Revised and Final Report
A Study on Non-Registration of Crimes: Problems & Solutions

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25th October, 2016

Sponsored by
Bureau of Police Research and Development, Ministry of Home Affairs,
Government of India
“The number of FIRs not registered is approximately equivalent to the number of FIRs actually registered. Keeping in view the NCRB figures that show that about 60 lakh cognizable offences were registered in India during the year 2012, the burking of crime may itself be in the range of about 60 lakh every year. Thus, it is seen that such a large number of FIRs are not registered every year, which is a clear violation of the rights of the victims of such a large number of crimes. Burking of crime leads to dilution of the rule of law in the short run; and also has a very negative impact on the rule of law in the long run since people stop having respect for rule of law. Thus, non-registration of such a large number of FIRs leads to a definite lawlessness in the society.

(Constitution Bench of the Supreme Court of India in Lalita Kumari. vs. Govt. of U.P. & Ors. NEW DELHI; NOVEMBER 12, 2013).”
Project Team

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The research project entitled “Non-Registration of Crimes : Problems and Solutions” is an outcome of the collective endeavour of the research team under the guidance of the project Coordinator, Dr. U N B Rao, Ph. D. (IIT Delhi), Indian Police Service (Retd.). The project would not have been completed but for active support received at all stages from Dr. Rao for which I am immensely obliged to him. Our thanks are due to the Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs, Government of India for sponsoring the present study under the Plan Scheme.

The research study was heavily dependent on the support from various stakeholders such as criminal justice functionaries (Police, Prosecutors, Judges and Lawyers) as well as civil society groups (Media, NGOs and Community). I thank all of them for their enormous cooperation and providing relevant data & information.

Special thanks are also due to the Offices of the Registrar Generals of Assam and Maharashtra High Courts, SPs/CPs/DGSP (Police) and DGs (Prosecutions) of Assam, Delhi, Maharashtra, Odisha, Tamil Nadu and Uttar Pradesh for granting permission to the research team to access relevant data and information from official records. Special thanks are due to police officers, public prosecutors, district judges and judicial magistrates, officer bearers of district bar associations, civil society groups like media professionals, NGOs and community people as well as opinion leaders (village headmen and local MLAs) of the sample States and Districts for their participation in the study and valuable support to the research team.

A special thanks to Prof. S. Parasuraman, Director, Tata Institute of Social Sciences (TISS), Mumbai for permitting me to undertake this study. I would like to record deep appreciation for excellent work done by Mr. K. Purandaran, (Research Officer), Ms. Sheetal Devasthali, and Mr. Neeraj Kumar, Research Fellow and Dr. Kamlesh Kumar (Research Associates) for completion of this study despite several constraints in the field. I sincerely thank my colleagues Dr. K. M. Parivelan and Dr. Murali Karnam for proof reading of the manuscript.

Last but not the least, I sincerely thank Late Mr. Deepak Bharatwal, Ms. Jayashree Gaikwad and Mr. Sachin Khandagale for providing untiring secretarial support to complete the project report.

I sincerely acknowledge my gratitude to all of them who remain unnamed. The responsibility for the shortcomings in the work, however, is my alone.

Arvind Tiwari
Project Director,
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25th October, 2016
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<th>Full Form</th>
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<tr>
<td>ACP</td>
<td>Assistant Commissioner of Police</td>
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<tr>
<td>DCP</td>
<td>Deputy Commissioner of Police</td>
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<td>CHRI</td>
<td>Commonwealth Human Rights Initiative</td>
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<td>CP</td>
<td>Commissioner of Police</td>
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<td>DGP</td>
<td>Director General of Police</td>
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<td>APP</td>
<td>Assistant Public Prosecution</td>
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<td>GD</td>
<td>General Diary</td>
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<td>IPC</td>
<td>Indian Penal Code</td>
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<td>Cr PC</td>
<td>Criminal Procedure Code</td>
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<td>MR</td>
<td>Multi Response</td>
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<td>PP</td>
<td>Public Prosecutor</td>
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<td>SHO</td>
<td>Station House Officer</td>
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<tr>
<td>DO</td>
<td>Duty Officer</td>
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<tr>
<td>PI</td>
<td>Police Inspector</td>
</tr>
<tr>
<td>SI</td>
<td>Sub-Inspector</td>
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<tr>
<td>IO</td>
<td>Investigating Officer</td>
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<tr>
<td>CJS</td>
<td>Criminal Justice System</td>
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<td>JDS</td>
<td>Justice Delivery System</td>
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<tr>
<td>NGO</td>
<td>Non Governmental Organization</td>
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<tr>
<td>CCTNS</td>
<td>Crime &amp; Criminal Tracking Network and System</td>
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<tr>
<td>Sec</td>
<td>Section</td>
</tr>
<tr>
<td>NC</td>
<td>Non-cognizable</td>
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<td>FIR</td>
<td>First Information Report</td>
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<td>FGD</td>
<td>Focus Group Discussion</td>
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<td>RO</td>
<td>Research Officer</td>
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<td>RA</td>
<td>Research Associate</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>HDI</td>
<td>Human Development Index</td>
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<td>PI</td>
<td>Preliminary Inquiry</td>
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<td>MPA</td>
<td>Model Police Act</td>
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<tr>
<td>NA</td>
<td>Not Applicable</td>
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<td>NR</td>
<td>No-Response</td>
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EXECUTIVE SUMMARY

The menace of non-registration of crime badly dents the police image and impedes their efforts to better the police-public relations, which are vital for effective functioning of police. As such, it is found imperative to ascertain causes for the problem and evolve solutions. In this regard, the present study entitled, “Non-Registration of Crimes : Problems and Solutions” has been undertaken by Nodal Center of Excellence for Human Rights Education (NCEHRE), School of Law, Rights and Constitutional Governance (SLRCG), Tata Institute of Social Sciences (TISS), Mumbai. TISS availed the opportunity, under the aegis of the BPR&D, MHA, GOI, to conduct an in-depth study on the theme ‘Non-registration of Crimes: Problems and Solutions’ and arrived at certain tangible conclusions.

Objectives of the Study:

The present study aims to;

1. Study nature and extent of non-registration of crimes in a few selected States in India which are representative of different regions of India;
2. Understand citizens’ experiences with police while visiting Police Stations for registration of complaints;
3. Explore causes and consequences of non-registration of crimes on victims of crimes in particular and society in general;
4. Analyze critically International and National frameworks, Government policies, procedures and Court rulings for free and fair registration of crime; and
5. Suggest solutions and workable mechanisms for a citizen’s friendly crime reporting/registration process at police station level.

Methodology and Scope: The study is based on a nation-wide (six States from different Zones of India) data collected from ten different categories of Stakeholders (n=506); a total of 33 Focus Group Discussions (FGDs) held at different parts of the country with varied categories of public and police functionaries and 40 case studies prepared, including a ten instances of police good work; besides field notes on observations made by the Research team. It has been a mixed model: a blend of quantitative data (Statistical Package for Social Sciences was used) and Qualitative data through content analysis.
and correlations. Cross tabulation of responses given by public vis-à-vis police functionaries on relevant issues are drawn to bring out their varying perceptions. A Synthesis of police and public viewpoints has been worked out to draw conclusions on specific issues and thereby identify the ‘Problems’ (causative factors) that lead to non-registration of crimes.

Profile of Complainants: The sample (n=207) of the victims/complainants broadly covers different socio-economic and demographic categories. The data reveals age distribution of complainants: 28% belonged to age group 19-30 years, while 35% were of the age group 31-40 years. This indicates that six out of every ten respondents were below forty years. Though only four Senior citizens (61+ age group) were found in the sample, it indicates that crime against aged did exist. Majority of the complainants were male (80.2%) and direct victims of crime (95.16%). Further, religion-wise data describes 88.9% complainants were Hindus. Besides, 9.2% were Muslims, 2 Christians, one Sikh and one in Jain community. The social profile highlights that 42.8% complainants were from OBC category and 36.7% from general category while SC constitutes 20% and ST 0.6%. However, it is interesting to note that 13% of complainants showed their indifference to caste/category clarification, refused to disclose their caste identity. Education-wise analysis shows that a large number of victims (96.7%) were educated persons ranging from primary to post graduation level. Among them, 11.5% have studied up to primary level (5th standard), 47.5% up to 12th standard and 37.7% were graduates and above. However, the data reveals that 24.2% of the victims were daily wage laborers, 23.7% were self employed in running their own shops like pan shop, general store, mobile shops etc. Out of the 39 female respondents, 21 were housewives and the remaining 18 were in different professions.

Problems Identified:
The problems so identified and the possible solutions to reduce the menace of non-registration of crimes are summarized as given below:
Lack of adequate man power and heavy work load in police stations:

**Problem:** It is reconfirmed from the study that most of the cutting edge personnel are working for long hours and have heavy workload; such a situation was prompting them to avoid more work by registering all the crimes. This was a view clearly stated by police functionaries and supported by public stakeholders.

**Solutions:**

(i) This inadequacy was highlighted by various Commissions/Committees, which were constituted to bring in much needed reforms in police working. It is not only augmenting strength of existing police force but most importantly, filling up the vacancies averaging about 23.6% of the total strength of policemen in the country. Releasing Central Grants under Police modernization may be linked up for filling up of the vacancies by State Governments.

(ii) Existing strength of less than 40 personnel in 3879 Police Stations (27.4% of total number of 14155 police stations in the country) may be upgraded atleast by 50%, to start with and gradually increase them by 100%.

(iii) A work study be got conducted by all the State Governments to work out the optimum strength for their existing police Stations, by taking into account not only the investigation work but also various other sundry duties of the policemen, including extending security cover to VIPs, arrangements at rallies and local functions and the like. In this regard, the studies conducted earlier by the BPR&D should be of immense value.

(iv) Police establishments may take the help of Private Security agencies, which are constituted under a statute of the Government of India. In this regard, the local authorities are given powers to license these agencies. As such, the private security personnel can act as force multipliers, provided the police organizations devise working mechanisms to enlist their time and energies. In other words, informal interactions with the private security agencies and their personnel, besides apprising
them of the crime situation and the needed precautions to be taken, as tried out by some enterprising police officers, would yield some positive results.

v) The recommendations outlined in some of the studies, which were conducted at the instance of BPR&D for standardizing the duties of Police personnel vis-à-vis duties that could be outsourced, deserves to be implemented.

vi) Model Police Act, 2006 (Soli Sorabjee Committee Report) stipulated for differentiating Police personnel posted in Police Stations as Civil police vis-à-vis personnel posted in Armed Units, who function in section and platoon strengths. It is proposed that all persons in Civil Police units should have a minimum rank of Head Constables/Asstt. Sub Inspectors, who would have better educational level, training and promotional avenues. In that way, every functionary in the Police Station could be an investigating Officer. As such, the lowest functionary in Civil Police, a Constable, who generally plays a low key, could feel motivated and become more productive.

vii) The recommendations of Model Police Act, 2006 (Chapter III, page 24-27) were reportedly introduced in the Revised Police Act of Himachal Pradesh. Lessons learnt by them in implementing these provisions may be widely circulated. In this context, it may be mentioned that in most of the developed countries have lesser number of police functionaries (New York City was having a strength of 40000 police functionaries vis-à-vis Delhi having more than 70000 police personnel, who all were known as Police Officers I, II & III, to become a full fledged Officer in a matter of three years). The stipulation of differentiating Civil Police from Armed police was included in MPA, 2006, only after holding a consultative meet with State Police representatives by the BPR&D in 2006. It is hoped that by adopting such a measure, which may mean a paradigm shift, would improve man power utilization in police stations. Needless to say that 85% of sanctioned strength of Indian Police comprises Constables and Head Constables, while the Inspector to ASI level constitutes 14%.
Police functionaries specifically requested for separation of Crime Investigation Wing from that of Law and Order Wing, which, according to them, would give them time for investigation work and thereby, facilitate them to take up additional work caused by free and fair registration of crime. The issue of separating Investigation Wing from Law & Order Wing was strongly recommended right from National Police Commission to Supreme Court directives of 2006. It was supposed to start in big cities, to be followed by smaller cities. Some of the Southern States adopted separate Wings, but some of them got back unifying them. This issue deserves in-depth study to understand ground realities and remove the shortcomings, if any, prior to its introduction elsewhere.

**Problem Identified: Police behavior towards complainants:** Behavior of police towards complainants, especially women and marginalized sections of society, was not good, resulting in a large number (more than 75%) of population were averse to Police and avoid coming forward to report a crime, unless it was serious and intolerable.

**Solutions:**

(i) Police functionaries, though drawn from the same milieu, are expected to be different and more service-oriented. It emerged during the study that a number of police functionaries, at cutting edge level, sought to have orientation programs in public dealing and up-gradation of their legal knowledge and other soft skills. The usual in-service training programs for Civil Police may be soft-skills, instead of routine trainings in weapon handling, bomb disposal and the like.

(ii) The facilities in the police stations need to be augmented, besides taking care of the welfare of police personnel. Some experiments made in Hyderabad Police to ear mark a sitting place and working cabin for each police person need to be studied in depth and replicated by all police stations.
(iii) The self esteem of a police officer at cutting edge level needs to be boosted up by middle and senior functionaries, instead of using intemperate language and making insulting comments about them. An empirical study conducted by Dr. Rao (presented in All India Police Science Congress, 2013) revealed an increasing alienation between the lower functionaries (Constables and Head Constables) and middle functionaries (ASI to Inspector). Similar empirical studies be got conducted by different District Police Officers in a bid to understand the situation in their police stations and take corrective measures.

(iv) Increasing the presence of women in police forces, as MHA sets it at 10% of the total, is hoped to improve behavioral patterns of police functionaries towards complainants. (U.P. police officials welcomed their government’s circular not to use pan, beedi and intemperate language in the presence of women Police, who were soon to be added).

**Problem: Inadequacy of resources for police working:** Police Departments have been ranked low in Government funding priority as these are treated as non-productive units and are a matter of drain on the State exchequer. Strangely, but as a matter of fact, Police continue to be under ‘non-plan’ budget and the Governments are always less inclined to spend more money on police. This resulted in shortage of man-power, infrastructure, transport etc. Cumulatively, these problems of police directly or indirectly impacting on crime registration, investigation and filing of charge-sheets in the Courts of law, resulting in almost 50% cases ending in acquittals. Such acquittals contribute to the loss of public faith, especially in Police, leaving aside all other wings of Criminal Justice System. In such a situation, no one would take trouble to report crime or associate with police.

**Solutions:**

(i) It calls for a paradigm shift in the thinking of Government and Political executives, who need to realize that there is a close link between security and economic development of a State/Nation. One would hesitate investing in an area where security was lax, for example; Noida/Ghaziabad vis-a-vis Gurgaon; West Bengal vis-a-vis Gujarat, when Tata Car Project and many other Projects moved out of West Bengal to other places, in the wake of then existed maoist activities in West Bengal.
(ii) The National Police Mission, which was constituted on the directions of Hon’ble Prime Minister of India in 2007-08, was supposed to adopt a mission-mode for equipping the police to effectively face ever increasing challenges of crime and terrorism, turned out into yet another bureaucratic exercise. It was opined that police being a ‘regulatory authority’ cannot function like any other Missions, such as National Literacy Mission, National Horticulture Mission and the like. The Mission requires to be effective and made more productive to bring in much needed infrastructural facilities for the police.

(iii) The annual cost on a police personnel in India is Rs. 3.33 lakhs and thus, the total expenditure on about 13 lakhs police personnel (actual posted strength) works out to Rs. 4,29,000 crores. In comparison to some of the big scams that emerged in the country, this amount does not seem big and India should be able to spend more, of-course, only when it is realized that there is close link between the security and national development.

(iv) The ongoing efforts to improve the housing facilities to the police personnel deserve to be continued, as all India satisfaction level in police housing is only 37.38%, with Tamil Nadu (50%) and Maharashtra (47%) topping the list in comparison to states like U.P. (20%) and Delhi (22%). The inadequacy of vehicles and equipments are also found important, which are helped to be taken care of in the on-going police modernization schemes.

**Problem: The political economy of crime statistics:** It emerged that management of crime statistics by police functionaries has linkages with performance appraisals, as one of the important reasons for non-registration of crimes in India. The crime graphs have had negative impact on the performance of not only the police but also Governments in power. In certain States, the political executives openly insisted on burking of crime in order to show lowering of crime. It is widely reported that Ms. Mayawati, then Chief Minister of U.P., (one of the States studied by the research team), had placed senior officers under suspension, for their inability to control the crime.
Solutions:

i) Study indicated that police functionaries, even at cutting edge level, are averse to such manipulations of crime statistics. In fact, many of them stated that linkages between crime statistics and performance appraisal are becoming minimal. It has also come to light that current ongoing drive for free and fair registration of crime in Delhi (one of the States included in the study) received strong support from the Govt. of India, Ministry of Home Affairs, who exercise control over functioning of Delhi Police.

ii) Model Police Act (MPA) specifically sought the State Police Boards, which are supposed to be constituted by the Governments, to identify performance indicators to evaluate the functioning of Police Services, which shall, inter-alia, include operational efficiency, public satisfaction, victim gratification vis-à-vis police investigation and response, accountability, optimum utilization of resources, and human rights record; (Rule 181 (b) of Chapter 8 of MPA, 2006). This provision deserves to be noted for implementation. In fact, Second Administrative Reforms Commission, 2005 and the Committee on Draft National Policy on Criminal Justice, 2007 also recommended for delinking the crime statistics with the performance appraisals, in a bid to save from non-registration of crime.

iii) MPA proposes imprisonment of 3 months or with a fine or both, to a Police officer, who, without lawful reasons, fail to register an FIR, as required by Section 154 of Cr.P.C., 1973. (Section 199 (i) (b). The latest order of the full Bench of Supreme Court (November, 2013) for registering all complaints, without choice of conducting preliminary inquires, would subject police functionaries to penal action, if they opt for non-registration of crime.

iv) In the wake of such overwhelming legal binding, Police Chiefs need to resolve and convince their political executives for a fair and free registration of cognizable offence. It needs to be a decision at national level and by all the State Governments, to adopt a uniform policy for registration of crime. Such a decision might lead to a quantum jump
in registered crime in all the States. The crime figures so risen could be taken as a benchmark for future comparison of crime statistics. In this regard, it may be pointed out that lead countries like USA tops with highest registered crime of 1.24 crores (2011), followed by Germany (21 lakhs), France (12 lakh) and Russian Federation (10 lakhs). In fact, these developed countries consider that higher crime rate as an index for higher economic development. India, having population four times more than that of USA, registers only 50% crimes as that of USA (60.41 lakh crimes were registered in India during 2012).

