment**

Orders establishing a Security Commission for all UTs (with the exception of Delhi) have been given on 07.02.2013. It has been concluded that there will be isolated Security Commission for every one of the UTs (aside from Delhi) with the Union Home Secretary as Chairman. Prior to 07.02.2013, there was just a single Security Commission for all UTs (aside from Delhi). Two gatherings of the Security Commission for UTs (aside from Delhi) have been held on 18.1.2013 and 13.2.2013. The choice with respect to Delhi is that the Security Commission for Delhi ought to be going by the L.G., Delhi. The State Security Commission for Government of NCT of Delhi has been comprised and four gatherings of the Commission have been held.

Requests comprising Police Complaint Authorities (PCAs) in UTs have been given on 23rd March, 2010. In regard of Delhi, the solicitation of Govt. of NCT of Delhi to treat its Public Grievances Commission as the PCA had been acknowledged as a break course of action till enactment of the Delhi Police Act.

With respect to strategy and least residency of Chief of Police and key functionaries, for example, Zonal IGs, Range DIGs, District SPs and SHOs of UTs, the Ministry has taken an approach choice that senior degree of police functionaries would have least residency of two years in the constituents, quite far, subject to superannuation. UTs have been prompted through progressive warnings/guidelines in such manner. The draft Delhi Police Bill, by and by viable of the Government accommodates least residency of two years, subject to their achieving the time of superannuation for key functionaries, including the Commissioner of Police, Joint Commissioner of Police/Additional Commissioner of Police responsible for a Range, District DCP and SHO.

National Requirement of Manpower for 8-Hour Shifts in Police Stations, Study sponsored by Bureau of Police Research & Development boosting foundation and limit of the police powers remembers increment for the quantity of police faculty in the nation, improvement in enrolment, preparing and administration conditions remembering upgradation for one hand and improving the framework, working hours, lodging offices on the other.

Different examinations on the police power in the nation have uncovered that while work weight and complexities in taking care of peace and researching wrongdoing have developed at a huge pace, labour development has not been similar. Studies have likewise demonstrated that frequently, police staff should be deputed as connections in other prevalent workplaces, further decreasing labour for policing.

To handle this issue, there is an earnest prerequisite to select more individuals. Specialists recommend that following 18 years of administration, some CAPFs could change to the Armed Police of the state. This is one method of filling opening. Another change is utilizing innovation to enhance labour. There is a connection among opportunities and absence of satisfactory preparing offices. The last might be one explanation forestalling state police powers from rapidly topping off the posts. To address this, specialists propose that some prepared Central Armed Police Powers work force can be deputed in states. According to the Second Administrative Commission, preparing should be made an attractive alternative for the mentors. This should be possible through arrangement of better offices and attractive stipends. This will attract inspired mentors.

Police, as an aspect of their responsibilities' profiles, need to continually interact with the general population. This requires the police to be delicate which can be accomplished through attitudinal preparing. To help the police officials overhaul their aptitudes, supplemental classes ought to be made obligatory and an essential for advancement. A very much prepared power would effectively release their obligations.

Next, the personal satisfaction of the police power needs extraordinary consideration. Long working hours lessen inspiration to work and increment stress. Section 22 of the Police Act, 1861 states that a police official is one who is "consistently working". This makes the issue. As of late, policemen in Karnataka took a mass leave requiring an hour move. Requires a move framework has been gotten notification from numerous quarters. Valuing this worry, there is a need to specify accommodating working hours for policemen. A few states have just done as such. Kerala has presented 8 hours obligation framework in its Police Act, turning into the main state. Haryana has additionally gone for the move framework. Such a switch requires more individuals. It has been evaluated that India would require 3,37,500 individuals if 8 hours move is presented. Adopting a gradual strategy, specialists propose 12 hours move can be presented.

Another aspect of a quality life is arrangement of settlement. The National Police Commission has suggested that all gazetted and non-gazetted officials should be given family settlement. Furthermore, there is a need to give them sympathetic day to day environments. The fifth Report of the Second Administrative Reforms Commission has upheld the requirement for undertaking significant lodging development programs for them. This would assist them with giving their best to national help.

Next, hard foundation needs a complete update. To help the policemen, transport and correspondence offices should be extended and overhauled. To enlarge scientific help, there is a need to have legal research facilities in each locale or, best case scenario at Divisional/Range levels. Specialists have highlighted Gujarat as a model in such manner. Ahmedabad has the State Forensic Science Laboratory. Likewise, Ahmedabad Junagadh, Rajkot, Surat and Vadodara have local research centers with one area lab in Valsad. In addition, 47 versatile research facilities spread the whole State. This is enhanced by the Gujarat Forensic Sciences University and a Directorate of Forensic Science in Gandhinagar.

### **3.7.7 Smart police**

In November 2014, the Prime Minister uncovered his vision for SMART Police – police which ought to be severe and tough, present day and versatile, alert and responsible, solid and capable, techno-astute and prepared.

Comprehensively, changes are required on three fronts: first improvement in limit and framework of police powers, second returning to the constitution of police powers in the nation through authoritative/managerial changes, and third mechanical scaling-up. Inside every one of these three heads, changes are required at a few levels.

### **3.7.8 Efforts At State Levels**

#### **3.7.8.1 Uttar Pradesh**

Vide a letter No.550/6-P-10-27(45)/06 dated 08.04.2010 of Principal Secretary, Home routed to DGP, Police Establishment Boards were requested to be comprised likewise for intra-Range and intra-District moves of officials of and underneath the position of Inspector. The locale of the Board, be that as it may, rejects the posting/moves of officials presented/on be posted as officials in charge of Police Stations, for which simultaneousness of District Magistrate is endorsed.

The elements of these Range and District-level Boards also are restricted to moves just and don't cover different parts of the Supreme Court mandate.

GO dated 26.12.10 establishes a State level Est. Board to suggest move/posting of officials of or more position of Addl. SP. In any case, there is no sign that Govt. will give “due weight” to these and “typically acknowledge” them, as was commanded by the Court.

#### **3.7.8.2 West Bengal**

A Government Notification gave in 2010 advising the constitution of the West Bengal State Security Commission, with one year as its term of arrangement.

- Composition doesn't follow any of the three models referenced in the Supreme Court request.
- The Commission is to be going by the health minister, not by the Chief Minister who unexpectedly holds the home portfolio himself.
- A retired High Court Judge and two non-authorities are remembered for the Commission as Members however the models of their determination aren't known.

The Government of West Bengal vide its Notification No.2162-PL/PE16S-36/05 dated 02.06.2010, comprised a State Level Complaints Authority. The creation of the Authority doesn't fit in with the Supreme Court mandate. The Authority looked to be made by West Bengal Government is to be a five-part body with three of them being serving authorities (Home Secretary, DGP West Bengal and Commissioner of Police, Kolkata). The main nonofficial included as a member is a retired DGP.

### **3.7.9 Best practices in better policing and investigation within India and global best practices from other jurisdictions.**

#### **Delhi<sup>139</sup>**

Delhi Police has taken various technological initiatives with regards to the Hon'ble Prime Minister's orders in regards to SMART policing. Mechanical upgradation has been provided top need so as to accomplish the ideal innovative headway to stay up with the patterns over the globe. A Chief Technology Officer drafted a year ago, kept his vigil on the continuous activities other than rendering his important commitment during the time spent usage of different undertakings.

A portion of the significant computerized activities previously propelled by Delhi Police proceeded and was enhanced to render better administrations to the residents of Delhi.

The apps created in furtherance of this initiative notably include e-MV Theft, Property Theft App, Lost Report App, HimmatPlus App and the Police Clearance App.

- e-MV Theft: The way toward detailing MV Theft for enrolling e-FIR and court approved last report for asserting protection kept on working through the online application. It was the way breaking activity by Delhi Police to enable residents wherein one could record an e-FIR for engine vehicle thefts from home through PC or cell phone. The whole examination is completed in a period bound way through e-Police Station. The procedure of courts is likewise done electronically by the e-courts assigned for this reason. During the year, 46,064 MV Theft e-FIR have been held up thus undeniably more than 1.48 Lakh FIRs have been stopped since its dispatch in April, 2015. e-courts have acknowledged 1,22,255 untraced reports so far through this application empowering complainants to document their cases before concerned insurance agencies.
- Property Theft App: This App encourages residents to stop on the web, first data report (FIR) for the property taken in Delhi, through web, whenever, anyplace, without genuinely setting off to the Police Station. There is moment dispatch of a duplicate of carefully marked FIR to the email of the complainant, zone SHO, senior officials and assigned Court and so forth. During the year, 1,33,920 property e-FIRs have been stopped and in excess of 3,11,548 e-FIRs have been held up so far since its starting in February, 2016.
- Lost Report App: The reason for this App is to give a report to a person if there should arise an occurrence of loss of significant record like identification, I-Card, Ration Card, Driving License and so forth. By entering pertinent subtleties on this portable/electronic App, one can stop a lost report in a split second and get a printable carefully marked report of the equivalent and utilize this record for getting a new archive reissued from the concerned power. So far 86,71,163 lost reports have been given online through this App.
- HimmatPlus App: The HimmatPlus SOS App for ladies was re-propelled on sixth Feb.

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<sup>139</sup> Compendium of Best Practices in Smart Policing, Smart Policing Awards 2016, Federation of Indian Chambers of Commerce and Industry, available at: <https://bprd.nic.in/WriteReadData/Bannerpdf/Compilation%20of%20Bestpractices%20bprd.pdf> (2016)

2018. The App has been made bilingual. The enrollment is straightforward and conceivable through the App as it were. Additionally, the app has been changed from an Emergency Safety App to an Utility App for all areas of the general public. The Facebook page of Delhi Traffic Police and Twitter handle of Delhi Police has additionally been connected in the App to give traffic refreshes also different updates of Delhi Police to support the clients. An extraordinary component for examining the QR code of the drivers of the Taxies, TSRs and e-Rickshaws has been worked in the new App. So as to expand the viability and reach of Himmat App among youth and ladies, its enrollment procedure has been disentangled. During the year, the App was downloaded by 66,946 people and 46,111 people have been enlisted on the App.

- **Police Clearance Certificate App:** Police Clearance Certificate is required to apply for visa, confirmations in instructive organizations, looking for employments and so forth. The essential subtleties filled by the applicant are naturally looked up with the record of CRO. PCC is created inside 7 working days. During the year, 2,96,964 people applied and 1,89,709 PCCs have been given.

In addition to creation of these apps, the Delhi Police has taken up various Community Police initiatives, such as Sashakti: Self-Defence Training, Prahari Scheme, Police Mitra, Nigehban and the Eyes & Ears Scheme.

- **Sashakti: Self-Defense Training:** An enormous number of ladies are working outside the home. Self-protection preparing programs have instilled a feeling of certainty among them to oppose any inappropriate demonstration against them and report such acts to police on the double decisively.

Self-Preservation Training is granted to young ladies/ladies for self-security and engaging them with abilities to avert aggressors. There are assigned Self-guard preparing groups in the Special Police Unit for Women and Children and Districts. Different instructional classes are sorted out in schools, universities, public venues, parks and JJ Clusters where extraordinarily planned self-protection procedures are educated to the young ladies. Under the Sashakti Scheme, 2,08,125 ladies were bestowed self-preservation preparing in 989 projects during the year 2017 and 2,95,276 young ladies were conferred self-protection preparing in 1451 projects during the year 2018. Delhi Police has entered the "Limca Book of Records" via preparing more than 9,98,216 ladies so far in 5,172 programmes composed under this plan since 2002.

- **Prahari Scheme:** Prahari, a power multiplier for policing, is an activity of Delhi Police for including different partners like gatekeepers and chowkidars in counteraction of wrongdoing. It targets advancing a sentiment of proprietorship and brotherhood in the network to advance better police-advertising. Prahari targets regulating organizations and collaboration between the police open and private segment security suppliers in network policing. The targets of the plan are I) to distinguish wrongdoing inclined regions, ii) to lessen property wrongdoing, iii) to encourage police-advertising, iv) to build network soul, v) to prepare the chowkidars and security watches with security gear, and vi) to enroll

the help of these partners in wrongdoing counteraction and recognition in the region. 19,812 Parhari's have been enlisted under this plot up until now.

- **Police Mitra:** This plan is planned for including common society in wrongdoing counteraction and support of law and request. The goal is to accomplish powerful policing with dynamic inclusion of neighborhood residents. Police Mitras help the neighborhood police in picket obligations, traffic the executives, assortment of insight and peace plans and so forth 1,862 Police Mitras have been co-selected under this plan up until now.
- **Nigehban:** Under this plan Delhi Police has studied exceptionally significant areas of the city and drawn a rundown of touchy regions which require CCTV observing. People, RWAs and MWAs have been spurred to introduce CCTV cameras at distinguished spots by pooling their assets. This undertaking is a brilliant illustration of proactive network policing in the nation. The "third-eye" is a superb guide to police examinations and endeavors are on to include more CCTV cameras with recording offices everywhere throughout the city. During the year 2018, this plan was additionally continued effectively and the quantity of CCTV cameras under this plan has ascended to 2,23,758 up until this point.
- **Eyes and Ears Scheme:** In the "Eyes and Ears" conspire, different segments of open like rehriwalas, chowkidars, patriwalas, security watches, leaving specialists, three wheeler/cabbies, transport drivers/conductors, doormen, retailers, property operators, recycled vehicle vendors, proprietors, individuals from RWA/MWA, digital bistro proprietors and PCO proprietors, visitor house proprietors and other ready residents are engaged with giving data in regards to dubious exercises of people and wrongdoings. Other than the abovementioned, there are a few different classes of residents who are additionally being roused to go about as the 'eyes and ears' of the police.

These are as Nagrik Suraksha Samitis, washermen, hair stylists, shoemakers, handymen, key lock repairers, understudies, petroleum siphons laborers, even specialists in ghettos/little territories, local assistance suppliers, household help, TV/ice chest/PC mechanics, mother dairy corner administrators, security and other staff of inns/visitor houses/eating houses especially dhabas and so forth. Another Toll-free No. 1090 has been enacted to empower open to share data. The character of the individual revealing data is left well enough alone. A connection has additionally been made on the site [www.delhipolice.nic.in](http://www.delhipolice.nic.in) to email such data. An aggregate of 1,36,893 gatherings have been led under this plan wherein 1067 gatherings were gone to by DCsP, 4,213 by ACsP, 24,452 by SHOs, 21,970 by Inspector ATOs and staying 85,191 were gone to by Division/Beat Staff.

### **What Makes The Kirti Nagar Police Station The Best In India?**

**Websites:** According to a report in HT, Delhi's Kirti Nagar Police Station is the just one in the Capital with its own site which shows a total rundown of its entire 135 police staff and their contact numbers. From the station house official to the lesser generally constable, the site shows the name and subtitles of each cop on its roll. The activity intends to cause individuals in the ward territory to feel that a cop is only a summon.

**Skill Development Schemes for Youth:** The Delhi Police has propelled YUVA—an aptitude advancement program under the Pradhan Mantri Kaushal Vikas Yojana (PMKVY). Through this, the Delhi police is giving business chances to powerless youth. The program has been actualized in five stations over the capital, including Kirti Nagar.

**Alarms for senior residents:** Kirti Nagar is again a pioneer in this perspective. They have introduced in excess of 200 alerts in the homes of old inhabitants in and around the zone. On account of a crisis, the occupants can ring the ringer, and a notice will promptly arrive at their neighbor, who would then be able to call the police.

**Amenities for people in general:** The Kirti Nagar police headquarters gives free Wi-Fi, a cafeteria, unadulterated drinking water, espresso gadgets, isolate rooms, billboards, clean bathrooms, and appropriate guest plans for guests.

The above practices are resident driven. Aside from these, the police headquarters is additionally improving the nature of the work life of police faculty with activities, such as giving a library so cops, just as guests, can peruse, and loosen up. Different courtesies incorporate a different space for ladies' constables, normal lighting, a protected ordnance room, and so on.

### **3.7.10 Police administration models from across the world and takeaways for India.**

#### **France**<sup>140</sup>

France is a regular case of a police power with Multiple Coordinated brought together power. France has two national law implementation organizations:

- Police Nationale, earlier called the Sûreté—a non-military personnel power; essential obligation in urban territories; run under the Ministry of the Interior).
- Gendarmerie Nationale, a gendarmerie; essential duty in country territories and army bases; run under the Ministry of Defense and under operational control, for most purposes, of the Ministry of the Interior).

Aside from these two, there are different organizations like:

- Heading générale des douanes et droits indirects, a non-military personnel customs administration all the more usually known as the "Douane", under the Minister of Budget, Public Accounting and Civil Servants.
- French regions may likewise have a neighborhood police called the Police municipale, Gardemunicipale or Gardechampetre, with limited forces: they can just uphold the metropolitan by-laws.

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<sup>140</sup> John Laurenson, *How the French learned to love their police*, British Broadcasting Network, available at: <https://www.bbc.com/news/magazine-36081915> (21 Apr., 2016).

## **United Kingdom <sup>141</sup>**

United Kingdom (UK) which includes England, Scotland and Northern Ireland is the world most established majority rule government and policing in UK additionally developed from the guideline of "policing by assent". Despite the fact that the essential reason of policing in UK is by assent, the British Police framework as it exists currently is increasingly an opposite procedure of putting more force in individuals by law, than policing by assent. In that capacity, the policing in UK has now become policing by law, yet a law which orders police which is responsible to open. UK is an average case of Multiple Coordinated Decentralized police power. UK doesn't have a national police administration, however a system of 43 individual police powers answerable for policing explicit districts, urban areas or regions, barring the powers with extraordinary locale. These 43 powers are shaped of in excess of 140,500 cops, 14,000 volunteer uncommon constables and 13,400 networks bolster officials.

As per UK Home Office, this framework forestalls political impedance in policing and abstains from giving any single association control over the whole police administration. Moreover, there is an autonomous Police Complaints Authority and an Inspectorate of Constabulary. While the Police Complaints Commission looks at the grievances against the police authorities, the Inspectorate of Constabulary goes about as a review wing for the police which analyze and survey the proficiency of police.<sup>142</sup> The Police Reforms Act, 2002 requires the Home Secretary to set up a yearly Policing Plan and to put it before the council. The budgetary control of each police power rests with the Police Authority, which comprises of in any event 17 individuals. There is portrayal for neighborhood chose agents, legal executive and regular men, in each police authority, such portrayal incorporates designations from the Home Office just as individuals chose through an open enlistment process. All bodies like Inspectorate of Constabulary, Independent Police Complaints authority and Police Authorities work as free bodies with isolated corporate personality, unmistakable from that of police.

## **United States of America**

There's no national police power in the US, where policing is composed on a state and neighbourhood premise. The nation has around 500,000 cops and a sum of 40,000 separate police powers, over portion of which are essentially a couple of man sheriffs' workplaces in modest communities. Notwithstanding ordinary fulltime cops, numerous towns have helper, low maintenance cops, uncommon obligation and volunteer sheriff's gangs (which help sheriffs' workplaces in certain regions).<sup>143</sup>

Law authorization in the United States is decentralized. Government specialists manage infringement of administrative law that fall inside their particular wards. There are approximately 65 distinctive government police organizations. At the nearby level, every one of the 50 sovereign states has its own state governing body that establishes criminal resolutions under their state constitutions. The vast majority of the U.S. States have police at all levels - metropolitan, area and state level. Explicit Organizational highlights of police change extraordinarily from little casually sorted out offices with 2-3 representatives to exceptionally composed metropolitan offices with various sub divisions and a large number of workers. Police structures shift extraordinarily among and inside the government, state and nearby levels.<sup>144</sup> Essential obligation of policing is at nearby

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<sup>141</sup> Policing for a Better Britain, Report of the Independent Police Commission, available at: <http://www.lse.ac.uk/socialPolicy/Researchcentresandgroups/mannheim/pdf/PolicingforaBetterBritain.pdf>.

<sup>142</sup> Chatterton. M. Managing demand and workforce modernisation – is the police service getting it right In Police Federation Upholding the Queen's peace; towards a consensus on policing (2012).

<sup>143</sup> Jeremiah Mosteller, The Role of Police in America, available at: <https://www.charleskochinstitute.org/issue-areas/criminal-justice-policing-reform/role-of-police-in-america/>.

<sup>144</sup> Dennis Jett and Abram Van Engen, Should America be the world's cop? What the experts say, available at:

level. State level authorities have just explicit obligations.

### **Takeaways for India:**

Famous assent on policing is a questionable idea and policing by law and by assent has now gotten nearly interlaced. Most nations, regardless of the model they follow, offer significance to open discussions and neighborhood help in the policing exercises however once in a while not officially. In practically all these example locales, there is away from of wrongdoing examination from peace support obligations. While as a majority rules system, India ought to endeavor towards a comprehensive policing, where the policing capacities are done based on mainstream assent, responsibility and straightforwardness is additionally required and in this the British models of making police responsible to people in general is worth copying. Truth be told, the Police Complaints Authority (PCA), which is now gotten power in numerous states in India as a fallout of Prakash Singh judgment, is only a duplicate of the English model.

While the accentuation of the UK model is participatory administration of the police framework, apparently accentuation of the Indian models is to vest more watchfulness on the official specialists. It is likewise dismal to take note of that there are no proposals in the current change suggestions to expand the current arrangement of town level collaboration in policing. S. 72 of the draft Kerala Police Act, 2008 for instance accommodates an arrangement of network policing, which maybe is the sole suggestion in the entire of the draft resolution that calls for network counsels.<sup>145</sup> Notwithstanding, there are no arrangements which make the suggestions of the Community Liaison Group compulsory and this would make the network policing an activity to make sources instead of members in the policing procedure. Indeed, even the Police commissions appointed by progressive governments which shaped the premise of the rules gave by the Supreme Court in such manner, didn't give as much push to the democratization with respect to the freedom of the police power from the legislative mediation.

### **3.8 Conclusion:**

The police structure in India is responsible for carrying out variety of assignments for instance maintaining law and order, crime prevention and most importantly investigation of crimes. At the outset of the 21st century, other means of threats have also joined mainstream consisting of cyber-crimes, terrorism, uprisings, organized crime and man-made debacles. An accompanying issue has been the nature of threats being able to adapt to new technology, subsequently spawning newer variants of crime such as cybercrime. Cybercrimes, money laundering, terrorism and insurgency, being the new and emerging threats have given rise to new difficulties to policing and intelligence gathering operations. Police forces around the globe are experimenting with new levels of degrees and proficiencies, real-time use of data, altruistic yet successful cross examination methods and transparent devices of observation. To deal with cybercrimes like phishing, identity theft, online banking frauds, police forces must be kept updated with the latest technology.<sup>146</sup> But the reality is that our police stations are not well-equipped with computers and latest technology which is essential to counter cybercrimes. Ergo, there is an earnest need to modernize and digitize our policing methods.

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<https://www.pbs.org/wgbh/third-rail/episodes/episode-3-should-america-be-the-worlds-cop/what-experts-say/>.

<sup>145</sup> Commonwealth Human Rights Initiative, Analysis of the Draft Kerala Police Act, 2008 & Recommendations for Amendments, available at: [http://www.humanrightsinitiative.org/old/programs/aj/police/india/acts/critiques/chri's\\_legislative\\_analysis\\_of\\_the\\_kerala\\_draft\\_act\\_critique\\_police\\_act\\_review\\_committee.pdf](http://www.humanrightsinitiative.org/old/programs/aj/police/india/acts/critiques/chri's_legislative_analysis_of_the_kerala_draft_act_critique_police_act_review_committee.pdf)

<sup>146</sup> Ministry of Home Affairs. "Modernisation of State Police Forces (MPF) Scheme." Government of India. <https://mha.gov.in/PMDivMPFScheme>.

Moreover, initiatives like ‘Digital India’ would ring empty, if the police are not furnished with necessary programming and software, along with the skilled and well-trained staff to run such systems. The quality of training directly relies upon the training infrastructure accessible to the State machinery. All the States must overhaul its training infrastructure at the earliest to battle the challenges of the present times.<sup>147</sup>

Access to wireless and telecommunication facilities for the police is a necessary precondition for dispensing their obligations. Access to communication services frames a critical part of guaranteeing public safety. This could be achieved through various methods either through a Professional Mobile Radio Network (PMR), or a Public Access Mobile Radio Network (PAMR). Moreover, the increased access and use of cell phones entails the need for a proficient broadcast communications network for ideal police working.<sup>148</sup> The significance of communication is vital for police involvement in a sweep of circumstances, be it traffic coordination and vehicular mishaps, or major instances such as mass killings, communal violence or a terrorist incident—incidents which entail the requirement for a rapid and viable communication instrument to help the ‘first responders’ in India to fulfil their obligations. Another significant thing which the police force must be aware about is the patterns developing in their arena of work. There must be adequate reforms in this regard. In a day and age where innovation in information and communications innovation has made a road of opportunities for use and misuse, it is essential for police authorities to be apprised of these turns of events and use it to improve the productivity of their work. Crime and Criminal Tracking Network System (CCTNS),<sup>149</sup> a program was initiated for the same purpose, it aimed at building up an incorporated system across police stations for the ease of sharing data pertaining to individuals with criminal forerunners, victims and crime instances. Karnataka, Telangana and Delhi have the highest level of compliance, with scores above 90 percent.

Along these lines it becomes essential to certify that police have access to sufficient infrastructural framework for kosher communication and transport, which allows not just for the masses to approach them yet additionally for police authorities to create an intra-communication network. Besides, developing the infrastructural capacity, ample heed needs to be given to training of personnel for appropriate utilization of the system. In addition to this, auxiliary infrastructure such as a stable, easily accessible internet connection needs to be dispensed to police forces across the States. For such a framework to be created, sufficient investment is a prerequisite; therefore, states must provide adequate assistance to the police department with this regard.<sup>150</sup>

The police work on an average for fourteen hours in a day. With the exception of Nagaland, no State has had the option to appropriately actualize eight-hour work shifts for the police personnel. One out of two police work force additionally reported not getting any weekly off days. A large majority, 80 percent, do not get paid for overtime work, despite the fact that about nearly one in two personnel reports frequently having to work over time. Such unmerited service conditions will undoubtedly negatively affect both the proficiency of the police staff in work, just as in their own

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<sup>147</sup> Raghavan, R.K. 2003. The Indian Police: Problems and Prospects. In *Publius: The Journal of Federalism*, Volume 33, Issue 4, Fall 2003, Pages 119–134, <https://doi.org/10.1093/oxfordjournals.pubjof.a005006>

<sup>148</sup> Ministry of Home Affairs, “Modernisation of Police Force Scheme,” February 06, 2018, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=176238>

<sup>149</sup> Sagnik Chowdhury, “CCTNS Project to Let Police Stations ‘Talk’: Where It Stands, and How It Can help Fight Crime.” *The Indian Express*, November 20, 2015. <http://indianexpress.com/article/explained/cctnsproject-to-let-police-stations-talk-where-it-stands-andhow-it-can-help-fight-crime/>

<sup>150</sup> Criminal Justice Reform in India: ICJ Position Paper Review of the Recommendations made by the Justice Malimath Committee from an international human rights perspective, [http://www.icj.org/IMG/pdf/India\\_crim\\_justice\\_reform.pdf](http://www.icj.org/IMG/pdf/India_crim_justice_reform.pdf)

and physical well-being. Unsurprisingly, ergo, more than three-fourths of the police reported that it isn't just hard for them to carry out their responsibility well, yet that they are likewise not ready to dedicate adequate time to family. A striking 80 percent of the police personnel felt the workload is influencing their physical and psychological wellness conditions. All the states must make the essential reforms and implement them efficiently as has been done by the state of Nagaland. A committee must also be set up to ensure strict implementation of this rule.

Police personnel furthermore disclosed withstanding assorted forms of duress during crime investigation, peculiarly political pressure, quite often. There are many instances wherein police officers have encountered political pressure over and over within the past 2–3 years of their work experience.<sup>151</sup> The foremost common consequence of not complying with pressure is transfer or posting to a dissimilar area.

Almost 13 years after the Apex Court's directions to States in the Prakash Singh case,<sup>152</sup> specifically to intercept such practices from recurring in the future, political pressure continues to be one of the biggest hurdles in crime investigation for the police. Central government must set up a helpline number which can be contacted by the police officers if they face any such political influence. This matter shall be tackled with at the earliest to make a better environment at the workplace for the police staff and also to create a productive, people-centric police service.

Fear of the police in the minds of the masses is the predominant cause of a common person's trepidation in approaching the police personnel and reporting the case.<sup>153</sup> As spokesperson and agency of the coercive arm of the state, they need to twirl the stick (and occasionally the gun) but democracies also seek to curtail the actual exercise of coercion. Legitimacy of the police force is in part dependent on their ability to extract deference and at the same time to only sparingly taking recourse to exercise of force.

Police workforce must organize campaigns regularly to make the officers and the staff aware of the various guidelines and directions issued by the Apex Court in this regard.<sup>154</sup> Ergo, police reforms must incorporate all the above-mentioned aspects in order to make the executive arm function efficiently.

The DGP of Uttar Pradesh, Shri O.P. Singh, sent a proposal recommending the State Government of Uttar Pradesh<sup>155</sup> that:

*“With a view of integrity, transparency in the Uttar Pradesh Police Department, it is necessary that in the sequence of Chapter 24 (4) of the Rules, like the IPS cadre in the Police Department,*

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<sup>151</sup> Rao, U. N., Dr., & Tiwari, Arvind. “A Study on Non-Registration of Crimes: Problems & Solutions” (Rep.). Bureau of Police Research and Development, Ministry of Home Affairs, Government of India. <http://www.bprd.nic.in/WriteReadData/userfiles/file/201612200235022990797Report-Non-RegistrationofCrimesProblems&Solutions.pdf>.

<sup>152</sup> Prakash Singh v. Union of India, Writ Petition (civil) 310 of 1996.

<sup>153</sup> Neha Dixit, Gun Law: The unstoppable rise of Indian police encounter shootings, The National, 10 January 2019, Available at <https://www.thenational.ae/opinion/comment/gun-law-the-unstoppable-rise-of-indian-police-encounter-shootings-1.811634>.

<sup>154</sup> ‘Mr CM, end police brutality’ 2019, New Indian Express, 05 July, Available at <https://www.newindianexpress.com/opinions/editorials/2019/jul/05/mr-cm-end-police-brutality-1999695.html>.

<sup>155</sup> <https://government.economictimes.indiatimes.com/news/governance/uttar-pradesh-dgp-recommends-new-transparency-clause-for-pps-officers/73764719>

*the PPS cadre of the Uttar Pradesh Police and non-gazetted officers, should every year make mandatory announcement about their movable real estate. Recommendations constitute the government to consider making the purchase sale announcement mandatory, to bring in further transparency in Uttar Pradesh Police.”*

#### Other Recommendations:

- It is the duty of the government to provide sufficient funds taking into consideration the needs of the police for investigation, equipment, travel & other such essential requirements, so as to ensure that the quality of investigation does not suffer.
- Separate cadre needs to be established in police system which exclusively looks into the investigation matters apart from the public order.
- The general working of lower-level officers can be advanced by better training, pay and allowances and by creating an arrangement that rewards initiative and positive action instead of negative behavior.
- There is not only a need to strengthen law-enforcement departments so as to meet the ideal police-to-citizen ratio, but to also do it in a calculated manner. It is a priority to recruit more female police officer to fill the ranks as well as occupy leadership positions.
- Corruption is the major issue in the police department. Giving appropriate wages and incentives may improve the situation.
- A separate crime scene team with forensic personnel and a photographer should be established, so that the investigation is not compromised.
- Police officers should be given special training as regard forensics, cybercrimes, and gender sensitization on regular basis.

## **4.0 Role of correctional homes in criminal justice delivery mechanism**

### **4.1 Introduction**

The Oxford English dictionary defines prison as “a place properly arranged and equipped for the reception of persons who by the legal process is committed to it for safe custody while awaiting trial or punishment.” A prison is a place where prisoners are confined for the crimes they have committed or for being accused of any particular crime while awaiting the verdict of the court. Prisons have existed throughout history and with times administrations of prisons have changed. In India, the present-day prison administration is mainly the legacy of British rule.

Prisoners don't live a normal life inside the prison, as they are deprived of certain freedom and personal contacts with their family members and friends. All these are done for punishment that the prisoners are supposed to get for the crime they have committed. The sole purpose behind such deprivation is to turn the prisoner into a law-abiding citizen.

Though the purpose is benevolent, the way the prison officials treat the prisoners in many correctional homes across the country is something to worry about. Most prison officials are seen using force and compulsive methods to transform the prisoners but it has been proved time and again that these methods though bring some quick changes in the prisoners but such changes are usually temporary. These changes remain with the prisoners as long as they remain in the prison and don't bring a long-lasting behavioral change in the prisoners. All this somehow fails to fulfill the main motive behind imprisoning a person i.e. reformation.

It should be kept in mind that prisoners are human too. They too have their basic human rights and

they should also be treated with dignity. Depriving the prisoners of basic human rights is something that we seriously need to talk about.

According to famous American criminologist Donald Taft, prisons are something that is deliberately planned to provide unpleasant compulsory isolation from society. In his opinion, a prison characterizes rigid discipline, provision of bare necessities, strict security arrangements and monotonous routine life. Life inside the prison necessarily pre-supposes certain restrictions on the liberty of inmates against their free will.

Section 3 of the Prison's Act, 1894 defines prison as any jail or place used permanently or temporarily under the general special orders of a State Government for the detention of prisoners, and includes all lands and buildings but does not include any place for the confinement of prisoners who are exclusively in the custody of the police.

#### **4.1.1 Challenges faced by correctional homes in criminal justice delivery mechanism**

##### **Major Issues with Correctional homes in U.P and West Bengal in general:**

Supreme Court in its landmark judgment in *Ramamurthy v. State of Karnataka*<sup>156</sup>, identified nine major problems that shall be taken into account in order to implement prison reforms in India. The following are the problems identified by the apex court –

- **Overcrowding:** Overcrowding is the situation where the number of inmates staying in a jail is more than the authorized capacity of that jail. One of the major causes of overcrowding is due to the non-availability of sufficient number of correctional homes to the number of convicts. For instance, in the State of West Bengal and Uttar Pradesh the occupancy rate exceeds up to 106% and 167% respectively. Hence, it can be seen that the number of inmates is more than the total sanctioned strength of the inmates.
- **Under-trial population:** There are 73055 cases of under-trials in Uttar Pradesh, the maximum in the entire country. West Bengal currently has an undertrial population of more than 16,478. As an issue of fundamental rights guaranteed by the Indian Constitution, under-trials are presumed innocent till proven guilty. Despite that they are usually exposed to psychological and physical torment throughout the period of custody and are subjected to inhumane living conditions and physical violence.
- **Neglect of health and hygiene:** Absence of hygienic environment in prisons is one of the sole reasons behind deteriorating conditions of most of the prisoners. Absence of sufficient doctors in the prisons to treat the sick prisoners further worsens the situation. There is a serious lack of water based flush type toilets in jails of Uttar Pradesh. It has been reported that there is a 50% shortage of such toilets.<sup>157</sup> The prisons there have a major reliance on open pan-based toilets. This seriously affects the hygiene of all inmates and thus there is a pressing need to cast off this system and use water based flush toilets. Menstrual health and sanitization are vital for the wellbeing of women. Since prison inmates are absolutely reliant on the State for all provisions, including basic medical care, it is the State's liability to ensure that. The same has been mandated by the Ministry of Home

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<sup>156</sup> (1997) 2 SCC 642

<sup>157</sup> Indian National Bar Association, "State of Hygiene in Indian Prisons", <https://www.indianbarassociation.org/wp-content/uploads/2013/02/STATE-OF-HYGIENE-IN-INDIAN-PRISONS.pdf>

Affairs Model Prison Manual 2016.<sup>158</sup> The Model provides that ‘sterilised sanitary pads should be issued to women prisoners as per their requirements’. Yet, ground realities are at a great variance. It has been reported that menstruating women are provided only with 3-5 sanitary napkins on an average.

- **Prison vices:** Prison vices are a nightmare for the prisoners. The tortures of the jail officials on the inmates and also the pressure of the jail officials as well as by the old inmates on the new inmates demanding money for various purposes creates the environment unbearable for the newly entered inmates.

**Women prisoners:** Women prisoners often face the risk of sexual and physical abuse from the male staff, thereby necessitating the availability of women staff in the correctional homes to prevent such incidents. According to the India Justice Report 2020,<sup>159</sup> there exist no special arrangements for pregnant women and breast-feeding mothers across the correctional homes. West Bengal has a total of 266 female warders only for the total population of female inmates in correctional homes across the state.

- **Inadequate staff strength:** The prisons in Uttar Pradesh are severely over-crowded and experience severe dearth of prison guards and senior supervisory staff. The sanctioned strength of the staff is 11357 and yet the actual strength of the staff is 5774 in the jails of Uttar Pradesh. This means that there are more than 50% vacancies for the staff members. Due to inadequate prison staff, overcrowding of prisons results in uncontrolled violence and other criminal conducts within the jails. West Bengal has warder staff strength of 2595 male warder and only 266 female warders. Extortion by prison staff is common. Corollary guard corruption has been on the rise; guards exercise their considerable power over the inmates and take bribes. Nowadays inmates are starting off a trend which includes exchange of contraband substances or some kind of special treatment with bribes.<sup>160</sup> Absence of a robust support staff leads to violence, drug abuse, homosexual abuses and the very opposite of its underlying objective.
- **Correctional Officers:** In recent times, the theory of converting prisons from custodial to correctional institutions has been propounded. For achieving that, prison administrations are required to have a special panel of correctional staff, including: welfare officers, psychologists, lawyers, counselors, social workers, among others.<sup>161</sup> The Model Prison Manual, 2016, establishes the criterion of one correctional officer for every 200 inmates and one psychologist/ counselor for every 500 inmates.<sup>162</sup> Disappointingly, Uttar Pradesh and West Bengal despite having a population of large prison inmates, has sanctioned only a handful of correctional officer posts. Correctional homes in West Bengal have a total of 21 discipline officers, 18 welfare officers and 6 psychiatrists. The number is significantly low when compared with the available inmate population in prison across the state.
- **Medical staff and officers:** The Model Prison Manual also mandate the prisons to appoint at least one medical officer for every 300 prison inmates. Yet, the same has not been

<sup>158</sup> [https://www.mha.gov.in/Division\\_of\\_MHA/Women\\_Safety\\_Division/prison-reforms](https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms)

<sup>159</sup> India Justice Report 2020 (IJR) <https://www.tatatrusters.org/Upload/pdf/ijr-2020-overall-report-january-26.pdf>.

<sup>160</sup> C.S. Chakravarthy, “Prisoners and Human Rights in India- An Analytical Study” [2015] ISLJ, 41.

<sup>161</sup> IJR, *supra* note 159.

<sup>162</sup> Model Prison Manual, 2016, <https://www.mha.gov.in/sites/default/files/PrisonManual2016.pdf>.

followed up in the Uttar Pradesh and West Bengal. Data suggests that vacancies for medical staff are as high as 48.1% in Uttar Pradesh. Also, medical officers are short by 24.2%<sup>163</sup> in UP. West Bengal only has 39<sup>164</sup> full time medical officers across all correctional homes in the state.

- **Delay in trial:** Delay in trial is another major problem that the prisons across Uttar Pradesh and West Bengal are facing. We all know, ‘justice delayed is justice denied’, but the implementation of the same is rarely seen. Both the states have high number of undertrials as detainees and the number keeps on rising every year.
- **Insufficient food and adequate clothing:** Despite sufficient amount of budget allocation, almost all the prisons throughout the states of West Bengal and Uttar Pradesh fail to provide sufficient foods and adequate clothing to the inmates.

## 4.2 State-specific data:

### 4.2.1 Sanctioned strength and actual strength in correctional homes in Uttar Pradesh

State of Uttar Pradesh	Available Data <sup>^</sup>
Number of Prisons	72
Total capacity of Prisons	60340
Available capacity in Central Jails	7769
Available capacity in District Jails	51057
Available capacity in Sub-Jails	306
Total Inmate Population	101297
Occupancy rate in prisons all over the State	167.9%
Total number of Convicts	6253
Total number of Under trials	73418
Available capacity in Women Jails	420
Occupancy rate in Women Jail	52.14%
Number of Women Prisoners in all Jails (except women jails)	138.38%
ber of foreign convicts	142

Data as on 31<sup>st</sup> December, 2019 by NCRB.<sup>165</sup>

### 4.2.2 Sanctioned strength and actual strength in correctional homes in West Bengal

State of West Bengal	Available Data
Number of Prisons	59
Total capacity of Prisons	21772
Available capacity in Central Jails	13746

<sup>163</sup> IJR, *supra* note 159.

<sup>164</sup> [http://wbcorrectionalservices.gov.in/organization\\_dir04.html](http://wbcorrectionalservices.gov.in/organization_dir04.html).

<sup>165</sup> National Crime Records Bureau, <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>

Available capacity in District Jails	4289
Available capacity in Sub-Jails	2490
Total Inmate Population	23092
Occupancy rate in prisons all over the State	106.1%
Total number of Convicts	27612
Total number of Under trials	16478
Available capacity in Women Jails	226
Occupancy rate in Women Jail	142.04%
Total number of Foreign convicts	1379
Total number of foreign under trials	576

\*Data as on 2017 by NCRB, as data of 2018 and 2019 is not available for West Bengal.

### Prison in Uttar Pradesh: General Data

#### 4.2.3 Incidents of the jailbreak, escapes from prisons across Uttar Pradesh and West Bengal

##### 4.2.3.1 Incidence of Jail Breaks, Clashes/Group clashes and Firing in jail during the year 2019 in U.P.

Incidents of		
Jail Breaks	Clashes/ Group clashes	Firing
6	0	0

\* Data taken from NCRB, "Prison Statistics in India, 2019"<sup>166</sup>

Deaths and injuries in clashes/group clashes in jails during the year 2019.

Clashes/ Group clashes					
Injured			Killed		
Inmate	Jail Personnel	Total	Inmate	Jail Personnel	Total
0	0	0	0	0	0

Most number of the incidents of Jailbreaks, clashes, group clashes & firing in Jail has been observed by Punjab (27), followed by Madhya Pradesh (26) and West Bengal (15) in the year 2019. Comparatively, Uttar Pradesh has a much lower level of these incidents. Uttar Pradesh observed just 6 incidents of jailbreaks and no cases for clashes/ group clashes and firing were reported.

##### 4.2.3.2 Incidence of Jail Breaks, Clashes/Group clashes and Firing in West Bengal in 2019

	<b>West Bengal</b>
<b>Incidence of Jail Breaks</b>	10
<b>Incidence of Clashes/Group Clashes</b>	5
<b>Incidence of firing in jail</b>	0

<sup>166</sup> <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>.

#### 4.2.4 Data on the number of deaths in prison across Uttar Pradesh and West Bengal

	West Bengal	Uttar Pradesh
Ageing	15	10
Illness	93	383

*The data furnished above is from Prison Statistics India, 2019.*

Due to the non-availability of data from the state of West Bengal in the years 2018 and 2019, the data furnished is of 2017.

##### 4.2.4.1 Data on the number of deaths in prison across Uttar Pradesh and West Bengal

Number of suicides in Uttar Pradesh by hanging	Modes of committing suicide					Number of suicides in West Bengal by hanging
	Poisoning	Self Injury	Inf.	Drug Overdose	Electrocution	
20	0	0	0	0	0	11

In total, 108 inmates committed suicide in prisons across India in 2019. The highest number of cases of suicides was observed by Uttar Pradesh, followed by West Bengal (11)<sup>167</sup>, all of the suicides were committed by hanging.

#### 4.2.5 Data on the number of prisoners suffering from illness and mental illness across Uttar Pradesh and West Bengal

Nature	West Bengal	Uttar Pradesh
Convicts	244	754
Under trials	314	865

#### 4.2.6 Data on Convicts under IPC, and Special and Local Laws in West Bengal and Uttar Pradesh

(As on 31.12.2019)

State	Total Offences affecting the human body	Offences against public tranquility	Total Offences against property
West Bengal	42489	9	294
Uttar Pradesh	23646	6	1370

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

<sup>167</sup> Due to non-receipt of data from West Bengal for the year 2018 & 2019, data furnished for 2017 has been used.

**4.2.6.1 Data on Convicts under Special and Local Laws in West Bengal and Uttar Pradesh (As on 31.12.2019)**

State	Total Offences Against Women-related Acts	Total Offences Against SC/ST-related Acts	Total Arms/ Explosive related Acts	Total Liquor and Narcotics Drugs-related Acts	Other Regulatory Enforcement Acts. Gambling Act
<b>West Bengal</b>	20	0	19	102	0
<b>Uttar Pradesh</b>	50	141	362	784	26

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

**4.2.7 Data on Different types of women inmates in West Bengal and Uttar Pradesh (As on 31.12.2019)**

State	Convicts	Undertrials	Total
<b>West Bengal</b>	78	243	321
<b>Uttar Pradesh</b>	256	0	256

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

**4.2.8. Data on Convicts by Educational Standard in West Bengal and Uttar Pradesh (As on 31.12.2019)**

State	Illiterate	Below Class X	Class X and above but below graduation	Graduate	Holding Tech. Degree/ Diploma	Post Graduate
<b>West Bengal</b>	3449	1874	758	141	10	21
<b>Uttar Pradesh</b>	7954	10634	6259	1964	197	604

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

### 4.3 Condition of prisons in Uttar Pradesh and West Bengal during the Covid-19 pandemic outbreak

Even though the Government issued guidelines on uncompromising Covid-19 testing to block the spread of the virus, the testing was at a low level in many state prisons.<sup>168</sup> Obligatory health protocols were not followed in some districts of Uttar Pradesh which caused an upsurge in the number of cases in the main jails. The numbers of prisoners affected by Covid-19 were quite high in the prisons of Uttar Pradesh due to over-crowding. The Uttar Pradesh government followed the Supreme Court directives to release convicts as well as under-trials, who had been punished or were in custody due for an offence having imprisonment of 7 years or less on 8 weeks parole.

Uttar Pradesh government mandated to keep new prisoners in 14-day quarantine in temporary jails and later only after their Covid-19 test came out to be negative were they allowed to shift in regular jails, where they were put in 14-day quarantine again. In addition to that, all 1.32lakh inmates and staff in UP jails are reported to have been tested for Covid-19. A total of 34 temporary jails were established for the purpose.<sup>169</sup>

Covid-19 has posed a tough job to the prison officials all over India especially the officials of Uttar Pradesh and West Bengal, as these two states have some of the most overcrowded prisons in India.

As per the report of The Hindu on 29<sup>th</sup> July 2020,<sup>170</sup> the major jails in Uttar Pradesh and West Bengal faced the wrath of corona virus positive cases.

- In Ballia District Prison, Uttar Pradesh, there were 225 positive cases as of 29<sup>th</sup> July.<sup>171</sup>
- In Jhansi District Prison, Uttar Pradesh, a total of 120 positive cases were identified as of 29<sup>th</sup> July.<sup>172</sup>
- In Etah District Prison, Uttar Pradesh, a total of 36 positive cases were identified as of 29<sup>th</sup> July.<sup>173</sup>
- In Basti District Prison, Uttar Pradesh, 191 inmates were found COVID positive when a screening took place on 9<sup>th</sup> August.<sup>174</sup>
- In Baruipur Jail of West Bengal, a total of 15 cases were identified as of 29<sup>th</sup> July.<sup>175</sup>
- The West Bengal government also released around 3000 prisoners, on bail or on parole, to decongest the jails during COVID19.<sup>176</sup>

In Uttar Pradesh, 81 prison staff members have been tested positive as of 14<sup>th</sup> September 2020.

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<sup>168</sup> NDTV, Uttar Pradesh Government Orders Aggressive COVID-19 Testing in Prisons Amid Rise In Cases (September 2020), available at: <https://swachhindia.ndtv.com/uttar-pradesh-government-orders-aggressive-covid-19-testing-in-prisons-amid-rise-in-cases-50922/>.

<sup>169</sup> The New Indian Express, *Coronavirus: Uttar Pradesh creates 34 temporary jails for coronavirus lockdown defaulters* (April 2020), available at: <https://www.newindianexpress.com/nation/2020/apr/23/coronavirus-uttar-pradesh-creates-34-temporary-jails-for-coronavirus-lockdown-defaulters-2134255.html>.

<sup>170</sup> Sumant Sen, Naresh Singaravelu, 'Data Overcrowded jails and the COVID-19 contagion' *The Hindu* (July 29, 2020).

<sup>171</sup> *Ibid.*

<sup>172</sup> *Ibid.*

<sup>173</sup> *Ibid.*

<sup>174</sup> 'HOW STATES ARE TACKLING COVID-19 IN PRISONS' *Times of India* (14 September, 2020)

<sup>175</sup> PTI COVID -19: 3,000 inmates released from West Bengal jails <https://www.outlookindia.com/newscroll/covid19-3000-inmates-released-from-west-bengal-jails/1837310>

<sup>176</sup> *Supra* note 174.

#### 4.4 Plight of undertrial prisoners in Uttar Pradesh and West Bengal

According to Prison Statistics India 2015, published by National Crime Records Bureau (NCRB), 67% of the total prisoners in India are undertrials, which is equal to two-thirds of the prison population or 2.8 lakh in numbers.

India has the third-highest number of under-trial detainees in Asia and the 18<sup>th</sup> highest in the world. The State of Uttar Pradesh has the highest number of undertrials (62,669) according to the Prison Statistics India, 2015. According to the report of 2015 by NCRB, out of the 2.8 lakh under trial prisoners, over 55% are Muslims, Dalits and tribal.

As per the fundamental rights guaranteed by the Indian Constitution, under trials are presumed to be innocent until proven guilty. But this is hardly taken care of, as the undertrials are often subjected to physical and psychological torture in prisons.

Besides, if an undertrial is proven not guilty after the completion of the trial, the social stigma attached to prison time compels them to live with burden and discrimination throughout their lifetime.

#### 4.4.1 Data on undertrials across prisons in Uttar Pradesh and West Bengal

##### 4.4.1.1 Data on undertrials by types of IPC Offences

State	Total Offences affecting the human body	Offences against public tranquility	Total Offences against property
West Bengal	7346	138	1900
Uttar Pradesh	41747	379	11437

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

##### 4.4.1.2 Data on undertrials by types of Offences under Special and Local Laws

State	Total Offences Against Women-related Acts	Total Offences Against SC/ST-related Acts	Total Arms/ Explosive related Acts	Total Liquor and Narcotics Drugs-related Acts	Other Regulatory Enforcement Acts. Gambling Act
West Bengal	236	52	464	2458	0
Uttar Pradesh	1130	1092	3223	4658	585

\* Source: Ministry of Home Affairs, Gov. Of India (ON2368) [Due to non-receipt of data of 2018-19 on West Bengal, 2017 data have been used]

#### 4.4.1.3 Percentage of under trial prisoners by duration of Confinement as on 31<sup>st</sup> December, 2019

Timeline	West Bengal in %	Uttar Pradesh in %
Up to 3 months	42.1	31.2
3 to 6 months	20.2	20.5
6 to 12 months	15.5	16.1
1 to 2 years	9.7	13.9
2 to 3 years	6.0	9.2
3 to 5 years	4.7	6.2
Above 5 years	1.8	2.9
Total	100	100

#### 4.4.1.4 Number of under trial Prisoners by duration of Confinement as on 31<sup>st</sup> December, 2019

	West Bengal Data available till 2017			Uttar Pradesh		
	Male	Female	Total	Male	Female	Total
Up to 3 months	6495	441	6936	22014	906	22920
3 to 6 months	3174	152	3326	14407	641	15048
6 to 12 months	2458	96	2554	11321	492	11813
1 to 2 years	1504	94	1598	9717	457	10174
2 to 3 years	936	58	994	6479	273	6752
3 to 5 years	715	52	767	4419	150	4569
Above 5 years	285	18	303	2098	44	2142
Total	15567	911	16478	70455	2963	73418

### 4.5 Prison laws in India

#### Prison reforms prior to the independence:

##### 4.5.1.1 Lord McCauley Commission Report, 1835

*“This report was prepared by Lord McCauley, the then Law Member of the Supreme Council of India. In this report, Lord McCauley expressed the idea that ‘the best criminal code can be of very little use to a community unless there be good machinery for the infliction of punishment.’ This was the ideological cornerstone upon which the prisons in those days were based. The abolition of outdoor labor, a general introduction of indoor work, the inauguration of a separate system, better classification of convicts, careful separation of untried prisoners, the institution of central or*

*convict persons and the regulation of prison system, generally by the employment of inspectors of prisons were the main recommendations of this report.”<sup>177</sup>*

#### **4.5.1.2 Commission of Jail Management and Discipline, 1864**

*“A second committee was appointed in 1864 to reconsider the whole question addressed by the first committee. Sir John Lawrence’s examination of the condition of the jails in India led Lord Dalhousie to appoint this Commission of Jail Management and Discipline. The British regime was only interested in the prison from the point of view of administration and discipline. This committee made a specific recommendation regarding the accommodation, improvement in diet, clothing bedding, and medical care of the prisoners and for the appointment of Medical Officers in jails. This commission fixed the required minimum space for one prisoner as 54 sq. ft. and 640 cu. ft. The commission also recommended the separation of male prisoners from females and children from adults.”<sup>178</sup>*

*Prisoner’s Act, 1894 was enacted to bring uniformity in prisons throughout India. “This Act, as it is, based on deterrent principles concerned more with prison management than with the treatment of the prisoners and gave more consideration to prison offences and punishments than to their effect.”<sup>179</sup>*

The Prison’s Act, 1894, enacted on 22<sup>nd</sup> March 1894, is one of the oldest pieces of legislation in India. The Act lacks the contemporary approach which is to treat the prisoners on humanitarian grounds to change their mind and behavior and prepare them to be responsible citizens. The Act has more of a colonial approach and promotes punitive and disciplinary measures for the prisoners.

#### **4.5.1.3 The Indian Jail Committee, 1919-20**

This committee was formed to study the problems of prison management and administration that was present at that time. This committee report was treated as a turning point in the prison reforms in the country. Through this report, the committee tried to shrug off the age-old concept of prison administration and promoted the idea of a new outlook towards it. For the first time, reformation and rehabilitation of offenders were considered as the objective of the prison administration. The committee also condemned the presence of children in the prisons along with the adults and proposed forming children’s court and juvenile centers. But unfortunately, the recommendations of this committee were never implemented under some pretext or other.

#### **4.5.2 Prison reforms post-independence**

Two of the most important committees formed post-independence for jail reforms in India are – The Mulla Committee and Justice V R Krishna Iyer Committee.

##### **4.5.2.1 Recommendations of Mulla Committee**

- The Government of India set up a committee on Jail Reforms headed by Justice A. N. Mulla in 1980. The committee submitted its report in 1983.
- The committee had proposed several recommendations of which the notable is stated

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<sup>177</sup> West Bengal Correctional Services, <http://wbcorrectionalservices.gov.in/history04.html>

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

below:

- Prisons being a State subject, the Centre have little control over it. As a result, it should be brought into the Concurrent List so that the Central Government can have some say in it.
  - Government should frame National Policy on Prisons.
  - A permanent National Commission on Prisons should be established by the Government, which should submit its report to the Parliament annually.
  - A Department of Prisons and Correctional Services should be set up in every State and Union Territory.
  - A well-organized prison cadre should be developed by the Government.
  - Research in the field of Criminology and Penology should be encouraged and the same should be studied to determine the emerging patterns of crime in the country.
  - Undertrial prisoners should not rot in jail and there should be a procedure for speedy trial and a simplified bail process.
- 
- Alternatives to imprisonment such as community service, payment of compensation to the victim, forfeiture of property etc. were suggested by the committee to the Government.
  - Living conditions in the prisons should be improved and should be compatible with human dignity in all aspects such as accommodation, sanitation, hygiene, food, clothing, medical facilities etc.
  - Prisoners should be provided with adequate opportunities for education and other skill development options. Stress should be given towards changing the behavior and mentality of the prisoners so that the required behavioral change comes into them.
  - Payment of fair wages to the prisoners for the work they do inside the prison and other incentives for leaves, remissions and premature release of the convicts for improving behavioral change in them should be encouraged.
  - Children (below the age of 18) cannot be sent to prison. There should be separate institution meant for them where care should be taken for their education, mental development, training and rehabilitation.
  - Young offenders (between the age of 18 and 21) shall not be kept in prisons meant for adult offenders.
  - There should be proper arrangements for mentally ill prisoners.
  - Prisoners who are convicted of non-violent socio-economic agitations for public cause should be kept in the prisons along with other offenders.
  - Voluntary participation of the community in prison programs should be encouraged by the Government.
  - Government should select eminent public-men who should visit the prisons and give their independent report to the appropriate authorities.