Dilemma of cognizable and non-cognizable nature of offences:

**Problem:** Victims usually nurse a grudge against the police that gravity of their cases were either reduced or made into non-cognizable, in a bid to control the crime graph. According to 1st Schedule attached to Cr.P.C., 1973, out of 445 offences, 292 are classified as Cognizable and 131 as non-cognizable, while 22 offences as both cognizable and non-cognizable according to the circumstances. The nicety of this classification is not known to an average citizen and sometimes, even educated ones, which unawareness is misused by some police officials to minimize or twist the complaint. In some of the offences, which automatically fall under the non-cognizable category, genuine police officers have problem in convincing the complainants.

**Solution:** It is indeed a practicable problem, which calls for review by wider public so that a common man is aware of such distinction. In this regard, Malimath Committee, however, sought for removing this distinction and wanted police to register all crime and it to be investigated. CHRI, an International NGO, also supported this view.

False complaints made to police in order to harm to others:

Due to drive for free and fair registration of crime and non-availability of provisions for conducting PIs, police officers might be loaded with false complaints. As it is, police can propose no action under Section 182 (if it was only false information) and 211 (if it is false charge of offence) against the complainant only when they could prove that it was a false complaint after making thorough
investigation. In fact, many Magistrates, who were to accept that it was a false complaint, would not easily do so. Even if they accept, the offence being non-cognizable, Magistrates permission is required to take up action against the false complainant, which procedure is not normally pursued by an otherwise over-burdened police officer.

**Solution:** This problem is likely to increase when the statutory requirement of registering of complaint, without a question and calls for a stricter law to deal with false complaints. The proposal to recover expenses incurred on the police investigation, from false complainant, as is being done in USA and other countries, may have to be equally brought into a statute.

**Problem Identified: Interface of political/NGO/Media and other influential person in the process of registration of crime:** For long, political interface is considered as a big hindrance to register or not to register an offence, on merits. Similar interfaces were reported from other influential and civic authorities.

**Solution:** The data and the case studies, however, indicate that interface by media and NGOs were mainly to support victims whose cases were not registered on flimsy grounds. Even in the case of political interface, the level of such political leaders was only of Panchayat/community level. In fact, some of the police officers, including senior Officers, mentioned that they care a little for political interface and are able to finalize the issues, on merits. They even added that political leaders are interested in recruitment and posting of police personnel, and not so much in crime registration and routine functioning of the police stations. It thus, seems that this phenomenon could be sorted out by police men’s own resolve and if need be, by referring to the Hon’ble Supreme Court’s directives.

**Problem identified: Police corruption:** Both the public stakeholders and police functionaries accepted, in different measures, that the corruption in police does affect the process of registration of crime.
**Solutions:** It is unfortunate but corrupt practices of police are ‘naked’ in nature and victims naturally feel aggrieved for this attitude of police. Certain studies conducted earlier indicated that part of corruption was due to ‘inadequacy of infrastructure’ etc. suffered by the police personnel, while some consider it as a ‘compensation’ for their over burden of work. Such arguments will not hold well in the modern society where public intolerance has grown big against such corrupt practices. It is hoped that in the times to come, corruption in police would be minimized. It is also noticed that public awareness about alternative methods for getting their complaints registered, such as submitting complaints before the senior officers and the Magistrate, would disrupt the corrupt practices of police men, as could be seen in the Case studies included in the study.

**Time taken for registration and long winding legal procedures:** The duty officers generally obtain permission from the SHOs before registering a case or otherwise, which process may take time especially when the SHO was away from the Police Station. Once the case is investigated and put in Court, the legal process takes longer time.

**Solution:** With the betterment in communication system and computerization, the delays at the police station in entertaining a complaint are hoped to reduce. The ongoing experiment by Delhi police for registering complaints of non-cognizable nature, through mobile telephones and Internet connections, might set a model for other States to emulate. The Revised Cr.P.C. stipulated time limits of 60/90 days for completion of the investigation and putting the charge-sheet in the Court, whereas similar time limits should also be set for the Hon’ble Courts to decide a case. Certain fast track Court have come up which are doing well in expediting the trials.

**Conclusions:** The Causative factors for non-registration of crime are widely known. The current Study helped in quantifying and evaluating those factors. The study also helped in finding out some of the earlier reported problems, are non existing or some what, lost their importance. The solutions suggested above are also not unknown. In fact, many of these measures were spelt out by various Commissions/Committees. What is most needed is a resolve to accept the suggestions, which are valid, and endeavor to implement those measures on ground. The research team sincerely hoped that the suggestions made by it would be considered with the seriousness that they deserve.
Suggestions for further studies/research: Having studied the problem of non-registration of crime and alongside, various other relevant issues in policing, the research team would like to submit the following suggestions for taking up further studies in Police:

i. Current study, though started as some sort of a survey to be done, turned out into full blown empirical study, covering about 150 variables with a sample size of 506 stake holders. The data obtained in the study, is codified under SPSS (Statistical Package for Social Sciences), a user friendly software for conducting statistical analysis. Thus, it is worth continuing with the study and clean the data through factor analysis and other correlation techniques. Such an effort will help in obtaining the level of significance of various comparisons and conclusions drawn thereon. This follow up could be a regular research leading to a Ph. D.

ii. In policing, a large number of decisions are taken and implemented, without proper evaluation or impact studies. This is the time for BPR&D, as is being done, to plan more research studies by enlarging the time lines.

iii. Victimization Surveys need to be made regular exercise to understand true volume of crime. The BPR&D may fund research studies in different parts of the country.

iv. The BPR&D may consider to take up further research studies on the following themes:
   a) Political Interface and its impact on Crime Registration.
   b) Police Corruption and its impact on Crime Registration.
   c) Non-Registration of Crimes in the context of Access to Justice for Marginalized & Vulnerable sections of the Society.
   d) Community Policing and its impact on Crime Registration
   e) Socio-Culture Crimes and their impact on Crime Registration
   f) Gender and Caste Violence and their impact on Crime Registration
   g) Consequences of Non-Registration of Crimes on Crime Victims
A detailed report, under submission, comprises eight chapters. Brief outlines of each chapter are given below:

Chapter I. Introduction: Dealt with basic concept of crime and its both sociological and legal definitions; relevant provisions of Criminal Procedure Code (Cr.P.C. 1973); why people report or not report crime to police; the National and International scenario of crime registration; salient features of crime in India; Prime Minister’s message insisting on registration of crimes and certain startling instances of non-registration of crimes in brief; rationale and objectives of the study.

Chapter II. Theoretical perspective and Review of Literature: Dealt with Conflict theories and Feminist perspective of criminology; Observations of National Police Commission, 1981-82 which pointed to the role of political executives to keep record on crime figures low and sought even police outpost to register crime; Malimath Committee on Criminal Justice System (2003), which spoke of registering all cases without distinction between cognizable and non-cognizable offences; The Second Administrative Reforming Commission (2005), which sought registration of FIRs be made totally citizen friendly and performance appraisal of police not to be linked with number of cases registered, but with cases detected and prosecuted; Ministry of Women and Child Development Committee (MWCD) (2007) on non-registration of crimes in Nithari case of large scale child abuse; Report of Centre for Dalits Rights on non-registration of crime against dalits; provisions made in both National and International Human Rights Frame Works and the Constitution of India; and the latest Supreme Court Judgement (November, 2013) ruling that registration of FIRs is mandatory and no preliminary enquiries (PE) is acceptable except in instances of matrimonial disputes, commercial offences, medical negligence cases, corruption cases and cases where there was abnormal delay. The Chapter also included 10 empirical studies on the theme of non-registration of crime in India.
Chapter III. Methodology and procedure: Dealt with sample (n=506) chosen, based on stratified sampling method; details of interview schedules/guides, Pilot Study to test the tools, method of collection of data and relevant variations in 6 sampled States with reference to Crime registration, and challenges faced by the research team in data collection.

Chapter IV. Non-registration of Crimes: Public point of View: Dealt with profile of sampled victims and other stake holders (Lawyers/judiciary, media/NGOs and Opinion makers and political leaders; reasons and consequences of non-registration as viewed by public; police attitude and processes; outcome of a series of FGDs conducted with different stake holders.

Chapter V. Non-registration of crimes: Police point of view: Dealt with working conditions, constraints and practices of police in registration or non-registration of crime; what do they think as reasons and consequences on victims and society; what relief they seek for improving their performance and save from burking of crime.

Chapter VI. Case studies: A total of 40 case studies are given under the heads of (i) crimes were not registered at all; (ii) cases registered at the instance of Magistrate/Senior Officer/Media/Political Leaders; (iii) cases got registered after persistent efforts of the complainant; and (iv) cases where police reportedly did well and won the public appreciations.

Chapter VII. Synthesis of perspective View Points and Conclusions: Dealt with a brief phenomenon of non-registration of crimes, cross tabulation of responses from different stake holders in a bid to bring out varying perceptions of public and police stake holders; and a synthesis of viewpoints of public and police on 20 select issues relevant to registration of crimes with conclusions drawn on each issue; the chapter also discusses some of the important conclusions and talk about the Police Modernization scheme and on-going experiments (2013-14) of Delhi Police to promote free and fair registration of crimes; and accepting/registering non-cognizable reports through cell phones and Internet, and thereby saving the complaints from visiting a police station.
Chapter VIII. Non-registration of crimes: Problems identified and solutions recommended:

Deals with brief summary of the Report and an elaboration on the nine problems, which are identified as the most important, and recommending some of the possible and workable solutions. The Chapter also added brief suggestions for further research on the subject.
CHAPTER-I

Introduction

1.1: The process of criminal justice starts with the registration of information by the police about the commission of a crime. Non-registration of a crime ends the process of justice right at the beginning, without due scrutiny as per law. It violates the canons of justice in two major ways: firstly, it shuts the doors on the victims of crime to get justice; and secondly, it allows the criminals to escape from punishment. It also adds to the perception of fear and insecurity among public. When the criminals find that the crimes are not registered, they get further emboldened and tend to commit more crimes. When a large number of persons, after committing crimes, are allowed to get away and justice is not meted out to victims, it results in eroding the faith and confidence of the public in the effectiveness of the police and the criminal justice system.  

1.2: In India, though registration of complaints is mandatory under law, a large number of complaints are said to be not registered. It is also stated that police adopt numerous ways to avoid registration of complaints. It is said that police easily do so while dealing with poor or vulnerable sections of people. One common practice is said to be intimidating and threatening the complainants to dissuade them from registering his or her complaint. Complainants are accused of fabricating the case or told that the case is full of flaws and will not hold in a court of law. One subterfuge employed is to make pretence of registering their complaint without actually doing so. This is usually done by making an entry in the General Diary of the police station and giving the complainant a copy of that entry. The complainant leaves with a false impression that the police have registered his complaint while in reality, they have not done so. Sometimes the complaint is not registered on the ground that the offence has occurred in the jurisdiction of some other police station. The menace of non-registration of crime is widely known, but hardly any serious effort is made to remedy it. Thus, the current study is to ascertain the extent of problem and evolving solutions is of immense value.

1.3: Reporting or recording of crime has never been uniform and there is no coherent history of recording crime in India. It was after independence that the country started nationwide collection, compilation and report of crime statistics. Indeed, all crimes committed are not reported, all the
reported crimes are not registered and all the recorded crimes may not be fully processed. For a long time now, Criminologists have argued that the official statistics recorded by police, or any other agent of the criminal justice system for that matter, are not an accurate measure of crime. Since last few decades, much research has been conducted in various developed countries in order to demonstrate that officially recorded statistics of crime under-report the actual amount of crime in society. For a long time, criminologists have widely believed that the true amount of crime is largely unknown. The unknown amount of crime in any given society is known as the “dark figure” of crime.

1.4: What is Crime?

1.4.1: According to Concise Oxford Dictionary, the word “Crime” is derived from Latin word ‘Crimen’ which means ‘offence’ (i.e. a serious wrong/an illegal act/an evil act). Since the emergence of human civilization, crime has been a baffling problem. There is hardly any society without the problem of crime. Emile Durkheim, in his book ‘Crime as a Natural Phenomenon’: On the Normality of ‘Crime’ (1895), opined that ‘A society composed of persons with angelic qualities would not be free from violation of the norms of that society’. Historically speaking, many attempts have been made to define crime, but they failed to help us in identifying what kind of act or omission amounts to a crime. Perhaps this is because of the changing notions about crime, from time to time, in different sociological systems. Any act, which is a crime today, may not be a crime tomorrow, if legislation decides so. Hence the criminal law has often been considered as a barometer to gauge the moral turpitude of the society at the given time.

1.4.2: Crime is usually deemed to mean those activities which are prohibited by law. Criminologists call these universally condemned activities as ‘mala in se’ (inherently bad or wrong), or crimes that are time and culture bound are described as ‘mala prohibited’ (bad because those are prohibited). However, legality of crime may not always coincide with the community's concept of crime.

1.5: Definitions of Crime:

It is difficult to give a precise definition of ‘crime’. Most of the writers, however, generally agree that every criminal act involves some sort of law-violation. Broadly speaking, there are two kinds of definitions of crime: sociological and legal.
Sociological Definitions of Crime

1.5.1. The sociological definition of crime is that it is behavior of a person that offends the social code of a particular community. Caldwell (1956)\(^7\) has explained it as ‘an act or a failure to act that is considered to be so detrimental to the well-being of society, as judged by its prevailing standards, that action against it cannot be entrusted to private initiative or to haphazard methods, but must be taken up by an organized society in accordance with tested procedures’. Sutherland (1978)\(^8\) characterizes crime as a symptom of social disorganization. Further, crime is an index of social pathology. Crime has the function of indicating limits of social control over individual behavior. Reid (1976)\(^9\) said that legal definition may be used for compiling statistics on crime and for assigning the label ‘criminal’, but, the studies undertaken for studying causation of crime should include such persons also in their sample of ‘criminals’ who admitted their crime and were not convicted by the courts. Thus, the legal and non-legal definitions of crime do not always coincide because the legal and the social codes of a society can often differ.

Another school of thought which considers the legal definition to be inadequate and unsuitable for the purpose of criminology insists on giving a definition which is broader as compared to the legal definition and is called the social definition. Crime is accordingly defined as an act which the group (social) regards as sufficiently menacing to its fundamental interests, and to justify formal reaction to restrain the violator. Raffeale Garofalo, one of the three leading exponents of the Italian Positive School of Criminology, rejected the 'juridical' conception of crime which, according to him, fails in that it both includes and excludes behavior properly encompassed in a 'sociological notion of crime'. He formulated theory of 'natural crime', according to which, 'natural crime' meant acts which offend the basic moral sentiments of pity (revulsion against the voluntary infliction of suffering on others) and probity (respect for rights of others).\(^10\) Paul Tappan (1960) defined crime as ‘an intentional act or omission in violation of criminal law committed without defense or justification and sanctioned by the state for punishment as a felony or a misdemeanor.’\(^11\)
Legal Definition of Crime:

1.5.2. Indian Penal Code, 1860 defines the term ‘offence’ under section -40 which denotes ‘any act or omission made punishable by any law for the time being in force. Further, the subsequent Sections - 41 says a ‘Special law’ is a law applicable to a particular subject. Section-42 explains a Local law’ as a law applicable only to a particular part of India.

1.5.3. The Criminal Procedure Code (Cr.P.C.1973) specifies that ‘Cognizable Offence’ means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant [Sec. 2(g)] and non-Cognizable offence means an offence in which, a police officer has no authority to arrest, without warrant [Sec. 2(I)]. An analysis of the relevant provisions of the first schedule to Cr. P.C. 1973 would show that the basis of this categorization rests on diverse considerations. However, it can be generally stated that all serious offences, i.e. offences punishable with imprisonment for three years or more have been considered as cognizable offences. At present, there are 511 sections in the Indian Penal Code, 1860\textsuperscript{12}, Out of 445 offences, 292 are cognizable and 131 are non-cognizable, while 22 offences are cognizable and non-cognizable according to the circumstance of these offences committed. Similarly, there are many offences under Special and local Laws categorized as cognizable.

1.5.4. Relevant provisions of law in Criminal Procedure Code (Cr. P.C.),1973\textsuperscript{13} are reproduced below:

Section- 154: Information in cognizable cases

1. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction and be read Over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

2. A copy of the information as recorded under sub- section (1) shall be given forthwith, free of cost, to the informant.
3. Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in subsection (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

Section - 155: Information as to non-cognizable cases and investigation of such cases

1. When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer, the informant to the Magistrate.

2. No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

3. Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case.

4. Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.

Section 156: Police officer’s power to investigate cognizable cases

1. Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.
2. No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one, which such officer was not empowered under this section to investigate.