#### 4.5.2.2 Recommendations by Justice V R Krishna Iyer committee on Women Prisoners:

- The committee, under the chairmanship of Justice V R Krishna Iyer, submitted the report in 1987. The notable recommendations as per the report are stated below:
  - There should be necessary provisions to restore the dignity of women even if convicted under the criminal code. Government should make use of all possible material, moral and spiritual resources for the purpose.
  - Since women are a marginalized group, they are vulnerable to exploitation even inside the prison. So, there should be separate institutions for women offenders. And the staff for these institutions should comprise of women employees only.
  - The committee emphasized the need for security, discipline, holistic programmes, adequate standards of prisons, and human rights, etc., because all these play a significant role in preventing women offenders from psychosis and neurotic disorders.
  - The trial and bail processes for unconvinced women should be fast accompanied with facilities for women offenders to meet their loved ones even during the trial.
- Women prisoners experience helplessness in comparison to their male counterparts in defending themselves in court. So, the government should provide free legal aid to all women offenders.

#### 4.5.2.3 Recommendations under BPR&D

The committee under BPR&D was formed by the Government of India, in 2005. This committee used the reports of Justice Mulla Committee and Justice V R Krishna Iyer Committee and brought in some additional recommendations. This committee also drafted the *National Policy on Prison Reforms and Correctional Administration, 2007*.

- This committee came up with some novel recommendations such as providing the prisoners with the facilities of aftercare and rehabilitation, appointing officers of legal aid for the prisoners etc.
- Prisons exist at three levels in India – Taluk level, District level and Zonal/Range level and jails at these levels are called Sub Jail, District Jail and Central Jail respectively.
- There were 1350 jails in the country as of 31<sup>st</sup> December 2019, of which 617 are Sub Jails, 410 are District Jails, 144 Central Jails, 86 Open Jails, 41 Special Jails and 31 Women Jails.

#### 4.6 Reformation and rehabilitation of criminals

Reformation or rehabilitation of the criminals is achieved through various techniques. The most effective of those are as follows:

**Probation:** The word probation is derived from the Latin word ‘probare’ meaning ‘to test’ or ‘to prove’. Probation is an opportunity given to the prisoners to help them adjust themselves to the normal society coming out from the isolation in the prisons.

The **Central Correctional Bureau** observed the year 1971 as “Probation Year”.

Probation attempts to socialize the criminals by helping them to earn his/her livelihood and helps

them to bring in such social habits that are necessary for leading the life of a responsible citizen. The Probation of Offenders Act, 1958 contains elaborate provisions relating to probation of offenders which are made applicable throughout the country. The Act provides four different modes of dealing with youthful and other offenders in lieu of sentence subject to certain conditions.

These include:

- Release after admonition.<sup>180</sup>
- Release on entering a bond on probation of good conduct with or without supervision, and on payment by the offender the compensation and costs to the victim if so ordered, the courts being empowered to vary the conditions of the bond and to sentence and impose a fine if he failed to observe the conditions of the bond.<sup>181</sup>
- Persons under 21 years of age are not to be sentenced imprisonment unless the court calls for a report from the probation officer or records reasons to the contrary in writing.<sup>182</sup>
- The person released on probation does not suffer a disqualification attached to a conviction under any other law.<sup>183</sup>

It should be noted that the provisions of the Probation of Offenders Act, 1958 are not only for the juveniles but also for the adults.

**Parole:** Parole is the selective release of the prisoners for the purpose of socializing the prisoners as well as helping them in rehabilitation. It is one of the most debatable devices for reducing pressure on prison institutions. It is a legal sanction that allows the prisoners to get out from the prisons for a temporary period on some conditions and report back to the prison after the termination of the parole period. The parole period may start at any time after completion of the one third of the term of his imprisonment but before his final discharge.

The main object of the parole as stated in the Model Prison Manual is –

- To enable the inmate to maintain continuity with his family life and deal with family matters.
- To save the inmate from the evil effects of continuous prison life.
- To enable the inmate to retain self-confidence and active interest in life.<sup>184</sup>

**Furlough:** It is another reformatory tool and is not same as parole. The prisoner must be granted the opportunity of furlough periodically without any particular reason. The object behind this reformatory tool is to help the prisoner retain his/her ties with the family and get a periodical relief from the negative effects of the prison.

**Open Prisons:** The concept of open prison was inspired from the Anglo-American developments of the correctional field. The Indian penologists were convinced that the system is quite effective in curbing the problems of Indian prisoners and in the reformation. The whole purpose behind this concept of open prison is to reform the prisoners in such a way so that they do not resort back to crimes after getting discharged from the prisons.

The State of Uttar Pradesh was first to set up an open-air camp attached to Model Prison at Lucknow in 1949. Other States, like Andhra Pradesh, Assam, Gujarat, Punjab, Kerala etc. have also set up open-air camps.

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<sup>180</sup> Section 3, The Probation of Offenders Act, 1958.

<sup>181</sup> Section 4, The Probation of Offenders Act, 1958.

<sup>182</sup> Section 6, The Probation of Offenders Act, 1958.

<sup>183</sup> Section 12, The Probation of Offenders Act, 1958.

<sup>184</sup> Bhikhabhai Devshi V. State of Gujarat, AIR 1987 Guj.136.

**Remission:** Remission is granted to the prisoners on the basis of the good works done by them as well as their good conduct inside the prison. The sentences of the prisoners are reviewed time to time according to the rules and in many cases the prisoners are released before time if they satisfy the prescribed conditions.

- Further, the psychological guilt and fear that common man associates with the correctional homes and its inmates needs to be changed. They must be looked upon as humans who have been charged with commission of a crime and are under reformation. They should not be treated with hatred and looked down and most importantly segregated and pushed away as the same does more harm than good.

#### 4.6.1 Supreme Court on Prison Reforms

In 2018, the Supreme Court appointed Justice Amitava Roy (retd.) Committee, constituting of three members to recommend reforms in the existing prison system (administration and management) in India. This order was issued by a three-judge bench consisting of Justices Madan B Lokur, Abdul Nazeer and Deepak Gupta in a *suo motu* writ petition in Re – Inhuman Conditions in 1382 Prisons.<sup>185</sup> The Court directed the committee to submit its recommendation on a priority basis on mainly three issues<sup>186</sup>:

- Implementation of the Guidelines issued by the Ministry of Home Affairs in the Model Prison Manual, 2016.
- Implementation of the Parliamentary Committee report ‘Women in Detention and Access to Justice’.
- Review the two training manuals for prison personnel released by the Bureau of Police Research & Development.

#### 4.6.2 Justice Amitava Roy (retd.) Committee had been appointed by the Supreme Court for recommendations for prison reforms.

**Following are the recommendations of the committee regarding overcrowding:**

**Speedy trial:** Speedy trial is one of the best ways to curb the problem of overcrowding in Indian prisons.

**Lawyer to prisoner ratio:** The lawyer to prisoner ratio should be 1:30 i.e. there should be at least one lawyer for every thirty prisoners. Unfortunately, that is not the case at present.

**Special courts:** Special fast-track courts should be set up to deal exclusively with petty offences which have been pending for more than five years. In addition, the accused persons should be released on a Personal Recognizance Bond, who are charged with petty offences and those granted bail but are unable to arrange surety.

**Avoid adjournment:** When the witnesses are present, adjournment should not be granted.

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<sup>185</sup> Krishnadas Rajagopal, “Supreme Court panel recommends several prison reforms”, The Hindu (Feb. 2020) <https://www.thehindu.com/news/national/supreme-court-panel-recommends-several-prison-reforms/article30746675.ece>.

<sup>186</sup> IAS Gateway, “Supreme Court Panel Recommends Several Prison Reform” [Shttps://iasgateway.com/supreme-court-panel-recommends-several-prison-reforms/](https://iasgateway.com/supreme-court-panel-recommends-several-prison-reforms/)

## Key Recommendations:

- De-crowding prisons: Supreme Court while constituting the Committee had acknowledged that “overcrowding is a common bane in the under-staffed prisons. Both the prisoner and his guard equally suffer human rights violation. The undertrial prisoner, who is yet to get his day in court, suffers the most, languishing behind bars for years without a hearing”.<sup>187</sup> The committee suggested that conducting speedy trials is the only available solution to this issue.
- Provisions for Phone call: Every new inmate should be permitted a free phone call each day to facilitate his family to see him amidst his first week in jail.<sup>188</sup>
- Availing the facilities of video-conferencing for trials: “Physical productions in courts continue, which however remains far below the aspired 100% in several States, mainly because of unavailability of sufficient police guards for escort and transportation”, the report stated. Thus, the committee has advocated for the use of video-conferencing for trials to resolve over-crowding.
- Food quality: Committee in its report described the preparation of food in kitchens as “primitive and arduous”. The kitchens are crammed and unsanitary and the diet has remained unchanged for years now. Therefore, the Committee suggested the use of modern cooking facilities, canteens for prisoners to buy essential items.

The committee presented its report in February 2020 and gave several recommendations to deal with these issues. As reported above, the prisons in Uttar Pradesh are still dealing with these issues but, the implementation of the above recommendations will only be available once the NCRB releases its 2020 report. Uttar Pradesh is lacking in most of the issues except food. In 2018, Uttar Pradesh Home department had issued an order mandating the use of packed food in the canteens of the jails of Uttar Pradesh. As per the data available, the order was passed following discoveries of irregularities in the sale of food items. Consequently, a new menu was proposed which mostly consists of packaged and branded food items.<sup>189</sup>

### 4.6.3 The Indian Judicial system has played a crucial role in ensuring safety and security of the prisoners through many notable decisions. Following are most important of them –

#### *Sunil Batra v. Delhi Administration*<sup>190</sup>

In this judgment the apex court held that the prisoners are also entitled to the fundamental rights that are consistent with his imprisonment.

- In this regard the Supreme Court held that – “Fundamental rights do not flee the persons as he enters the prison although they may suffer shrinkage necessitated by incarceration.”
- The apex court also held that – “Infliction may take many protean forms apart from physical assaults. Pushing the prisoner into a solitary cell, denial of necessary amenity and more

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<sup>187</sup> Prison Statistics India, 2019.

<sup>188</sup> The Leaflet, “Overcrowding in prisons, Supreme Court seeks reply from Centre” (February 2020) <https://www.theleaflet.in/overcrowding-in-prisons-supreme-court-seeks-reply-from-centre/#>.

<sup>189</sup> Namita Bajpai, “No more chhole bhature, samosa, jalebi in Uttar Pradesh jail canteens”, The New Indian Express (Dec. 2018) <https://www.newindianexpress.com/nation/2018/dec/24/no-more-chhole-bhature-samosa-jalebi-in-uttar-pradesh-jail-canteens-1915939.html>.

<sup>190</sup> 1980 AIR 1579, 1980 SCR (2) 557.

dreadful sometimes, transfer to a distant prison where visits or society offriends or relations may be snapped, allotment of degrading labour, assigning him to a desperate or tough gang and the like, may be punitive in effect. Every such affiliation or abridgment is an infraction of liberty or life in its wider sense and cannot be sustained.”

### ***Re-Inhuman Conditions In 1382, 2016***<sup>191</sup>

In this matter attention to over-crowding in prisons was drawn and directions were given by the apex court which would assist in reducing the prison population and generally improve the living conditions of prisoners. The sum and substance of the judgment is that the prisoners are no less human than others and therefore must be treated with dignity. The under-trial review committee should work along with the Secretary of the DLSC to take appropriate steps to seek release of eligible under trial prisoners and the meeting of the committee should take place every quarter starting March 31, 2016.

### ***Re-Inhuman Conditions In 1382 vs. State of Assam***

In this judgment application for directions was filed in which it was prayed that prisoners sentenced to death by any court have a right to be treated at par with other convicted prisoners and should be provided all similar facilities as are provided to other prisoners.<sup>192</sup>

**After conducting field-research we are of the opinion that the following suggestions will improve the conditions of Correctional Homes in the State of West Bengal and Uttar Pradesh:**

- There should be institutional publication of every correctional home in which the inmates should be allowed to express their views freely.
- Media should be allowed inside the prisons on a regular basis so that the views of the prisoners and their conditions can be brought to the larger audience.
- In the case of defaults in paying fines, there should be provision to pay the fine in installments.
- Effective legal service should be provided in every prison to the prisoners to guide them in legal matters.
- There should be special care given to the pregnant prison inmates and proper medical facilities should be given to them. Lady Doctors should be appointed for them.
- Jail authorities should be transferred regularly so that they do not get involved in corrupt and illegal practices in the prisons.
- Every District Judge should visit the prison that fall in his jurisdiction so that the problems and conditions of the prisons can be kept check.

### **Suggestions Given by Mr. Anand Kumar, DG of Jails, Uttar Pradesh**

The Government must ensure to fill staff vacancies on an urgent footing.

- The information on some of the vulnerable groups — transgender prisoners and person with

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<sup>191</sup> Re-Inhuman Conditions In 1382, AIR 2016.

<sup>192</sup> Re-Inhuman Conditions In 1382 vs. State of Assam, AIR 2018.

disability is missing. The statistics on prison inmates should provide the information on their portal.

- Prisoners should be classified according to their level of risk. Lower risk groups require less security and hence can be controlled on a lower security basis.

#### 4.6.4 Prison Inmates Trained Under Different Vocational Trainings in West Bengal and Uttar Pradesh

State	Agriculture	Carpentry	Tailoring	Weaving	Making of Soap and Phenyl	Handloom	Others	Total
West Bengal	3 3 0	24	201	61	39	0	767	1422
Uttar Pradesh	3 5	115	306	309	119	0	4138	5022

#### 4.7 Conclusion

To make sure good discipline and administration in the correctional homes, an initial classification must be made to separate male inmates from female inmates, the young inmates from the adults, convicted from the under-trial prisoners, civil from criminal prisoners and the casual from habitual prisoners. Prevention of crime and reformation of the offenders is the main object of prison labour. The other main object was to engage them to such works so as to prevent mental damage and to enable them to contribute to the cost of their maintenance themselves. Under trial prisoners constitute a majority of population in the correctional homes. The under-trial prisoners are presumed to be innocent and most of them are discharged or acquitted after immeasurable physical and mental loss already caused to them by detention due to delay in investigation and trial. This in one hand adds to the pressure of overcrowding of prisons and on the other hand punishes the inmates without sufficient grounds.

The courts have in recent years is becoming more active in ensuring human rights to the prisoners and in that matter interfered with the exercise of powers of superintendents of jails in respect of measures for safe custody, good order and discipline etc.

Research in the fields of criminology is still in its infancy and it still needs a lot of development in India. The immediate need of research is to evaluate the existing methods of treatment and to suggest new and more humane approaches to the prevention of crime. The value of probation, open prisons, parole and home leave as reformatory measures need to be established more strongly in the Indian prisons. The obstacles in prison reforms are resource allocation, the deterrent functions of punishment, the notion of rehabilitation, and internal control.

The Supreme Court from time to time has highlighted on the importance of speedy trial as the essence of criminal justice delivery system. The prolonged delay in trial has stalled the justice delivering process, punishing those under trial more than what they are convicted for.

Considering the Importance of Human Rights Law and its implementation at the correctional homes, prisoners must be availed an opportunity to mental reformation and character-building opportunities as opposed to physical torture and violence. There is a reason we no longer call out correctional homes as prison, primarily because the final aim is not punishment but reformation.

## **5.0 Meeting The Objectives Of The Report Through Recommendations On Bridging The Gaps In Criminal Justice Delivery And Addressing Capacity Building**

The research gave an opportunity to address multiple issues that are clogging different wings of the justice delivery mechanisms. Extensive field research for primary data matched the secondary research on available data backed by strong doctrinal approach. In the process, members of the bench, court officer, police, academics working in the field of law and wide gamut of people from general works of life were consulted and interviewed. After considerable research, existing gaps in the criminal justice delivery mechanisms in Uttar Pradesh and West Bengal were identified and recommendations made to address those gaps.

### **5.1 Identifying the existing gaps in the Judiciary mechanism of Uttar Pradesh and West Bengal**

- **Gap identified: Existing vacancy of judges across district courts in Uttar Pradesh and West Bengal.**

The vacancy of judges in the district courts of Uttar Pradesh and West Bengal, along with the other parts of India is highest of all times. In Uttar Pradesh the sanctioned strength of sitting judges is 3,204, whereas the actual strength of sitting judge is 1,344 contributing to 42% of vacancies.<sup>232</sup> In West Bengal the data with respect to vacancy has not been made public.

- **Recommendations and methodology of addressing the vacancy in the courts:**

It is suggested that the filling up of the staggering vacancies at the courts in district level should be the first priority to achieve. The present number of pending cases cannot be decided with the present number of sitting judges. There is a need for putting in place proper mechanism that can be effectively monitored by respective high courts. This should also address issues like transfers, promotions and demotion of judges and how respective vacancies are filled post such changes. It is also suggested that *Section 11 CrPC* be amended to include retired High Courts within 2 years of retirement for fixed tenure of 3 years to preside over Special Courts to ease of pendency with immediate effect.

- **Gap identified: Huge pendency of cases at the courts**

It has been noticed that due to paucity of sufficient judges and other reasons there are huge pendency of cases in both Uttar Pradesh and West Bengal. At present there are more than 69,60,284 and 18,71,737 cases pending respectively. The large number of pendency can be attributed to the huge vacancies at the courts in the district level. Also, the unscheduled transfers of judicial officers from one court to the other often delays adjudication since the officer needs time to adjust thus, creating additional pressure on the working judicial officers in such courts.

The Allahabad high court and Calcutta High court have huge pendency of criminal matters across various segments. The same is highlighted in the table below:

### Pending criminal cases in Allahabad High Court, Uttar Pradesh

Different pending matters	Number of pending cases
Writ petition	15,332
Criminal revision	36,605
Bail applications	22,904
Criminal appeals	1,79,690
Death sentence reference	44
Contempt	93
Misc. criminal applications	1,15,423
<b>Total criminal matters pending at Allahabad Bench</b>	<b>3,68,571</b>

### Pending criminal cases in Calcutta High Court, West Bengal

Different pending matters	Number of pending cases
Criminal revisions	23,054
Bail applications	5,136
Criminal appeals	11,342
Death sentence reference	12
contempt	86
<b>Total criminal matters pending at Principal Bench, Appellate side</b>	<b>42,537</b>

- **Recommendations and methodology of addressing the gap of pendency and vacancy in the courts:**

Based on this study it is suggested that the High courts in Uttar Pradesh and West Bengal must emphasize on creation of new Division Benches across various parts of the state. The authority of High Court, if decentralized through divisional benches across the state will ensure litigants get easier access to justice and will relieve the burden on the respective High courts.

The option of increasing judge strength beyond sanctioned strength in High Courts is not an option as the same will call for major infrastructural and administrative reforms starting from capacity to house judges, litigants and lawyers and much more. At this point if the sanctioned strength of the bench can be met that will contribute positively and effectively address the vacancies in courts thus also address the pendency of cases.

Amendments of CrPC:

- It has also been suggested that Section 11 CrPC be duly amended to include retired High Courts within 2 years of retirement for fixed tenure of 3 years to preside over Special Courts to ease of pendency with immediate effect.
- Amend Section 53 IPC to include Community Service as a punishment to supplement present provisions and enable consistency in pronouncement of penalty.
- **Gap identified: Improper training of judicial officers due to poor infrastructure and lack of practical exposure.**

While conducting round tables and interviews across the districts of Uttar Pradesh and West Bengal the question on the competency of appointed judges and magistrates at the district levels kept on repeating. The Judicial Training Academy across both the states lacks infrastructure to provide real time practical exposure to the newly appointed judges.

- **Recommendations and methodology of addressing the gap of competency of appointed judicial officers.**

It is suggested that examinations for selecting candidates for the position of magistrates must be more practical and skill based rather than just based on theory. Fresh law graduates are not best suited to apply for the judicial examinations rather must go through practical litigation experience and understand the nuances and procedures of court before they are declared fit for judicial recruitment examination. There must be a mandate requiring minimum number of years of law practice experience required before a candidate can apply for selection as a magistrate. The training should include rigorous practical exposure, maybe by letting them sit through different courts at all the levels up to the High Court. Finally, there should be mandatory provisions for practical training with a sitting judge after qualifying as a judge in order for them to understand the justice delivery system efficiently and in a practical manner.

Training on use of basic information technology is needed both for members of the Bench and Bar. It is suggested that for judges this is included in their curriculum in the academy itself so that the judges are not only able to manage their files and folders digitally but also, they can conduct their own online case-law research from digital libraries. Due to the COVID 19 pandemic, with increasing use of virtual courts it is important that the judges are well-versed with the digital connectivity support. Hence it is suggested that they are trained on video-conferencing tools of virtual courts so that not only can they hear the pleadings but also, they are able to share documents, access shared documents and use the system with ease.

- **Gap identified: Inaccurate and inconsistent data being uploaded on NJDG.**

It was reported by many court officers that the judicial data being uploaded on the NJDG from the district courts are inconsistent and may be erroneous. There exists no mechanism to account for the proper administration and functioning of district courts when it comes to storing and uploading of judicial data. This needs to be urgently addressed.

- **Recommendations and methodology of addressing the gap of inaccurate and inconsistent data being uploaded on NJDG.**

Based on this study we are of the opinion that there is a need for High courts to deploy task forces monitoring the data storage and upload from the district courts along with the aid by data analysts to look into the pattern of delays in similar cases, and suggest strategies to circumvent the delays in their respective jurisdictions.

- **Gap identified: Huge vacancy of permanent and trained court staffs across district courts.**

There exists huge vacancy of permanent court staffs across the districts of Uttar Pradesh and West Bengal. The limited number of court staff adds burden on the judges since they need to focus on

administrative role thus, compromising their role in justice delivery. Further, the district courts often employ contractual court staffs who lack the basic training and are not accustomed with the functioning of courts.

- **Recommendations and methodology of addressing the gap of huge vacancy and untrained court staffs.**

Based on this study it is suggested that the appointment of permanent court staffs must be a priority along with the appointment of judges. There is a requirement to ensure temporary court staffs are made permanent after the completion of a strict probation period.

- **Gap Identified: Huge adjournments in a criminal matter and lack of accountability**

A criminal matter has to undergo numerous adjournments due to various circumstances and at times on willful deliberation of lawyers and litigants. This in turn contributes to further delay in criminal justice delivery mechanism. The criminal justice procedure lacks accountability to a large extent. If an accused gets acquitted for lack of evidence, no one is answerable in any manner.

- **Recommendations and methodology of addressing the gap of adjournment.**

It is suggested that the number of adjournments that are foreseeable in a case must be pre-decided and allowed accordingly in order to preserve the essential working hours of court. Beyond that the judges should not allow adjournments unless it is an exceptional case. It is also recommended that the 90 days' time to conclude investigation and file report must be strictly adhered to since that's the first step in the process that starts the delay.

Necessary amendment needs to be brought in the CrPC and IPC to make the investigating officer answerable and if the court concludes that the investigation is faulty, the jurisdictional Superintendent of Police should be held accountable.

- **Gap Identified: Use of physical copies for storing court records slows down the process of justice delivery.**

The use of physical copies for storing of court data often slows down the process of justice delivery. Court records, memos and other documents need to be physically segregated and stored within the court rooms creating both space crunch and unnecessary time wastage for their search and presentation at the time of a case.

- **Recommendations and methodology of addressing the gap of proper storing of court records.**

Based on this study we are of the opinion that the process of storing court records must be digitized. The storing of soft copies will essentially curb away the problem of physical space. Further, the court records will be easily accessible and available at the fingertips of the judges and court staffs whenever required.

- **Gap Identified: Improper maintenance of e-court websites due to technologically challenged court staffs**

The websites of districts' e-courts are not properly maintained nor there is the availability of

updated judicial data. Many of the websites even fail to show the name of sitting judges and magistrates. The court staffs employed in the district court are not well versed with technological equipment and resort to pen paper and physical storage of data. Our interviews with judges and lawyers revealed numerous instances the data of a particular date was passed onto with data of other day or not submitted at all.

- **Recommendations and methodology of addressing the gap of improper maintenance of e-court websites and enable technological training to court staffs:**

The E-courts needs to be made fully functional and case details updated regularly so that people at trial court level can access information about their cases through online and mobile phone app access.

- **Gap Identified: Limited Plea-bargaining and alternate dispute resolution**

Alternate dispute resolution (ADR) is an emerging effective alternative to litigation. Interaction with people at large through our round tables and interviews taken we noticed that majority of the litigants and general people are not aware of the resolution through arbitration, mediation and conciliation. The courts at district level do not have proper infrastructure to aid and assist ADR with its functioning. Also, there is dearth of proper trained and qualified ADR professionals across the districts of Uttar Pradesh and

West Bengal. Plea-bargaining is only possible if the client opts for it but there is very limited use of the option.

- **Recommendations and methodology of using ADR as an alternate to litigation.**

It is suggested that ADR must be widely adopted for resolving non-heinous and petty matters as well as family disputes. Matters which require confidentiality are best suited for Mediation / Conciliation mechanism as it considerably involves less number of people, less procedural hence drastically reduces time and money and in sensitive matter takes out the chance of media trials.

There is un-explored opportunity in encouraging accused to opt for plea bargaining (CrPC 265A – 265L) and lingering matters be closed without being contested for long stretches of time. This would also help in reducing number of undertrials as well as over-crowding of correctional homes.

## 5. 2 Identifying the existing gaps in police administration mechanism of Uttar Pradesh and West Bengal

- **Gap Identified: Glaring vacancies in police forces across Uttar Pradesh and West Bengal**

There exists glaring vacancy in the police administration across Uttar Pradesh and West Bengal. The table below<sup>233</sup> showcases the sanctioned strength and the actual strength of police officers.

State	Sanctioned Strength	Actual Strength
Uttar Pradesh	4,14,492	2,85,335
West Bengal	1,40,904	91,923

- **Recommendations and methodology of addressing the glaring vacancies in police enforcement**

It is suggested that the huge vacancies in the police force must be filled systematically and on a priority basis in order to ensure smooth functioning of the police administration.

- **Gap Identified: Over-burdened and undertrained investigating police officers**

The investigating wing of police across the police stations of UP and West Bengal is overburdened with other responsibilities of policing, maintenance of law and order.

Inadequate number of police personnel in both the states since years. With the change in government in UP, efforts to fill the gap is being made but with number of entries increased in a year, there is crowding at the police training schools and colleges. Synergic growth is needed to maintain high quality of training. The officers lack in advanced training in forensic science and latest technology in the core investigation as well as in supportive digital tools.

- **Recommendations and methodology of releasing the burden on investigating officers and improving their quality**

It is suggested that recommendations of Malimath Committee be implemented on urgent basis and investigating officers separated from any other responsibilities of police. The police officers performing investigating roles must also be subjected to rigorous practical training in forensic science, digital forensics, computer science and latest technology apart from law and order related policing training.

Police are overloaded with investigation, on ground officers feel that in the present state of managing different things, an IO can work on only 10 cases a year, this needs to be addressed urgently to make policing more efficient and effective.

- **Gap Identified: Over-worked police officers**

According to Section 18, Model Police Act 2006, "The state government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day; provided that in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond."

However as per the Status of Policing in India 2019 report, Police officers in India work an average of 14 hours daily. The condition is much more critical in Uttar Pradesh and West Bengal, owing to the already existing large vacancies in the police force.

- **Recommendations and methodology of reducing the burden on over-worked police officers**

It is suggested that the filling up of the vacancies in the police department can substantially decrease the existing pressure on the present officers. Further, there may be additional provisions made by the respective state governments for incentivizing the police officers working overtime.

Man-management in police administration especially at the lower and mid-level is poor. With insufficient number of police personnel, it worsens the situation, as a result there are long working hours, delayed promotions, regular refusal of leaves, no weekly day off. Such situation creates tension and tremendous stress and severely affects performance. Immediate need of including Human Resource Development with 360° performance management to address these.

- **Gap Identified: Improper training of candidates in police training institutes across Uttar Pradesh and West Bengal**

Based on the round tables and interviews taken across districts of UP and West Bengal It is suggested that police training institutes across Uttar Pradesh are functioning with a capacity much greater than their prescribed total capacity. This in turn compromises on the quality of training imparted to candidates before the join the police forces. Also, police training institutes lack to provide training related to social legislations, specialized crimes and cyber-crimes.

- **Recommendations and methodology of improving the quality of training of candidates in police training institutes across Uttar Pradesh and West Bengal**

Improper training either due to over-crowding of the police academies compromises on the quality of training imparted to candidates before the join the police forces. Also, police training institutes lack to provide training related to social legislations, specialized crimes and cyber-crimes. In this

regard the existing police training institutes are already training beyond their capacity.

Further, the existing Police institutes do not segregate candidates based on their acumen and capacity; rather subject all the candidates to the similar training and curriculum. Hence there is need for setting up of new and specialized Police training institutes across Uttar Pradesh and West Bengal. The setting up of new specialized training institutes will ensure proper training is imparted with respect to social legislations, specialized crimes and cyber-crimes.

- **Gap Identified: Lack of functional forensic laboratories across Uttar Pradesh and West Bengal**

There is complete lack of proper functional forensic laboratories across Uttar Pradesh and West Bengal. In Uttar Pradesh there are a total of four numbers of forensic laboratories. In West Bengal there exists only one central Lab in Kolkata and one regional Lab in Jalpaiguri. The data related to vacancies in such labs has not been made public in case of Uttar Pradesh. However, in West Bengal the vacancy in the central lab alone exceeds 97 where the sanctioned strength is that of 200.

- **Recommendations and methodology for ensuring proper forensic laboratories across Uttar Pradesh and West Bengal**

It is suggested that immediately the existing vacancies in forensic laboratories across both the states must be filled up and should be brought under the regular check of highest police administrative authorities in the state. Further, there must be establishment of new forensic laboratories across both the states. Specifically, for West Bengal, there may be a forensic lab each at North, South, East and West along with the central lab in Kolkata while in Uttar Pradesh the existing labs be made more functional with new labs set up to make sure there are one lab for two administrative divisions.

Need to increase number of forensic labs.

- a. Uttar Pradesh: Lucknow; Agra; Ghaziabad and
- b. West Bengal: Kolkata and Jalpaiguri.

There should be 10 i.e. 1 in two administrative divisional HQ of UP and 5 in WB. At present there are 4 in UP and 2 in WB with one not functioning properly due to lack of officer strength.

- **Gap Identified: Lack of specialized functional police stations**

In Uttar Pradesh and West Bengal there exists only 2 and 6 numbers of specialized police stations that deal with cyber-crimes and cyber fraud. With the advent of technology and rapid increase in cyber-crimes across both the states the mere number of specialized police station are incompetent to deal with such specialized crimes.

- **Recommendations and methodology for tackling the deficiency of functional specialized police stations**

It is suggested that separate police departments may be set up for cyber-crimes. Over the past few years there has been substantial increase in the occurrence of cyber-crimes across the states of Uttar Pradesh and West Bengal. Thus, there must be setting up an independent cyber department based

on the structure of CID. The department should have its structure right from the Commissionerate and Directorate to synergies work in every police station in districts of the states. Each police station needs to have a dedicated cyber-crime unit with the aim to have dedicated cyber police stations. Typical offenses are through mobile app fraud, banking fraud, Paytm fraud, phishing, etc. Regular training needs to be provided.

- **Gap Identified: Glaring vacancy of women police officers across Uttar Pradesh and West Bengal**

There exists a huge gap in the number of sanctioned of actual female officers working when compared to their male counterparts. West Bengal specifically does not reserve any special seats for women officers and Uttar Pradesh reserves twenty percent out of the entire workforce. The number of women officers in comparison to male officers is substantiated in the table below:

State	Actual strength of police	Actual strength of women police	Percentage of women police
Uttar Pradesh	2,85,540	22,778	7.98%
West Bengal	91,923	7,487	8.14%

- **Recommendations and methodology for ensuring proper representation of women in police forces across Uttar Pradesh and West Bengal**

It is suggested that more number of women officers must be employed and brought into police forces. Women officers are best suited for crimes related to juveniles, social legislations and crime against women. Even the CrPC makes it mandatory for a women officer to execute arrests when the accused is a woman.

- **Gap Identified: Non implementation of the provisions of Zero FIR**

The provisions of ZERO FIR have not been properly implemented in the police stations at Uttar Pradesh and West Bengal. Based on the interviews and round tables involving stakeholders from all works of life, it was evident that police regularly refuse to register FIR on the grounds of jurisdiction. The police officials firmly believe in physical written complaints as formal means, thereby considering complaints through email and other digital means as secondary, therefore not giving such complaints the required attention and efforts.

- **Recommendations and methodology for ensuring proper implementation of the provisions of Zero FIR.**

It is suggested that strict enforcement measures must be brought in place to check the compliance of police officials with registration of FIR and ZERO FIR. The key essence of the recommendations of the Justice Verma Committee is to ensure an FIR may be lodged in spite of the jurisdiction issues at the times of urgency. Thus, proper enforcement mechanism needs to be in place to ensure registration of complaint.

- **Gap Identified: Rampant use of civic police in West Bengal**

There has been significant use of civic volunteers sometimes referred as civic police throughout all districts of West Bengal. The procedure of recruitment and training of such civic volunteers does not abide by any proper legislation. Justice Sanjib Banerjee, then sitting at the Calcutta High Court questioned the competency of West Bengal Government for interviewing more than 875 candidates and recruiting them in a singleday. Justice Banerjee substantiated, that each interview then lasted for less than for ninety seconds and hence raises a serious question on the quality of candidates being selected for the position. The qualification to join the civic police is that of a class 8 pass and hence, brings in serious doubt with regards to the competency of such appointed personnel. Even the Election Commission had suspended the service of all such civic volunteers/police near any polling booth on the election day in the 2021 assembly election of West Bengal.

- **Recommendations and methodology for curbing the role of civic volunteers in West Bengal police force.**

The civic volunteers are neither accountable nor responsible in their duty and largely face allegations of high-handedness and corruption. Often their on-road behaviour results in traffic hazards and cause conflicts with both pedestrians as well as drivers of vehicles. It is suggested that the Civic Volunteers withdrawn with immediate effect and considering that there are number of such civic volunteers serving on road, they be trained and absorbed within the state Home Guards department and regularized as homeguards.

### **5.3 Identifying the existing gaps in the Correctional Homes mechanism of Uttar Pradesh and West Bengal**

#### **5.3.1 Gap Identified: Prisons in Uttar Pradesh and West Bengal have more prisoner than the sanctioned capacity rate.**

The correctional homes across Uttar Pradesh and West Bengal have more prisoners than their sanctioned capacity. Prisons in UP have an occupancy rate of 167 % and Prisons in West Bengal have an occupancy rate of 106%.<sup>193</sup>

- **Recommendations and methodology to tackle the problem of overcrowding in prisons across Uttar Pradesh and West Bengal.**

It is suggested that the capacity of central and district prisons across Uttar Pradesh and West Bengal must be increased wherever necessary in order to house the existing population of prisoners. The overcrowding of the correctional homes is also contributed by the large number of under trial population. Hence efforts must be made to ensure speedy justice to under trials.

**Following are the recommendations of various committees regarding overcrowding:**

**Speedy trial:** Speedy trial is one of the best ways to curb the problem of overcrowding in Indian

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<sup>193</sup> [Welcome to NJDG - National Judicial Data Grid \(ecourts.gov.in\)](https://www.ecourts.gov.in/).

prisons.

**Lawyer to prisoner ratio:** The lawyer to prisoner ratio should be 1:30 i.e. there should be at least one lawyer for every thirty prisoners. Unfortunately, that is not the case at present.

**Special courts:** Special fast-track courts should be set up to deal exclusively with petty offences which have been pending for more than five years. In addition, the accused persons should be released on a Personal Recognizance Bond, who are charged with petty offences and those granted bail, but are unable to arrange surety.

**Avoid adjournment:** When the witnesses are present, adjournment should not be granted.

### 5.3.2 **Gap Identified: Prisons in Uttar Pradesh and West Bengal have huge population of undertrials.**

The number of undertrial prisoners across correctional homes in Uttar Pradesh and West Bengal is significantly higher. The table below shows the number of undertrials in the respective states.

Uttar Pradesh	73055
West Bengal	16,478

### 5.3.3 **Recommendations and methodology to tackle the huge number of undertrials across prisons in Uttar Pradesh and West Bengal have huge population of undertrials.**

Based on this study it is noticed that undertrials constitute a major population of correctional homes and most of the undertrials undergo longer period of detention, at times more than the sentence period of the crime they have been charged with. There must be proper mechanism ensuring speedy trials for the undertrials. Further, there must be a prescribed time limit beyond which an undertrial cannot be detained and must be allowed to either go out on bail or remain under house arrest, or under the supervision of specialized officers entrusted with the duty of undertrials beyond the walls of correctional homes.

### 5.3.4 **Gap Identified: Prisons in Uttar Pradesh and West Bengal lack basic infrastructure and healthcare facilities.**

The correctional homes across Uttar Pradesh and West Bengal lack basic infrastructure facilities with regards to prison staff, medical officers, and psychiatrists. The tremendous vacancy in turn puts great pressure on the present work force and leads to inefficiency in prison administration:

Uttar Pradesh			West Bengal		
Prison staff	Medical officers	Psychiatrists	Prison staff	Medical officers	Psychiatrists

5,774	24.2% vacancy	Data not provided	2,595	39	06
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### 5.3.5 Recommendations and methodology to tackle the existing infrastructure and healthcare issues across prisons in Uttar Pradesh and West Bengal have huge population of undertrials.

There have been many recommendations of reforms of correctional homes which havenot been implemented fully. They need to be implemented if we want the correctionalhomes to function effectively. Some of the noteworthy recommendations came from:

1. Mulla Committee;
2. Bureau of Police Research and Development;
3. Justice Amitava Roy Committee.

The authorities at correctional homes must be held accountable for their acts of omissions and may be awarded with incentives for proper adherence to the rules and regulations.

### 5.3.6 Gap Identified: Vices and violence in the correctional homes

Undertrials and new prisoners are often subjected to prison vices and torture of inmates and correctional home administration. Violence within the correctional home premises are frequent, main targets are the undertrials however convicts are also subject to such bullying and physical violence. There is often a criminal syndicate operating in the jails. Women prisoners are vulnerable to sexual abuse by male inmates as well as by jail staff through syndicates working from within the correctional homes system as such. The inmates often resort to suicide as a means to escape for such brutalities. The details of suicide across both the state based on the recent available data are described in the table below:

State	Number of suicides
Uttar Pradesh	20
West Bengal	11

### 5.3.7 Recommendations and methodology to tackle the problem Vices and violence in the correctional homes

It is suggested that the inmates in a correctional home must be segregated and kept separate based on the nature of crime, years of imprisonment and other relevant factors. Undertrials and new inmates must be kept separate from convicts serving prison sentence for longer durations. Further, the prison administration of any correctional homes must be changed routinely over a period of years to ensure prison vices are checked and kept at minimum.

The social and lifestyle reforms that were brought in Tihar Jail in New Delhi in 1995 by IG Prisons Dr. Kiran Bedi, where these problems were in peak with 9,500 prisoners brought in positive results. The concept of open-air prisons and remissions of tenure due to good conduct must be encouraged

for inmates who show signs of improvement and reformation.

CCTV should be installed in positions that cannot be tampered with and mobile phone jammers should be placed near the correctional homes so that the crime syndicates are unable to communicate with outside the prison except through authorized channels.

### **5.3.8 Gap Identified: Lack of healthcare facilities for women along with improper sanitation provisions.**

The correctional homes across Uttar Pradesh and West Bengal lack basic provisions for health care and sanitation. More than 50% of flush based toilets across the correctional homes are still not constructed.<sup>194</sup> According to the India Justice Report 2020 there exist no special arrangements for pregnant women and breastfeeding mothers across the correctional homes.<sup>195</sup>

### **5.3.9 Recommendations and methodology to tackle the problem of prison healthcare facilities for women and sanitation provisions.**

It is suggested that the recommendations by Justice V R Krishna Iyer Committee on Women Prisoners, recommendations of Mulla Committee must be strictly adhered to and correctional home authorities must be held accountable for any omissions on their part.

#### **Some of the recommendations include:**

Since women are a marginalized group, they are vulnerable to exploitation even inside the prison. Hence, there should be separate institutions for women offenders and the staff for these institutions should comprise of women employees only.

The Committee emphasized the need for security, discipline, holistic programmes, adequate standards of prisons, and human rights, etc., because all these play a significant role in preventing women offenders from psychosis and neurotic disorders

The trial and bail processes for unconvinced women should be fast accompanied with facilities for women offenders to meet their loved ones even during the trial.

Women prisoners often experience helplessness in comparison to their male counterparts in defending themselves in court. Hence, the government should make sure that the free legal aid can be accessed by all women offenders.

### **5.4 Steps to ensure capacity building measures to synergies all the pillars of criminal justice delivery system with the general public who are the beneficiaries**

Engaged discussions through one-to-one level interviews as well as through round-tables and seminars were held with members of the Bar and Bench and Police functionaries at all levels. Discussions were also held with academics working on legal issues as well as people from different sections of the society from different occupations. The aim was to address the problems

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<sup>194</sup> Indian National Bar Association, "State of Hygiene in Indian Prisons", <https://www.indianbarassociation.org/wp-content/uploads/2013/02/STATE-OF-HYGIENE-IN-INDIAN-PRISONS.pdf>.

<sup>195</sup> India Justice Report 2020 (IJR) <https://www.tatatrusters.org/Upload/pdf/ijr-2020-overall-report-january-26.pdf>.

that have plagued the criminal justice-delivery system in the two states with pendency, delays and a feeling of justice failed.

These engagements have brought out a number of issues that need to be addressed to build up capacity in both the service provider and the general public as the user of the service who would be the beneficiary or just a frustrated user, depending on how these can be addressed. General public, a key element in the criminal justice delivery system since it's the beneficiary and if the system fails to work properly, is often overlooked and neglected. For the general public to draw the benefits of a properly working police force, it needs to know its rights and exercise them in appropriate manner.

The suggestions on capacity building were mainly related to police administration and general public interface, hence this is the area of main focus in recommendations on capacity building.

#### **5.4.1 Preparing police administration for interfacing better with public**

- There is significant trust deficit in between police and general public because of the strong archaic feudal mindset in police hierarchy. This can be addressed through regular capacity-building drives and joint programmes that are existing but not given importance. It is important to engage all levels of police, right from constables to officers, senior officers and superior officers. Proper implementation of SMART policing is essential and completely missing hence needs to be part of the capacity- building drive within the police force.
- Conduct joint capacity-building sessions to sensitize police on women related issues like Prevention of Sexual Harassment (POSH). This may be done jointly through NGOs specializing in this area with a focus to make sure there is no mis-behaviour of police officers towards not just women but also juveniles, people from SC and ST communities, minorities, and LGBT community.
- There is a tendency of police stations to refuse complaints including filing of FIRs under one pretext or the other. Capacity-building drives are necessary within the police stations that emphasize on acceptance of complaints without creating un-necessary hassles. Possibilities of incentive-based options need to be explored to enable filing of complaints including FIRs but through proper scrutiny of the Officer-in-Charge of the police station to ensure there is no abuse of the system through filing of false complaints.
- The police force in both the state faces serious man-management deficiencies that affects their behaviour with general public in a negative manner. With insufficient number of police personnel, the situation worsens with long working hours, delayed promotions, regular refusal of leaves and no weekly day off. Man-management issues become extremely problematic in the senior level down to the police constables, creating tremendous stress severely affecting performance. While the recommendations on addressing the insufficient number of police officials are discussed earlier, there needs to be capacity-building on human resource development measures with 360° performance management measures.

#### **5.4.2 Preparing general public for getting their rightful benefits from police**

- Schools and colleges need to include basic capacity-building programmes elaborating their constitutional and legal rights and duties, procedural issues dealing with the police, etc. in their

curriculum. This may be done through sessions where police judges, lawyers, police officers are invited for talks, debates and other such programmes. Such drives might even be modelled as role-plays with clear messages and address the trust deficit that is existing between police and the general public.

- Community programmes to conduct awareness and capacity building on cyber-crimes, digital frauds elaborating how fraudsters trap people through SMS, e-mails, telephone calls need to be organized through 'Mohalla clinics' or 'Para clinics' at the municipal ward level. These must be conducted by police so that on one hand the common cyber-crimes that people fall pray are discussed as well as it eases the relation between police and common people.
- Bar Associations also play an important role in capacity development among general public at large. They should organize capacity-building drives through legal aid clinics engaging law students to spread the messages of people's rights and duties right to the district level. The Bar Associations can conduct joint clinics with law colleges and schools in the villages on relevant practical topics like filing police complaints (GD, FIR), rights during arrests, detention in lock-ups, etc.
- Use of social media to run awareness campaigns and reach out to masses have proven to be effective. Prioritizing the spread of awareness through the use of different forms of media. Capacity building can be boosted through short movies, advertisements and popular FM radio programmes. Such films can be animated films and cartoons in local regional languages talking lucidly about one's legal rights, the processes involved in accessing the remedies. These may be broadcast through national television and digital platforms for mass awareness.
- Tactically placing of display boards in public places (railway stations, metro stations, markets, bus stops) to make the general the public understand basic rights and duties in accordance to applicable laws.

**REPORT ON ASSESSING GAPS IN CRIMINAL JUSTICE DELIVERY SYSTEM  
AND ITS IMPACT IN UTTAR PRADESH AND WEST BENGAL**

**ANNEXURE - A**

**Report Based On Interview with Members of the Bench, Uttar Pradesh**

**Questionnaire for Judges**

Post: **District Magistrate, Kanpur**

1. Name: Not to be disclosed.
2. Gender:
3. Contact Details:
4. On an average how many cases do you get in a month?  
**600-800**
5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?  
**Yes**
6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?  
**Yes**
7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?  
**Yes**
8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?  
**Maybe.**
9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?  
**Lawyers has to be more careful while doing litigation.**
10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?  
**Advocates have to co-operate with the Court and be punctual, with no adjournments.**
11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**No issues**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

**(b) No**

(c) Not Very Sure

13. To what extent has the e-courts project impacted the existing judicial system?

**Yes, e court project has translated into a more accessible and efficient process in filing of cases.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**Yes**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**Yes.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Yes**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**No suggestions as such because the system is going good in their way.**

18. Are the judges trained for civil or criminal cases?

**Criminal**

19. How can we improve the criminal justice delivery system? Give suggestions.

**By creating fair and effective policing practices, promoting community safety, promotes justice in pre trial practices.**

20. How do you think COVID-19 would impact the crime rate? \*

**(a) Will it increase.**

(b) Will it decrease

(c) No effect.

(d) No.

## Questionnaire for Judges

Post: **Additional Chief Judicial Magistrate (ACJM)**

1. Name: **Md. Tauseef Raza**

2. Gender: **M**

3. Contact Details:

4. On an average how many cases do you get in a month?

**Around 600-700 cases**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**Non-examination of the witnesses by the prosecution**

**Adjournments and strikes by the advocates**

**Fewer number of judges, inadequate staff and infrastructure**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Maybe, but to some extent**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**Non-compliances of the process by the police**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**Yes, highly recommended**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**By imposing high costs**

**By rejecting the adjournments and proceedings exparte**

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

Lawyers can help by cooperating with the court proceedings and also by seeking less adjournments and filing their replies.

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Malimath Committees' recommendations have not been incorporated in the judicial system so far. Strength of judiciary is still poor.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

13. To what extent has the e-courts project impacted the existing judicial system?

**E-courts project system has reduced the dependency on the staff and has led to disposal of the cases on a fast rate.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**Yes, but there arises technical issues occasionally and lawyers and staff have to be trained properly.**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**No, not yet regular training is still the need of the hour.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Yes to some extent but still there are so many technical issues and lack of infrastructure in this regard.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**Filing and disposal became easy as there is less dependency on the staff. It saves a lot of quality time of the courts.**

18. Are the judges trained for civil or criminal cases?

Yes

19. How can we improve the criminal justice delivery system? Give suggestions.

**Police investigation department should be brought under judiciary.**

**Strength of subordinate should be increased to maintain healthy judges and cases ratio.**

20. How do you think COVID-19 would impact the crime rate? \*

**Covid-19 has led to job loss and slow-down in almost all the sectors which would definitely lead to increase in crime.**

- (a) **Will it increase.**
- (b) Will it decrease?
- (c) No effect.

Questionnaire for Judges

Post: **Additional Chief Judicial Magistrate (ACJM)**

1. Name: **Pratibha Chaudhary**

2. Gender: **F**

3. Contact Details:

4. On an average how many cases do you get in a month?

**600-700 cases on an average**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

Adjournment and strikes by the advocates

Inadequate staff and lack of infrastructure

Non-compliance of processes by the police

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Perhaps**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**Non examination of witness by the prosecution**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**Yes**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**By rejecting the adjournments**

**Allowed at high courts with short dates**

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Lawyers can help by cooperating with the court proceedings and also by seeking less adjournments and filing their replies.**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Malimath Committees' recommendations have not been incorporated in the judicial system so far.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

13. To what extent has the e-courts project impacted the existing judicial system?

**Reduce the dependency on the staff**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**Yes, but technical issues from arises from time to time and lawyers and staff must be trained properly.**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**No, regular training is required**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Yes, but there are so many technical issues and lack of infrastructure.**

17 Do you have any suggestions as to how digitization can improve the efficiency of the work?

**Filing and disposal became easy as there is less dependency on the staff.**

18 Are the judges trained for civil or criminal cases?

**Yes**

19 How can we improve the criminal justice delivery system? Give suggestions.

**Strength of subordinate judiciary should be increased**

20 How do you think COVID-19 would impact the crime rate? \*

- (a) **Will it increase.**
- (b) Will it decrease
- (c) No effect.

Questionnaire for Judges

Post: **Retd. Justice (Allahabad High Court)**

- 1. Name: **Shri Ranganth Pandey**
- 2. Gender: **M**
- 3. Contact Details:

4. On an average how many cases do you get in a month?

**NA**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**I will definitely agree with all the reports that are being stated in regard to delay in the disposal of cases in the subordinate courts, but the reason that primarily surfaces behind this delay is lack of transparency and accountability in the working of the Courts. I believe that the major parts of the judges in these Court are not true to the duties they are being bestowed with. With no practical implementation of the rules and no proper mandate (of the number of times) in regard to the adjournment given by the Court, the disposal of cases tends to lack way back.**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Maybe, the point of understanding should be that the filing of charge sheet by the police is the preliminary step and then the Court comes into realm, so what I opine is that the effect of delay in filing the charge sheet is there but is minimal, since there are several other delays that occur and affect the justice delivery system (like discussed above).**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**With my understanding of the procedure from the offence happening to the Court trying the same, what I understand and opine is that there should be a division between the Investigation Wing focused Agency and Law & Order focused agency. There cannot be a same group (or team) working at both the places. Furthermore, when we come to the Investigation Wing focused Agency, there has to be a monitoring agency, whom the investigation wing is responsible to, and this may lead to a proper working when it comes to adjudication of the case by the police. Like said before, there has to be transparency and accountability in all the departments or the phases of the justice delivery mechanism. Influence, power and money should not regulate law, there has to be transparency in the working.**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**No. The primary reason of increase in backlog of cases is not that the strength of judges or the number of seats in judiciary is less, rather as per my opinion it is the major portion of the judges in the judiciary themselves. The major portions of judges in these subordinate courts are not true to the duties assigned to them. I have few of my colleagues who don't even take time to adjudicate even a single proceeding or pronounce a order in a day. The basic reason of delay and backlog of cases is incompetency of judges to remain true to the duties assigned to them, the influential or the power aspect (in total corruption) plays a major role in such incidents of delay in disposal of cases. There are to be a proper mandate of how the working of the judges has to be done and the judges following the foregoing culture should understand the effect of their non-functioning of the duties assigned to them.**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**Foremost, one thing is to be understood very clearly that it is not in the hands of the judges (of any court) to alter the frequency of the adjournments, there are just following the statute provided. Coming back to the question, as a foremost solution, there has to be a limitation in the number of adjournments given by the Court in a case.**

**I am of the opinion that the Act or Statute as a judge we look upto is in itself of British era. We tend to forget the basic objective of why Britishers enacted these rules and statutes, to govern us, to punish us for any wrongdoing (this rule acts as a basis), to torture us. The concept of justice remains solely on paper, while the Indian System of rules (the need of the hour) will entail practical justice, not limiting to just statutes and rules. The**

**Britishers ideology behind enacting these rules and statutes and our ideology behind re-enacting them is all different and it should also be reflected in our rules too. Therefore, I opine that the Acts or Statutes of British era should be taken into account and should be renewed to the Indian system of imparting practical justice.**

**10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?**

**There cannot be a one-party solution, it has to be a balance act by both referred in the question. I am of the opinion there has to exist a consensus between the lawyers and the judges in order to bring about reforms.**

**As a step towards the same, there has to be a committee of both lawyers and judges acting together, where the grievances of either is being shared and then a proper solution management has to occur, and slowly and steadily reforms will occur.**

**The improvement has to be done from the ground level. Several lawyers have economic disability and certain other issues that interfere in their working mechanism, the committee of grievance redressal may take charge in this situation. The judge's grievance redressal is equally important like the advocates. Both lawyers and judges have to contribute together.**

**The Constitution under Article 124 provides for appointment of judges of the Supreme Court from three sources: (a) a person who has been a judge of High Court for 5 years. (b) an advocate in High Court for 10 years. (c) a person who is in the opinion of the President, 'a distinguished jurist.**

**In its almost 71 years of existence, the Supreme Court had never got a 'distinguished jurist' as a judge, and we are talking about reforms here. I believe that non-consideration of 'distinguished jurists' (law experts) as the judge of the Supreme Court despite the mandate of the Constitution under Article 124 is wrong.**

**So, I would say that Lawyers, judges and distinguished jurists have to contribute together in order to move towards reforms.**

**11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?**

**One of the recommendations of the Malimath Committee report was the 'hiving off the Investigation wing and the Law & Order one' which**

**I have already given my opinion previously in Question 7. There has**

**to be a division in the foregoing in order to curb the excuses given by the police authorities while denying immediate action towards cases. The lack of manpower and time should not be an excuse by the authorities if such a division is implemented.**

**Secondly, the report specifically mentions in regard to strength of the judges per specific population in the country. It suggested that there has to be an increase in the strength of the judges and the Courts. Unlike the report, I have already started out my opinion in Question 8, that increasing judges is not the solution rather mandating the existing one to be true to their duties is the primary solution.**

**12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?**

(a) Yes

(b) No

(c) Not Very Sure

**13. To what extent has the e-courts project impacted the existing judicial system?**

**Definitely it has impacted a lot and I would say in a positive sense. The best example is the virtual courts during this pandemic, if it would not have been there; the Courts would have still been closed or would have been forced to open early. The proclamation of e-courts may not very well impact the lower judiciary other than the High Court and the Supreme Court, primarily due to economic disabilities existing and lack of good infrastructure.**

**14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \***

**I would say it has definitely been more accessible and efficient process, though still certain updates still exists but balancing with the situation, this system has a lot of positive outlooks.**

**15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?**

**No, they are not trained that regularly. Periodical training is important because new evolution of technology is imminent, and officials are ought to be trained in consonance of the same.**

**16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?**

**Certainly, digitization has helped but how far it has fastened the completion of trials is a subject matter difficult to answer.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**See, digitization will definitely bring improvement that is for sure, but how far the workers who are using this digital working are themselves true to their working will decide how efficient the work or output will be. Alone digitization is hardly going to bring any reform.**

18. Are the judges trained for civil or criminal cases?

**NA now**

19. How can we improve the criminal justice delivery system? Give suggestions.

**Like, I have previously answered, the crux part is there has to exist transparency and accountability in the system. Power and Money cannot regulate law. The workers under this justice delivery system have to be prudent towards their duties and have to work together with a consensus of reforming the criminal justice delivery system.**

20. How do you think COVID-19 would impact the crime rate? \*

- (a) Will it increase.
- (b) Will it decrease?
- (c) No effect.
- (d) No.

**As far as I opine, the primary reason of crime is poverty. During COVID-19 pandemic, the economic offences have certainly decreased but there has been certain other offences that have gradually take an upheaval like certain family offences (dowry etc).**

#### Questionnaire for Judges

Post: **Judge small causes court, Ghaziabad**

1. Name: **Bharatendra Singh**
2. Gender: **M**
3. Contact Details:
4. On an average how many cases do you get in a month?

**Civil- 40-50**

**Criminal -200-300**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**Lack of timely investigation by police is the factor which in my opinion delays the disposal whereas if we look at the work of prosecution it can be said to be a complementing factor in such delay. In some or the other way I believe both the above stated parties cause delay in disposal of cases.**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Yes**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**No**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**Yes, without any doubt.**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**There is nothing a judge can do to reduce the frequency of adjournments as a judge can only act on the material or evidence placed before him. If the investigating officers work up to the marks within a reasonable time provided that the defence council does the same**

for its own case, the frequency of adjournments will reduce on its own.

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Lawyers should make sure while working on a case that they follow even the minutest procedural formality from the very beginning so that delay can be avoided. The same is advised to the investigating officers.**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Since I don't deal with criminal cases, I can't really say what the judiciary is doing to eradicate the issues highlighted in the report.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

13. To what extent has the e-courts project impacted the existing judicial system?

**The e-project has impacted the existing judicial system remarkably as it has reduced the**

**delay which used to take place as every document regarding the case used to be in soft copy or physical manner. where to access such files court's permission was to be taken previously, now it is very convenient for anyone with case no. And some other details cess such files online. As this can be accessed from a place at any time such a process is not time consuming as opposed to the offline mode.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply?