3. Any Magistrate empowered under section 190 may order such an investigation as above mentioned.

**Section 159: Power to hold investigation or preliminary inquiry**

Such Magistrate, on receiving such report, may direct an investigation, or, if he thinks fit, at once proceed or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into or otherwise to dispose of, the case in the manner provided in this Code.

**1.5.5.** Criminal Procedure Code seems to accord, as some police scholars interpret considerable discretionary power to the subordinate officers who decide to register a case or settle the problem otherwise. It is so probably because only a few citizens understand legal definitions while officers make the decision, determining the nature of the crime under a specific criminal statute. Thus, whether a case is registered as a theft, burglary or simple assault depends upon the discretion of the officer. Once an FIR (First Information Report) is recorded, the Section of law can be changed only by supervisory officer or during the trial stage. The consequence of all these factors is that registration of crimes is largely a function of discretionary judgments by the police officers. In view that their performance is evaluated in terms of the rise and fall of crime statistics, it is little wonder that few crimes are recorded and many are minimized in terms of the seriousness of the charge. Since FIRs determine all subsequent police action this discretion, has substantial impact upon the police institution.

**1.5.6:** Criminal Procedure Code (Cr.P.C), thus, empowered police to register both cognizable and non-cognizable offences - as First Information Report (FIR) for cognizable offence and maintain a Register or book as Daily Diary in case of Non-cognizable offences under sections 154 and 155 of the Code. A greater discretion is left to the police officer who needs to be carefully and accurately record information received from an informant. The word ‘information’ means something in the nature of a complaint or accusation or at least information of a crime, given with the object of putting the police in
motion in order to investigate, as distinguished from information obtained by the police when actively investigating a crime. Receipt and recording of an information report is not a condition precedent to the setting in motion by the police of a criminal Investigation, who may of their own motion undertake an investigation or inquiry into the truth of the matters alleged. It is not a requirement of the section 154 of the Code that the person giving the information should have personal knowledge of the incident. If the names of the accused are not mentioned in the first information, the inference arising from that fact will vary under circumstances of each case.

1.5.7. Where first information report regarding a non-cognizable offence is filed with the Magistrate under section 156 (3) of Cr.P.C. and the Magistrate decides not to take cognizance of an offence or drop proceedings against some persons mentioned in the FIR, he must give a notice and hear the first informant before taking such a decision. However, the word ‘complaint’ under section 2(d) of the code means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this code that some person, whether known or unknown, has committed an offence, but does not include a police report. A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant. In crux, every piece of information relating to the commission of cognizable or non-cognizable offences given to a police officer, either by informant or complainant, has a right to be registered and it is the duty of the police to do so as per law.

1.6: Why people lodge complaints with the police?

1.6.1. There are a number of reasons why people choose to file a complaint before the police. Victims report a crime sometimes out of a sense of duty, or because the victim wants the offender punished, or to seek protection from the offender or for a combination of reasons. Some complaints are made to the police because a police report is mandatory in order to submit an insurance claim for compensation. Other factors that appear to influence reporting of a crime to police may relate to the severity or seriousness of the offence, including whether the victim was injured, whether a weapon was used and whether the incident resulted in the victim having to take time off from their main activity because of the criminal incident. The value of stolen items will also affect the willingness of a victim to report an
incident. The few other reasons to file a complaint are to implication of enemies falsely, use it as a tool of harassment, political rivalry and the easiest way to malign the opponent.

1.6.2. An analysis at the level of individual victims showed that income level is the most important factor related to reporting of crime. The second most important factor is the perceived seriousness of the offence. Other relevant factors are age, level of education and gender. Older, better educated and male victims are somewhat more likely to report crimes to the police. In sum, victimizations which are more serious and concern socially established victims are most likely to be reported. Cases of assault are also most likely to be reported if they are more serious in terms of injury and/or perceived seriousness and if it was committed by a known person. Statistically significant but less important factors are age, affluence and gender.

1.7: Why people do not report crime to the police?

1.7.1. People are generally averse to police and the legal procedures. They also feel unsure of result of a complaint to police. Commonwealth Human Rights Initiative (CHRI), a well established civil society organisation which has been assiduously pursuing for reforms in police, stated that a major area of public dissatisfaction with the police arises from the inability of the public to follow the process/progress of reported crime. At present, police feel themselves under no obligation to provide information to a victim or complainant about how the investigation is progressing. Another irritant for the public when dealing with the police is that the police frequently refuse to take cognizance of some complaints on the ground that they are non-cognizable. In such cases, the police require the permission of a magistrate before intervening. Unfamiliar to this technical distinction, the public feel the police are avoiding their duties.

1.7.2. A victim survey conducted by K. Chockalingham on ‘Criminal Victimization in Four Major Cities in Southern India’ focused on three main areas: the extent of criminal victimization, the reporting behavior of victims and victims' perceptions of police performance. The conclusions were, firstly many crimes in India go unreported, secondly, the crimes that were more likely to be reported were cases where there is material loss or damage; and finally, that victims were generally unsatisfied with police
performance\textsuperscript{17}. It may be added that other reasons for not bringing to the notice of police about the victimizations are fear of local bullies, Bahubalis, mafia gang and criminals enjoying political patronage.

1.8: Missing Children & Reports on Non-registration of Crimes

1.8.1. According to the Child-line, an NGO working for children, when a child goes missing, FIR is not filed on the plea that there is no cognizable offence committed. Hence, only an entry is made in the General Station Diary in the concerned police station. To inquire this matter, the NHRC appointed a committee on Missing children in 2007(pg 12,13),\textsuperscript{18} which submitted in its report that in the case of a missing child, there is no system of registering an FIR across the country. Complaints of missing children, by and large, are treated as any other non-cognizable offence and only an entry is made in the General Station Diary (GD), which is followed by an enquiry. Further, the Committee found that the families of the victims were mostly in a state of shock and despair. A number of them complained that when their children were originally found missing the police would not heed their complaints nor even register them. They bemoaned the fact that had the police authorities listened to their complaints and taken immediate action, their children could have been saved.

1.8.2. There are numerous statutes and guidelines, such as International and National Human Rights Frameworks, National Human Right initiatives including police complaint Authorities and Community Policing initiatives, which all emphasize on the need and procedure for improving Citizen’s accessibility to Police, and ensuring free registration of crime. Detailed accounts of these statutes and frameworks are also discussed in Chapter II: Literature Review.
1.9: Registration of Crime by Police: Global Trends

1.9.1. Crimes recorded by the police are in many ways a problematic measure for criminality, and in particular for country comparisons, because all crimes are not reported to the police (see e.g. Lewis 1999, Barclay et al. 2009). Especially violent crimes are very disturbing by nature. However, instances of rape, though serious, are often not reported to Police due to fear of secondary victimization (process of blaming the victims for the incident; long drawn and embarrassing trial proceedings, with uncertainty of the perpetrator getting punished). In property crimes, the penal codes may also define limits of monetary values to be accepted for recording as crimes. On the other hand, most motor vehicle thefts and burglaries in many countries are reported to the police, mainly to prepare their insurance claims.

1.9.2. A comparison of crimes amongst some major countries suffer shortcomings of the police statistics, and thus speak strongly for victimization surveys. From the developed world, we have national trends and international comparisons. Unfortunately, representative victimization surveys are scarce among the developing countries. Crime rates computed from surveys of victims are universally higher than those of official records. But also the police data from the developing countries are defective; too many countries are totally missing from the UN CJS data, and even those developing countries that have participated do not often have the possibility to deliver the data regularly; therefore, their latest data may be outdated or archaic.

1.9.3. Even then, the use of UNCJS data, for the purpose of making general inferences about groups of countries and trends over time, is reasonably reliable. Problems arise only when making comparisons between individual countries. Global Report on Crime and Justice, UN Office for Drug Control and Crime Prevention, http://www.uncjin.org/iages/GLOBAL-large.jpg. The large differences in crime between regions and countries can partly be explained by diverging criminalization, efficiency of the criminal justice systems and recording practices. Country level results show that especially the latest data is often from Western Europe, North America and Oceania. A smaller number of countries are represented from Africa and Latin America, but even the scarce available information shows that crimes common in these areas. In the Asian region, the level of recorded crimes is lower than in other region.
1.9.4. International Crime Trends: On average, crime reported to the police continued to rise in the 1990s, as it had in the 1980s. The most common crime reported was theft, followed by burglary. Violent crime (homicide, assaults, robbery) was a minority (around 10-15 percent) of all reported crime. The rates were higher for industrial countries than non-industrial countries. Arab states generally reported very low rates for nearly all type of crime. Cities around the world showed similar patterns for homicide and for robbery rates. However, high homicide rates were reported for several of the Latin American cities, New York and some northern European cities. (The UN Surveys requested data only nationally and in the largest city in the responding country).

1.9.5. In the world, USA tops with highest registered crime of 12,408,899 crimes in 2011, followed by Germany (2,112,843), France (1,172,547), Russian Federation (1,041,340) and Italy (900,870). The other five countries in the World Top 10 countries with highest reported crime rates (according to total persons brought into formal contact with the police and/or criminal justice system, all crimes) are Canada (628,920), Chile (611,322), Poland (521,942), Spain (377,985) and Netherlands (372,305) (“Formal Contact” with the police and/or criminal justice system may include persons suspected or arrested or cautioned) (Source: United Nations Office on Drugs & Crime). In this context, registered crime in India would seem low as it is 6,252,729 in 2011 (in both IPC and SLL crimes put together), in comparison to USA’s total registered crime of 12,408,899 (2011). It thus gives an impression that India is safer than the USA.\textsuperscript{23}

1.10: Registration of Crimes by Police in India:

1.10.1. Complaints received vis-à-vis registered by Police:
A total of 107.82 lakh cases were reported to have been received by Police during 2012, out of which 23.87 lakhs were registered under IPC and 36.54 lakh cases under SLL totaling to a total registration of 60.41 lakh cases during 2012 (NCRB Crimes in India 2012 p.193). A close scrutiny of the data indicates that 34.51 lakh complaints were initiated suo-moto by Police, which all seems to have been registered while quantum of complaints made by Public totaling to 70.3 lakhs resulted into registration of 23.9 lakh cases. Police reportedly received from public 12.04 lakh complaints orally, 36.2 lakh complaints in writing and 25.3 lakh complaints as distress calls to 100 (PCRs). It generally happens
that the distress calls lead to written or oral complaints, which, as per law, get converted into criminal
cases. However, it appears that 68% of complaints made by Public, in different forms, were not
registered as cases for various reasons such as, a large number of complaints might be due to trivial
nature or non-cognizable nature of complaints. At the same time, as high as 68% suggests some
burking of the crime. Another interesting feature found from this data was in States of Maharashtra, 3.3
lakh cases registered against 17.2 lakh complaints received; West Bengal, 1.7 lakh cases were
registered against 3.35 lakh complaints received while, in Delhi, 60367 cases were registered against a
total of 24.25 lakh complaints received. In Chandigarh, 5073 cases were registered out of 92092
complaints received. In other States and UTs., the number of complaints shown received are more or
less the same as the number of complaints received. The data is intriguing and deserves to be
normalized, but at the same time, it is suggestive of non-registration of crime vis-à-vis number of
complaints received.  

1.10.2. A comparison of crime statistics, however, reveals that IPC crimes registered by police in 2012
(23,87,188) over 2011 (23,25,575), showed an increased rate of crime (No. of crimes per a population
of 100000 people) at 196.7(2012) from 192.2 (2011) Incidents of crime that were registered by police,
under Special and Local Laws, in 2012 (36,54,371) over 2011 (39,27,154 ), showed a deceased rate of
crime from 324.5(2011) to 301.2(2012). The data thus reveals that a total of 60,41,559 cognizable
crimes were registered in 2012 by police showing a decrease of 3.4% over 2011 (62,52,729).  

1.10.3. Other Salient Features of crime registered in India in 2012:

➢ Percentage share of SLL was 60.5%, while percentage share of IPC cases 39.5% out of crime
registered;
➢ Incidence of IPC crime against property was reported at 4,65,055, the share of such crimes to
total IPC crimes at the National level was 19.5%;
➢ IPC crimes against body was reported at 5,60,699, out of which ‘Hurt’ accounted for maximum
incidence of 59.3% (3,32,324);
➢ Incidence of Economic crime under IPC during 2012 was reported at 1,14,455, out of which
maximum cases were under ‘Cheating’ at 82.3% (94,203) followed by criminal breach of trust
15.6% (17,901);
Incidence of IPC crime against public order during 2012 was reported as 86,469, out of which maximum cases 86.3% were reported under Riots (74,633 cases);

Among the States, Madhya Pradesh accounted for 9.2% of total IPC crime reported in the country, closely followed by Maharashtra (8.5%), Tamil Nadu (8.4%), Uttar Pradesh (8.3%) and Andhra Pradesh (8.1%).

Uttar Pradesh reported highest SLL crime rate of 1,249.0 in the country during 2012 followed by Chhattisgarh (1,069.1) and Kerala (1,009.9).

Kerala reported the highest crime rate (455.8) for IPC crimes followed by Madhya Pradesh (298.8), Tamil Nadu (294.8) and Pondicherry (291.0).

Among the mega cities, Delhi, Mumbai, Bengaluru and Kolkata have accounted for 10.1%, 6.4%, 6.2% and 5.4% respectively of the total IPC crimes reported from 53 mega cities.

Kochi reported the highest IPC crime rate of 817.9 among the mega cities in the country followed by Indore (762.6), Gwalior (709.3) and Kollam (637.3).

Raipur in Chhattisgarh reported the highest rate of SLL crimes at 10,843.7 followed by Agra (7,489.5) and Ghaziabad (4,868.5) among the 53 mega cities.  

1.10.4. PM’s message against non-registration of crimes:

Addressing the IPS Probationers on June 05, 2010, the Prime Minister observed, “Recently concerns have been expressed that very often if people go to register a FIR there are obstacles. It is the right of every citizen who has a genuine complaint to have an FIR registered. Similar concern had been expressed earlier by the Prime Minister, while addressing DGs/IGs at the conference on October 4, 2007, “It is my belief that citizens want a secure environment in which to live and carry out their activities. Their worries centre on petty menaces, harassment by local criminals and gangs, goondaisan, dadagiri and in some areas, threats of violence and even kidnapping and extortion. Women and senior citizens are increasingly concerned about their safety. Girls worry about the growing practice of eve-teasing. Parents worry about child abuse. As we get more urbanized, these offences are increasing. Are we tackling these problems adequately? It is only by addressing these concerns will police force be able to reach out to citizens and win their confidence and affection. Our people should be willing to approach a policeman with the same assurance with which they visit the doctor”.

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1.10.5. Ruchika Girhotra case of delayed registration of crime:
It is relevant to mention that in Ruchika Girhotra case, it took ten years for an FIR to be registered against former DGP of Haryana Police and 19 years for the molester to get conviction. In fact 16 years after gross miscarriage of justice which claimed the life of a teenager, the Ministry of Home Affairs, Government of India, on December 28, 2009 directed all the States and Union Territories that all complaints to police be treated as FIRs. However, it is noteworthy to mention that, no matter which section of society you come from, a visit to the police station to file a complaint/FIR can be a challenging experience. The challenge becomes tougher if the complainant belongs to vulnerable sections of society, such as women, children and SC/STs, and the poor and powerless people. There are many more examples of similar type such as Nithari case where police were reluctant to register the complaints. Therefore, the compulsory filing of an FIR should not be seen as an end itself. This should be supplemented with quality investigation, courteous behavior of police officials and zero political interference in registration of complaints and investigation of cognizable crimes.28

1.10.6. Nithari case of rape and murder of children:
The Ministry of Women and Child Development, Government of India, had also appointed a Committee in 2007 to investigate into allegations of large scale sexual abuse, rape and murder of children in Nithari village of NOIDA. The Committee observed that it did not appear that the Police diligently had filed Gumshudgi (missing) reports. According to District Administration, the investigation of disappearance of Payal based on the Court Orders led to the cases of other missing children. The Committee’s meeting with victim families revealed that the police were insensitive to their woes and rude in their approach and their behavior was generally gender and child insensitive. One of the victims’ mother mentioned that her daughter was taken by Maya, the servant maid servant of the accused, to work in his house on the fateful day and the girl never returned. It is possible that had the police investigated on this complaint, they would have got leads to the accused much earlier. Many media reports where parents were interviewed reflect total lack of police cooperation and support till very recently towards the victims. As many of the victims’ families came from poorer sections of society, there was a general perception among these families that police did not care to listen to their problems. This is further supported by the fact that almost all the victims came from poor families. The Committee found that the families of the victims were mostly in a state of shock and despair.29
1.11: Rationale for the present study:

1.11.1. Various initiatives have been taken to reform the police in India after 1947. However, most of these could not yield desired results at the grass root level of policing. The landmark recommendations made by the National Police Commission 1979-1981, Reberiro Committee, 1998, Padnamabhaiah Committee, 2000 and Malimath Committee of 2003, which all were set up by the Union Government, and the Police Reforms Committees/Commission appointed by the various State Governments could not be implemented comprehensively. Even the Supreme Court judgement in Sep. 2006 (Prakash Singh vs. Union of India) could not bring desired reforms in the police administration. The new Police Acts passed by 12 State Governments by adopting the Model Police Act prepared by Soli Sorabjee Committee also yet to institutionalise smooth and transparent mechanism for free and fair registration of crimes by the police.