**Yes, it has become a more accessible and efficient process in the filing as everything is updated the same day and is kept updated so that if someone concerned about the case couldn't attend the proceedings, can find it online.**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**In my opinion they are well trained to efficiently utilize the facilities of information and communication technology, but they are not able to use it because of lack of infrastructure or such facilities at private as well lower level.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Since I am a civil judge, I can't really tell that as a fact but in my opinion it wouldn't have affected the pace of trial in a significant manner as everything was being done via video-conferencing and in prison only 1 video conference room was set up which was obviously not sufficient.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**It could only be improved if the state had enough funds to facilitate with the required infrastructure in prisons, police stations, and to public prosecutors.**

18. Are the judges trained for civil or criminal cases?

**Well, the judges are trained enough for their jobs but whether the relief which one is seeking has been granted or not is what matters.**

19. How can we improve the criminal justice delivery system? Give suggestions.

**Increase the strength of Judges & Co-operation from bar.**

20. How do you think COVID-19 would impact the crime rate? \*

- (a) **Will it increase.**
- (b) Will it decrease?
- (c) No effect.
- (d) No.

Questionnaire for Judges

Post: **ADJ, POCSO**

1. Name: **Not to be Disclosed**

2. Gender: **M**

3. Contact Details:

4. On an average how many cases do you get in a month?

**More than 50 to get disposed.**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**Frequent changes of courts**

**Delay on part of advocate**

**Process serving agency is collapsing**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Yes, no comments, on role of Police agencies.**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**Delay in investigation**

**Not turning up of witnesses**

**Litigants delay for the benefit**

Courts completely e-court

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**Yes. Proportion is extremely low so an increase could help reduction in backlog.**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**Practically the emotional connection leads to an increase in frequency of adjournments. It is through procedure laid that it may be reduced.**

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Empathize with client**

**Follow the procedure**

**Refrain from using the loopholes in procedure**

**Establish ideals of laws and aim justice.**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Specifically emphasized on number of judges and trial procedures. The no. to be increased and trials to be limited in duration.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

**Disposal rate flexibility would help the shift.**

13. To what extent has the e-courts project impacted the existing judicial system?

**Gorakhpur district court to receive 2 full-fledged e-courts, therefore its utility and impact is good on system.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**It has indeed become an efficient process in disposal of cases because it aided not only the judges, but also the advocates and the clients. It is through trained personnel that its accessibility may be increased.**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**Although lawyers adapt and train to with newer facilities, the public are very reluctant in doing so.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Indeed. Digitalization has brought a change in the system that made it more accessible through aiding trials.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**Trained personnel be provided**

**Infrastructure be made uniform.**

**Police be trained in digitalization.**

18. Are the judges trained for civil or criminal cases?

**A judge is trained with all the necessary laws. he may have to adjudicate sitting in his capacity in a civil trial or criminal trial.**

19. How can we improve the criminal justice delivery system? Give suggestions.

**Legislature's duty to be reinstated.**

**Grass root reforms be made.**

**The Supreme Court be made aware of condition in District Courts for practical change.**

**The procedure be strictly followed and punishment be on non-following.**

Police be trained to work hard in hand with judiciary.

20. How do you think COVID-19 would impact the crime rate? \*

- (a) Will it increase.
- (b) Will it decrease?
- (c) **No effect.**
- (d) No.

Questionnaire for Judges

Post: **Addl. Civil Judge (Junior Div.)**

1. Name: **Saurabh Srivastava**
2. Gender: **Male**
3. Contact Details:
4. On an average how many cases do you get in a month?  
**800-1000**

5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**There are so many reasons like: Delay in filing charge sheet, Lawyers approach/delay tactics, Failure of executing NBW/summons etc.**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**Yes, because when there is delay in filing of charge sheet, it becomes difficult to examine formal witnesses on time and it hampers the trial also.**

7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**In criminal case, lots of things are dependent on Police, and Police forces are overburdened. Hence, there is a need of separate investigation wing of police, who only deal with criminal trials and facilitate it.**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**No, there is no need of enhanced infrastructure rather less number of people (Judges) can do more work if there is a proper infrastructure and mechanism.**

9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**By imposing appropriate costs and by disallowing adjournments if there is no proper ground.**

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Bar and Bench are complimentary and supplementary to each other. Both have to perform their duties according to ethics of the profession.**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**The issues, like Rights of the accused, justice to victims of crime, dying deceleration were taken into consideration. But, most of the issues were untouched because it warrants legislative interference.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

13. To what extent has the e-courts project impacted the existing judicial system?

**E-courts is an alternative only. It should not be considered as an option to traditional court system due to our social structure of society.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**Definitely, it is very effective and accessible forum.**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**No, not at all**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**No, the purpose of digitalization is to secure the records not to fasten the completion of trails.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**Lawyers to be trained accordingly.**

18. Are the judges trained for civil or criminal cases?

**Yes, undoubtedly**

19. How can we improve the criminal justice delivery system? Give suggestions.

**Separate police wing for investigation**

**On time charegesheet**

**Quick execution of summons and warrants**

20. How do you think COVID-19 would impact the crime rate? \*

(a) Will it increase.

- (b) Will it decrease
- (c) **No effect.**

Questionnaire for Judges

Post: **Anti-Corruption, Special Judge**

1. Name:
2. Gender: **M**
3. Contact Details:
4. On an average how many cases do you get in a month?  
**Around 600-800**
5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**The excessive workload**

**The procedural delays**

**The infrastructural incapacity**

6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?  
**To a certain extent. However, there are others graver reasons for the delay.**
7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**Yes, to a certain degree to procedural laws do contribute to delay, Instance given for summon to witnesses under CrPC, who do not appear coming delay.**

8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?  
**Yes, indeed.**
9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**Practically and by way of coordinating Bar-Bench relation to motivate reduction of adjournments.**

10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Emphasis on Bar-Bench relations**

**Interest of client must be main**

**The aim should be justice and not mere disposal.**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Specifically, with regards to a very small number of judges in comparison to population at large, the issue needs to be eradicated.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

- (a) Yes
- (b) No
- (c) Not Very Sure

**People still do not know much of the ADR. Compromise is not what people want, they want to win case.**

13. To what extent has the e-courts project impacted the existing judicial system?

**E-courts lacks infra, therefore, not a very great impact specifically in smaller districts.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**No comments**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**Although lawyers do have knowledge, police lack it totally. It is because of this lack of knowledge that police fail to utilize the facility. Police needs reform.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**Amidst the lockdown, the digitalization did help in trials. There needs to be taken care for infra to bolster this digitalization.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**The judges are not limited to courts. Judges have greater efficiency.**

18. Are the judges trained for civil or criminal cases?

**Although trained in both, their specialization differs**

19. How can we improve the criminal justice delivery system? Give suggestions.

**The frequency of transfer in courts should be lessened: No. of judges be increased.**

**Amendments to procedural laws.**

**Give more power to judges in District courts.**

20. How do you think COVID-19 would impact the crime rate? \*

- (a) Will it increase.
- (b) Will it decrease
- (c) **No effect.**
- (d) No.

Questionnaire for Judges

Post: **EC Act, Special Judge**

- 1. Name:
- 2. Gender: **M**
- 3. Contact Details:
- 4. On an average how many cases do you get in a month?  
**900 cases**
- 5. On an average, the disposal of criminal cases in subordinate courts takes three to five years (India Justice Report, 2019). What in your opinion is the predominant reason behind this?

**Quota system the procedural loopholes**

- 6. Do you think the delay in filing of charge sheet in criminal cases contribute equally to the delay in criminal justice delivery system?

**One of the factor, judges pressure on police. No comments on police role**

- 7. Are there any other procedural factors that contribute to the delay that have not been given enough attention in your opinion?

**Off the record, and therefore, no comments**

- 8. Do you think that increasing the number of seats in the judiciary could help reduce the backlog of cases?

**Yes, institution of cases more than judges.**

- 9. How can judges reduce the frequency of adjournments, so that cases are solved without any delay?

**Cost, reject adjournments. There a judge may use to reduce adjournments.**

- 10. How lawyers have to bring about a change in their approach towards the cases or does the reform have to be made by the judiciary?

**Positive for justice**

**Interest of client**

**Judge-Bar relation**

11. To what extent has the Indian Judiciary taken cognizance of the issues underlined in the Malimath Committee's Report, and what has it done to eradicate those issues?

**Discussed specifically on matter related to police investigation and public prosecution as dealt under report. The constant pressure on police S.P.P to write have aided certain modifications.**

12. Do you think there is a need to shift from the traditional litigation to alternative dispute resolution even in criminal cases?

(a) Yes

(b) No

(c) Not Very Sure

**ADR is one third punitive, people are reluctant, not practical**

13. To what extent has the e-courts project impacted the existing judicial system?

**Lack of infrastructure dilutes the utility of high courts and district courts.**

14. Would you say the project has translated into a more accessible and efficient process in the filing and disposal of cases or has it merely acted as a platform for data collection and supply? \*

**No comments**

15. Would you say that lawyers and police officials are trained to fully utilize the facilities being introduced through a number of projects aimed at equipping the judiciary with Information and Communication Technology?

**No, police lacks knowledge. They are not much of utility to the judiciary, lawyers, to a certain extent, work hand in hand.**

16. Has the process of digitization in the criminal justice system helped you fasten the completion of trials?

**It does aid although not in totality because of lack of infrastructure. However, in covid-19, I did found digitalization helped.**

17. Do you have any suggestions as to how digitization can improve the efficiency of the work?

**The work from home culture, the income in-efficiency of having trails.**

18. Are the judges trained for civil or criminal cases?

**Both**

19. How can we improve the criminal justice delivery system? Give suggestions.

**Fix term for position in court.**

**Increase the number of judges**

**Increase the autonomy of judges in lower courts**

**Remove the procedural loopholes**

**Introduce newer practice in the justice system.**

**20.** How do you think COVID-19 would impact the crime rate? \*

- (a) Will it increase.
- (b) Will it decrease?
- (c) **No effect.**
- (d) No.

Although police atrocities have maximized.

**Reports based on interviews with members of the bar of Uttar Pradesh  
Questionnaire for Public Prosecutors / Advocates**

**Profile of the Public Prosecutor (PP) / Defence Counsel in Criminal Prosecution**

**Hari Om Singh A.P.O. Aligarh**

**1.** Gender of the officer?

- (a) **Male.**
- (b) Female.

**2.** Age group of the Advocate working as PP / Additional PP / Special PP in years?

- (a) 18 – 21;
- (b) 22 – 32;
- (c) **33 – 42;**
- (d) 43 – 52;
- (e) 53 – 62.

**3.** Number of years of legal practice?

- (a) **Less than 10 years;**
- (b) 10 – 20 years;
- (c) 20 – 30 years;
- (d) 30 – 40 years;
- (e) More than 40 years.

**4.** Forum of legal practice?

- (a) **Sessions Court.**

(b) High Court.

Domain-specific questions for prosecution advocates

1. Is there a problem of police officers refusing to register FIR?

(a) Yes, the practice is quite prevalent;

**(b) Depends on who is recording the FIR, sometimes there might be a problem;**

(c) No there is no problem;

(d) Usually there is an attempt to trivialize and pass it as a GD.

2. If the police official refuses to take FIR, what would you advise your client to do?

(a) Try to convince police officials to take the FIR;

(b) Meet the DSP or ACP (as applicable) and insist for taking the FIR;

**(c) Send the complaint via e-mail to the police station or WhatsApp to the Inspector;**

(d) Advise to take assistance from local MLA.

3. Do you know about 'ZERO FIR'?

(a) Yes;

(b) No;

(c) I have heard about it but am not sure what it is about;

**(d) Yes, heard and know about it but it's not implemented in police stations in my district.**

4. How well-equipped, are investigating police officers at the crime scenes while collecting

(a) Well-equipped and trained;

(b) Not at all equipped and trained;

(c) Depends on the area of crime i.e. city, town or a village;

**(d) The overall investigation department needs reformation.**

5. Do you know about Digital Forensics? Can it be used effectively in India?

(a) Yes, I have the basic understanding of digital forensics;

(b) No, I have no idea about it;

(c) I know about it and don't think it's used since it is very expensive;

**(d) Yes, I know that it is used in India but can be used more effectively.**

6. What is the present condition of forensic laboratories in Uttar Pradesh ?

(a) Excellent. They are functioning we have \_\_\_\_\_ labs;

**(b) The ones that are there are overburdened, Only \_\_\_\_\_ 2 \_\_\_\_\_ functional labs;**

(c) We do not have any state-of-the-art forensic labs and have to send samples elsewhere;

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(b) No, that is not possible since it would involve considerable costs.

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**9.** Are you aware of police torture on under-trial prisoners still happening?

**(a) There is no police torture on under-trials.**

(b) Yes, but psychological intimidation and not physical.

(c) Yes, physical torture is still used on under-trials.

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**10.** Do judicial officers and members of the district legal services authority visit the correctional homes and interact with the inmates to know their complaints?

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(b) Yes, they visit at a frequency of 1-2 times in a month.

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(a) Yes, have pleaded before them.

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(a) Yes, I know about plea bargaining. It is being used.

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**14.** Do you know about RTI? Can you file RTI online? How easy is it to file RTI request?

(a) Yes, I know but the filing requirement is cumbersome.

(b) Yes, I know and use the system regularly, its user-friendly.

(c) Yes, you can file RTI online on portal of Central ministries and departments.

**(d) No, do not know about it and need more information.**

**15.** How is digitization of court records happening in your district?

(a) It has been completed and being used.

(b) Digitization is not for lower courts, its wasted of money since no one can use them.

(c) The court record need to safely stored in hardcopies and digitization puts them at risk of undue usage.

**(d) Digitization has happened but added to the confusion due to wrong docketing.**

**16.** Are you aware of E-courts? Are they operational in your state?

**(a) Yes, they are functional.**

(b) No, I am not aware and nothing of that sort is working.

(c) Yes, I am aware of them but no data has been uploaded so they don't work.

(d) Yes, I am aware, its working only in some districts.

**17.** Do we need more judicial magistrates in Uttar Pradesh?

(a) Yes, there is a huge vacancy.

(b) No, there are sufficient number of judges.

**(c) No, the existing judges should rather work efficiently.**

(d) No, the government cannot allocate more funds for judiciary.

**18.** Do you think that the judicial magistrates get sufficient training?

(a) Yes, they get sufficient training at the academy.

**(b) Yes, they get sufficient training at the academy but lack sufficient on the job training.**

(c) Their training lacks state of the art support and comparative knowledge on global best practices in any given matter.

(d) No, they thoroughly lack any type of training.

**19.** How many circuit benches of the High Court are there in your state? Are more needed?

(a) The high court and one / two / three more are there and no more are needed.

**(b) Need more to reduce unnecessary travels of the litigant.**

(c) Those that are there need to function better just increasing will not help.

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**20.** Do we think there is need to completely repeal the Indian Penal Code and the Criminal

(a) No, they are perfect as amended from time to time.

(b) Yes, they are very old and set with a colonial mindset and need to go.

**(c) Introducing specific amendments from time to time are good, no need for repeal.**

(d) They need to be more adapted to the present digital era, otherwise fine.

**21.** How do you think COVID-19 would impact the crime rate?

a) Will it increase.

**b) Will it decrease.**

c) No effect.

### **Questions for Public Prosecutors / Advocates**

**Advocate Additional PP UP N.K VERMA, Allahabad**

**Profile of the Public Prosecutor (PP) / Defence Counsel in Criminal Prosecution**

1. Gender of the officer?

**(a) Male.**

(b) Female.

2. Age group of the Advocate working as PP / Additional PP / Special PP in years?

(a) 18 – 21;

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**(a) Less than 10 years;**

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(e) More than 40 years.

**4. Forum of legal practice?**

(a) Sessions Court.

**(b) High Court.**

(c) Both a & b

**Domain-specific questions for prosecution advocates**

**1. Is there a problem of police officers refusing to register FIR?**

(a) Yes, the practice is quite prevalent;

**(b) Depends on who is recording the FIR, sometimes there might be a problem;**

(c) No there is no problem;

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**2. If the police official refuses to take FIR, what would you advise your client to do?**

(a) Try to convince police officials to take the FIR;

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**3. Do you know about 'ZERO FIR'?**

**(a) Yes;**

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(a) Well-equipped and trained;

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(a) Yes, I have the basic understanding of digital forensics;

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**6. What is the present condition of forensic laboratories in Uttar Pradesh ?**

(a) Excellent. They are functioning we have \_\_\_\_\_ labs;

**(b) The ones that are there are overburdened, Only with some functional labs;**

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(a) Yes, have pleaded before them.

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**21.** How do you think COVID-19 would impact the crime rate?

a) Will it increase.

b) Will it decrease.

**c) No effect.**

### **Questions for Public Prosecutors / Advocates**

**Advocate Prakash Pandey, (Allahabad High Court, Lucknow Bench)**

### **Profile of the Public Prosecutor (PP) / Defence Counsel in Criminal Prosecution**

1. Gender of the officer?

(a) **Male.**

(b) Female.

2. Age group of the Advocate working as PP / Additional PP / Special PP in years?

(a) 18 – 21;

**(b) 22 – 32;**

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3. Number of years of legal practice?

**(a) Less than 10 years;**

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**4. Forum of legal practice?**

(a) Sessions Court.

(b) High Court.

**(c) Both a & b**

**Domain-specific questions for prosecution advocates**

**1. Is there a problem of police officers refusing to register FIR?**

(a) Yes, the practice is quite prevalent;

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(a) Well-equipped and trained;

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(a) Yes, I have the basic understanding of digital forensics;

(b) No, I have no idea about it;

(c) I know about it and don't think it's used since it is very expensive;

(d) Yes, I know that it is used in India but can be used more effectively.

**Comments: I am not familiar with the concept of the forensic laboratories in my State. I have not read much about it as of now. But certainly after this interview, I will imply myself to the same.**

6. What is the present condition of forensic laboratories in Uttar Pradesh ?

- (a) Excellent. They are functioning we have \_\_\_\_\_ labs;
- (b) The ones that are there are overburdened, Only \_\_\_\_\_2\_\_\_\_\_ functional labs;
- (c) We do not have any state-of-the-art forensic labs and have to send samples elsewhere;
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**Comments: I am not familiar with the conditions of the forensic laboratories in my State.**

7. How frequent is the use of DNA sampling in criminal cases, is there sufficient infrastructure?

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- (a) Yes, have pleaded before them.
- (b) No.
- (c) Yes, I have read about them but haven't seen any working.
- (d) Yes, I think more of them are needed.**

Comments: Yes, I know about them. But I am not familiar with whether there has been a proper implementation of the same or not.

**13.** Do you know about plea bargaining? Is it being utilized in your state?

- (a) Yes, I know about plea bargaining. It is being used.
- (b) No, have no idea about it.**
- (c) Yes, I know about it but its ineffective in my state.
- (d) Yes, such schemes will not work here.

Comments: Yes, I Know about it. But how its utilization is in the State is not what I am familiar with.

**14.** Do you know about RTI? Can you file RTI online? How easy is it to file RTI request?

- (a) Yes, I know but the filing requirement is cumbersome.**
- (b) Yes, I know and use the system regularly, its user-friendly.
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**(b) Yes, they get sufficient training at the academy but lack sufficient on the job training.**

(c) Their training lacks state of the art support and comparative knowledge on global best practices in any given matter.

(d) No, they thoroughly lack any type of training.

Comments: Furthermore, they do get all the training but the practical application of the same is not done. If only they work efficiently, all the purpose of reforms will be served.

**19. How many circuit benches of the High Court are there in your state? Are more needed?**

(a) The high court and one / two / three more are there and no more are needed.

**(b) Need more to reduce unnecessary travels of the litigant.**

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**a) Will it increase.**

b) Will it decrease.

c) No effect.

Ghaziabad

### **Questions for Public Prosecutors / Advocates Ghaziabad**

#### **Profile of the Public Prosecutor (PP) / Defence Counsel in Criminal Prosecution**

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**(a) Male.**

(b) Female.

2. Age group of the Advocate working as PP / Additional PP / Special PP in years?

(a) 18 – 21;

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4. Forum of legal practice?

**(a) Sessions Court.**

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#### **Domain-specific questions for prosecution advocates**

1. Is there a problem of police officers refusing to register FIR?

(a) Yes, the practice is quite prevalent;

**(b) Depends on who is recording the FIR, sometimes there might be a problem;**

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(a) Try to convince police officials to take the FIR;

(b) Meet the DSP or ACP (as applicable) and insist for taking the FIR;

(c) Send the complaint via e-mail to the police station or WhatsApp to the Inspector;

(d) Advise to take assistance from local MLA.

**My advice would be first to send the complaint via e-mail to the police station or WhatsApp to the Inspector and then meet the DSP or ACP (as applicable) and insist for taking the FIR.**

3. Do you know about 'ZERO FIR'?

**(a) Yes;**

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- (c) I have heard about it but am not sure what it is about;
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- (a) Well-equipped and trained;
- (b) Not at all equipped and trained;
- (c) Depends on the area of crime i.e. city, town or a village;**
- (d) The overall investigation department needs reformation.

**In Ghaziabad investigating police officers not at all equipped and trained.**

**5. Do you know about Digital Forensics? Can it be used effectively in India?**

- (a) Yes, I have the basic understanding of digital forensics;
- (b) No, I have no idea about it;
- (c) I know about it and don't think it's used since it is very expensive;
- (d) Yes, I know that it is used in India but can be used more effectively.**

**It could be used more effectively but the kind of infrastructure needed for such digital forensics is not provided by the state.**

**6. What is the present condition of forensic laboratories in Uttar Pradesh ?**

- (a) Excellent. They are functioning we have \_\_\_\_\_ labs;
- (b) The ones that are there are overburdened, Only with functional labs;**
- (c) We do not have any state-of-the-art forensic labs and have to send samples elsewhere;
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**7. How frequent is the use of DNA sampling in criminal cases, is there sufficient infrastructure?**

- (a) Not used because of lack of infrastructure.**
- (b) Yes, it is used whenever felt necessary.
- (c) It is used only in rare cases as last resort.
- (d) Should not be used because of ethics, since can only be voluntary, which hardly happens.

**In my opinion all of the abovementioned are factors affecting the rare usage of DNA sampling in criminal cases.**

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- (a) Yes, there is need to make sure undertrials are treated separately since they are not proven guilty.
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(a) Yes, implemented significantly.

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(c) Infrastructure is ready but not used hence not implemented.

(d) Not aware of any video-conferencing facility and the Hon SC's direction.

**Yes, I am aware of it, but it has not been implemented significantly because of lack or infrastructure. However, it has been used in small number of cases.**

**12. Do you know about fast track courts?**

**(a) Yes, have pleaded before them.**

(b) No.

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**Public Prosecutor Parmmanad Ram Tripathi, Public Prosecutor (PS Act)**

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**Advocate District Government Counsel (Criminal), Gorakhpur (UP)**

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**Pubic Prosecutor, Dhirendra Kumar Jaiswal**

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**a) Will it increase.**

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### **Questions for Public Prosecutors / Advocates**

**Ajay Kumar Yadav, Mirzapur**

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**1. Gender of the officer?**

**(a) Male.**

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(a) 18 – 21;

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**3. Number of years of legal practice?**

**(a) Less than 10 years;**

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**4. Forum of legal practice?**

**(a) Sessions Court.**

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### **Domain-specific questions for prosecution advocates**

1. Is there a problem of police officers refusing to register FIR?

- (a) Yes, the practice is quite prevalent;
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2. If the police official refuses to take FIR, what would you advise your client to do?

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3. Do you know about 'ZERO FIR'?

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### **Questions for Public Prosecutors / Advocates**

**Advocate Kamlesh Pathak**

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### **Domain-specific questions for prosecution advocates**

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#### **Depends on the facts of the case**

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### **Questions for Public Prosecutors / Advocates**

**Advocate Shri Kant Dixit**

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**ASHUTOSH PANDEY, HC**

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11. Are you aware that the Hon'ble Supreme Court has directed the legal services authorities and committees to extend video-conferencing between counsel and the accused, in every criminal case whenever the accused is in jail. (Justices A. M. Sapre and U.U. Lalit on Aug 14, 2018). How much of it is implemented in your state?

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12. Do you know about fast track courts?

**(a) Yes, have pleaded before them.**

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**(a) Yes, I know about plea bargaining. It is being used.**

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**14. Do you know about RTI? Can you file RTI online? How easy is it to file RTI request?**

(a) Yes, I know but the filing requirement is cumbersome.

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**15. How is digitization of court records happening in your district?**

**(a) It has been completed and being used.**

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(c) The court record need to safely stored in hardcopies and digitization puts them at risk of undue usage.

(d) Digitization has happened but added to the confusion due to wrong docketing.

**16. Are you aware of E-courts? Are they operational in your state?**

**(a) Yes, they are functional.**

(b) No, I am not aware and nothing of that sort is working.

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(d) Yes, I am aware, its working only in some districts.

**17. Do we need more judicial magistrates in Uttar Pradesh?**

(a) Yes, there is a huge vacancy.

**(b) No, there are sufficient number of judges.**

(c) No, the existing judges should rather work efficiently.

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**18. Do you think that the judicial magistrates get sufficient training?**

**(a) Yes, they get sufficient training at the academy.**

(b) Yes, they get sufficient training at the academy but lack sufficient on the job training.

(c) Their training lacks state of the art support and comparative knowledge on global best

practices in any given matter.

(d) No, they thoroughly lack any type of training.

**19.** How many circuit benches of the High Court are there in your state? Are more needed?

(a) The high court and one / two / three more are there and no more are needed.

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**20.** Do we think there is need to completely repeal the Indian Penal Code and the Criminal

**(a) No, they are perfect as amended from time to time.**

(b) Yes, they are very old and set with a colonial mindset and need to go.

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(d) They need to be more adapted to the present digital era, otherwise fine.

**21.** How do you think COVID-19 would impact the crime rate?

a) Will it increase.

**b) Will it decrease.**

c) No effect.

### **Questions for Public Prosecutors / Advocates**

**Rishi Kant Shukla ,Advocate**

### **Profile of the Public Prosecutor (PP) / Defence Counsel in Criminal Prosecution**

1. Gender of the officer?

**(a) Male.**

(b) Female.

2. Age group of the Advocate working as PP / Additional PP / Special PP in years?

(a) 18 – 21;

(b) 22 – 32;

(c) 33 – 42;

**(d) 43 – 52;**

(e) 53 – 62.

3. Number of years of legal practice?

(a) Less than 10 years;

(b) 10 – 20 years;

**(c) 20 – 30 years;**

(d) 30 – 40 years;

(e) More than 40 years.

4. Forum of legal practice?

(a) **Sessions Court.**

(b) High Court.

(c) Both a & b

**Domain-specific questions for prosecution advocates**

1. Is there a problem of police officers refusing to register FIR?

(a) Yes, the practice is quite prevalent;

(b) **Depends on who is recording the FIR, sometimes there might be a problem;**

(c) No there is no problem;

(d) Usually there is an attempt to trivialize and pass it as a GD.

2. If the police official refuses to take FIR, what would you advise your client to do?

(a) **Try to convince police officials to take the FIR;**

(b) Meet the DSP or ACP (as applicable) and insist for taking the FIR;

(c) Send the complaint via e-mail to the police station or WhatsApp to the Inspector;

(d) Advise to take assistance from local MLA.

3. Do you know about 'ZERO FIR'?

(a) **Yes;**

(b) No;

(c) I have heard about it but am not sure what it is about;

(d) Yes, heard and know about it but it's not implemented in police stations in my district.

4. How well-equipped, are investigating police officers at the crime scenes while collecting

(a) Well-equipped and trained;

(b) Not at all equipped and trained;

(c) Depends on the area of crime i.e. city, town or a village;

(d) **The overall investigation department needs reformation.**

5. Do you know about Digital Forensics? Can it be used effectively in India?

(a) Yes, I have the basic understanding of digital forensics;

(b) No, I have no idea about it;

(c) I know about it and don't think it's used since it is very expensive;

(d) **Yes, I know that it is used in India but can be used more effectively.**

6. What is the present condition of forensic laboratories in Uttar Pradesh ?

(a) Excellent. They are functioning we have \_\_\_\_\_ labs;

(b) **The ones that are there are overburdened, Only with 18 functional labs;**

- (c) We do not have any state-of-the-art forensic labs and have to send samples elsewhere;
- (d) We have some labs but they are archaic and old.

7. How frequent is the use of DNA sampling in criminal cases, is there sufficient infrastructure?

(a) Not used because of lack of infrastructure.

**(b) Yes, it is used whenever felt necessary.**

(c) It is used only in rare cases as last resort.

(d) Should not be used because of ethics, since can only be voluntary, which hardly happens.

8. Do you think there is need to change the way under-trials are treated in police custody as well as in judicial custody? Should there be clear differentiation between under-trials and convicts?

**(a) Yes, there is need to make sure undertrials are treated separately since they are not proven guilty.**

(b) No, that is not possible since it would involve considerable costs.

(c) If they are charged with heinous crimes it would be advisable to treat them as convicts.

(d) There should be separate custody not only for undertrials and convicts but also among undertrials to differentiate those who are charged with heinous crimes.

9. Are you aware of police torture on under-trial prisoners still happening?

(a) There is no police torture on under-trials.

**(b) Yes, but psychological intimidation and not physical.**

(c) Yes, physical torture is still used on under-trials.

(d) Yes, both physical and mental torture is used under-trials.

10. Do judicial officers and members of the district legal services authority visit the correctional homes and interact with the inmates to know their complaints?

(a) No, they rarely visit.

(b) Yes, they visit at a frequency of 1-2 times in a month.

**(c) Yes, they visit at a frequency of 1time every month.**

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11. Are you aware that the Hon'ble Supreme Court has directed the legal services authorities and committees to extend video-conferencing between counsel and the accused, in every criminal case whenever the accused is in jail. (Justices A. M. Sapre and U.U. Lalit on Aug 14, 2018). How much of it is implemented in your state?

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### **Questionnaire for Public prosecutors and Lawyers in West Bengal**

**াবলিক প্রসিকিউটর / অ্যাডভোকেটদের জন্য প্রশ্ন**

পাবলিক প্রসিকিউটর (পিপি) / ফৌজদারি মামলা দায়ের প্রতিরক্ষা পরামর্শের প্রোফাইল

1Z অফিসার জেন্ডার?

ক। পুরুষ।

খ। মহিলা।

**E : পুরুষ**

2Z অ্যাডভোকেটের বয়সী ব্যক্তি পিপি / অতিরিক্ত পিপি / বিশেষ পিপি হিসাবে বছরের পর বছর কাজ করছেন? ক। 18 - 21; খ। 22 - 32; গ। 33 - 42; ঘ। 43 - 52; ঙ। 53 - 62।

**E : 33 - 42**

3Z আইনি অনুশীলনের বছর? ক। 10 বছরেরও কম; খ। 10 - 20 বছর; গ। 20 - 30 বছর; ঘ। 30 - 40 বছর; ঙ। 40 বছরেরও বেশি সময়

**E : 10 - 20**

**রাষ্ট্রপঙ্কের আইনজীবীদের জন্য ডোমেন-নির্দিষ্ট প্রশ্ন**

1Z পুলিশ অফিসাররা কি এফআইআর নিবন্ধ করতে অস্বীকার করছেন?

ক। হ্যাঁ, অনুশীলনটি বেশ প্রচলিত;

খ। কে এফআইআর রেকর্ড করেছে তার উপর নির্ভর করে, কখনও কখনও কোনও সমস্যা হতে পারে;

গ। না কোনও সমস্যা নেই;

ঘ। সাধারণত এটি একটি জিডি হিসাবে তুচ্ছ এবং পাস করার চেষ্টা করা হয়।

**E : ঘ। সাধারণত এটি একটি জিডি হিসাবে তুচ্ছ এবং পাস করার চেষ্টা করা হয়।**

22 যদি পুলিশ কর্মকর্তা এফআইআর নিতে অস্বীকার করেন তবে আপনি আপনার ক্লায়েন্টকে কী করতে পরামর্শ দেবেন?

ক। পুলিশ কর্মকর্তাদের এফআইআর নেওয়ার জন্য বোঝানোর চেষ্টা করুন;

খ। ডিএসপি বা এসিপির সাথে (প্রযোজ্য হিসাবে) সাক্ষাত করুন এবং এফআইআর নেওয়ার জন্য জোর দিন;

গ। ই-মেইলের মাধ্যমে অভিযোগ খানায় বা হোয়াটসঅ্যাপের কাছে পরিদর্শকের কাছে প্রেরণ করুন;

ঘ। স্থানীয় বিধায়ক থেকে সহায়তা নেওয়ার পরামর্শ দিন।

**E : ঘ। স্থানীয় বিধায়ক থেকে সহায়তা নেওয়ার পরামর্শ দিন।**

32 আপনি 'জিরো এফআইআর' সম্পর্কে জানেন?

ক। হ্যাঁ;

খ। না;

গ। আমি এটি সম্পর্কে শুনেছি কিন্তু এটি সম্পর্কে কী তা নিশ্চিত নই;

ঘ। হ্যাঁ, শুনেছি এবং এটি সম্পর্কে জানি কিন্তু এটি আমার জেলার খানায় প্রয়োগ করা হয়নি।

**E : গ। আমি এটি সম্পর্কে শুনেছি কিন্তু এটি সম্পর্কে কী তা নিশ্চিত নই;**

42 কত সজ্জিত, সংগ্রহের সময় অপরাধের দৃশ্যে পুলিশ আধিকারিকদের তদন্ত করছে প্রমাণ (উভয় প্রশিক্ষণ এবং প্রয়োজনীয় গ্যাজেট সহ)?

ক। সুসজ্জিত এবং প্রশিক্ষিত;

খ। মোটেও সজ্জিত এবং প্রশিক্ষিত নয়;

গ। অপরাধের ক্ষেত্রের উপর নির্ভর করে যেমন শহর, শহর বা একটি গ্রাম;

ঘ। সামগ্রিক তদন্ত বিভাগের সংস্কার প্রয়োজন

**E : ঘ। সামগ্রিক তদন্ত বিভাগের সংস্কার প্রয়োজন**

5z আপনি কি ডিজিটাল ফরেনসিক সম্পর্কে জানেন? এটি ভারতে কার্যকরভাবে ব্যবহার করা যেতে পারে?

ক। হ্যাঁ, আমার কাছে ডিজিটাল ফরেনসিক সম্পর্কে প্রাথমিক ধারণা রয়েছে;

খ। না, আমার এ সম্পর্কে কোনও ধারণা নেই;

গ। আমি এটি সম্পর্কে জানি এবং এটি খুব ব্যবহৃত হয়। এটি ব্যবহৃত হয়েছে বলে মনে করি না;

ঘ। হ্যাঁ, আমি জানি যে এটি ভারতে ব্যবহৃত হয় তবে আরও কার্যকরভাবে ব্যবহার করা যায়।

**E :** খ। না, আমার এ সম্পর্কে কোনও ধারণা নেই;

6z পশ্চিমবঙ্গে ফরেনসিক পরীক্ষাগারের বর্তমান অবস্থা কী? কিভাবে আমাদের অনেক ল্যাব আছে?

ক। চমৎকার। তারা কাজ করছে, আমাদের \_\_\_\_\_ ল্যাব রয়েছে;

খ। যেগুলি সেখানে রয়েছে অতিরিক্ত চাপযুক্ত, কেবল \_\_\_\_\_ ক্রিয়ামূলক ল্যাবগুলি;

গ। আমাদের কাছে অত্যাধুনিক কোন ফরেনসিক ল্যাব নেই এবং অন্য কোথাও নমুনা প্রেরণ করতে হবে;

ঘ। আমাদের কয়েকটি ল্যাব রয়েছে তবে সেগুলি প্রস্তুতাত্মক এবং পুরানো।

**E :** গ। আমাদের কাছে অত্যাধুনিক কোন ফরেনসিক ল্যাব নেই এবং অন্য কোথাও নমুনা প্রেরণ করতে হবে;

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7z ফৌজদারী মামলায় ডিএনএ নমুনা ব্যবহার কত ঘন ঘন হয়, তা যথেষ্ট is অবকাঠামো?

ক। অবকাঠামোর অভাবে ব্যবহার করা হয়নি।

খ। হ্যাঁ, এটি যখনই প্রয়োজন বোধ হয় ব্যবহার করা হয়।

গ। এটি কেবলমাত্র শেষ অবলম্বন হিসাবে বিরল ক্ষেত্রে ব্যবহৃত হয়।

ঘ। নীতিশাস্ত্রের কারণে ব্যবহার করা উচিত নয়, যেহেতু কেবল স্বৈচ্ছাসেবী হতে পারে, যা খুব কমই ঘটে।

**E :** গ। এটি কেবলমাত্র শেষ অবলম্বন হিসাবে বিরল ক্ষেত্রে ব্যবহৃত হয়।

৪২ আপনার কি মনে হয় যে পুলিশি হেফাজতে বিচারের অধীনে যেভাবে আচরণ করা হচ্ছে তার পরিবর্তন করার প্রয়োজন আছে  
পাশাপাশি বিচারিক হেফাজতে? আন্ডার-ট্রায়াল এবং দোষীদের মধ্যে স্পষ্ট পার্থক্য থাকা উচিত?

ক। হ্যাঁ, এটি নিশ্চিত করা দরকার যে উদ্যোগগুলি পৃথকভাবে চিকিৎসা করা হয় কারণ তারা দোষী প্রমাণিত হয় না।

খ। না, এটি সম্ভব নয় যেহেতু এটির জন্য যথেষ্ট ব্যয় জড়িত।

গ। যদি তাদের বিরুদ্ধে জঘন্য অপরাধের অভিযোগ আনা হয় তবে তাদের দোষী হিসাবে গণ্য করার পরামর্শ দেওয়া হবে।

ঘ। যারা কেবল জঘন্য অপরাধের অভিযোগে অভিযুক্ত তাদের আলাদা করার জন্য কেবল উদ্যোগী ও দোষীদের জন্য পৃথক হেফাজত থাকতে হবে

**E :** ঘ। যারা কেবল জঘন্য অপরাধের অভিযোগে অভিযুক্ত তাদের আলাদা করার জন্য কেবল উদ্যোগী ও দোষীদের জন্য পৃথক হেফাজত থাকতে হবে।

৪৩ বিচারের আওতাধীন বন্দীদের উপর পুলিশি নির্যাতনের বিষয়টি এখনও অবগত আছেন?

ক। আন্ডার-ট্রায়ালগুলিতে কোনও পুলিশি নির্যাতন নেই।

খ। হ্যাঁ, তবে মানসিক ভয় দেখানো এবং শারীরিক নয়।

গ। হ্যাঁ, শারীরিক নির্যাতন এখনও অন্তর্ভুক্ত পরীক্ষায় ব্যবহৃত হয়।

ঘ। হ্যাঁ, শারীরিক এবং মানসিক উভয় নির্যাতনই অন্তর্ভুক্ত পরীক্ষায় ব্যবহৃত হয়

**E :** ঘ। হ্যাঁ, শারীরিক এবং মানসিক উভয় নির্যাতনই অন্তর্ভুক্ত পরীক্ষায় ব্যবহৃত হয়।

১০২ জুডিশিয়াল অফিসার এবং জেলা আইনজীবী কর্তৃপক্ষের সদস্যরা দর্শন করতে যান সংশোধনযোগ্য বাড়ী এবং তাদের অভিযোগগুলি জানার জন্য বন্দীদের সাথে যোগাযোগ করুন?

ক। না, তারা খুব কমই যান।

খ। হ্যাঁ, তারা একমাসে ১-২ বারের ফ্রিকোয়েন্সিতে যান।

গ। হ্যাঁ, তারা প্রতি মাসে ১ বারের ফ্রিকোয়েন্সিতে যান visit

ঘ। তারা প্রায়শই যান তবে বন্দীদের সাথে কথা বলেন না।

**E :** ক। না, তারা খুব কমই যান।

11Zআপনি কি অবগত আছেন যে মাননীয় সুপ্রিম কোর্ট আইনী পরিষেবা কর্তৃপক্ষকে নির্দেশ দিয়েছে

এবং কমিটিগুলিতে পরামর্শ এবং অভিযুক্তদের মধ্যে ভিডিও কনফারেন্সিং প্রসারিত করার জন্য কমিটিগুলি

অপরাধী মামলা যখনই আসামী কারাগারে থাকে। (14 আগস্ট, 2018 এ জাস্টিস এ। এম সাপ্রে এবং মার্কিন যুক্তরাষ্ট্রের ললিত)। এটি আপনার রাজ্যে কতটা বাস্তবায়িত হয়?

ক। হ্যাঁ, উল্লেখযোগ্যভাবে প্রয়োগ করা হয়েছে।

খ। এটি সম্পর্কে সচেতন ভাবে একেবারেই বাস্তবায়িত হয়নি।

গ। অবকাঠামো প্রস্তুত ভাবে ব্যবহার করা হয়নি তাই প্রয়োগ করা হয়নি।

ঘ। কোনও ভিডিও কনফারেন্সিং সুবিধা এবং মাননীয় এসসি'র দিকনির্দেশ সম্পর্কে সচেতন নয়।

**E :** ঘ। কোনও ভিডিও কনফারেন্সিং সুবিধা এবং মাননীয় এসসি'র দিকনির্দেশ সম্পর্কে সচেতন নয়।

12Zআপনি দ্রুত ট্র্যাক আদালত সম্পর্কে জানেন?

ক। হ্যাঁ, তাদের সামলে আবেদন জানাতে হবে।

খ। না।

গ। হ্যাঁ, আমি সেগুলি সম্পর্কে পড়েছি কিন্তু কোনও কাজ দেখিনি।

ঘ। হ্যাঁ, আমি মনে করি তাদের আরও বেশি প্রয়োজন।

**E :** ঘ। হ্যাঁ, আমি মনে করি তাদের আরও বেশি প্রয়োজন।

13Zআপনি কি দরখাস্তের দর কষাকষির বিষয়ে জানেন? এটি কি আপনার রাজ্যে ব্যবহার হচ্ছে?

ক। হ্যাঁ, আমি দর কষাকষি সম্পর্কে জানি। এটি ব্যবহার করা হচ্ছে।

খ। না, এটি সম্পর্কে কোনও ধারণা নেই।

গ। হ্যাঁ, আমি এটি সম্পর্কে জানি তবে এটি আমার রাজ্যে অকার্যকর।

ঘ। হ্যাঁ, এই জাতীয় প্রকল্পগুলি এখানে কাজ করবে না।

**E :** খ। না, এটি সম্পর্কে কোনও ধারণা নেই।

14zআরটিআই সম্পর্কে জানেন? আপনি কি আরটিআই অনলাইনে ফাইল করতে পারবেন?  
আরটিআইয়ের অনুরোধ করা কত সহজ?

ক। হ্যাঁ, আমি জানি তবে ফাইলিংয়ের প্রয়োজনীয়তা জটিল।

খ। হ্যাঁ, আমি সিস্টেমটি নিয়মিত জানি এবং ব্যবহার করি, এটির ব্যবহারকারী-বান্ধব।

গ। হ্যাঁ, আপনি কেন্দ্রীয় মন্ত্রক এবং বিভাগের পোর্টালে অনলাইনে আরটিআই ফাইল করতে পারবেন।

ঘ। না, এটি সম্পর্কে জানেন না এবং আরও তথ্যের প্রয়োজন

**E : ক। হ্যাঁ, আমি জানি তবে ফাইলিংয়ের প্রয়োজনীয়তা জটিল।**

15zআপনার জেলায় আদালতের রেকর্ডগুলির ডিজিটাইজেশন কীভাবে হচ্ছে?

ক। এটি সম্পন্ন হয়েছে এবং ব্যবহৃত হচ্ছে।

খ। ডিজিটাইজেশন নিম্ন আদালতের জন্য নয়, অর্থাৎ অপচয় হওয়ায় যে কেউ সেগুলি ব্যবহার করতে পারে না।

গ। আদালতের রেকর্ডে হার্ডকপিগুলিতে নিরাপদে সংরক্ষণ করা দরকার এবং ডিজিটাইজেশন তাদের অস্বাভাবিক ব্যবহারের ঝুঁকিতে ফেলেছে।

ঘ। ডিজিটাইজেশন ঘটেছে তবে তুল ডকুমেন্টের কারণে বিব্রাঙ্কিতে যুক্ত হয়েছে

**E : গ। আদালতের রেকর্ডে হার্ডকপিগুলিতে নিরাপদে সংরক্ষণ করা দরকার এবং ডিজিটাইজেশন তাদের অস্বাভাবিক ব্যবহারের ঝুঁকিতে ফেলেছে।**

16zআপনি কি ই-কোর্ট সম্পর্কে সচেতন? তারা আপনার রাজ্যে চালু আছে?

ক। হ্যাঁ, এগুলি কার্যকরী।

খ। না, আমি সচেতন নই এবং এই ধরনের কিছুই কাজ করছে না।

গ। হ্যাঁ, আমি তাদের সম্পর্কে অবহিত তবে কোনও ডেটা আপলোড করা হয়নি যাতে তারা কাজ করে না।

ঘ। হ্যাঁ, আমি সচেতন, এটি কেবল কয়েকটি জেলায় কাজ করে।

**E : খ। না, আমি সচেতন নই এবং এই ধরনের কিছুই কাজ করছে না।**

17Zআমাদের কি পশ্চিমবঙ্গে আমাদের আদালতে আরও বিচারিক হাকিম দরকার?  
ক। হ্যাঁ, এখানে একটি বিশাল শূন্যস্থান রয়েছে।  
খ। না, পর্যাপ্ত সংখ্যক বিচারক রয়েছেন।  
গ। না, বিদ্যমান বিচারকদের বরং দক্ষতার সাথে কাজ করা উচিত।  
ঘ। না, সরকার বিচার বিভাগের জন্য বেশি অর্থ বরাদ্দ করতে পারে না।

**E : গ। না, বিদ্যমান বিচারকদের বরং দক্ষতার সাথে কাজ করা উচিত।**

18Zআপনার কি মনে করেন যে বিচার বিভাগীয় ম্যাজিস্ট্রেটরা পর্যাপ্ত প্রশিক্ষণ পান?  
ক। হ্যাঁ, তারা একাডেমিতে পর্যাপ্ত প্রশিক্ষণ পান।  
খ। হ্যাঁ, তারা একাডেমিতে পর্যাপ্ত প্রশিক্ষণ পান তবে কাজের প্রশিক্ষণের ক্ষেত্রে পর্যাপ্ত পরিমাণ নেই।  
গ। তাদের প্রশিক্ষণটি কোনও প্রদত্ত বিষয়ে গ্লোবাল সেরা অনুশীলনের উপর শিল্প সমর্থন এবং তুলনামূলক স্তরের রাষ্ট্রের অভাব রয়েছে।  
ঘ। না, তাদের কোনও ধরনের প্রশিক্ষণের পুরোপুরি অভাব রয়েছে।

**E : গ। তাদের প্রশিক্ষণটি কোনও প্রদত্ত বিষয়ে গ্লোবাল সেরা অনুশীলনের উপর শিল্প সমর্থন এবং তুলনামূলক স্তরের রাষ্ট্রের অভাব রয়েছে।**

19Zআপনার রাজ্যে হাইকোর্টের কতটি সার্কিট বেস রয়েছে? আরও প্রয়োজন?  
ক। উচ্চ আদালত এবং আরও এক / দুই / তিন জন রয়েছেন এবং আর কোনও প্রয়োজন নেই।  
খ। মামলাকারীর অপ্রয়োজনীয় ভ্রমণ কমাতে আরও বেশি প্রয়োজন।

গ। যেগুলি কেবলমাত্র বৃদ্ধি বাড়ানোর জন্য আরও কার্যকরভাবে কাজ করা দরকার তাদের কোনও লাভ হবে না।  
ঘ। সার্কিট বেসগুলির চেয়ে রাজ্য জুড়ে আরও বিচারক থাকা আরও গুরুত্বপূর্ণ।

**E : গ। যেগুলি কেবলমাত্র বৃদ্ধি বাড়ানোর জন্য আরও কার্যকরভাবে কাজ করা দরকার**

20zআমরা কী ভাবি যে ভারতীয় দণ্ডবিধি এবং ফৌজদারি সম্পূর্ণরূপে বাতিল করা দরকার  
কার্যবিধি কোড এবং আইনের নতুন সেট পাদ।

ক। না, তারা সময়ে সময়ে সংশোধিত হিসাবে নিখুঁত।

খ। হ্যাঁ, এগুলি খুব পুরানো এবং aপনিবেশিক মানসিকতার সাথে সেট করা দরকার এবং যেতে  
হবে।

গ। সময়ে সময়ে নির্দিষ্ট সংশোধনী প্রবর্তন করা ভাল, বাতিল করার দরকার নেই।

ঘ। এগুলি বর্তমান ডিজিটাল যুগে আরও মানিয়ে নেওয়া দরকার, অন্যথায় জরিমানা।

E : খ। হ্যাঁ, এগুলি খুব পুরানো এবং aপনিবেশিক মানসিকতার সাথে সেট করা দরকার এবং  
যেতে হবে।

## Annexure -B

### Questionnaire For Police Officers

#### Survey for Police officers

**Profile of the police officer/ Position: Sunil Kumar, Inspector (Cyber Crime)**

1. Gender of the officer?

- a) Male
- b) Female

2. Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) **33 – 42;**
- d) 43 – 52;
- e) 53 – 62.

3. Number of years of service?

- a) Less than 10 years;
- b) **10 – 20 years;**
- c) 20 – 30 years;
- d) 30 – 40 years;
- e) More than 40 years.

4. Types of on the job trainings and their frequency?

Mark with every (1 year); (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- Physical Combat training;
- Small-arms training;
- Armed combat training;

Investigation:

- Criminology and criminal psychology;
- Forensic science and use of technology;
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- Any specific training, e.g. Cyber Crime,

**All the above mentioned training are conducted within a span of one year.**

**Domain-Specific Questions:**

1. Action taken based on nature of report?

- a) Reported by telephone / WhatsApp / Other social media: 70 %;
- b) Reported in person at the police station by filing GD / FIR \_\_\_\_\_%;
- c) Taken up suo-motu while patrolling or investigation.

Action is taken in all three ways.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

- a) **Insufficient policemen to do investigation;**
- b) Lack of competency to complete investigation;
- c) Political intervention;
- d) Corruption;

3. How do you think the same can be avoided?

**No delay**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

- a) **Yes;**
- b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

- a) Yes;
- b) **No;**

6. How is the cooperation with the public-prosecutor?

- a) **Works in tandem with police in complete synchronization; APO and SPO have always been very co-operative.**

b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

**No**

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**
- b) No;

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) **Yes;**
- b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) 'No' it does not affect in any manner.

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) **Yes, aware and some are being implemented;**
- b) No, never heard of any such project;
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

11. What is the level of implementation of digitalization in trial by police?

- a) **Implemented in some districts and being used;**

- b) Implemented but not used to its optimum due to lack of trained personnel;
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

**12.** How can the implementation be enhanced to address the existing gaps?

**13.** To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) **Being successfully utilized;**
- b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) **Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) **Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) **Will it increase**
- b) Will it decrease
- c) No effect.

### Survey for Police officers

**Profile of the police officer/ Position: Sanjeev Sharma, Station House Officer (SHO)**

**1.** Gender of the officer?

- a) **Male**
- b) Female

**2.** Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;

d) **43 – 52;**

e) 53 – 62.

**3. Number of years of service?**

a) Less than 10 years;

b) 10 – 20 years;

c) **20 – 30 years;**

d) 30 – 40 years;

e) More than 40 years.

**4. Types of on the job trainings and their frequency?**

Mark with every (**1 year**); (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- Physical Combat training;
- Small-arms training;
- Armed combat training;

Investigation:

- Criminology and criminal psychology;
- Forensic science and use of technology;
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- Any specific training, e.g. Cyber Crime,

**All the above mentioned training are conducted within a span of one year.**

**Domain-Specific Questions:**

**1. Action taken based on nature of report?**

a) Reported by telephone / WhatsApp / Other social media:   70   %;

b) Reported in person at the police station by filing GD / FIR          %;

c) Taken up suo-motu while patrolling or investigation.

Action is taken in all three ways.

**2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to**

the delay? (Mark those applicable).

**a) Insufficient policemen to do investigation;**

b) Lack of competency to complete investigation;

c) Political intervention;

d) Corruption;

**3. How do you think the same can be avoided?**

**No delay**

**4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?**

**a) Yes;**

b) No;

**5. If 'Yes' are they investigated without discrimination with those filed physically?**

a) Yes;

**b) No;**

**6. How is the cooperation with the public-prosecutor?**

**a) Works in tandem with police in complete synchronization;**

**APO and SPO have always been very co-operative.**

b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

**No**

**7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?**

**a) Yes;**

b) No;

**8. Do investigating police officers receive sufficient legal assistance during the course of investigation?**

**a) Yes;**

b) No;

**9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?**

a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.

b) 'No' it does not affect in any manner.

**10.** Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) **Yes, aware and some are being implemented;**
- b) No, never heard of any such project;
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

**11.** What is the level of implementation of digitalization in trial by police?

- a) **Implemented in some districts and being used;**
- b) Implemented but not used to its optimum due to lack of trained personnel;
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

**12.** How can the implementation be enhanced to address the existing gaps?

**13.** To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) **Being successfully utilized;**
- b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) **Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) **Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) **Will it increase**
- b) Will it decrease
- c) No effect.

## Survey for Police officers

### Profile of the police officer/ Position: SP Gorakhpur (South) city

1. Gender of the officer?

- a) **Male**
- b) Female

2. Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;
- d) 43 – 52;**
- e) 53 – 62.

3. Number of years of service?

- a) Less than 10 years;
- b) 10 – 20 years;
- c) 20 – 30 years;**
- d) 30 – 40 years;
- e) More than 40 years.

4. Types of on the job trainings and their frequency?

Mark with **every (1 year)**; (2 years); (3 years); (5 years); (periodically); (none).

Policing: periodically

- **Physical Combat training;**
- **Small-arms training;**
- **Armed combat training;**

Investigation: periodically

- **Criminology and criminal psychology;**
- **Forensic science and use of technology;**
- **Criminal Law and Legal developments;**

General: periodically

- **Use of technology in crimes and counter-techniques;**
- **Public relations and man-management skills;**

- **Any specific training, e.g. Cyber Crime, Surveillance and woman safety**

**Domain-Specific Questions:**

1. Action taken based on nature of report?

- a) Reported by telephone / WhatsApp / Other social media: 70 %;
- b) Reported in person at the police station by filing GD / FIR 100 %;
- c) Taken up suo-motu while patrolling or investigation. 100%

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

- a) **Insufficient policemen to do investigation;**
- b) Lack of competency to complete investigation;
- c) Political intervention;
- d) Corruption;

3. How do you think the same can be avoided?

**Increase in recruitment of police officials**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

- a) **Yes;**
- b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

- a) **Yes;**
- b) No;

6. How is the cooperation with the public-prosecutor?

- a) **Works in tandem with police in complete synchronization;**
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**

b) No;

**8.** Do investigating police officers receive sufficient legal assistance during the course of investigation?

a) **Yes;**

b) No;

**9.** If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.

b) 'No' it does not affect in any manner.

**10.** Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

a) **Yes, aware and some are being implemented;**

b) No, never heard of any such project;

c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

**No, once implemented they would definitely have some impact.**

**11.** What is the level of implementation of digitalization in trial by police?

a) Implemented in some districts and being used;

b) Implemented but not used to its optimum due to lack of trained personnel;

c) **Not implemented because of lack of infrastructure, e.g. internet connectivity;**

**12.** How can the implementation be enhanced to address the existing gaps?

By proper infrastructure and trained personnel recruitments implementation can be made.

**13.** To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

a) **Being successfully utilized;**

b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

a) Sufficient;

b) Not sufficient;

c) **Sufficient but can be better if number of trainings increased;**

d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) **Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) Will it increase
- b) Will it decrease
- c) **No effect.**

### Survey for Police officers

**Profile of the police officer/ Position: Anil kumar Pandey, SI.**

**1.** Gender of the officer?

- a) **Male**
- b) Female

**2.** Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;
- d) **43 – 52;**
- e) 53 – 62.

**3.** Number of years of service?

- a) Less than 10 years;
- b) 10 – 20 years;
- c) **20 – 30 years;**
- d) 30 – 40 years;
- e) More than 40 years.