1.11.2. In fact, there are numerous factors which are responsible for non-reporting of crimes. These could be social stigma attached to some crimes like rape, molestation, cumbersome justice delivery process and stronghold of non-state actors such as caste Panchayats, religious and cultural organisations, etc. Overall, non-registration of crimes severely obstructs access to justice to the poor and people belonging to the marginalised and vulnerable sections. Overall, it erodes efficacy and effectiveness the police system and severely erode the spirit of rule of law. Non-registration of crime is directly linked to the performance evaluation of police. The present system is based on crime statistics i.e. how many crimes have been registered, and what the outcome of registered crime is? This pressurises the police to a tendency not to register the crime. This aside, resource crunch-human resources and technical equipment, with little public support, political interference and lack of police accountability towards the citizens are also contributory factors for non-registration of crime.

1.11.3. The review of literature shows that the phenomenon of 'non-registration of crimes' existed for very long. However, no empirical studies either at micro level or macro-level highlight causes and consequences of non-registration of crimes and its impact on society, in general and vulnerable sections, in particular have been conducted. The present study is a modest attempt to fill this gap.
1.12: Objectives of the Study:

1.12.1. The present study aims at:

1. Study nature and extent of non-registration of crimes in a few selected States in India which are representative of different regions of India;

2. Understand citizens’ experiences with police while visiting a Police Station for registration of complaints;

3. Explore causes and consequences of non-registration of crimes on victims of crimes in particular and society in general;

4. Analyze critically International and National frameworks, Government policies, procedures and Court rulings for free and fair registration of crime; and

5. Suggest solutions and workable mechanisms for a citizen’s friendly crime reporting/registration process at police station level.

References: -


2. Ibid


12. Indian Penal Code, 1860


15. Ibid.


22. Ibid

23. Ibid


25. Ibid


27. Prime Minister’s Address to IPS Probationers on June 05,2010(www. Nic.in/speeches)

28. Frontline, January 29, 2010, pp. 4-8

Chapter -II
Theoretical Perspective and Review of Literature

This chapter has three sections: first section deals with theoretical perspective; second section describes observations and recommendations made by various Commissions and Committees; and the third section highlights various studies on the theme of registration of crime.

2. Theoretical Perspective:  The present concern of non registration of crimes draws theoretical framework from Conflict and Feminist approaches, and the ways in which the notion of State conceptualizes in building up and maintaining crime statistics recorded by police.

2.1: Conflict Theories

2.1.1. Culture Conflict Theory
Thorsten Sellin says in his culture conflict theory that crime is construction by one norm while the same crime can be de-constructed by the another norm. Selling believes that crime is a product of conflict among two norms. He suggests that Criminologists should study crime not only as violation of law but also as violation of conduct norms of a particular culture of a society or community. Further, Selling suggests that the extension of the meaning of the term ‘crime’ is not desirable. It is wiser to retain the term ‘crime’ for the offence made punishable by the criminal law and to use the term ‘abnormal conduct’ for the violation of norms, whether legal or not.\(^1\) Sellins’ culture conflict theory might be applied in the context of clash of two cultures that constitute crime in one culture and not the same in other culture. For example, in the context of India, a father out of traditions kills his daughter who eloped with a different caste or religion or same ‘gotra’ (sect) boy and got married. In legal point of view, it is a crime of murder under Section-302 Indian Penal Code. However, such an act by a father is culturally sanctioned (unwritten norm) or expected behavior for the purpose of defending the honor of a particular caste/religion and it is considered as ‘honor killing’. In India, a number of boys and girls are killed every year in the name of honor killing by family members or by orthodox ‘Khap Panchayat (village council) in Inter caste and religion matters. Often, such crimes are unreported to the police as culture of ‘honor killing’ prevailed.
2.1.2. Critical Perspective of Criminology
In 1970s, the critical perspective of criminology emerged with the work of Paul Taylor, Ian Walton and Jock Young. This emphasized the ways in which the variables of class, race and gender are played out in the criminal justice system. This version of criminology argues that each of these variable differently articulate a different structural relationship with the interests of the State. This is more than just a concern with the (potential) for discriminatory practices. It reflects a concern with the ideas which underpin discriminatory practices and consequently contribute to their perpetuation: how they become institutionalized.2

2.1.3. Marxist Conflict Theory
In this context, Marxist Conflict theory can be found in the writings of various criminologists. Arguably the work of Chambliss (1975) towards a political economy of crime has been particularly influential and how within classical Marxism the State is seen as contradictory. On one hand, State is conceptualized as part of the political superstructure arising from the economic class structure of society and as representing the interests of the economically dominant class; which derives from its economic position and which is supported by the State's monopoly of violence. On the other hand, within Marx's writing, some actions of the State are conceptualized as a response to working class pressure and as being in the interest of the working class. Marx shows this in his analysis of the class struggle in 19th century Britain. Thus, according to Marx, pressure from the organized working class led to State intervention in the economy on behalf of the working class; despite the fact that Marx conceptualizes the State as representing the interest of the capitalist class. ‘Chambliss’ work is a clear attempt to use Marxist theorizing to construct a political economy of crime. Marx himself had little to say about crime or the law, but the general tenor of his views on society and social relationships can be translated into the criminological context. As Chambliss argues that the underling logical development of the capitalist process, inevitably results in many situations where those who have and those who have not are put in conflict with one another.
Sometimes conflict is violent; more often it results in the behavior of those who do not have being labeled as criminal. Further, criminality is simply not something that people have or don’t have; crime is not something some people do and others do not. Crime is matter of who can pin the label on whom, and underlying this socio-political process is the structure of social relations determined by the political economy. Thus, for Chambliss, the underlying cause of crime lies not with individuals or their greater or lesser acceptance of cultural norms and values; it lies with the State and the political and economic interests which are necessarily served by the law and its implementation.\(^3\) For example, there are several instances in Indian crime statistics that show over representation of dalit, tribal, minority and poor people mostly from underprivileged section of society.

2.1.4. Modern Conflict Theory

Richard Quienney’s\(^4\) modern conflict theory supported Chambliss’ argument and assumes law as a tool of ruling class. Criminal Law is a device used by the ruling class to preserve the existing order. Thus, the modern conflict theorists question the legal order (sociology of law). This way, the ruling class uses institution of police or law enforcement agency to maintain hegemony of symbol of power; authority of police to maintain low crime statistics of their political economy purpose. Bayley (1969)\(^5\) gathered empirical evidence through research in India and found that police force can exert substantial influence upon the nature of political life. Thus, his theoretical analysis suggested four modus operandi by which a police force could influence in political life;

- by the nature of it’s activity;
- by the manner of it’s operation;
- by the nature of the organization; and
- by the socialization of it’s members.

While the primary duty laid upon the police is to maintain order and preserve life and property, their record in both is affected by crime which results in a heavy cost each year, a cost that is not reflected adequately by official statistics because of serious deficiencies in crime reporting.
2.2: Feminist Theory of Criminology

The Feminist School of criminology developed in the late 1960s as a reaction to the perceived general disregard and discrimination of women in the traditional study of crime. Proponents assert that the patriarchal domination of the field of criminology has led to the field being inherently biased and endocentric (male domination) rather geocentric (women). The feminist theory emphasizes that crime is not only caused by the hostility in men but also is a result of inequalities within society. Politically, there is a range from Marxist and Socialist to liberal feminism, addressing the ‘gender ratio’ problem and generalizing findings from research on men to women. Further, those of the feminist school of criminology claim that men are the dominant group who maintained inequality through control of the definition of deviance and of the institution of the social control. Naffine (1996) argues that women have been defined as inferior to men, which stigma has acted to deny them their full rights and access to societal resources.6

The feminist theory of criminology has implication on present research work as men in Indian society show power over women through masculinity. The men domination and subjugation of women’s body and treat; women under his subordination and control were documented in many research studies in India too. As domestic violence is a dark side of the institution of family in India, the National Family Health Survey (NFHS) conducted by International Institute for Population Sciences (IIPS) have shown that a very high percentage of women in Indian households suffered from various forms of violence - physical, sexual and emotional. Such incidents of domestic violence are considered as normal way of family life even by many women who follow traditional or orthodox way of treating their husbands. Thus, victims of wife battering go unreported to the police. Assuming culture of domestic violence is their part of family lives.7

2.3: Observations of Commissions/Committees:

The problem of non-registration of crimes has been highlighted by various Commissions and Committees constituted by the Union and State Governments, Supreme Court and High Court through various landmark judgments and academic researchers.
2.3.1: National Police Commission (1978-82)

The National Police Commission (1978-82), in its fourth Report, mentioned that complaints often heard against the police were that they evade registering the cases for investigation purpose though specific complaints were lodged at the police station. The Commission referred (Para 15.9 of our Second Report) to the study conducted by the Indian Institute of Public Opinion (IIPO), regarding ‘Image of the Police in India’ over 50% of the respondents have mentioned ‘non-registration of complaints’, as a common malpractice in police stations. Among the several malpractices it is ranked third, the first two places being taken by (i) showing partiality towards rich or influential people where the cases involving them or reported by them, and (ii) shielding goondas and other criminal elements concerned in gambling dens, illicit distillation, etc. The malpractice of non-registration reportedly arises from several factors, including the extraneous influences and corruption that operate within the system, besides the disinclination of the staff to take on additional load of investigation work in the midst of heavy pressure of several other duties.

Among all such factors, the most important was, as opined by NPC, accounted for a substantial volume of crime going unregistered was the anxiety of the political executive in the State Government to keep the recorded crime figures low so as to claim before the State Legislature, the public and the press that crime is well controlled and is even going down as a result of ‘efficient’ police administration under their charge. The Chiefs of Police and other senior police officers also found it easy and convenient in developing such a statistical approach for assessing the crime situation and evaluating police performance. As a consequence, this attitude permeated the entire hierarchy down the line and is reflected at the police stations in this ‘reluctance and refusal’ to register cases as and when crimes were brought to their notice.

NPC recalled a bold and realistic stand taken by the then Chiefs of Police in the U.P. Government (1961, 62, 70, 71) and Delhi Administration (1970) and started a drive for free registration of crimes. The police stations readily responded to this lead given from the top, resulting in the recorded crime figures showing a big leap and reflecting the real crime situation more accurately. For example, the total cognizable crime registered in Delhi in 1970 marked an increase of 81% over the figures of 1969 while the increase under the head 'robbery' was as high as 725%. Apart from the malady of non-
registration arising from these factors, according to NPC, police officers were also known to evade registering a case by merely pointing out that the offence had taken place in the jurisdiction of some other police station. On this account alone, the victim of an offence was made to run from pillar to post to locate the particular police station which had jurisdiction and then pleaded with them to register the case.

The NPC further stated that while the investigative responsibility may rest at the Police Station level, it would be desirable to enable some constituent units of a Police Station-for example, a police outpost to register a First Information Report as and when an information or complaint about an offence is lodged with them direct. NPC suggested that apart from police outposts which are presently established in several States, police may in due course develop a system of reporting centres also, particularly in urban areas, where some specified residents of a locality of the type of Wardens who function in a Civil Define set up may also be empowered to register First Information Report and pass them on to the Police Station concerned for taking up investigation.

2.3.2: Malimath Committee seeks police to investigate all offences (2003)

The Malimath Committee on Criminal Justice System (2001-03)[9], in their final report submitted to the Government of India, sought removing the distinction between cognizable and non-cognizable offences, for the purpose of investigation of cases by the police officer. It is a major recommendation of the Committee ostensibly in public interest which remains unimplemented. Relevant examples of the Committee Report (p. 297) are as follows;

Offences that are non-cognizable include Public servants disobeying law to cause injury to any person; bribery during election; giving or fabricating false evidence; escape from confinement; offences relating to weights and measures; some offence affecting public health, safety, convenience and morals; causing miscarriage; causing heart; buying or disposing of any person as a slave; rape of wife under 12 years; dishonest misappropriation; cheating; mischief; forgery; making or using documents resembling currency notes or bank notes; offences relating to marriage; criminal intimidation; causing annoyance in a state of intoxication in a public place etc. These are some of the offences which seriously affect the citizens. Some of them carry imprisonment from a few months to imprisonment for life. Offence under
Section 194 I.P.C carries death sentence. Quantum of punishment prescribed indicates the seriousness of the crime and its adverse affect on society. But even such serious offences adverted above are no cognizable. There is no good reason why such offences should not be investigated without the order of the Magistrate.

The Committee stressed that object of the penal law is to protect life, liberty and property of the citizen. All citizens who are victims of crimes punishable under the Indian Penal Code are entitled to be treated fairly, reasonably and equally. By categorizing large number of offences as non cognizable, unreasonable burden has been placed on the citizens by requiring them to investigate the case, collect evidence and produce them before the Magistrate. The citizen would be also obliged to engage a lawyer to conduct his case as he may not be familiar with court procedures. Sometimes witnesses will not be willing to co-operate with the complainant. The complainant would be required to spend a lot of time to investigate. This is not easy for a private citizen who has no training in investigation. Thus a heavy burden, financial and otherwise is placed on the victims of non-cognizable offences. A common citizen is not aware of this artificial distinction between cognizable and non-cognizable offences. There is a general feeling that if any one is a victim of an offence the place he has to go for relief is the police station. It is very unreasonable and awkward if the police were to tell him that it is a non-cognizable offence and therefore he should approach the Magistrate as he cannot entertain such a complaint.

It has come to the notice of the Committee that even in cognizable cases quite often the Police Officers do not entertain the complaint and send the complainant away saying that the offence is not cognizable. Sometimes the police twist facts to bring the case within the cognizable category even though it is non-cognizable, due to political or other pressures or corruption. This menace can be stopped by making it obligatory on the police officer to register every complaint received by him. Breach of this duty should become an offence punishable in law to prevent misuse of the power by the police officer.
The present classification of offences as cognizable and non cognizable on the basis of the power to arrest with or without order of the Magistrate is not based on sound rational criteria. Whether in respect of any offence arrest should be made with or without the order of the Magistrate must be determined by relevant criteria, such as the need to take the accused immediately under custody or to prevent him from tampering with evidence, or from absconding or the seriousness of the crime, and its impact on the society and victim etc.

Because of the burden placed on investigating and producing evidence large number of victims of non-cognizable offences do not file complaints. They stand deprived and discriminated. This is one of the reasons for the citizens’ losing faith and confidence in the Criminal Justice System. As justice is the right of every citizen it is not fair to deny access to justice to a large section of citizens by classifying certain offences as non-cognizable. Law should provide free and equal access to all victims of crimes. This can be done by removing the distinction between cognizable and non-cognizable offences for the purpose of investigation of cases by the Police Officer.

Considerable time of court is now being spent in dealing with registration of complaints regarding non-cognizable offences. The time saved can be utilised for dealing with other judicial work. This may contribute to more aggrieved persons filing complaints thereby increasing the work-load of the police. As the state has the primary duty to maintain law and order, this cannot be a good reason against the proposed reform. Another apprehension is that this may encourage false and frivolous complaints. An experienced police officer will not find it difficult to summarily dispose of such frivolous complaints without undue waste of time.

2.3.3: The Second Administration Reforms Commission (ARC):

In its Fifth Report ARC, (2005) mentioned the Commission is of the view that since registering the FIR is the first step in the criminal justice system and unless shortcomings in the registration procedure are set right, other reforms particularly in the subsequent stages would have limited impact. Therefore, a system has to be evolved in which registration of FIRs is totally transparent and instances of refusal to register FIRs are eliminated. With the rapid spread of communication facilities, several states have tried the use of technology to make the process of registration transparent. State of Rajasthan has
introduced an innovative project called ‘Aarakshi’ that aims to improve the efficiency of police procedures. Each complainant is given a token number at the time of registration of his/her complaint which can be used for future referencing. Citizens can then access the police stations through the Internet and ascertain the status of the complaint. The supervising officers can also monitor the progress in investigation. This brings a greater degree of accountability in the investigation. **State of Andhra Pradesh** has launched a state-wide computerized network of police stations, namely ‘e-cops’ (**e-Computerized Operations for Police Services**). Thus, after a case is registered in the computer of the nearest Police Station, a printout of the FIR is given to the complainant. Once registered, the status of the FIR could be viewed by the complainant from anywhere by accessing ‘e-cops’.

**The Thiruvananthapuram City Police (Kerala)** has developed a system to receive certain types of complaints electronically through its website. Citizens can register any type of complaint such as traffic problems, petty thefts, communal disturbances, eve-teasing, pick-pocketing and illicit distillation of liquor.

The ARC feels that with the rapid expansion of communication facilities, especially the Internet, all types of communications to a police station should be taken cognizance of. At the same time, a complainant should have the option of registering complaints through various modes. As mentioned, several methods have been tried to ensure smooth registration of FIRs. In order to ensure that the registration of crime becomes totally hassle-free, a ‘call centre’ approach is one option. This call centre should receive complaints from citizens by means of voice recordings or faxes. All such information would get registered. These complaints could then be scrutinized by an authorized police officer and redirected to the concerned police station for registration. Such a system would have the added advantage of preventing ‘burking’ (i.e. not registering cases). Another option could be to set up suitable outposts, kiosks or ‘Kobans’ (as in Japan) to facilitate lodging of complaints. Such kiosks could also be given other tasks. Even after such technological interventions, a large number of people would still go to police stations for registering their complaints. It would, therefore, be desirable to have a continuous video-recording of the citizen-police interaction in a police station and such videos should be monitored randomly by the supervising officers. Apart from the issue of registration of FIR, another
The major issue is the contents of the FIR. It is said that a good FIR must address the six issues of what is the nature of the incident, where and when did it happen, who is reporting and against whom and why did the incident happen. These six W’s begin the process of data collection, collation and analysis that hopefully results in the arrest and prosecution of the involved person or persons. During investigation, additional information gathered from the witnesses, common citizens, informers and even other police officers is an important step for solving the case.\textsuperscript{11}

The ARC has recommended the following measures towards Citizen Friendly Registration of Crimes:

i. Registration of FIRs should be made totally citizen friendly. The Technology should be used to improve the accessibility of police stations to the public. Establishing call centers and public kiosks are possible options in this regard.

ii. Police stations should be equipped with CCTV cameras in order to prevent malpractice, ensure transparency and make the police more citizen-friendly. This could be implemented in all police stations within a time frame of five years.

iii. Amendments to the Cr. P.C. should be made as suggested by the National Police Commission.

iv. The performance of police stations should be assessed on the basis of the cases successfully detected and prosecuted and not on the number of cases registered. This is necessary to eliminate the widely prevalent malpractice of ‘burking’ of cases.