**4.** Types of on the job trainings and their frequency?

Mark with every (**1 year**); (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- Physical Combat training;
- **Small-arms training;**
- Armed combat training;

Investigation:

- Criminology and criminal psychology;
- **Forensic science and use of technology;**
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- **Public relations and man-management skills;**
- Any specific training, e.g. Cyber Crime, Surveillance and woman safety

**Domain-Specific Questions:**

1. Action taken based on nature of report?

a) Reported by telephone / WhatsApp / Other social media: 70 %;

**b) Reported in person at the police station by filing GD / FIR \_\_\_\_\_ %;**

c) Taken up suo-motu while patrolling or investigation.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

a) Insufficient policemen to do investigation;

**b) Lack of competency to complete investigation;**

c) Political intervention;

d) Corruption;

3. How do you think the same can be avoided?

**Too much work and sometimes overburdened with work**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

a) **Yes;**

b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

a) **Yes;**

b) No;

6. How is the cooperation with the public-prosecutor?

- a) Works in tandem with police in complete synchronization;
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;**

Does this contribute towards delay in adjudication of the matter?

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) Yes;
- b) No;**

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) Yes;**
- b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) 'No' it does not affect in any manner.

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) Yes, aware and some are being implemented;**
- b) No, never heard of any such project;
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

11. What is the level of implementation of digitalization in trial by police?

- a) Implemented in some districts and being used;
- b) Implemented but not used to its optimum due to lack of trained personnel;**
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

12. How can the implementation be enhanced to address the existing gaps?

**By government measures and trained personnel**

13. To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) **Being successfully utilized;**
- b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) Will it increase
- b) Will it decrease**
- c) No effect.

### Survey for Police officers

**Profile of the police officer/ Position: Rajesh Singh, SI**

**1.** Gender of the officer?

- a) Male**
- b) Female

**2.** Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;
- d) 43 – 52;**
- e) 53 – 62.

**3.** Number of years of service?

- a) Less than 10 years;
- b) 10 – 20 years;
- c) 20 – 30 years;**

- d) 30 – 40 years;
- e) More than 40 years.

**4. Types of on the job trainings and their frequency?**

Mark with **every (1 year)**; (2 years); (3 years); (5 years); (periodically); (none).

Policing: 2 years

- Physical Combat training;
- Small-arms training;
- Armed combat training;

Investigation: 1 year

- Criminology and criminal psychology;
- Forensic science and use of technology;
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- Any specific training, e.g. Cyber Crime,

**Domain-Specific Questions:**

**1. Action taken based on nature of report?**

a) Reported by telephone / WhatsApp / Other social media: 70 %;

**b) Reported in person at the police station by filing GD / FIR \_\_\_\_\_ %;**

c) Taken up suo-motu while patrolling or investigation.

**2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).**

**a) Insufficient policemen to do investigation;**

b) Lack of competency to complete investigation;

c) Political intervention;

d) Corruption;

**3. How do you think the same can be avoided?**

**By increasing police officers and training them**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

- a) **Yes;**
- b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

- a) **Yes;**
- b) No;

6. How is the cooperation with the public-prosecutor?

- a) **Works in tandem with police in complete synchronization;**
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

**Sometimes**

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**
- b) No;

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) Yes;
- b) **No;**

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) **'Yes' it affects negatively due to lack of proper understanding of critical legal issues.**
- b) 'No' it does not affect in any manner.

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) Yes, aware and some are being implemented;
- b) No, never heard of any such project;
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

11. What is the level of implementation of digitalization in trial by police?

- a) Implemented in some districts and being used;
- b) Implemented but not used to its optimum due to lack of trained personnel;**
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

12. How can the implementation be enhanced to address the existing gaps?

**By increasing the facilities provided by the government and proper training to use digital media**

13. To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) Being successfully utilized;
- b) Not used hence not effective;**

14. Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) Not sufficient;
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.**

15. Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) Yes;**
- b) No;

16. How do you think COVID-19 would impact the crime rate?

- a) Will it increase
- b) Will it decrease
- c) No effect.**

### Survey for Police officers

**Profile of the police officer/ Position: Manoj KR. Pandey, Head Constable**

1. Gender of the officer?

- a) Male**
- b) Female

2. Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;
- d) 43 – 52;**
- e) 53 – 62.

3. Number of years of service?

- a) Less than 10 years;
- b) 10 – 20 years;
- c) 20 – 30 years;**
- d) 30 – 40 years;
- e) More than 40 years.

4. Types of on the job trainings and their frequency?

Mark with every (1 year); (2 years); (3 years); (5 years); (periodically); (none).

Policing: 2 years

- Physical Combat training;
- **Small-arms training;**
- Armed combat training;

Investigation: 2 years

- Criminology and criminal psychology;
- **Forensic science and use of technology;**
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- **Any specific training, e.g. Cyber Crime**

**Domain-Specific Questions:**

1. Action taken based on nature of report?

- a) Reported by telephone / WhatsApp / Other social media: 70 %;

**b) Reported in person at the police station by filing GD / FIR \_\_\_\_\_ %;**

c) Taken up suo-motu while patrolling or investigation.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

a) Insufficient policemen to do investigation;

**b) Lack of competency to complete investigation;**

c) Political intervention;

d) Corruption;

3. How do you think the same can be avoided?

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

a) **Yes;**

b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

a) **Yes;**

b) No;

6. How is the cooperation with the public-prosecutor?

a) **Works in tandem with police in complete synchronization;**

b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

**Yes**

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

a) Yes;

**b) No;**

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

a) **Yes;**

b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the

report in any manner?

- a) **'Yes' it affects negatively due to lack of proper understanding of critical legal issues.**
- b) 'No' it does not affect in any manner.

**10.** Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) Yes, aware and some are being implemented;
- b) No, never heard of any such project;**
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

**11.** What is the level of implementation of digitalization in trial by police?

- a) Implemented in some districts and being used;**
- b) Implemented but not used to its optimum due to lack of trained personnel;
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

**12.** How can the implementation be enhanced to address the existing gaps?

**13.** To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) Being successfully utilized;
- b) Not used hence not effective;**

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) Will it increase-After UNLOCK 1 and 2 crime rates have increased a little**
- b) Will it decrease

c) No effect.

### Survey for Police officers

#### **Profile of the police officer/ Position: SSP, KANPUR**

**1. Gender of the officer?**

- a) **Male**
- b) Female

**2. Age group of the officer in years?**

- a) 18 – 21;
- b) 22 – 32;
- c) **33 – 42;**
- d) 43 – 52;
- e) 53 – 62.

**3. Number of years of service?**

- a) Less than 10 years;
- b) **10 – 20 years;**
- c) 20 – 30 years;
- d) 30 – 40 years;
- e) More than 40 years.

**4. Types of on the job trainings and their frequency?**

Mark with every (1 year); (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- Physical Combat training;
- Small-arms training;
- Armed combat training;

Investigation:

- Criminology and criminal psychology;
- Forensic science and use of technology;
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- Any specific training, e.g. Cyber Crime, Surveillance and woman safety

**Domain-Specific Questions:**

1. Action taken based on nature of report?

a) **Reported by telephone / WhatsApp / Other social media: \_\_30\_\_ %;**

b) Reported in person at the police station by filing GD / FIR \_\_70\_\_ %;

c) Taken up suo-motu while patrolling or investigation.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

a) **Insufficient policemen to do investigation;**

b) Lack of competency to complete investigation;

c) Political intervention;

d) Corruption;

3. How do you think the same can be avoided?

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

a) **Yes;**

b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

a) Yes;

b) **No;**

6. How is the cooperation with the public-prosecutor?

a) Works in tandem with police in complete synchronization;

b) **Ignores investigation and prepares the pleadings with little or no synchronization with police;**

Does this contribute towards delay in adjudication of the matter?

**Yes**

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**
- b) No;

**8.** Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) **Yes;**
- b) No;

**9.** If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) **'No' it does not affect in any manner.**

**10.** Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) Yes, aware and some are being implemented;
- b) **No, never heard of any such project;**
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

**11.** What is the level of implementation of digitalization in trial by police?

- a) Implemented in some districts and being used;
- b) **Implemented but not used to its optimum due to lack of trained personnel;**
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

**12.** How can the implementation be enhanced to address the existing gaps?

No idea

**13.** To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) **Being successfully utilized;**
- b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) **Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;

d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) **Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) Will it increase
- b) Will it decrease**
- c) No effect.

### Survey for Police officers

**Profile of the police officer/ Position: SP, Azamgarh**

**1.** Gender of the officer?

- a) **Male**
- b) Female

**2.** Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;**
- d) 43 – 52;
- e) 53 – 62.

**3.** Number of years of service?

- a) Less than 10 years;**
- b) 10 – 20 years;
- c) 20 – 30 years;
- d) 30 – 40 years;
- e) More than 40 years.

**4.** Types of on the job trainings and their frequency?

Mark with **every (1 year)**; (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- Physical Combat training;

- Small-arms training;
- Armed combat training;

Investigation:

- Criminology and criminal psychology;
- Forensic science and use of technology;
- Criminal Law and Legal developments;

General:

- Use of technology in crimes and counter-techniques;
- Public relations and man-management skills;
- Any specific training, e.g. Cyber Crime

**Domain-Specific Questions:**

1. Action taken based on nature of report?

**a) Reported by telephone / WhatsApp / Other social media: 40 %;**

**b) Reported in person at the police station by filing GD / FIR 60 %;**

c) Taken up suo-motu while patrolling or investigation.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

**a) Insufficient policemen to do investigation;**

b) Lack of competency to complete investigation;

c) Political intervention;

d) Corruption;

3. How do you think the same can be avoided?

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

**a) Yes;**

b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

a) Yes;

**b) No;**

6. How is the cooperation with the public-prosecutor?

- a) Works in tandem with police in complete synchronization;
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;**

Does this contribute towards delay in adjudication of the matter?

Yes

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) Yes;**
- b) No;

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) Yes;**
- b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) 'No' it does not affect in any manner.**

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) Yes, aware and some are being implemented;
- b) No, never heard of any such project;**
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

11. What is the level of implementation of digitalization in trial by police?

- a) Implemented in some districts and being used;
- b) Implemented but not used to its optimum due to lack of trained personnel;
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

12. How can the implementation be enhanced to address the existing gaps?

**No idea**

13. To what extent has the 'Digital Police Initiative' been effective in resolving the issues

otherwise faced in filing a FIR manually?

- a) **Being successfully utilized;**
- b) Not used hence not effective;

**14.** Do police officers get adequate state of the art technology-centric in-service training?

- a) Sufficient;
- b) **Not sufficient;**
- c) Sufficient but can be better if number of trainings increased;
- d) Sufficient in number but quality needs to be improved.

**15.** Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

- a) **Yes;**
- b) No;

**16.** How do you think COVID-19 would impact the crime rate?

- a) Will it increase
- b) Will it decrease
- c) **No effect.**

### Survey for Police officers

**Profile of the police officer/ Position: DSP Akmal Khan**

**1.** Gender of the officer?

- a) **Male**
- b) Female

**2.** Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) **33 – 42;**
- d) 43 – 52;
- e) 53 – 62.

**3.** Number of years of service?

- a) Less than 10 years;

- b) **10 – 20 years;**
- c) 20 – 30 years;
- d) 30 – 40 years;
- e) More than 40 years.

**4. Types of on the job trainings and their frequency?**

Mark with every (**1 year**); (2 years); (3 years); (5 years); (periodically); (none).

Policing:

- **Physical Combat training;**
- **Small-arms training;**
- **Armed combat training;**

Investigation:

- **Criminology and criminal psychology;**
- **Forensic science and use of technology;**
- **Criminal Law and Legal developments;**

General:

- **Use of technology in crimes and counter-techniques;**
- **Public relations and man-management skills;**
- **Any specific training, e.g. Cyber Crime, Surveillance and woman safety**

**Domain-Specific Questions:**

**1. Action taken based on nature of report?**

- a) **Reported by telephone / WhatsApp / Other social media: 70 %;**
- b) Reported in person at the police station by filing GD / FIR \_\_\_\_\_%;
- c) Taken up suo-motu while patrolling or investigation.

**2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).**

- a) **Insufficient policemen to do investigation;**
- b) Lack of competency to complete investigation;
- c) Political intervention;
- d) Corruption;

3. How do you think the same can be avoided?

**Single policemen should not be burdened.**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

- a) **Yes;**
- b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

- a) **Yes;**
- b) No;

6. How is the cooperation with the public-prosecutor?

- a) **Works in tandem with police in complete synchronization;**
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

**No, they do not contribute**

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**
- b) No;

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) **Yes;**
- b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) 'No' it does not affect in any manner.

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations?

- a) **Yes, aware and some are being implemented;**
- b) No, never heard of any such project;

- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions.

**11. What is the level of implementation of digitalization in trial by police?**

- a) Implemented in some districts and being used;  
**b) Implemented but not used to its optimum due to lack of trained personnel;**  
c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

**12. How can the implementation be enhanced to address the existing gaps?**

**More trained personnel needed**

**13. To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?**

- a) Being successfully utilized;**  
b) Not used hence not effective;

**14. Do police officers get adequate state of the art technology-centric in-service training?**

- a) Sufficient;  
b) Not sufficient;  
**c) Sufficient but can be better if number of trainings increased;**  
d) Sufficient in number but quality needs to be improved.

**15. Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?**

- a) Yes;**  
b) No;

**16. How do you think COVID-19 would impact the crime rate?**

- a) Will it increase  
**b) Will it decrease**  
c) No effect.

**Survey for Police officers**  
**Police Training College, Moradabad**

Profile of the police officer  
**Police Training Centre Moradabad**

**Deputy Inspector General along with four other juniors<sup>196</sup>**

1. Gender of the officer?

- a) **Male**
- b) Female

2. Age group of the officer in years?

- a) 18 – 21;
- b) 22 – 32;
- c) 33 – 42;
- d) 43 – 52;**
- e) 53 – 62.

3. Number of years of service?

- a) Less than 10 years;
- b) 10 – 20 years;
- c) 20 – 30 years;
- d) 30 – 40 years;**
- e) More than 40 years.

4. Types of on the job trainings and their frequency?

Mark with every (1 year); (2 years); (3 years); (5 years); (periodically); (none).

Policing: Physical Combat training;

**Small-arms training;** only few not all

Armed combat training;

Investigation:

**Criminology and criminal psychology., only during training**

**Forensic science** and use of technology;

Criminal Law and Legal developments;

General:

**Use of technology in crimes and counter-techniques;**

**Public relations and man-management skills;**

Any specific training, e.g. traffic management \_\_\_\_\_

Domain-specific questions

1. Action taken based on nature of report?

Reported by telephone / WhatsApp / Other social media: \_\_\_\_\_ %;

Reported in person at the police station by filing GD / FIR \_\_\_\_\_ %;

Taken up suo-motu while patrolling or investigation.

2. Data shows there is often delay in filing charge-sheet. What in your opinion contributes to the delay? (Mark those applicable).

- a) Insufficient policemen to do investigation;**
- b) Lack of competency to complete investigation;
- c) Political intervention;
- d) Corruption;

3. How do you think the same can be avoided?

\_\_\_\_\_

<sup>196</sup> The names of the police officers to be kept anonymous

**Yes, if we lessen the burden of police.**

4. Do you think that F.I.R. registered online or via E-mail or via 'WhatsApp' is investigated?

- a) **Yes;**
- b) No;

5. If 'Yes' are they investigated without discrimination with those filed physically?

- a) **Yes;**
- b) No;

6. How is the cooperation with the public-prosecutor?

- a) Works in tandem with police in complete synchronization;
- b) Ignores investigation and prepares the pleadings with little or no synchronization with police;

Does this contribute towards delay in adjudication of the matter?

7. Do you think that if policing and investigation roles are separated in a police station, it will help in quicker filing of charge-sheet?

- a) **Yes;**
- b) No;

8. Do investigating police officers receive sufficient legal assistance during the course of investigation?

- a) **Yes;**
- b) No;

9. If the answer to the above question is 'No', does that affect the investigation or filing of the report in any manner?

- a) 'Yes' it affects negatively due to lack of proper understanding of critical legal issues.
- b) **'No' it does not affect in any manner.**

10. Are you aware of the different projects launched by the NCRB aimed at linking information across all police stations? ( SCRIB IN EVERY STATE)

- a) **Yes, aware and some are being implemented;**
- b) No, never heard of any such project;
- c) Yes, aware but they are not implemented;

Whether they are implemented or not will not have any impact due to external interventions;

11. What is the level of implementation of digitalization in trial by police?

- a) **Implemented in some districts and being used;**
- b) Implemented but not used to its optimum due to lack of trained personnel;
- c) Not implemented because of lack of infrastructure, e.g. internet connectivity;

12. How can the implementation enhanced to address the existing gaps?

Judges and Investigator (8 cases in one year)( IO does at times more than 100 )

13. To what extent has the 'Digital Police Initiative' been effective in resolving the issues otherwise faced in filing a FIR manually?

- a) Being successfully utilized;

b) Not used hence not effective;

14. Do police officers get adequate state of the art technology-centric in-service training?

a) Sufficient;

b) Not sufficient;

c) Sufficient but can be better if number of trainings increased;

d) Sufficient in number but quality needs to be improved.

15. Do you think the Crime and Criminal Tracking Network and System (CCTNS) have helped fasten criminal justice delivery?

a) Yes;

b) No;

### Questionnaire for Police personnel in West Bengal

আধস্তন পুলিশ অফিসার এবং পুলিশ পরিদর্শকদের জন্য সমীক্ষা:

পুলিশ অফিসারের প্রোফাইল:

1z অফিসার জেডার?

পুরুষ

মহিলা

E : পুরুষ

2z অফিসারদের বয়সের মধ্যে গ্রুপ?

18 - 21

22 - 32

33 - 42

43 - 52

53 - 62

E : 33 - 42

3z পরিষেবা বছরের সংখ্যা

10 বছরেরও কম;

10 - 20 hRI

20 - 30 hRI

30 - 40 hRI

40 বছরেরও বেশি সময়

E : 30 - 40 hRI

4z কাজের প্রশিক্ষণের ধরণ এবং তাদের ফ্রিকোয়েন্সি ?

প্রত্যেকের সাথে চিহ্নিত করুন (1 hRI) ; (2 hRI) ;(3 hRI);(5 hRI) ; (পর্যায়ক্রমে) ; ( e | )z

পুলিশি :

শারীরিক লড়াই প্রশিক্ষণ

দেট অত্র প্রশিক্ষণ  
সশস্ত্র যুদ্ধ প্রশিক্ষণ

ভদন্ত :

অপরাধ ও অপরাধমূলক মনোবিজ্ঞান  
ফরেনসিক বিজ্ঞান এবং প্রযুক্তি ব্যবহার  
ফৌজদারি আইন এবং আইনী বিকাশ

সাধারণ:

অপরাধ ও পাশ্চাত্য কৌশলগুলিতে প্রযুক্তির ব্যবহার  
জনসংযোগ এবং ম্যানুয়ালিস্ট দক্ষতা  
যে কোনও নির্দিষ্ট প্রশিক্ষণ, যেমন ট্রাফিক ব্যবস্থাপনা \_\_\_\_\_  
\_\_\_\_\_Z

E : পুলিশ (পর্যায়ক্রমে);  
ভদন্ত (পর্যায়ক্রমে);  
সাধারণ (ei )

**ডোমেন নির্দিষ্ট প্রশ্ন**

12 প্রতিবেদনের প্রকৃতির তিথিতে ব্যবস্থা নেওয়া হয়েছে

টেলিফোন / হোয়াটসঅ্যাপ / অন্যান্য সামাজিক যোগাযোগ মাধ্যমে রিপোর্ট করা: \_\_\_\_\_ %;

জিডি / এফআইআর দায়ের করে থানায় ব্যক্তিগতভাবে রিপোর্ট করা  
\_\_\_\_\_ %;

টহল দেওয়ার সময় বা ভদন্ত করার সময় সু-মোটু নেওয়া হয়েছিল।

E :

টেলিফোন / হোয়াটসঅ্যাপ / অন্যান্য সামাজিক যোগাযোগ মাধ্যমে রিপোর্ট করা: \_\_\_\_\_ %;  
10 %

জিডি / এফআইআর দাখের করে থানায় ব্যক্তিগতভাবে রিপোর্ট করা

\_\_\_\_\_ %;  
40 %

টহল দেওয়ার সময় বা তদন্ত করার সময় সুমোটর নেওয়া হয়েছিল।  
50%

22 ডেটা দেখায় চার্জশিট দাখিল করতে প্রায়শই দেরি হয় আপনার মতামত কি দেরি অবদান?  
(প্রযোজ্য ভাদের চিহ্নিত করুন)

তদন্ত করতে অপরাধ পুলিশ সদস্যরা;  
তদন্ত সম্পূর্ণ করার দক্ষতার অভাব;  
রাজনৈতিক হস্তক্ষেপ;  
দুর্নীতি;

E : তদন্ত করতে অপরাধ পুলিশ সদস্যরা;  
তদন্ত সম্পূর্ণ করার দক্ষতার অভাব;  
রাজনৈতিক হস্তক্ষেপ;

32 আপনি কীভাবে একই এডালো যেতে পারেন বলে মনে করেন?

E : পর্যাপ্ত পুলিশ সদস্যরা;  
রাজনৈতিক হস্তক্ষেপ;

42 আপনি কি মনে করেন যে এফ.আই.আর. অনলাইনে নিবন্ধিত বা ই-মেল বা হোয়াটসঅ্যাপ  
র মাধ্যমে তদন্ত করা হয়?

হ্যাঁ

না

E : হ্যাঁ

52 যদি 'হ্যাঁ' শারীরিকভাবে দাখের করা ব্যক্তিদের সাথে বৈষম্য ছাড়াই তদন্ত করা হয়

হ্যাঁ

না

E : না

62 সরকারী আইনজীবীর সাথে সহযোগিতা কেমন ?

সম্পূর্ণ সিক্রোনাইজেশনে পুলিশের সাথে কাজ করে  
তদন্ত উপেক্ষা করে এবং পুলিশের সাথে সামান্য বা কোনও সুসংগতকরণের দ্বারা  
আবেদনগুলি প্রস্তুত করে; আবেদনগুলি প্রস্তুত করে;  
এটি কি বিষয়টি বিচারের ক্ষেত্রে বিলম্বের ক্ষেত্রে অবদান রাখে  
অবদান রাখে?

**E :** তদন্ত উপেক্ষা করে এবং পুলিশের সাথে সামান্য বা কোনও সুসংগতকরণের দ্বারা  
আবেদনগুলি প্রস্তুত করে; আবেদনগুলি প্রস্তুত করে;  
বিচারের ক্ষেত্রে বিলম্বের ক্ষেত্রে অবদান রাখে  
অবদান রাখে

72 আপনি কি ভাবেন যে যদি পুলিশিং এবং তদন্তের ত্রুটিগুলি কোনও খানায় আলাদা করা  
হয়, তবে তা চার্জশিটটি দ্রুত ফাইল করতে সহায়তা করবে

হ্যাঁ

না

**E :** হ্যাঁ

82 তদন্ত চলাকালীন পুলিশ কর্মকর্তারা পর্যাপ্ত আইনসভা সহায়তা পান যথেষ্ট

হ্যাঁ

না

**E :** না

92 উপরের প্রশ্নের উত্তর যদি 'না' হয়, তা কি কোনওভাবে তদন্ত বা রিপোর্ট দায়ের করতে  
প্রভাবিত করে?  
হ্যাঁ এটি সমালোচনামূলক আইনী বিষয়গুলির যথাযথ বোঝার অভাবে নেতিবাচকভাবে  
প্রভাবিত করে

না এটি কোনওভাবে প্রভাবিত করে না

**E :** হ্যাঁ এটি সমালোচনামূলক আইনী বিষয়গুলির যথাযথ বোঝার অভাবে নেতিবাচকভাবে  
প্রভাবিত করে

102 সমস্ত থানা জুড়ে তথ্যকে সংযুক্ত করার লক্ষ্যে এনসিআরবি চালু করা বিভিন্ন প্রকল্প সম্পর্কে  
আপনি কি জানেন?

হ্যাঁ, সচেতন এবং কিছু বাস্তবায়িত হচ্ছে

না, এরকম কোনও প্রকল্পের কথা কখনও শুনিনি

হ্যাঁ, সচেতন তবে সেগুলি কার্যকর করা হয়নি

বাহ্যিক হস্তক্ষেপের কারণে সেগুলি বাস্তবায়িত হয় বা না হয় তার কোনও প্রভাব পড়বে না

**E :** বাহ্যিক হস্তক্ষেপের কারণে সেগুলি বাস্তবায়িত হয় বা না হয় তার কোনও প্রভাব পড়বে না  
fx-h eiz

11z পুলিশ কর্তৃক পরীক্ষায় ডিজিটাল ইজেন্সন বাস্তবায়নের স্বরটি কী?  
কিছু জেলায় কার্যকর এবং ব্যবহার হচ্ছে  
প্রশিক্ষিত কর্মীদের অভাবের কারণে প্রয়োগ করা হয়েছে তবে এটি সর্বোত্তমরূপে  
অভ্যস্ত নয়  
তবে এটি সর্বোত্তমরূপে অভ্যস্ত নয়

অবকাঠামোগত অভাবের কারণে প্রয়োগ করা হয়নি, যেমন। ইন্টারনেট সংযোগ

**E : অবকাঠামোগত অভাবের কারণে প্রয়োগ করা হয়  
না।**

13z ডিজিটাল পুলিশ ইনিশিয়েটিভ' অন্যথায় ম্যানুয়ালি এফআইআর দাখলের করতে গিয়ে  
সমস্যার সমাধানে কতটা কার্যকর হয়েছে?  
সফলভাবে কাজে লাগানো হচ্ছে  
কার্যকর হয় না তাই কার্যকর

**E : কার্যকর হয় না BC তাই B কার্যকর z**

14z পুলিশ আধিকারিকেরা কী পরিষেবা প্রশিক্ষণের কেন্দ্রবিন্দুতে পর্যাপ্ত রাজ্য পান?  
যথেষ্ট;  
যথেষ্ট না;  
প্রশিক্ষণের সংখ্যা বৃদ্ধি পেলে পর্যাপ্ত তবে আরও ভাল হতে পারে;  
সংখ্যায় যথেষ্ট তবে মান উন্নত করা দরকার;

**E : যথেষ্ট না**

15z আপনি কি মনে করেন অপরাধ ও অপরাধমূলক ড্র্যাফটিং নেটওয়ার্ক এবং সিস্টেম  
(সিসিটিএনএস) অপরাধমূলক বিচারের সরবরাহকে জোরদার করতে সহায়তা করেছে?  
হ্যাঁ  
না

**E : না**

## Annexure- C

### GENERAL QUESTIONNAIRE FOR ALL

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/Others

**Name: Dr. S. Ali Nawaz Zaidi, Aligarh Muslim University**

Gender: **Male**

Age:**47**

1. What do you think is the leading cause of everyday crimes?
  - a. Illiteracy
  - b. Unemployment**
  - c. Social Awareness
  - d. Corruption
  - e. Other (Specify))
2. If you had a first experience with law enforcement agencies, how was your experience?
  - a. No experience with law enforcement agencies
  - b. Positive experience**
  - c. Negative experience
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18,have you ever been stopped by the Police
  - a) Yes**
  - b) No
  - c) No, but my family members have experienced so.
  - d) No, but I have seen others.
4. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day
  - c. Several times a week**
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men
  - c. Women**
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a policeofficer?
  - a) They do not cooperate.
  - b) They have no idea what to do in instance case

- c) **They create procedural difficulties.**
  - d) They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?
- a) **Yes**
  - b) No
  - c) No, but my friends and family members have experienced problems.
  - d) Others... (please specify)
8. Have you ever filed an online F.I.R.?
- a) **Yes**
  - b) No
  - c) Never heard of it.
  - d) I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cyber crimes/cyber frauds
- a) **Yes**
  - b) No
  - c) Not Sure
  - d) Only few
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- a) **Yes**
  - b) No
  - c) May be (Not Sure)
  - d) Other... (Please Specify)
11. Do you think that investigating officers are well trained to deal with forensic evidences?
- a) Yes
  - b) No
  - c) **Only Few**
  - d) Others.....
12. Do you think crimes in general are best dealt with by the police or by the courts?
- a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts
  - c. **Crimes in general are best dealt by community residents and police workingtogether**
  - d. Depends on the situation/differs from case to case.
  - e. I do not know
13. How satisfied are you with the way criminal justice system handles crimes?
- a. Extremely satisfied
  - b. **Satisfied**
  - c. Dissatisfied
  - d. Extremely dissatisfied
14. Do you think that the court system in India is soft on crime in general?
- a. **Yes**
  - b. No
  - c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Zaki Uddin**

**Khairoowala, Aligarh Muslim University**

Gender: **Male**

Age:**65**

1. What do you think is the leading cause of everyday crimes?
  - a. Illiteracy
  - b. Unemployment**
  - c. Social Awareness
  - d. Corruption
  - e. Other (Specify))
2. If you had a first experience with law enforcement agencies, how was your experience?
  - a. No experience with law enforcement agencies
  - b. Positive experience
  - c. Negative experience**
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18,have you ever been stopped by the Police
  - a) Yes**
  - b) No
  - c) No, but my family members have experienced so.
  - d) No, but I have seen others.
4. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day**
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men**
  - c. Women
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a policeofficer?
  - a) They do not cooperate.
  - b) They have no idea what to do in instance case
  - c) They create procedural difficulties.

d) **They ask for money.**

7. Have you ever faced any problem in filling an F.I.R.?

e) **Yes**

f) No

g) No, but my friends and family members have experienced problems.

h) Others... (please specify)

8. Have you ever filed an online F.I.R.?

a) Yes

b) **No**

c) Never heard of it.

d) I have hear about it but do not know how to file online F.I.R

9. Do you think that police personals are well trained to deal with the cases of cyber crimes/cyber frauds

a) Yes

b) **No**

c) Not Sure

d) Only few

10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?

a) **Yes**

b) No

c) May be (Not Sure)

d) Other... (Please Specify)

11. Do you think that investigating officers are well trained to deal with forensic evidences?

a) Yes

b) **No**

c) Only Few

d) Others.....