\textbf{Ministry of Women and Child Development, Government of India Committee on Nithari Children:}

2.3.4. This aside, the Ministry of Women and Child Development, Government of India, had also appointed a Committee in 2007\textsuperscript{12} to investigate into allegations of large scale sexual abuse, rape and murder of children in Nithari village of NOIDA. The Committee observed that it did not appear that the Police diligently had filed Gumshudgi (missing) reports. According to District Administration, the
investigation of disappearance of Payal based on the Court Orders led to the cases of other missing children. The Committee’s meeting with victim families revealed that the police were insensitive to their woes and rude in their approach and their behavior was generally gender and child insensitive. One of the victims’ mother mentioned that her daughter was taken by Maya, the servant maid servant of the accused, to work in his house on the fateful day and the girl never returned. It is possible that had the police investigated on this complaint, they would have got leads to the accused much earlier. Many media reports where parents were interviewed reflect total lack of police cooperation and support till very recently towards the victims. As many of the victims’ families came from poorer sections of society, there was a general perception among these families that police did not care to listen to their problems. This is further supported by the fact that almost all the victims came from poor families. The Committee found that the families of the victims were mostly in a state of shock and despair.

During interaction with the victims’ families, it was observed that the present district authorities (the DM and the SSP) were reported to be responsive and helpful. But this was not the situation earlier when the police were highly uncooperative and even abusive to the victims’ families. The victims’ families stated that till November 2006, they received no support from the Nithari village residents or the NOIDA residents. On the other hand, they were chided for drawing unfavorable police attention to the village. It was also mentioned that victims’ families had borrowed heavily to fund their search for their loved ones and some of them had also lost their jobs in this process. The Committee further observed, while acknowledging that the present administration have had a rapport with the victims’ families and other residents, that this bond emerged because of publicity the incident had evoked in all forums. The Committee also interacted with the residents of the concerned sector in NOIDA who confessed that prior to the media reports on the crime, neither they nor the police and district administration took any special interest in the problems of the affected families. However, the Resident’s Welfare Association has now been stated to be revived. The victims’ families were in a state of shock, especially when they had found, after months and sometimes after years of searching that their children were buried in sacks just a few feet away from their houses; also the gruesome manner in which their innocent children faced death is another trauma they live with.
2.3.5. CDR’s report on Crime against Dalits:

Similar incidents of non-registration of crime committed against dalits in Rajasthan State, the Centre for Dalit Rights (CDR) at Jaipur (Rajasthan) conducted a fact finding study of crime incidents against dalits, such as murder, rape, gang-rape, custodial violence, mass violence, house burning, land encroachment etc. A group of NGOs working for dalits human rights in its report on Crime Against Dalits”, demanded the following remedial measures:

i. The Police shall register F.I.R immediately and give its free copy who lodges F.I.R which is not in practice now.

ii. SC/ST Act shall be applied in the F.I.R which is not adhered to at present.

iii. The perpetrators shall be arrest immediately and Challan shall be presented as soon as possible.

iv. Medical examination shall be done in time in the case of Rape or grievous injuries.

v. Police shall not misuse the Section 151 of Cr. P.C against Dalit victims and Activists. Police should provide safety and security to the victim.

vi. Police official or Public Servant who is found careless or negligent in performing his/her duty, shall be punished under section 4 of SC/ST Act 1989.

vii. Ensure that the Police officer conducts just and fair investigation not influenced with castism or political pressure.

viii. Administration should sensitize Police officials for proper application of laws related to Dalits.

ix. Prohibit the Caste Panchayats and eradicate the illegal customs i.e. social boycott & ‘dakan pratha’ through rigid implementation of law.

x. There shall be a rigid prohibition against the encroachment on Dalit’s land, for this purpose prevention law should be followed by the book.

xi. To develop synchronization, harmony and equality in District, administration should organize meetings at block level. CDR is always ready to assist and support in all these processes.

xii. The District Dausa shall be declared 'Atrocity' prone District.

xiii. The non government employees shall be appointed in Vigilance and monitoring committee.
2.4: Human Rights Frameworks: The police accountability in the context of registration of crime has been provided in the International and National legal and human rights framework.

2.4.1. International Frame Work- UDHR:
The Universal Declaration of Human Rights (UDHR) prescribed that “Everyone has the right to life, liberty and security of person.” This right, which is directly related to good policing, is at the core of the human rights framework, as encapsulated in the International Bill of Rights. Governments are expected to use the UDHR to guide their legislative, judicial and administrative practice. In particular, police organizations are expected to know and enforce the UDHR and uphold, defend and protect people's civil and political rights and freedoms, as well as foster an environment that will promote their economic, social and cultural rights. Police personnel are obliged to implement these provisions while dealing with the citizens/complainants or victims at the time of crime registration.

2.4.2. National Framework: Constitution of India:
The Constitution of India guarantees fundamental rights including the right to access to justice derived from Articles (14, 15, 19, 20, 21 and 22). Right to access to justice is supported by Article -14 of the Constitution which stipulates ‘equality before law’ and Article-15 which guarantees equal treatment before law against discrimination on grounds of caste, race, gender, religion and region etc. Further, Article -19 gives freedom of expression and Article-protects from arbitrary punishment which is not to be more that law of land prescribes at the time of occurrence.

According to Article -21 Right to life means dignified life with human dignity and Article-22 safeguards rights of a arrested person to defend himself by a lawyer of his choice and being produced before the nearest Magistrate within 24 hours, including right to medical examination and right to inform his family or friend during custody.

2.4.3: Latest Supreme Court Judgment on registration of FIRs:
More recently, the Supreme Court headed by the Chief Justice of India in Lalita Kumari case¹⁴ laid down directions for police with regard to registration of FIR and conducting of preliminary inquiries. The operative para i.e. 111 of the judgment dated 12.11.2013 is reproduced below:
111. “In view of the aforesaid discussions, we hold:

i. Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

ii. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

iii. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.

iv. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and proceeding further.

v. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

vi. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

vii. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:
   a. Matrimonial disputes/family disputes.
   b. Commercial offences
   c. Medical negligence cases
   d. Corruption cases
e. Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactory explaining the reasons for delay.

vii. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

viii. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

ix. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above. The said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.”

2.5: Some of the Important and Empirical Research Studies

2.5.1 Dr. A. Gupta (1979) in his classic book ‘The Police in British India 1861-1947’ published by BPR&D stated that the crime situation during 1919 to 1924 was truly alarming, but the reviews of the police that were undertaken that time were all aimed at economy in expenditure. The net result of this policy was that a sufficient number of investigating officers consistent with the incidence of crime, were never made available, and in all, powerful encouragement was extended to the concealment and minimisation of crime. A good deal of non-reporting was already prevalent because of bad reputation of the police, in general and the police stations, in particular and the ineffectiveness of the criminal justice system as a whole. The result was that the Government never had a correct idea of the exact state of the crime situation, though there was much play with statistics and many changes in the forms of the returns from time to time.\textsuperscript{15}
2.5.2. On behalf of Bureau of Police Research and Development, FTR Colaso and KS Shukla (1973)\textsuperscript{16} in a study on \textit{“Reluctance of the Public to Aid the Police in the Detection of Crime and Crime Reporting”} at Police Station” identified the main reasons for respondents not willing to go to the Police Stations are:

- The people who go to police station to lodge report have to wait for an unreasonably long period of time.
- The police would not entertain a report if it is against a person of high status or against a person with whom they have good relationship.
- The Police records reports only from influential persons and not from ordinarily persons.
- The police do not act promptly on any information/evidence furnished to them with the result that its usefulness is lost.
- The Police are corrupt and would shield the true criminals, even if the respondents try to aid in the detection of crime.
- Persons who go to the Police are frequently called to the Police Station.
- The Police would not entertain a report concerning a minor crime.
- The Police demands gratification for recording the report.
- The respondents might be obliged to accompany the Police from place to place, or be called to the Police Station repeatedly.
- The police manhandle suspects and the respondents would not like to be party to it.
- Persons, who go to the police, are repeatedly summoned by the Court.
- The Police machinery is too ineffective that there would be no point in going to them.
- Majority of the respondents were aware that the criminal gets encouraged, if crimes are not reported.
- The criminals would take vengeance against respondents if they reported the crime and acted as witnesses.
Further, Mishra and Arora (1980) in the study entitled “Public Complaint in Selected Urban Police Stations of Delhi” conducted on behalf of Bureau of Police Research and Development, with a sample of 1,198 complainants of Non-Cognizable cases in Delhi city revealed that the trend of complaints registered at the police stations are non-cognizable complaints (48.08% belonged to civil nature and 33.47% were belonged to criminal nature). However, nature of action taken in 12.70% of non-cognizable complains was not available in the police station record after investigation was carried out. Majority of the complaints (63.6) were not satisfied with the nature of action taken by police on their complaints. Further, the study claims that a large number of non-cognizable complaints (48.90%) were disposed of within an hour of time. Eventually, the study has suggested a change of attitude on the part of police for better police-public relations in general and recording of crime incidents, in particular with following legal mechanism;

- There is need to maintain separate register for non-cognizable complaint in all police stations and all complaints by the public should invariably be entered into this register.
- An Officer of the rank of Sub-Inspector, designated as ‘Public Relations Officer’, should be posted in each Police Station, exclusively for registering non-cognizable complaints and for maintaining liaison with the public.
- A small Advisory Committee for looking into public complaints at police station level may be formed under the chairmanship of the Assistant Commissioner of Police having jurisdiction over the Police Station.
- Statistics in respect of non-cognizable offences regarding the limited nature and action taken thereon, should be properly, maintained at the Police Station and the District Headquarters.
- There is a need for appraising to the citizens awareness of the role of the police in relation to non-cognizable offences. This can be done by giving publicity in cinema houses by showing slides, by radio broadcasting and Television talk shows and through write –ups in press. This work can be entrusted to the PRO attached to the Police Headquarters.
2.5.4. An empirical study entitled, ‘Police and the Society’ by Earayil, A.L. at el (1985) portrayed a society’s appraisal of all aspects of police community interactions. Out of 4823 respondents who have been interviewed, 33.84 % have gone to a public attention at one time or other in various capacities as witnesses, suspects, complaints, visitors or accompanying friends or to exert some influence; another 74.85 percent informed that the atmosphere in police station is causing fear in the mind of ordinary citizens of the community, more so in the weaker sections of society. It was also found in the study that complaints against the police in handling cases arising from atrocities against Schedule Caste communities, relate to refusal to register the complaints delay or avoid the scene of crime half hearted action while investigating specific cases, soft treatment of accused persons from the influential sections, making arrests or failing to do so them on malafide considerations, etc.

2.5.5. On the issue of the crime statistics, G.P. Joshi, in a publication entitled “Police Accountability in India” mentioned that crime statistics are not reliable. He shared that the major reason for burking of crime is that the police performance is evaluated on the basis of crime statistics. While talking about police behavior toward the victims which have a direct bearing on registration process, ADB (2006) report stated that improving police behavior is one of the biggest challenges, as mistrust of police is so deeply embedded in society. Most of the time, citizens do not want to seek assistance from the police personnel even in times of crisis. A question of crime statistics arises as to why there is always pressure from seniors and political masters to control crime graph. The answer lies in our system of crime review which is based on comparative statistics and also its link with performance appraisal of seniors and even the government. Efficiency of SHO and even SP is attached to the crime statistics in their jurisdiction. Crime review meeting of SHOs is held every month with District head of police and comparative statistic are discussed. If the crime graph is higher than previous period, it is considered as failure on the part of the SHO to control crime in his jurisdiction. The same is applicable to senior police officers also. At state level, the ruling party has to answer if crime graph goes high during their tenure.
2.5.6. Tripurari (2009)\(^{20}\) in his article entitled, "Policing without using force, The Jalpaiguri experiment", appeared in Indian Police Journal (July-Sept 09), reported an elaborate narrative of the experiment in which free crime registration was the target. This experiment as an initiative taken after the approval of the Crime Conference at Jalpaiguri on 27th June 2007, to record all the cognizable offences under Sec 154(1) of Cr.P.C. at the police stations in the district. As a result, many positive changes were noticed in both police and public behavior. The most important and remarkable change was that the reporting of crime figure went up more than four times. By analyzing the data it was found that cases of theft, crime against women; simple hurt, wrongful restraint were earlier suppressed more than serious offences like murder, decoity, robbery and burglary. This is as per the thumb rule that more the serious offence lesser the dark figure. As a result a number of cases u/s 156 (3) Cr.P.C and number of petitions to National Human Rights Commission and West Bengal Human Rights Commission came down. The number of visitors and the number of phone calls to SP also reduced. The Jalpaiguri experiment was an reiteration of the fact that the policing, strictly in accordance with the procedure established by laws, would be the most practical and the effective way of implementation of the rule of law.

2.5.7: Human Rights Watch\(^{21}\), an International NGO, in its report on “Hidden Apartheid Caste Discrimination against India’s "Untouchables" (February 2007) stated that police systematically fail to properly register crimes under the Prevention of Atrocities Act, 1989 and the Protection of Civil Rights Act, 1995. Improper and under-registration of Dalit cases is both a result of police officers’ reluctance to entertain complaints by Dalits, as well as their lack of familiarity with provisions of the relevant legislation.\(^{80}\) For example, according to one study, out of 103 randomly selected atrocity cases against Dalits in the state of Andhra Pradesh from 1999 to 2003, First Information Reports (FIRs) were correctly registered in only 18 cases, while 29 were not registered at all. In 2002 India reported that in at least 15 states, between 0 - 2 cases had been registered under the Prevention of Atrocities Act, 1989. The National Commission for Scheduled Castes and Scheduled Tribes has concluded that “a large number of cases of atrocities go unregistered, mainly because of reluctance on the part of police officers to register the cases.
2.5.8. In another report entitled “Broken System Dysfunction, Abuse, and Impunity in the Indian Police” (2009)\(^{22}\), Human Rights Watch reported that Police in India frequently fail to register First Information Reports (FIRs), and to investigate crimes. Police officers told Human Rights Watch that they were often under pressure from political leaders to show a reduction in crime by registering fewer FIRs. Some remained that they face suspension or reprimand if they register too many. The Police Personnel also blame their failure to investigate cases on insufficient personnel and a reluctance to take on new cases that add to an already heavy workload. Further, it stated that traditionally vulnerable communities bear the brunt of this neglect. For instance, according to local NGOs, police often do not register complaints or investigate crimes against Dalits (so-called “untouchables”) under special laws enacted to ensure Dalit protection. The Police Personnel including specially designated Crimes Against Women cells, fail to sufficiently aid victims of domestic violence. According to NGOs and police themselves, police often urge victims to “compromise” with their spouses or spouses’ families, even when women suffered repeated and severe physical abuse. The Women’s rights’ activists say that police often do not investigate rape cases and re-traumatize victims who approach them for help through their hostile or inadequate response. For example, when 16-year-old Sunita (a pseudonym) became pregnant after she was raped by her cousin, her family members in a village near Sitapur, Uttar Pradesh beat her and threatened to kill her. Police refused to register an FIR for the rape, and advised her to get an abortion and marry someone from another village. Crime victims who are poor are often unable to obtain police assistance. They cannot afford to pay bribes that police ordinarily demand for FIR registration, or for the costs of investigation that victims are expected to cover on behalf of the police. They are less likely to be able to call local political figures to intervene with police on their behalf, while their perpetrators may have police protection due to political connections.

2.5.9. An explorative study on Registration of FIRs by police in a Metropolitan city by Raghavan, Vijay and Mann, Kavisha conducted in (2007)\(^{23}\) shows the factors influencing registration of FIRs. The study has also demonstrated that there was resistance toward registration of FIRs despite various judgments of the Supreme Court and High Courts directing the police not to refuse crime registration on various grounds such as political pressure, bias, false complaints and misinterpretation of facts etc.
2.5.10. According to Kislaya Prasad (2013), the principal source of crime statistics in India are the police records. It is reasonable to expect that these understate the prevalence of crime, since victims may choose not to report crime to the police, and when they do, police may choose not to record crime. In this article, police-recorded crime is compared with victim-reported crime and an estimate of the magnitude of under-recording is developed. Even if understated, police statistics could still be informative of crime patterns if regions with high victim-reported crime also have high police-recorded crime. This article explored whether victim-reported crime is a predictor of police-recorded crime and finds that police records do contain valuable information about actual crime.

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CHAPTER-III

Method of Study and Procedure

In this chapter, an outline of the method of study and the procedure adopted for carrying out the data collection are discussed. Based on the review of available literature and discussion with police officials and other stakeholders, gaps were identified in the domain of police functioning vis-à-vis non-registration of crime. Efforts have been made to capture the existing policies, practices, attitude of police personnel towards various victims and different forms of crimes, and causes for and consequences of non-registration of crimes. Interview Schedules to elicit views of different stakeholders and tested through pilot study were prepared. The open-ended questions included in these schedules were utilised for content analysis and qualitative evaluation. The research study had adopted a mixed model: a blend of quantitative and qualitative approaches to understand the phenomena of non-registration of crimes and to evolve possible solutions.

3.2: Population and sample:

3.2.1. The universe of study for understanding the problems of non-registration of crimes is far and wide. India has as many as 29 States and 7 Union Territories, with a burgeoning population of 130 crores of people. To facilitate policing of these innumerable people, 121 Nos. of Police Zones, 183 Nos. of Ranges, 755 Nos. of Police Districts, 14665 Nos. of Police Stations, with total police strength of 1674755 (all ranks, including armed police) have come into being, by the end of December, 2012 (Data on Police organisation, 2013, published by BPR&D).

3.2.2. In order to have a comprehensible pattern for conducting the study, stratified sampling method was adopted. A total of 6 States namely, Assam, Delhi, Maharashtra, Odisha, Tamil Nadu and Uttar Pradesh were selected, with a view to cover different regions of our vast country. To represent north India, the State of UP was selected, and similarly in the western zone, Maharashtra State was selected. To represent the North-East zone, Assam and the South zone, Tamil Nadu and for the East zone, the West Bengal were selected. As formal permission for West Bengal was taking time, Odisha
State was taken as an alternative. Additionally, Delhi (a Union territory by Law and Order point of view, which otherwise enjoys Statehood) was also included for study, keeping in view its importance as National capital that attracts both national and international focus. While selecting the States and ultimately obtaining permission from some of those States, BPR&D officers extended commendable support. It was learnt that the decision to allow the research team to collect data from West Bengal remained pending for long with their State Government. It is a clear indication of the firm grip exercised by the executive and legislature over the working of police department.

3.2.3. In every State, two districts were chosen for an in-depth probing. While selecting the district, criteria used were: one district with high Human Development Index (HDI), Urbanization and GDP, while the second district with low HDI, GDP and high amount of SC/ST population. Out of the top five and bottom five districts prepared separately for each of the six States, two districts were selected in consultation with the relevant State Police authorities. The choice of police stations was made in consultation with the District Police Chiefs. While selecting the police stations, one high crime rate police station and one normal crime rate station were preferred. Urban - rural criteria was also taken into consideration, by choosing one police station from rural area, while the other was in urban population. The list of States and districts selected for study are given in Table 3.1.

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>State</th>
<th>District</th>
<th>Police Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assam</td>
<td>Kamrup</td>
<td>Palashbari &amp; Kamalpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cachar</td>
<td>Udharbond &amp; Sadar Bazar</td>
</tr>
<tr>
<td>2</td>
<td>Delhi</td>
<td>Central</td>
<td>Paharganj &amp; Jama Masjid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West</td>
<td>Rajouri Garden &amp; Nihal Vihar</td>
</tr>
<tr>
<td>3</td>
<td>Maharashtra</td>
<td>Pune</td>
<td>Haveli &amp; Daund</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Latur</td>
<td>Gandhi Chawk &amp; Udgir City</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>Cuttack</td>
<td>Markatnagar &amp; Tongi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ganjam</td>
<td>Chatrapur &amp; Chamakandi</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>Coimbatore</td>
<td>Thudialur &amp; Kovilpalayam</td>
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<tr>
<td></td>
<td></td>
<td>Thiruvarur</td>
<td>Mannargudi &amp; Thirumakottai</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>Lucknow</td>
<td>Malihabad &amp; Bakshi Ka Talab</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allahabad</td>
<td>Naini, Jhusi, Jgeorge Town &amp; karnailganj</td>
</tr>
</tbody>
</table>
3.3: Research strategy and tools used:

3.3.1. In the hierarchy of Indian policing, the State Police Chiefs, District Police Chiefs and Station House Officers (SHOs) play an important role regarding registration or non-registration of crimes. The duty officer, who is supposed to be located in all Police Stations to receive all complaints at the cutting edge level, also plays an important role. On the affected side of the public are the complainants or the victims or the informants about the incidents of crime; and their relatives or neighbors who might accompany them to boost their morale are relevant. More often than not, especially in the context of police reluctance to register a complaint, other stakeholders such as community heads, village heads or local leaders or NGOs or some media persons would get involved. As a step further, the local advocates and prosecutors come into play, for strengthening the complainant, while the Judicial Magistrates exercise their authority and discretion, to register and investigate a case which was not done by police. Keeping these facts in view, the research team prepared structured interview schedules/ guides for the following stakeholders:

**Police Functionaries:**
(a) Interview Schedule for Duty Officers;
(b) Interview Schedule for Station House Officers;
(c) Interview Guide for Supervisory Officers;

**Relevant public persons:**
(d) Interview Schedule for Victims/complainants;
(e) Interview Guide for Lawyers/ Judicial Officers;
(f) Interview Guide for NGO/ Media personnel; and
(g) Interview Guide for Opinion Leaders.

3.3.2. The structured interview schedules contained various prompting and probing questions, both in multiple choice and open ended formats. The respondents were asked to give their views in the relevant thematic areas of the study. Certain questions were included to check internal consistency of the answers of a respondent. While using qualitative approach, the study also utilised in-depth interviews, focused Group Discussions and observations. Additionally, a number of case studies were recorded and log frame matrix was used to identify road blocks, indicators, bench marks and means of verification. Certain themes were kept common for the relevant groups e.g. Police officials – duty Officers and

65
Station House Officers and supervisory officers, such as procedures for registration of crimes, causes and consequences of non-registration, and possible solutions. This was done to cross-tabulate the responses and bring out hidden facts, if any.

3.3.3. An effort has also been made to incorporate some of the questions similar to those, which were asked to public respondents (victims, NGOs, Media and opinion makers), in the schedules for Police Officials. This method was adopted in order to discriminate socially acceptable answers such as Duty Officer saying that he attends to the complainant cordially and hands over a copy of FIR to him/her without delay; the victim saying Police officers were rude to him/her and they declined to register a case (though the complaint carried by him was not of cognizable nature). A collation of some of the similar questions asked to different stakeholders is indicated with ‘√’ mark, as given in Table 3.2:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Question</th>
<th>DOs</th>
<th>SHOs</th>
<th>Victims</th>
<th>Lawyers/Judicial Officer's</th>
<th>Media/NGOs</th>
<th>Supervisory officers</th>
<th>Opinion Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>How much time taken to register complaint?</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Do you give a copy of the FIR to the complainants?</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>How a complainant does come to know the updates of his/her complaint?</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Are false complaints a problem in free registration of crime?</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Are there any instances that your Duty Officer came to you for clarification?</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6.</td>
<td>Complainant is refused registration of his report, what he normally does.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Update your knowledge of law and legal procedures.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Who generally accompanies the complainants?</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Reasons of non-registration</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>10</td>
<td>Reasons for Non-reporting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Consequences on the victims</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>12</td>
<td>Impact on society and Justice Delivery System</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>13</td>
<td>Remedy(ies) or solution(s) to curb the practice&amp; ensure free registration</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>14</td>
<td>Improve the citizen friendly crime registration</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
3.4: Pilot Study:

3.4.1. After the design of the tools for different stakeholders, all the tools were pilot tested. The research team spent a few weeks observing police functioning in select Police Stations in Mumbai. During this period, the research team interacted with many police Officers at the select stations, observed the crime registration process, asked for clarifications and examined the police station records. After initial understanding of the process, the Interview Schedules were administered in four different police stations in Mumbai. The insight gained thereby and the suggestions given by the participant police Officers were considered for revising the tools. During this period some of the complainants and other public persons were also talked to. Special attention was paid for the Victims Schedule and Duty Officers Schedule, besides other Interview Schedules, underwent changes in order to make the tools exhaustive. The Interview schedules/guides are appended to this Report.

3.4.2. To further illustrate the contents of the Schedules, e.g. the Interview Schedule for Duty officers consisted of questions related to the infrastructure facilities like availability of safe drinking water, wash room facility, sitting arrangements for visitors and waiting room for women & children who come with them. There were components related to process of registration and preliminary inquiry before registration; type/number of complaints they received in a normal day; behavior of complainants/victims, senior officers, political interference, if any and the role of media, social activists, etc. In addition, details were collected regarding the nature and extent of training they received; source of updating legal knowledge relating to registration of crimes, receipt of governmental circulars and advisories, if any.

3.4.3. The basic themes of the Questionnaires, who were asked what Questions (respondents) and what other techniques such as interview, Focused Group discussion and case studies used are summed up below in Table 3.3.
### Table: 3.3 Research questions and Tools used

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Research questions</th>
<th>Respondents and tools</th>
<th>Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The perception of criminal justice functionaries &amp; other stakeholders towards the non-registration of crimes at the Police Station level</td>
<td>Criminal justice functionaries i.e. Police, Prosecutors, Lawyers and Judicial officer, Complainant, Opinion leaders &amp; Civil society</td>
<td>Interview Schedule, Focused Group Discussion and In-depth interviews</td>
</tr>
<tr>
<td>2.</td>
<td>Types of crimes that are generally not reported to/registered by the police</td>
<td>Police officials, Key informant, Social activists &amp; General public</td>
<td>Interview schedules, Open ended Interviews, Focus Groups</td>
</tr>
<tr>
<td>3.</td>
<td>The victims of non-registration of crimes at the Police Station level</td>
<td>Complainants, Witnesses and Opinion leaders / Civil society</td>
<td>Interview schedule, Open ended Interviews</td>
</tr>
<tr>
<td>4.</td>
<td>Causes and consequences of the non-registration of crimes at Police Station level</td>
<td>Complainants, Prosecutors, Lawyers and Judicial officers, Civil society</td>
<td>Interviews, Focused Group Discussions and Case studies</td>
</tr>
<tr>
<td>5.</td>
<td>The extent of success in reducing non-registration of crimes at the Police Station level, due to govt. policies and court rulings</td>
<td>Criminal justice functionaries i.e. Police, Prosecutors, Lawyers and Judicial officers, Politicians</td>
<td>Interview Schedules and in-depth interviews</td>
</tr>
<tr>
<td>6.</td>
<td>The indicators and benchmarks for free &amp; fair crime registration at the police station level. Identify road blocks &amp; means of verification</td>
<td>Criminal justice functionaries i.e. Police, Prosecutors, Lawyers and Judicial officers and Opinion leaders / Civil society</td>
<td>Brain storming session and In-depth interviews, Log frame Matrix methods</td>
</tr>
</tbody>
</table>
3.4.4. The interviews were conducted for police officers within the precincts of police stations and for senior officers, in their offices. The Station House Officers, who are responsible for the functioning of the police stations including registration or non-registration of crimes, were mostly Senior Inspector-level officers at metropolitan cities, and Inspector level officers at other towns. At rural Police Stations, the Station House Officers were mostly at the Sub-inspector levels. The Duty officers, who are at the cutting edge level, were found mostly Head Constables and Assistant Sub-Inspector, though some were seen of constable and sub-inspector level.

3.4.5. Though the Station House Officers are accountable for the functioning of the station, the Duty Officers were found playing the visible role in registering the crimes and directly interacting with the complainants, victims and whoever accompanying them to the station for seeking justice. Thus, the Duty Officers were found the key to the process of Criminal Justice Delivery System and considered as the face of police, whom complainant/victim first encounters during the process of seeking justice.

3.5: Data collection

3.5.1. While finalising the research tools and conducting pilot studies, letters seeking permission from the selected states to carry out data collection in two select districts, were sent to the respective DGsP. BPR&D also reiterated our requests to relevant DGsP. After receiving necessary permission, a 2-member research team supported by a local representative, contacted the respective District police Chiefs, i.e. the SPs or DCPs, to apprise them about the nature of study and identifying which police stations were to be covered. The selected police stations were intimated by the district officers about the visit of the team and the Station House Officers were directed to extend all possible help to the research team for the successful completion of the study. The victims/complainants and other stakeholders were picked up mostly on the basis of police station records (FIR Registers, N.C. records where existed and the police station General Diaries, while some were included out of the Focus Group Discussions and as per reference from lawyers and opinion leaders. The number of stakeholders covered, State-wise, is given in Table 3.4:
### Table 3.4: Data collected from different stakeholders

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Assam</th>
<th>Delhi</th>
<th>Maharashtra</th>
<th>Odisha</th>
<th>Tamil Nadu</th>
<th>Uttar Pradesh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisory Officers</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>22</td>
</tr>
<tr>
<td>Station House Officers</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>26</td>
</tr>
<tr>
<td>Duty Officers</td>
<td>5</td>
<td>17</td>
<td>15</td>
<td>13</td>
<td>14</td>
<td>6</td>
<td>70</td>
</tr>
<tr>
<td>Victims</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>34</td>
<td>33</td>
<td>50</td>
<td>207</td>
</tr>
<tr>
<td>Lawyers/Judicial Officers</td>
<td>7</td>
<td>8</td>
<td>11</td>
<td>10</td>
<td>11</td>
<td>8</td>
<td>55</td>
</tr>
<tr>
<td>NGOs /Media</td>
<td>13</td>
<td>14</td>
<td>17</td>
<td>11</td>
<td>11</td>
<td>10</td>
<td>76</td>
</tr>
<tr>
<td>Opinion Leaders</td>
<td>6</td>
<td>6</td>
<td>9</td>
<td>9</td>
<td>11</td>
<td>9</td>
<td>50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>69</strong></td>
<td><strong>81</strong></td>
<td><strong>90</strong></td>
<td><strong>85</strong></td>
<td><strong>88</strong></td>
<td><strong>93</strong></td>
<td><strong>506</strong></td>
</tr>
</tbody>
</table>

#### 3.5.2

During data collection, the research team interviewed a few Lawyers, Judicial officers, NGOs, media and a few opinion leaders, both from political arena and from civil society with no political affiliations. NGOs, media persons, lawyers, opinion leaders were interviewed throughout the district and not only within the jurisdiction of concerned police stations, to get a wider view on the topic. Additionally, in every district, the research team had conducted a few Focused Group Discussions (FGDs) to gain in-depth understanding of the issue, in question as well as image of police, in general among the community. Details of FGDs are given in Table 3.5

### Table 3.5 Details of FGDs conducted

<table>
<thead>
<tr>
<th>S. No.</th>
<th>States</th>
<th>Focused Group Discussions conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assam</td>
<td>One with women group/Two with male community, Two women NGOs and One with community members.</td>
</tr>
<tr>
<td>2</td>
<td>Delhi</td>
<td>One with Media personnel /Two with slum community</td>
</tr>
<tr>
<td>3</td>
<td>Maharashtra</td>
<td>Three with destitute women/One with senior citizens, One with police, One with public prosecutors, one in SC community</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>Two with male and female community/One with youths, one in the community youth and /One with migrant workers</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>One with SC women/One with dalit youth/ One with trans-gender, One with women self help group.</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>Three in community, One with victims in court premises, Three with women groups, One with contract laborer.</td>
</tr>
</tbody>
</table>
3.6: Ethical framework adopted in the study:
To follow high ethical standards and integrity the research team adopted the ethical policy normally followed in this kind of study worldwide. Research ethics followed were confidentiality and voluntary participation in the study by the respondents.

a) Confidentiality: It was decided to assure the respondents that the name and information which lead to the identification will be kept only with the researchers and which will not be disclosed to anyone. Additionally the name and address of the respondents were recorded only if the respondent is comfortable to do so.

b) Voluntary participation: The researchers made no promise of any benefit such as monitory or other kind to the respondents. After explaining the nature and purpose of the study in a language understandable to them, the researchers sought their participation, and also allowed to leave, if they wish so. No direct or indirect pressure was used on the respondents for providing answers to the study.

3.7: Some Relevant Variations noticed during data collection in the States covered:

3.7.1. The North –Eastern State of Assam:
In Assam there was no duty officers system. There was 2nd in charge and 3rd in charge. One was doing day time duty while there was an emergency officer during night time. In Cachar district of Assam, there is no system of maintaining separate register for recording non cognizable offences. Entry of NC offences is made only in General Dairy. Even the name for non cognizable offence is different in different states, like in Tamil Nadu, NC offences are called as ‘Community Social Responsibility cases’ (CSR) and in Assam they are called as ‘Non FIR cases’. In Assam, it was found that there was no separate unit or designated counter for reception of the complainants. There was a table for 2nd in charge of police station, who receives the complaints. In Assam, large numbers of FIRs are filed after Magistrate’s order under Sec 156(3) of Cr.P.C. Higher Judicial officers shared that it is the right of people to approach the court. Complainants have discretion either to go to police station or to file a private case. In the court, separate register of Sec 156(3) of Cr.P.C. cases was maintained. Most of the police persons reported that there was no political interference in registration of cases. But in Assam,
there were frequent transfers of police officials as reported by police and other stakeholders. Due to insurgency problem and Bangladeshi migrant’s issue, police sometimes hold suspicious view towards Bengali Muslims, which aspect was shared in FGD. Overall view of all stakeholders was that Assam police was good and cooperative. In some police stations were not having telephone connection or were not functional. Complaints through telephones were rare in Assam. Village Defense Parties (VDP) were there in Assam. Police were taking help of them, which were having frequent interactions with them. During interview, researchers came to know that awards were given to police stations, and one of our sample police stations had received 'Best Police Station' award.