12. Do you think crimes in general are best dealt with by the police or by the courts?

a. Crimes in general are best dealt by the police

b. Crimes in general are best dealt by the courts

c. Crimes in general are best dealt by community residents and police working together

d. **Depends on the situation/differs from case to case.**

e. I do not know

13. How satisfied are you with the way criminal justice system handles crimes?

a. Extremely satisfied

b. **Satisfied**

c. Dissatisfied

d. Extremely dissatisfied

14. Do you think that the court system in India is soft on crime in general?

a. **Yes**

b. No

c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Amitabh Kesharwani**  
Gender: **Male**  
Age:**42**

1. What do you think is the leading cause of everyday crimes?
  - a. Illiteracy
  - b. Unemployment**
  - c. Social Awareness
  - d. Corruption
  - e. Other (Specify))
2. If you had a first experience with law enforcement agencies, how was your experience?
  - a. No experience with law enforcement agencies
  - b. Positive experience**
  - c. Negative experience
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18,have you ever been stopped by the Police
  - a) Yes
  - b) No
  - c) No, but my family members have experienced so.**
  - d) No, but I have seen others.
4. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. Less than a few times a month**
5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men**
  - c. Women
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a policeofficer?
  - a) They do not cooperate.**
  - b) They have no idea what to do in instance case
  - c) They create procedural difficulties.

- d) They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?
- Yes**
  - No
  - No, but my friends and family members have experienced problems.
  - Others... (please specify)
8. Have you ever filed an online F.I.R.?
- Yes
  - No**
  - Never heard of it.
  - I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cyber crimes/cyber frauds
- Yes
  - No
  - Not Sure
  - Only few**
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- Yes**
  - No
  - May be (Not Sure)
  - Other... (Please Specify)
11. Do you think that investigating officers are well trained to deal with forensic evidences?
- Yes
  - No**
  - Only Fes
  - Others.....
12. Do you think crimes in general are best dealt with by the police or by the courts?
- Crimes in general are best dealt by the police
  - Crimes in general are best dealt by the courts
  - Crimes in general are best dealt by community residents and police working together
  - Depends on the situation/differs from case to case.**
  - I do not know
13. How satisfied are you with the way criminal justice system handles crimes?
- Extremely satisfied
  - Satisfied**
  - Dissatisfied
  - Extremely dissatisfied
14. Do you think that the court system in India is soft on crime in general?
- Yes
  - No**
  - Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Sonali Roy Choudhury**

Gender: **F**

Age:**30**

1. What do you think is the leading cause of everyday crimes?
  - a. Illiteracy
  - b. Unemployment
  - c. Social Awareness
  - d. **Corruption**
  - e. Other (Specify))
2. If you had a first experience with law enforcement agencies, how was your experience?
  - a. No experience with law enforcement agencies
  - b. Positive experience
  - c. **Negative experience**
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18,have you ever been stopped by the Police
  - a) Yes
  - b) **No**
  - c) No, but my family members have experienced so.
  - d) No, but I have seen others.
4. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week
  - f. **A few times a month**
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men
  - c. Women
  - d. **Children**
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a policeofficer?
  - a) **They do not cooperate.**
  - b) They have no idea what to do in instance case
  - c) They create procedural difficulties.
  - d) They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?

- a) Yes
  - b) No
  - c) **No, but my friends and family members have experienced problems.**
  - d) Others... (please specify)
8. Have you ever filed an online F.I.R?
- a) Yes
  - b) No**
  - c) Never heard of it.
  - d) I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cyber crimes/cyber frauds
- a) Yes
  - b) No**
  - c) Not Sure
  - d) Only few
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- a) Yes**
  - b) No
  - c) May be (Not Sure)
  - d) Other... (Please Specify)
11. Do you think that investigating officers are well trained to deal with forensic evidences?
- a) Yes
  - b) No**
  - c) Only Few
  - d) Others.....
12. Do you think crimes in general are best dealt with by the police or by the courts?
- a. Crimes in general are best dealt by the police**
  - b. Crimes in general are best dealt by the courts
  - c. Crimes in general are best dealt by community residents and police working together
  - d. Depends on the situation/differs from case to case.**
  - e. I do not know
13. How satisfied are you with the way criminal justice system handles crimes?
- a. Extremely satisfied**
  - b. Satisfied
  - c. Dissatisfied**
  - d. Extremely dissatisfied
14. Do you think that the court system in India is soft on crime in general?
- a. Yes**
  - b. No
  - c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Dr. Aquuda**

**Khan**

Gender: **F**

Age: **35**

1. What do you think is the leading cause of everyday crimes?
  - a. Illiteracy**
  - b. Unemployment
  - c. Social Awareness
  - d. Corruption
  - e. Other (Specify)
2. If you had a first experience with law enforcement agencies, how was your experience?
  - a. No experience with law enforcement agencies
  - b. Positive experience
  - c. Negative experience
  - d. Neither Negative Nor positive**
3. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police
  - a. Yes**
  - b. No
  - c. No, but my family members have experienced so.
  - d. No, but I have seen others.
4. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day
  - c. Several times a week**
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men**
  - c. Women
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a police officer?
  - a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. They create procedural difficulties.**
  - d. They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?

- a. Yes
  - b. No
  - c. **No, but my friends and family members have experienced problems.**
  - d. Others... (please specify)
8. Have you ever filed an online F.I.R?
- a. Yes
  - b. No**
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds
- a. Yes
  - b. No
  - c. Not Sure
  - d. Only few**
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- a. Yes
  - b. No
  - c. May be (Not Sure)**
  - d. Other... (Please Specify)
11. Do you think crimes in general are best dealt with by the police or by the courts?
- a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts
  - c. Crimes in general are best dealt by community residents and police working together
  - d. Depends on the situation/differs from case to case.**
  - e. I do not know
12. How satisfied are you with the way criminal justice system handles crimes?
- a. Extremely satisfied
  - b. Satisfied**
  - c. Dissatisfied
  - d. Extremely dissatisfied

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/Others Name: **Dr. Jane Eyre Mathew**

Gender: **F**

Age: **43**

1. What do you think is the leading cause of everyday crimes?
- a. Illiteracy**
  - b. Unemployment**

- c. Social Awareness
  - d. Corruption
  - e. **Other (Specify) Greed, land and leading a well off life**
2. If you had a first experience with law enforcement agencies, how was your experience?
- a. No experience with law enforcement agencies
  - b. Positive experience
  - c. **Negative experience**
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police
- a. Yes
  - b. **No**
  - c. No, but my family members have experienced so.
  - d. No, but I have seen others.
4. How frequently do you see police patrols in your area?
- a. **Several times a day**
  - b. About once a day
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
- a. **The elderly**
  - b. Men
  - c. Women
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a police officer?
- a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. **They create procedural difficulties.**
  - d. They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?
- a. **Yes**
  - b. No
  - c. No, but my friends and family members have experienced problems.
  - d. Others... (please specify)
8. Have you ever filed an online F.I.R.?
- a. Yes
  - b. **No**
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds

a. **Yes**

b. No

c. Not Sure

d. Only few

10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?

a. **Yes**

b. No

c. May be (Not Sure)

d. Other... (Please Specify)

11. Do you think that investigating officers are well trained to deal with forensic evidences?

a. Yes

b. No

c. **Only Few**

d. Others.....

12. Do you think crimes in general are best dealt with by the police or by the courts?

a. Crimes in general are best dealt by the police

b. Crimes in general are best dealt by the courts

c. Crimes in general are best dealt by community residents and police working together

d. **Depends on the situation/differs from case to case.**

e. I do not know

13. How satisfied are you with the way criminal justice system handles crimes?

a. Extremely satisfied

b. **Satisfied**

c. Dissatisfied

d. Extremely dissatisfied

14. Do you think that the court system in India is soft on crime in general?

a. **Yes**

b. No

c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/Others Name: **Swati Kaushal**

Gender: **F**

Age: **34**

1. If you had a first experience with law enforcement agencies, how was your experience?

a. No experience with law enforcement agencies

b. Positive experience

c. **Negative experience**

- d. Neither Negative Nor positive
- 2. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police
  - a. **Yes**
  - b. No
  - c. No, but my family members have experienced so.
  - d. No, but I have seen others.
- 3. How frequently do you see police patrols in your area?
  - a. Several times a day
  - b. About once a day
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week
  - f. A few times a month
  - g. **Less than a few times a month**
- 4. Have you ever faced any problem in filling an F.I.R.?
  - a. Yes
  - b. No
  - c. **No, but my friends and family members have experienced problems.**
  - d. Others... (please specify)
- 5. Have you ever filed an online F.I.R.?
  - a. **Yes**
  - b. No
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
- 6. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds
  - a. Yes
  - b. **No**
  - c. Not Sure
  - d. Only few
- 7. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
  - a. **Yes**
  - b. No
  - c. May be (Not Sure)
  - d. Other... (Please Specify)
- 8. Do you think that investigating officers are well trained to deal with forensic evidences?
  - a. Yes
  - b. **No**
  - c. Only Few
  - d. Others.....
- 9. Do you think crimes in general are best dealt with by the police or by the courts?
  - a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts

- c. Crimes in general are best dealt by community residents and police working together
- d. **Depends on the situation/differs from case to case.**
- e. I do not know

10. How satisfied are you with the way criminal justice system handles crimes?

- a. Extremely satisfied
- b. Satisfied
- c. **Dissatisfied**
- d. Extremely dissatisfied

11. Do you think that the court system in India is soft on crime in general?

- a. Yes
- b. **No**
- c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/Others Name: **Dr. Meenu Gupta**

Gender: **F**

Age: **44**

1. If you had a first experience with law enforcement agencies, how was your experience?

- a. No experience with law enforcement agencies
- b. **Positive experience**
- c. Negative experience
- d. Neither Negative Nor positive

2. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police

- a. Yes
- b. No
- c. **No, but my family members have experienced so.**
- d. No, but I have seen others.

3. How frequently do you see police patrols in your area?

- a. Several times a day
- b. About once a day
- c. Several times a week
- d. About once a week
- e. Less than once a week

**f. A few times a month**

g. Less than a few times a month

4. Who do you think is the most vulnerable to crime?

- a. The elderly
- b. Men
- c. **Women**
- d. Children
- e. Other (please specify)

5. What is the most common problem you have faced while interacting with a police officer?
  - a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. They create procedural difficulties. (In some cases they are ready to cooperate but they have predetermined mind).**
  - d. They ask for money.
6. Have you ever faced any problem in filling an F.I.R.?
  - a. Yes
  - b. No
  - c. No, but my friends and family members have experienced problems.**
  - d. Others... (please specify)
7. Have you ever filed an online F.I.R.?
  - a. Yes
  - b. No**
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
8. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds
  - a. Yes
  - b. No**
  - c. Not Sure
  - d. Only few
9. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
  - a. Yes**
  - b. No
  - c. May be (Not Sure)
  - d. Other... (Please Specify)
10. Do you think that investigating officers are well trained to deal with forensic evidences?
  - a. Yes
  - b. No**
  - c. Only Few
  - d. Others.....
11. Do you think crimes in general are best dealt with by the police or by the courts?
  - a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts
  - c. Crimes in general are best dealt by community residents and police working together
  - d. Depends on the situation/differs from case to case.**
  - e. I do not know
12. How satisfied are you with the way criminal justice system handles crimes?
  - a. Extremely satisfied
  - b. Satisfied
  - c. Dissatisfied
  - d. Extremely dissatisfied**
13. Do you think that the court system in India is soft on crime in general?

- a. Yes
- b. No**
- c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Prof. Dr. Aditya Tomar**

Gender: **M**

Age: **42**

1. What do you think is the leading cause of everyday crimes?

- a. Illiteracy**
- b. Unemployment
- c. Social Awareness
- d. Corruption
- e. Other (Specify)

2. If you had a first experience with law enforcement agencies, how was your experience?

- a. No experience with law enforcement agencies
- b. Positive experience
- c. Negative experience**
- d. Neither Negative Nor positive

3. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police

- a. Yes**
- b. No
- c. No, but my family members have experienced so.
- d. No, but I have seen others.

4. How frequently do you see police patrols in your area?

- a. Several times a day
- b. About once a day
- c. Several times a week**
- d. About once a week
- e. Less than once a week
- f. A few times a month

5. Who do you think is the most vulnerable to crime?

- a. The elderly
- b. Men
- c. Women

**d. Children**

e. Other (please specify)

6. What is the most common problem you have faced while interacting with a police officer?

- a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. **They create procedural difficulties.**
  - d. They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?
- a. **Yes**
  - b. No
  - c. No, but my friends and family members have experienced problems.
  - d. Others... (please specify)
8. Have you ever filed an online F.I.R.?
- a. Yes
  - b. **No**
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds
- a. Yes
  - b. **No**
  - c. Not Sure
  - d. Only few
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- a. **Yes**
  - b. No
  - c. May be (Not Sure)
  - d. Other... (Please Specify)
11. Do you think that investigating officers are well trained to deal with forensic evidences?
- a. Yes
  - b. **No**
  - c. Only Few
  - d. Others.....
12. Do you think crimes in general are best dealt with by the police or by the courts?
- a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts
  - c. Crimes in general are best dealt by community residents and police working together

- d. **Depends on the situation/differs from case to case.**
  - e. I do not know
13. How satisfied are you with the way criminal justice system handles crimes?
- a. Extremely satisfied
  - b. Satisfied**
  - c. Dissatisfied
  - d. Extremely dissatisfied
14. Do you think that the court system in India is soft on crime in general?
- a. Yes
  - b. No**
  - c. Not Sure

Occupation: **Law Professor**/ Law Student/Advocate/Police Official/OthersName: **Dr. Ruchi Lal**

Gender: **F**

Age: **40**

1. What do you think is the leading cause of everyday crimes?
- a. Illiteracy
  - b. Unemployment
  - c. Social Awareness
  - d. Corruption**
  - e. Other (Specify)
2. If you had a first experience with law enforcement agencies, how was your experience?
- a. No experience with law enforcement agencies
  - b. Positive experience
  - c. Negative experience**
  - d. Neither Negative Nor positive
3. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police
- a. Yes
  - b. No
  - c. No, but my family members have experienced so.**
  - d. No, but I have seen others.
4. How frequently do you see police patrols in your area?
- a. Several times a day
  - b. About once a day
  - c. Several times a week
  - d. About once a week
  - e. Less than once a week**

- f. A few times a month
  - g. Less than a few times a month
5. Who do you think is the most vulnerable to crime?
- a. The elderly
  - b. Men
  - c. **Women**
  - d. **Children**
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a police officer?
- a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. **They create procedural difficulties.**
  - d. **They ask for money.**
7. Have you ever faced any problem in filling an F.I.R.?
- a. Yes
  - b. No
  - c. **No, but my friends and family members have experienced problems.**
  - d. Others... (please specify)
8. Have you ever filed an online F.I.R.?
- a. **Yes**
  - b. No
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
9. Do you think that police personals are well trained to deal with the cases of cybercrimes/cyber frauds
- a. Yes
  - b. **No**
  - c. Not Sure
  - d. Only few
10. Do think that we need to update current technology being used for collecting forensic/scientific evidences?
- a. **Yes**
  - b. No
  - c. May be (Not Sure)
  - d. Other... (Please Specify)
11. Do you think that investigating officers are well trained to deal with forensic evidences?
- a. Yes
  - b. **No**
  - c. Only Few
  - d. Others.....
12. Do you think crimes in general are best dealt with by the police or by the courts?
- a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts

- c. **Crimes in general are best dealt by community residents and police working together**
- d. Depends on the situation/differs from case to case.
- e. I do not know

13. How satisfied are you with the way criminal justice system handles crimes?

- a. Extremely satisfied
- b. Satisfied
- c. **Dissatisfied**
- d. Extremely dissatisfied

14. Do you think that the court system in India is soft on crime in general?

- a. **Yes**
- b. No
- c. Not Sure

Occupation: **Law professor**/ law students/ Advocates/ Police officers and others Name: **Dr. Ganesh**

**Bhardwaj**

Gender: **M**

Age: **44**

1. What do you think is the leading cause of everyday crimes?

- a. Illiteracy
- b. **Unemployment**
- c. Social Awareness
- d. Corruption
- e. Other (Specify)

2. If you had a first experience with law enforcement agencies, how was your experience?

- a. **No experience with law enforcement agencies**
- b. Positive experience
- c. Negative experience
- d. Neither Negative Nor positive

3. Nowadays, people are often stopped by the police for different reasons. Since age 18, have you ever been stopped by the Police

- a. Yes
- b. No
- c. No, but my family members have experienced so.
- d. **No, but I have seen others.**

4. How frequently do you see police patrols in your area?

- a. **Several times a day**
- b. About once a day
- c. Several times a week
- d. About once a week
- e. Less than once a week
- f. A few times a month
- g. Less than a few times a month

5. Who do you think is the most vulnerable to crime?
  - a. The elderly
  - b. Men**
  - c. Women
  - d. Children
  - e. Other (please specify)
6. What is the most common problem you have faced while interacting with a police officer?
  - a. They do not cooperate.
  - b. They have no idea what to do in instance case
  - c. They create procedural difficulties.**
  - d. They ask for money.
7. Have you ever faced any problem in filling an F.I.R.?
  - a. Yes
  - b. No**
  - c. No, but my friends and family members have experienced problems.
  - d. Others... (please specify)
8. Have you ever filed an online F.I.R.?
  - a. Yes
  - b. No**
  - c. Never heard of it.
  - d. I have hear about it but do not know how to file online F.I.R
9. Do you think that investigating officers are well trained to deal with forensic evidences?
  - a. Yes**
  - b. No
  - c. Only Few
  - d. Others.....
10. Do you think crimes in general are best dealt with by the police or by the courts?
  - a. Crimes in general are best dealt by the police
  - b. Crimes in general are best dealt by the courts
  - c. Crimes in general are best dealt by community residents and police working together
  - d. Depends on the situation/differs from case to case.**
  - e. I do not know
11. How satisfied are you with the way criminal justice system handles crimes?
  - a. Extremely satisfied
  - b. Satisfied**
  - c. Dissatisfied
  - d. Extremely dissatisfied
12. Do you think that the court system in India is soft on crime in general?
  - a. Yes**
  - b. No
  - c. Not Sure

## Questionnaire for Police personnel in West Bengal

আধস্তন পুলিশ অফিসার এবং পুলিশ পরিদর্শকদের জন্য সমীক্ষা:

পুলিশ অফিসারের প্রোফাইল:

1z অফিসার জেন্ডার?

পুরুষ

মহিলা

E : পুরুষ

2z অফিসারদের বয়সের মধ্যে গ্রুপ?

18 - 21

22 - 32

33 - 42

43 - 52

53 - 62

E : 33 - 42

3z পরিবেশে বছরের সংখ্যা

10 বছরেরও কম;

10 - 20 hRI

20 - 30 hRI

30 - 40 hRI

40 বছরেরও বেশি সময়

E : 30 - 40 hRI

4z কাজের প্রশিক্ষণের ধরণ এবং তাদের ফ্রিকোয়েন্সি ?

প্রত্যেকের সাথে চিহ্নিত করুন (1 hRI) ; (2 hRI) ; (3 hRI) ; (5 hRI) ; (পর্যায়ক্রমে) ; ( e<sub>l</sub> )z

পুলিশি :

শারীরিক লড়াই প্রশিক্ষণ

ঘোট অত্র প্রশিক্ষণ  
সশস্ত্র যুদ্ধ প্রশিক্ষণ

ভদন্ত :

অপরাধ ও অপরাধমূলক মনোবিজ্ঞান  
ফরেনসিক বিজ্ঞান এবং প্রযুক্তি ব্যবহার  
ফৌজদারি আইন এবং আইনী বিকাশ

সাধারণ:

অপরাধ ও পাশ্চাত্য কৌশলগুলিতে প্রযুক্তির ব্যবহার  
জনসংযোগ এবং ম্যানেজমেন্ট দক্ষতা  
যে কোনও নির্দিষ্ট প্রশিক্ষণ, যেমন ট্রাফিক ব্যবস্থাপনা \_\_\_\_\_  
\_\_\_\_\_Z

E : পুলিশ (পর্যায়ক্রমে) ;

ভদন্ত (পর্যায়ক্রমে) ;

সাধারণ (ei )

**ডোমেন নির্দিষ্ট প্রশ্ন**

1Z প্রতিবেদনের প্রকৃতির ভিত্তিতে ব্যবস্থা নেওয়া হয়েছে

টেলিফোন / হোয়াটসঅ্যাপ / অন্যান্য সামাজিক যোগাযোগ মাধ্যমে রিপোর্ট করা: \_\_\_\_\_ %;

জিডি / এফআইআর দায়ের করে থানায় ব্যক্তিগতভাবে রিপোর্ট করা  
\_\_\_\_\_ %;

টহল দেওয়ার সময় বা ভদন্ত করার সময় সু-মোটু নেওয়া হয়েছিল।

E :

টেলিফোন / হোয়াটসঅ্যাপ / অন্যান্য সামাজিক যোগাযোগ মাধ্যমে রিপোর্ট করা: \_\_\_\_\_ %;

10 %

জিডি / এফআইআর দাখের করে থানায় ব্যক্তিগতভাবে রিপোর্ট করা

\_\_\_\_\_ %;

40 %

টহল দেওয়ার সময় বা তদন্ত করার সময় সুমোটু নেওয়া হয়েছিল।

50%

22 ডেটা দেখায় চার্জশিট দাখিল করতে প্রায়শই দেরি হয়-আপনার মডামড কি দেরি অবদান?  
(প্রযোজ্য তাদের চিহ্নিত করুন)

তদন্ত করতে অপরাধ পুনিশ সদস্যরা;

তদন্ত সম্পূর্ণ করার দক্ষতার অভাব;

রাজনৈতিক হস্তক্ষেপ;

দুর্নীতি;

E : তদন্ত করতে অপরাধ পুনিশ সদস্যরা;

তদন্ত সম্পূর্ণ করার দক্ষতার অভাব;

রাজনৈতিক হস্তক্ষেপ;

32 আপনি কীভাবে একই এডালো যেতে পারেন বলে মনে করেন?

E : পর্যাপ্ত পুনিশ সদস্যরা;

রাজনৈতিক B হস্তক্ষেপ;

42 আপনি কি মনে করেন যে এফ.আই.আর. অনলাইনে নিবন্ধিত বা ই-মেল বা হোয়াটসঅ্যাপ  
র মাধ্যমে তদন্ত করা হয়?

হ্যাঁ

না

E : হ্যাঁ

52 যদি 'হ্যাঁ' শারীরিকভাবে দাখের করা ব্যক্তিদের সাথে বৈষম্য ছাড়াই তদন্ত করা হয়

হ্যাঁ

না

E : না

62সরকারী-আইনজীবীর সাথে সহযোগিতা কেমন ?

সম্পূর্ণ সিক্রোনাইজেশনে পুলিশের সাথে কাজ করে  
তদন্ত উপেক্ষা করে এবং পুলিশের সাথে সামান্য বা কোনও সুসংগতকরণের দ্বারা  
আবেদনগুলি প্রস্তুত করে; আবেদনগুলি প্রস্তুত করে;  
এটি কি বিষয়টি বিচারের ক্ষেত্রে বিলম্বের ক্ষেত্রে অবদান রাখে  
অবদান রাখে?

**E : তদন্ত উপেক্ষা করে এবং পুলিশের সাথে সামান্য বা কোনও সুসংগতকরণের দ্বারা  
আবেদনগুলি প্রস্তুত করে; আবেদনগুলি প্রস্তুত করে;  
বিচারের ক্ষেত্রে বিলম্বের ক্ষেত্রে অবদান রাখে  
অবদান রাখে**

72আপনি কি ভাবেন যে যদি পুলিশিং এবং তদন্তের ভূমিকাগুলি কোনও খানায় আলাদা করা  
হয়, তবে তা চার্জশিটটি দ্রুত ফাইল করতে সহায়তা করবে

হ্যাঁ

না

**E : হ্যাঁ**

82তদন্ত চলাকালীন পুলিশ কর্মকর্তারা পর্যাপ্ত আইনসত্ত সহায়তা পান যথেষ্ট

হ্যাঁ

না

**E : না**

92উপরের প্রশ্নের উত্তর যদি 'না' হয়, তা কি কোনওভাবে তদন্ত বা রিপোর্ট দায়ের করতে  
প্রভাবিত করে?

হ্যাঁ এটি সমালোচনামূলক আইনী বিষয়গুলির যথাযথ বোঝার অভাবে নেতিবাচকভাবে  
প্রভাবিত করে

না এটি কোনওভাবে প্রভাবিত করে না

**E : হ্যাঁ এটি সমালোচনামূলক আইনী বিষয়গুলির যথাযথ বোঝার অভাবে নেতিবাচকভাবে  
প্রভাবিত করে**

102সমস্ত থানা জুড়ে তথ্যকে সংযুক্ত করার লক্ষ্যে এনসিআরবি চালু করা বিভিন্ন প্রকল্প সম্পর্কে  
আপনি কি জানেন?

হ্যাঁ, সচেতন এবং কিছু বাস্তবায়িত হচ্ছে

না, এরকম কোনও প্রকল্পের কথা কখনও শুনি নি

হ্যাঁ, সচেতন তবে সেগুলি কার্যকর করা হয়নি

বাহ্যিক হস্তক্ষেপের কারণে সেগুলি বাস্তবায়িত হয় বা না হয় তার কোনও প্রভাব পড়বে না

**E : বাহ্যিক হস্তক্ষেপের কারণে সেগুলি বাস্তবায়িত হয় বা না হয় তার কোনও প্রভাব পড়বে না  
fx-h eiz**

11z পুলিশ কর্তৃক পরীক্ষায় ডিজিটাল ইজেন্সন ব্যবস্থায়নের স্বরটি কী?  
কিছু জেলায় কার্যকর এবং ব্যবহার হচ্ছে  
প্রশিক্ষিত কর্মীদের অভাবের কারণে প্রয়োগ করা হয়েছে তবে এটি সর্বোত্তমরূপে  
অভ্যস্ত নয়  
তবে এটি সর্বোত্তমরূপে অভ্যস্ত নয়

অবকাঠামোগত অভাবের কারণে প্রয়োগ করা হয়নি, যেমন। ইন্টারনেট সংযোগ

**E : অবকাঠামোগত অভাবের কারণে প্রয়োগ করা হয়  
নি।**

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13z ডিজিটাল পুলিশ ইনিশিয়েটিভ অনাথায় ম্যানুয়ালি এফআইআর দায়ের করতে গিয়ে  
সমস্যার সমাধানে কতটা কার্যকর হয়েছে?  
সফলভাবে কাজে লাগানো হচ্ছে  
কার্যকর হয় না তাই কার্যকর

**E : কার্যকর হয় না BC তাই B কার্যকর z**

14z পুলিশ আধিকারিকেরা কী পরিষেবা প্রশিক্ষণের কেন্দ্রবিন্দুতে পর্যাপ্ত রাজ্য গান?  
যথেষ্ট;  
যথেষ্ট না;  
প্রশিক্ষণের সংখ্যা বৃদ্ধি পেলে পর্যাপ্ত তবে আরও ভাল হতে পারে;  
সংখ্যায় যথেষ্ট তবে মান উন্নত করা দরকার;

**E : যথেষ্ট না**

15z আপনি কি মনে করেন অপরাধ ও অপরাধমূলক ট্র্যাকিং নেটওয়ার্ক এবং সিস্টেম  
(সিসিটিএনএস) অপরাধমূলক বিচারের সরবরাহকে জোরদার করতে সহায়তা করেছে?  
হ্যাঁ  
না

**E : না**