3.7.2. The National Capital Region – Delhi:

Delhi police comes under the control of Central Government. Lt. Governor of Delhi exercises control over Delhi Police, while Delhi Chief Minister or other local political leaders have only some ‘courtesy’ interactions. Delhi police personnel were found drawn from different States, though majority of them were from adjoining States such as Haryana, Rajasthan and U.P. Local political interference was very nominal in Delhi, as reported by all stakeholders. It was reported by most police persons and other stakeholders that police working conditions were very good as compared to other states. Manpower was okay, though still not reported adequate. During commonwealth games period, massive recruitment took place adding 5000 to 6000 personnel. In Delhi, for every 3 police stations there was an ACP as supervisory officer. His office was in one of the police station premises. This seemed a very good sign to build the confidence of complainants. Police Control Room number 100 is liberally used in Delhi by one and all. It is widely used by everyone in Delhi. Some of the calls were not related to crime. In slum areas, women were also aware about No. 100. Police station buildings were in good condition. At police station level, there were separation of Law and order and Crime Investigation. However, it only meant one PI was appointed for Law and order, while another was in charge of crime investigation. All other staff was same for all works. Delhi Police have started scheme of ‘Aapka Update’ for updating complainant about status of cases, along with other schemes for community policing. There was a circular issued in Delhi that, SHO will do 24 hours duty, without any leave. There was discontent in the SHOs though they did not express it openly. There were two contrary views shared by Duty officers. One view was that they register the cognizable offences, assign the same to any IO. However, the contrary view was that every cognizable offence first goes to IO in

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charge. And if he thinks the case was fit as cognizable offence (prima facie or after preliminary inquiry), he asks duty officer to register a case. Thus, Duty officer was registering the cases that were given by IO. He was not deciding whether that case was cognizable or not. In community policing, Delhi police started a program named ‘Yuva’. They were giving vocational training to adolescent drop-outs. Police were organizing meetings of various groups like senior citizens, college students, and jewelers and like. Police were conducting nukkad (corner) meetings. There were also groups ‘eye and ear’, who acted as informants to police about any suspicious activity.

Despite views from various stakeholders that there was no issue of Non-registration of crimes in Delhi and availability of good infrastructural facilities, the research team came across cases of police insensitivity and refusal to register cases in sampled police stations. In Delhi, as per the circular of the Commissioner of Police, special desk for women and children were created. But, it was not seen in use during the visit of the team. It was reported by some stakeholders other than police that after 6.00 pm, police were consuming alcohol and got drunk, when women can't go to police station. Similar views were heard in Uttar Pradesh police also.

3.7.3. The Western Indian State - Maharashtra

In Maharashtra, there was system of Duty Officers who were mainly Head Constables assisted by Constables. Constables were assisting DOs in writing complaints and maintaining Daily Diary, besides conducting preliminary inquiries by visiting the alleged crime spots. In the police stations visited by the team, it was found that all the cognizable offences were registered in the main police stations, and the police outposts had no authority to register a cognizable offence. In some of the police outposts they registered the cognizable offence without giving number to it and transferred it to main police station. If a complainant wanted to register his case formally (Cognizable offences), he had to go police station for the same. During visit to Gandhi Chowk police station of Latur district, researchers came across an incident where 6 police persons including SHO were suspended because of non-registration of complaint. Victim filed his complainant before the DGP saying that the local police refused to register his complaint of burglary. DGP ordered for inquiry and concerned officers having been found guilty were suspended. It was reported by Dy.SP that, there is another dimension to the issue of Non registration of crimes, wherein, complainants themselves don't want to register a case. They wanted
police help, out of the way. In another police station of Latur district, DOs and other police staff requested researcher to listen to their problems to address the other side of the research topic, i.e. finding solutions. Through FGD with DOs and some complainants present in police station, lot of discussion happened. DOs and complainants both shared their views frankly.

The police station buildings were not in good condition. Police themselves were not getting a good working atmosphere. It was noticed in one of the police stations, police themselves didn’t have proper sitting facilities and that the police station was the highest in crime rate. When visited police station it was found that lots of complaints were coming every day and there was lot of work pressure on police. In Maharashtra, most DOs and SHOs felt that local politicians were not interfering or coming to police station.

In Maharashtra, representatives of every police station attended training of CCTNS. At that time, they were using CIPA. But all the complaints were not entered in it and data entry was going on. Whenever any domestic violence or matrimonial dispute related case came, police are sending the case to a Counseling Center. However, police were also having a Counseling Center of their own. During visit to Judiciary, it was found that there was no separate mechanism to record cases in which Magistrate ordered registration of a case under Sec.156 (3). Most of the police persons held a view that in Maharashtra, people were aware about their legal rights and even Media/NGOs were also very active and worked as watchdogs. Hence police could not refuse to register a criminal case.

3.7.4. The Eastern Indian State - Odisha

The State has a backward profile, in terms of many development indicators such as per capita income, HDI etc. But due to recent political initiatives, the state was reported moving fast in the economic front. This aspect reflected on the socio cultural domain also. The state police have introduced some progressive measures, such as AMMA police, a refined version of community policing model. That innovative model was in place at an experimental level. Currently one police station in every district in the state was selected and reputed community members were invited to involve in police functioning. Their role were advisory and they were asked to review the performance of police and police personnel in an open forum. Every police station selected is divided in to 10 or more localities where in one
police officer was assigned to every locality, and a group of reputed community leaders were requested to involve in the area policing. The police functioning was reviewed every month, in which the SHO of the police station and officer assigned to the area would listen to the community members and their comments were recorded and incorporated in the police functioning. Public felt happy about the scheme, which certainly led to more accountability and transparency in the police functioning.

Odisha police was facing challenges such as increasing Naxalism in certain parts of the State, besides crimes committed by Odisha workers else where, but ultimately get sheltered in Odisha, and people’s faith in witchcraft and political groupism. The state has both rich cultural and historical domain, with a 1000 year old city like Cuttack and at the same time Maoist dominated tribal districts bordering West Bengal and Chhattisgarh. Some of the district had acute unemployment among youths. Due to this, policing in the state had to face varying challenges in the regions of the states.

3.7.5. The South Indian State - Tamil Nadu: Tamil Nadu Police was over 150 years old, as it was formed prior to 1659. It is a state with the largest women constabulary. The force also had the highest number of women police stations in the country. The Chennai was one of the low crime rate cities, ostensibly due to effective police administration and relatively less political interference. A senior officer stated that this was not common to all the districts of Tamil Nadu, especially in some of the rural and less developed districts. In spite of its progressive policies and practices the state witnesses caste violence in the recent past. Dalits were still living in a deprived state, which may not be as bad as in northern states. Some dalit youths expressed that “if we have any problem and we approach police then they normally won’t listen, but if go in a group then they will listen”. Poor dalit women in the rural areas were doubly deprived who expressed “We SC women always suffer, even when we go to police, they harass us by asking embarrassing questions”. The State has many firsts, such as computerization, women police battalion, Finger Print Lab, and computers against other police departments in the Country. The community policing initiative through ‘Friends of Police’ was well recognized. However, Tamil Nadu Police faces challenges due to increasing migrants, growing urbanization and growing caste-based political groups.
3.7.6. The Northern State, Uttar Pradesh:
There was no Duty officer system in Uttar Pradesh. They have Head Muharir (HC), assisted by Munshi and police constables. Police and other stakeholders shared that there was lot of political pressure on police in Uttar Pradesh. Both SP office and SP residence, grievance redressal units exist. which was found full of complainants. There was ‘Tehsil Divas’, once in 15 days. Complainants could file there any kind of complaints, including complaints relating to crime. There was online ‘Jan Suvidha Kendra’ which started recently, where complainants could file their complaints through Internet and police had to answer those complaints it within specified period. A Public Relation Officer was appointed for every police station who could be met first and report one’s complaint. In this arrangement acknowledgment of written complaints were issued. It was and displayed in Police Station that police should not file a false case. But how to decide whether a case is true or false is not mentioned. Almost all police persons shared that there was lot of interference from local level politicians. Duty officers were vocal about their discontent. They however appreciated the increasing representation of women in Uttar Pradesh police. Dos were restrained not to use abusive language, not to smoke and consume pan/guthkha in front of women police colleagues. From senior level to DO level, and all other stakeholders mostly agreed that there was burking of crime to control crime graph. There was a tradition to touch feet of a person in authority or senior in rank. In police stations also, generally complainants as well as accused were found touching feet of SI and SHO.

3.8: Challenges faced by the research team in data collection:

3.8.1. Time and Language barriers: The main challenge was related to time. There were as many as six States from different zones. In each State, 2 districts and 4 police stations were to be covered, for which time available was only 10 or 12 days per district. There were many stakeholders to cover. Data collection from various stakeholders was found difficult, as it could be done only once the team reached the field. The team had to revise the plan, on a daily basis. due to limited resources available in field. Scheduling and rescheduling the meetings with various stakeholders caused considerable inconvenience to the team members. The Two member team was not found fully competent in all the languages necessary for effective communication in the field, which short coming was got over by associating a local contact. The languages of the chosen areas were Assamese, Bengali, Hindi, Oriya,
Marathi and Tamil, which all are far different from each other and hence, the team had to depend on language interpreters in some states.

3.8.2. Enlisting the participation of victims and other stakeholders:
Given the sensitivity of the research topic ‘Non-Registration of Crimes by Police’, finding such victims/complainants whose complaint was not registered was a tough task. Such kind of data was not available with police. But while interviewing some complainants whose contact was collected from concerned police stations, it was revealed that in some cases, their complaint was registered only after Magistrate's order. The team gathered some complainants through lawyers, media persons, social workers and NGOs. Complainants whose cases were refused by police constitute 10.1% of total number of complainants in our sample. Interviews with complainants were taken in different places, where they could feel comfortable and would speak freely without hesitation and any kind of pressure. Places of interviews were; complainant's house, lawyers or NGOs office, destitute homes where women were staying, etc. Each interview started with introduction of research team, conveying object and purpose of the research and assuring secrecy and confidentiality. Prior oral permission of every complainant was taken, and those who were not willing to disclose any information or those who didn't want to elaborate their experience, were allowed to do so. Additionally, the other challenge faced was that during police station visits, police Station House Officers and other staffs were busy in every State in bandobast/maintaining law and order. In some places, local festivals and important events such as Ganapati immersion, Navratri-dasehra, Diwali and Holi, Peasants’ strike, Local elections, agitations, senior officials/VIP visit to the districts, etc. got overlapped with the visit of research team, and thereby needed attention suffered.

3.8.3. Reluctance of Duty officers to speak:
In many Police Stations, without prior meeting with SHO and without his/her permission, Duty Officers were reluctant to participate in the interview, though the team had obtained written permission of concerned SPs DGPs. In such cases, sticking with the planned timetable of visits was found difficult. This caused considerable time loss to the team in executing the task within the planned time frame.
3.8.4. Difficulty in enlisting participation of judiciary:
Despite seeking permissions from all concerned State High Courts to allow district judicial officers to
interact with the research team and share with them relevant data required for research purpose, only
some state High Courts granted permission. Most of the interviews of Judicial Officers were done
during their lunch hour. Hence all questions mentioned in the schedule could not be asked. In some
places, FGDs with Judicial Magistrates and Public prosecutors were conducted instead of personal
interviews. In some States, in which we received permission of data collection from High courts,
separate data on cases where Magistrate had to order registration of case under Sec. 156 (3) of Cr P C
was not found maintained.

3.8.5. Reluctance to divulge caste/category:
Questions regarding their social profile like their caste/category were perceived somewhat offending
and unnecessary. Hence information regarding category was not pressed in some cases, wherever
respondent were not willing.

3.9: Data analysis:
All the data collected in scale (5 point) format, categorical data in multiple response format and
responses in ‘yes’ and ‘no’ format were analyzed by using SPSS package. Other responses from open
ended questions, transcript of our FGDs and field diary were made use of for continuous reading (many
times) to find thematic areas, linkages between personal and social constructs, and common themes that
emerged out of responses from many stakeholders across states. A few case studies were also prepared
to understand the actual practices and existing legal frameworks, by keeping the legal realism as one of
our analytical parameters. Both case studies and FGDs were used to augment the findings arrived at by
the analysis of the quantitative data and vice versa. It is important to mention that data presented in the
various tables exclude NA/NR category.
Chapter-IV
Non-Registration of Crimes: Public Point of View

This chapter gives a brief profile of complainants covered in the study, along with their demographic details, nature of complaints and problems faced by them in filing their complaints. Further, the Chapter highlights experiences of victims/complainants, their relatives, community, media and NGOs in the process of registration of crimes, as they perceived.

4.1. Profile of Complainants:

4.1.1. The sample (n=207) of the victims/complainants broadly covers different socio-economic and demographic categories, as presented in Table 4.1 The data reveals age distribution of complainants: 28 percent belonged to age group 19 -30 years, while 35% were of the age group 31-40 years. This indicates that six out of every ten respondents were below forty years. Though only four Senior citizens (61 + age group) were found in the sample, it indicates that crime against aged did exist.

Majority of the complainants were male (80.2%) and direct victims of crime (95.16%). Further, religion-wise data describes 88.9% complainants were Hindus. Besides, 9.2% were Muslims, 2 Christians, one Sikh and one in Jain community. The social profile highlights that 42.8 % complainants were from OBC category and 36.7% from general category while SC constitutes 20% and ST 0.6%. However, it is interesting to note that 13% complainants showed their indifference to caste/category clarification, refused to disclose their caste identity.

4.1.2. Education-wise analysis shows that a large number of victims (96.7%) were educated persons ranging from primary to post graduation level. Among them, 11.5% have studied up to primary level (5th standard), 47.5% up to 12th standard and 37.7% were graduates and above. The educational level assures that the respondent could understand the input of the Questionnaires and give proper answers. However, the data reveals that 24.2% of the victims were daily wage laborers, 23.7% were self employed in running their own shops like pan shop, general store, mobile shops etc. Out of the 39 female respondents, 21 were housewives and the remaining 18 were in different professions.
Table 4.1: Profile of the Complainants (n=207)

<table>
<thead>
<tr>
<th>Role of Complainants</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victims of crime</td>
<td>197</td>
<td>95.16</td>
</tr>
<tr>
<td>Relatives</td>
<td>08</td>
<td>3.86</td>
</tr>
<tr>
<td>Organization (NGO/company)</td>
<td>02</td>
<td>0.96</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age (in years)</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 - 30</td>
<td>58</td>
<td>28.0</td>
</tr>
<tr>
<td>31 - 40</td>
<td>74</td>
<td>35.7</td>
</tr>
<tr>
<td>41 - 60</td>
<td>71</td>
<td>34.3</td>
</tr>
<tr>
<td>61 &amp; above</td>
<td>04</td>
<td>1.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>166</td>
<td>80.2</td>
</tr>
<tr>
<td>Female</td>
<td>39</td>
<td>18.8</td>
</tr>
<tr>
<td>Trans gender</td>
<td>02</td>
<td>1.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religion</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>184</td>
<td>88.9</td>
</tr>
<tr>
<td>Muslim</td>
<td>19</td>
<td>9.2</td>
</tr>
<tr>
<td>Other (Christian, Sikhs, Jain)</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Caste/categories</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>66</td>
<td>31.8</td>
</tr>
<tr>
<td>OBC</td>
<td>77</td>
<td>37.1</td>
</tr>
<tr>
<td>SC</td>
<td>36</td>
<td>17.4</td>
</tr>
<tr>
<td>ST</td>
<td>01</td>
<td>0.5</td>
</tr>
<tr>
<td>Not responded</td>
<td>27</td>
<td>13.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education level</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiterate</td>
<td>06</td>
<td>3.30</td>
</tr>
<tr>
<td>Primary</td>
<td>21</td>
<td>10.00</td>
</tr>
<tr>
<td>Secondary</td>
<td>57</td>
<td>27.53</td>
</tr>
<tr>
<td>High Secondary</td>
<td>30</td>
<td>14.00</td>
</tr>
<tr>
<td>Graduate</td>
<td>52</td>
<td>25.12</td>
</tr>
<tr>
<td>Post-graduate</td>
<td>17</td>
<td>8.21</td>
</tr>
<tr>
<td>Not responded</td>
<td>24</td>
<td>11.59</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petty Job</td>
<td>50</td>
<td>24.2</td>
</tr>
<tr>
<td>Service</td>
<td>36</td>
<td>17.4</td>
</tr>
<tr>
<td>Business</td>
<td>49</td>
<td>23.7</td>
</tr>
<tr>
<td>Professional</td>
<td>19</td>
<td>9.2</td>
</tr>
<tr>
<td>Farmer</td>
<td>16</td>
<td>7.7</td>
</tr>
<tr>
<td>Retired</td>
<td>03</td>
<td>1.4</td>
</tr>
<tr>
<td>House wife</td>
<td>21</td>
<td>10.1</td>
</tr>
<tr>
<td>Student</td>
<td>13</td>
<td>6.3</td>
</tr>
</tbody>
</table>
4.1.3. Pattern of Victimization and Complainant’s satisfaction level:
The analysis of pattern of victimization given in table 4.2 indicates that a little less than half of the accused (46.8 %) were unknown and 30.9 % of them were known to the victims. Among the known person category, 16.9 % were family members or relatives; only 2.9 % were influential persons in the society and 1.0 % were others. Further, the data suggests that 88.4% complainants stated to have visited police stations for first time which dispels the version that public avoid going to police station; in other words dependence on police seemed to have increased. The most women complainants had experienced crimes more than once, especially in domestic violence cases, which suggests that complaints of domestic violence might drag on.

Table 4.2: Pattern of Victimization (n=207)

<table>
<thead>
<tr>
<th>Nature of crime committed against victims</th>
<th>Frequency (n=207)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bodily Offence</td>
<td>78</td>
<td>37.7</td>
</tr>
<tr>
<td>Property Offense</td>
<td>95</td>
<td>45.8</td>
</tr>
<tr>
<td>Domestic/ Matrimonial Offences</td>
<td>19</td>
<td>9.2</td>
</tr>
<tr>
<td>Bodily Injury and Property Offences</td>
<td>14</td>
<td>6.8</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who has Committed crime ?</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unknown Person</td>
<td>98</td>
<td>46.8</td>
</tr>
<tr>
<td>Known Person</td>
<td>64</td>
<td>30.9</td>
</tr>
<tr>
<td>Family members</td>
<td>35</td>
<td>16.9</td>
</tr>
<tr>
<td>Influential Person</td>
<td>06</td>
<td>2.9</td>
</tr>
<tr>
<td>Others</td>
<td>02</td>
<td>1.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Whether first time victim?</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First time victim</td>
<td>183</td>
<td>88.4</td>
</tr>
<tr>
<td>Repeated victim</td>
<td>24</td>
<td>11.6</td>
</tr>
</tbody>
</table>

4.2.2. It was also seen that police complaints were mostly made in case of property offences (45.8%), followed by bodily offences (37.7%) and domestic/matrimonial offences (9.2%). When asked about who did the crime, most of the victims stated that was committed by unknown person (46.8%) and around 31% stated that as committed by known person. Family members committing crimes against the victims constitutes 16.9% this may include domestic violence, property disputes and of the rivalry between two siblings or relatives. Majority of the victims (88.4%) reported that they were the first time victims. However, a small number of victims stated that they are subjected to repeated victimization.
4.2.3: Researchers sought information about crime registration process as the crime reporting is the first initiative taken by the complainant to set criminal justice delivery system into motion. If complainant does not come forward to register a crime, then lot of crimes will go unnoticed and perpetrators will never come under the purview of the system. As crime reporting is the first step on the part of complainant, crime registration is also the first step for the police to initiate justice delivery process. The next question arises, if they have reported the crime to police, what was the outcome of it and what action was taken by police on reporting of crime?

Table 4.3 presents a classification of the outcome of the crime reporting to the police, which shows that only in 57 % of the cases FIR was registered, while in 16.4% cases, either an (NC) Non-cognizable case was registered or an entry was made in daily dairy (7.2%). In case of 11.6% cases, no action was reported taken or known to have been taken. In other words, some action or other was taken by registering 80% of the complaints, which suggests that the usual complaint of non-registration of crime seems not tenable. But, in reality the sample of victims that could be obtained by the researchers were mostly (90%) from police records and hence some action or other was seen taken. Thus, this input is required to be seen along with other findings.

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIR registered</td>
<td>118</td>
<td>57</td>
</tr>
<tr>
<td>NC registered</td>
<td>34</td>
<td>16.4</td>
</tr>
<tr>
<td>Entry made in daily diary</td>
<td>15</td>
<td>7.2</td>
</tr>
<tr>
<td>No action taken</td>
<td>24</td>
<td>11.6</td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
<td>7.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>207</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

4.2.4: A Critical Evaluation of Action taken by Police vis-à-vis attributes of Complainant:

i) An incisive analysis of outcome of reporting made, basing on the complaints/victim’s (a) gender, (b) education level, (c) caste/category, (d) age and (e) region. The data is given in Table 4.4.
### Table 4.4: Outcome of reporting to Police vis-à-vis Complainant’s attributes

<table>
<thead>
<tr>
<th></th>
<th>FIR registered</th>
<th>NC registered</th>
<th>Entry made in daily diary and copy given</th>
<th>No action taken</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On the basis of Gender</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>62.0</td>
<td>18.1</td>
<td>6.0</td>
<td>7.8</td>
<td>6.0</td>
<td>100</td>
</tr>
<tr>
<td>Female</td>
<td>38.5</td>
<td>7.7</td>
<td>12.8</td>
<td>28.2</td>
<td>12.8</td>
<td>100</td>
</tr>
<tr>
<td>Trans gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td><strong>On the basis of Educational status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illiterate</td>
<td>33.3</td>
<td></td>
<td>16.7</td>
<td>16.7</td>
<td>33.3</td>
<td>100</td>
</tr>
<tr>
<td>Primary</td>
<td>38.1</td>
<td>33.3</td>
<td>9.5</td>
<td>4.8</td>
<td>14.3</td>
<td>100</td>
</tr>
<tr>
<td>Secondary</td>
<td>38.6</td>
<td>28.1</td>
<td>10.5</td>
<td>14.0</td>
<td>8.8</td>
<td>100</td>
</tr>
<tr>
<td>Higher Sec.</td>
<td>50.0</td>
<td>20.0</td>
<td>3.3</td>
<td>23.3</td>
<td>3.3</td>
<td>100</td>
</tr>
<tr>
<td>Graduate</td>
<td>88.5</td>
<td>1.9</td>
<td>3.8</td>
<td>3.8</td>
<td>1.9</td>
<td>100</td>
</tr>
<tr>
<td>Postgraduate</td>
<td>70.6</td>
<td>5.9</td>
<td>5.9</td>
<td>5.9</td>
<td>11.8</td>
<td>100</td>
</tr>
<tr>
<td><strong>On the basis of Caste/Category</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>72.7</td>
<td>13.6</td>
<td>7.6</td>
<td>4.5</td>
<td>1.5</td>
<td>100</td>
</tr>
<tr>
<td>OBC</td>
<td>44.2</td>
<td>16.9</td>
<td>9.1</td>
<td>20.8</td>
<td>9.1</td>
<td>100</td>
</tr>
<tr>
<td>SC</td>
<td>44.4</td>
<td>30.6</td>
<td>5.6</td>
<td>8.3</td>
<td>11.1</td>
<td>100</td>
</tr>
<tr>
<td>ST</td>
<td>100.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td><strong>On the basis of Age of the complainants/victims</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 - 30</td>
<td>56.9</td>
<td>15.5</td>
<td>5.2</td>
<td>13.8</td>
<td>8.6</td>
<td>100</td>
</tr>
<tr>
<td>31 - 40</td>
<td>60.8</td>
<td>16.2</td>
<td>6.8</td>
<td>12.2</td>
<td>4.1</td>
<td>100</td>
</tr>
<tr>
<td>41 - 60</td>
<td>54.9</td>
<td>18.3</td>
<td>8.5</td>
<td>8.5</td>
<td>9.9</td>
<td>100</td>
</tr>
<tr>
<td>61 &amp; above</td>
<td>25.0</td>
<td></td>
<td>25.0</td>
<td>25.0</td>
<td>25.0</td>
<td>100</td>
</tr>
<tr>
<td><strong>On the basis of Religious status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hindu</td>
<td>56.5</td>
<td>17.4</td>
<td>7.6</td>
<td>12.5</td>
<td>6.0</td>
<td>100</td>
</tr>
<tr>
<td>Muslim</td>
<td>57.9</td>
<td>5.3</td>
<td>5.3</td>
<td>5.3</td>
<td>26.3</td>
<td>100</td>
</tr>
<tr>
<td>Christian</td>
<td>50.0</td>
<td>50.0</td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Sikh</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Jain</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

ii) It is seen from the table 4.4 that FIRs were registered in case of 63% reports of male complainants. In case of female complainants, only 38.5% reports were registered as FIRs, while no action was taken in 28.2%, which number is 4 times more than ‘No action taken’ for reports of male. As is observed elsewhere, police seems to be slow-pedaling complaints of women, which were mostly for domestic/marital offences. It could be a reason of assertion of women in FGDs. accusing of ‘male chauvinism’ in Police Officers and their reluctance to effectively deal with the complaints of women.
iii) It is seen, on the basis of educational status that more the educated, better were the chances of their complaints getting into FIRs. It is found that 88.5% reports of Graduate complainants and 70.6% reports of Post Graduate complainants were reduced into FIRs, whereas in case of illiterates and primary educated complainants, only 33 to 38% reports were registered as FIRs. In case of illiterates, no action was taken or known to have been taken in 50% cases. These findings tend to corroborate that illiterates and semi-illiterate complaints received raw deal from police.

iv) On the basis of Caste/category also, the findings are that 72.7% of the reports of General category were reduced into FIRs, whereas only 44% of reports from OBCs and SCs were made into FIRs. It is also seen that no action was taken in case of 30% of OBCs. However, the complaints of SCs were atleast reduced into NC reports/DD entries (36%). It seems that the complaints from ST category received 100% response from Police.

v) Age wise evaluation indicates that all the 3 age groups i.e. 19-30, 31-40 and 41-60 yrs. received more or less same attention (55 to 60%). In case of Senior citizens, only one of the four complaints was made into FIRs while one was entered into DD and no action was taken for other two.

vi) Religion wise consideration indicates that both the complaints of Sikh and Jain community (one case each) were made into FIRs, while other 3 religion namely Hindu, Muslim and Christian received similar responses in the range of 50 to 58%. It deserves to be noted that in case of Muslim complainants, no action was taken or known to have been taken in case of 32% of their reports. This data suggests that Police being part of same milieu, seem to maintain similar discrimination on the basis of case and religion, though law enforcers are expected to be more impartial in the interest of justice.

vii) As a step further, the researchers also tried to ascertain what action police took basing on the attributes of the known or unknown status of the possible culprit, as to whether he/she was (a) a Criminal, (b) a Family Member (c) an Influential Person (d) an unknown and the like. The data is given in Table 4.5.
Table 4.5: Accused and their relationship with the complainants/victims & crime registration (percentage)

<table>
<thead>
<tr>
<th>Who Committed crime</th>
<th>FIR regd.</th>
<th>NC regd.</th>
<th>Entry in D.D. and copy given</th>
<th>No action taken</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal</td>
<td>60.7</td>
<td>14.3</td>
<td>3.6</td>
<td>17.9</td>
<td>3.6</td>
<td>100</td>
</tr>
<tr>
<td>Family member</td>
<td>31.4</td>
<td>25.7</td>
<td>5.7</td>
<td>22.9</td>
<td>14.3</td>
<td>100</td>
</tr>
<tr>
<td>Known person</td>
<td>42.2</td>
<td>26.6</td>
<td>9.4</td>
<td>10.9</td>
<td>10.9</td>
<td>100</td>
</tr>
<tr>
<td>Influential person</td>
<td>66.7</td>
<td>16.7</td>
<td></td>
<td>16.7</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Unknown person</td>
<td>82.9</td>
<td>2.9</td>
<td>8.6</td>
<td>4.3</td>
<td>1.4</td>
<td>100</td>
</tr>
<tr>
<td>Others</td>
<td>25.0</td>
<td>25.0</td>
<td></td>
<td></td>
<td>50.0</td>
<td>100</td>
</tr>
</tbody>
</table>

A close scrutiny of data given in Table 4.5 indicates the action taken by Police depending on whether the accused was known or unknown. It is seen that FIRs were registered when the report was against a criminal, probably in property offences (60.7%) and unknown accused (83%), whereas in case of known accused or family members, police seemed unwilling to register FIRs (Only 31 to 42% of such reports were made into FIRs). However, a point that goes in favour of police is their registering FIRs in case of 67% reports against ‘influential persons’.

4.3: Experience in police station:

4.3.1. Questions were asked to seek information regarding complainant's experiences while visiting the police station to report a crime: how many times they had to visit police station for getting their complaints registered, and the like.

Table 4.6 : Number of times complainants visited police station

<table>
<thead>
<tr>
<th>Number of times visited</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Visited</td>
<td>5</td>
<td>2.4</td>
</tr>
<tr>
<td>Only one time</td>
<td>117</td>
<td>56.5</td>
</tr>
<tr>
<td>Two times</td>
<td>45</td>
<td>21.7</td>
</tr>
<tr>
<td>Three and more times</td>
<td>26</td>
<td>12.6</td>
</tr>
<tr>
<td>Non responded</td>
<td>14</td>
<td>6.8</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 4.6 shows six out of ten respondents (complainants) informed that they had visited the police station only once to get their complaints registered. However, complainants who approached the police station for two times and three or more times constitute 21.7 percent and 12.6 per cent, respectively. Persons who filed private complaints in court or in counseling cell in SP office, especially
for domestic violence cases (2.4%) respondents did not visit police station. (some one went to station, like father, guardian etc).

**Public–Police Interface during Registration of crime:**

*United Nations has recognized Victims Right to Access of Justice and had set some standards and norms in crime prevention and criminal justice process. It stated that victims should be treated with compassion and respect for their dignity. Handbook on Justice for victims, (1999), UNODC talks about physical and financial victimization, psychological injury and social cost paid by the victims and also secondary victimization from the criminal justice system and society. 'Secondary victimization refers to the victimization that occurs not as a direct result of criminal act but through the response of institutions such as police and other governmental institutions and individuals to the victim putting Institutionalized secondary victimization wide spread within the criminal justice system. At times it may amount to a complete denial of human rights to the victims belong to particular cultural groups, classes or a particular gender, through a refusal to recognize their experience as criminal victimization.'*

4.3.2: This part deals with the police attitude towards complainant and people accompanying them. These experiences had impact not only on complainant but also on the entire family and community, at large. It either builds or mars the police image. If complainant receives good response from police, it encourages complainant to report crime and also builds a good rapport between them. A good rapport with complainant in particular and community in general improves the morale of police, which motivates them to work even in difficult situations. Police attitude and behavior during crime registration automatically builds publically confidence in justice delivery process.
Table 4.7: Police attitude while recording the complaints:

<table>
<thead>
<tr>
<th>Response</th>
<th>Very True</th>
<th>True</th>
<th>Can’t say</th>
<th>Not true</th>
<th>Certainly not true</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police were helpful</td>
<td>16</td>
<td>7.7%</td>
<td>83</td>
<td>40.1%</td>
<td>24</td>
</tr>
<tr>
<td>Listened to me</td>
<td>16</td>
<td>7.7%</td>
<td>93</td>
<td>44.9%</td>
<td>23</td>
</tr>
<tr>
<td>Police were Sensitive</td>
<td>18</td>
<td>8.7%</td>
<td>74</td>
<td>35.7%</td>
<td>26</td>
</tr>
<tr>
<td>I felt relaxed after reaching police station</td>
<td>13</td>
<td>6.3%</td>
<td>64</td>
<td>30.9%</td>
<td>26</td>
</tr>
<tr>
<td>I did trust police</td>
<td>15</td>
<td>7.2%</td>
<td>68</td>
<td>32.9%</td>
<td>29</td>
</tr>
</tbody>
</table>

4.4: Complainants took someone else for filing their complaints:

4.4.1. Victims/complainants, when in trouble, went to police station with someone else accompanying them. The persons accompanying them were their relatives, neighbors and friends, and sometimes politicians, media or social workers. However, police felt that those who were accompanying them were trouble makers and created problems in discharging of their lawful duties.

Table 4.8: Who accompanied complainants to police station

<table>
<thead>
<tr>
<th>Who Accompanied</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Went alone</td>
<td>82</td>
<td>43.4</td>
</tr>
<tr>
<td>Relative</td>
<td>50</td>
<td>26.5</td>
</tr>
<tr>
<td>Friend</td>
<td>36</td>
<td>19</td>
</tr>
<tr>
<td>Neighbors</td>
<td>12</td>
<td>6.3</td>
</tr>
<tr>
<td>NGO person</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Politician</td>
<td>4</td>
<td>2.1</td>
</tr>
<tr>
<td>Others</td>
<td>2</td>
<td>1.1</td>
</tr>
<tr>
<td>No response</td>
<td>20</td>
<td>9.7</td>
</tr>
</tbody>
</table>
The data presented in Table 4.8 shows that a large number of complainants/victims (56.6%) went to Police stations by taking along with them someone else for filing the complainants. It was not only women complainants but also some men complainants had someone else accompanying them. Further, complainants had the first preference for relatives (26.5), followed by friends (19%) and sometime neighbors (6.3%). Seeking help from NGOs and politicians was found the least preferred choice. Interestingly, the 43.4 percent of the respondents who went alone to police station indicates that the police-citizen interface seems strengthening due to various initiatives taken by the police at the grass-root level towards citizen-centric policing.

4.4.2: When complainants were asked for possible reason(s) to take someone else to the police stations, as many as 57.5% stated that it was to get moral support. The other common reason was ‘help in articulation’ (30.5%) of the crime incidence; while 21.9% respondents expressed that it was due to ‘fear of police’. It is natural for someone in distress seeking the company of someone else, that too while visiting a Police station. Data suggests that the police stations have not yet become welcome places for the complainants and that the people (two out of ten) still fear to go to police even in distress. Notable is that, complainants hardly (only 3%) took others for showing their strength before police, to get their complaints registered.

<table>
<thead>
<tr>
<th>Reason for taking someone</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fear of police</td>
<td>28</td>
<td>21.9</td>
</tr>
<tr>
<td>Help in articulation</td>
<td>39</td>
<td>30.5</td>
</tr>
<tr>
<td>As an evidence</td>
<td>26</td>
<td>20.3</td>
</tr>
<tr>
<td>Read and be sure of the complaint</td>
<td>7</td>
<td>5.5</td>
</tr>
<tr>
<td>Moral support</td>
<td>73</td>
<td>57.5</td>
</tr>
<tr>
<td>Fear of offender</td>
<td>4</td>
<td>3.1</td>
</tr>
<tr>
<td>Show police their strength</td>
<td>4</td>
<td>3.1</td>
</tr>
<tr>
<td>Others</td>
<td>26</td>
<td>20.3</td>
</tr>
</tbody>
</table>

4.5: Consequences of non-registration: Views of victims:
Efforts have been made to ascertain what consequences the victims contend to suffer. Only 113 out of the total 207 victims/complainants chose to answer, which replies are summed up in Table 4.10. It is seen that the majority of victims (28) said they would ‘feel helpless’ and 22 talked of ‘financial loss’ due to non-registration.
Table 4.10: Consequence on victims due to non-registration

<table>
<thead>
<tr>
<th>Consequence on victims in non-registration</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live in fear</td>
<td>19</td>
</tr>
<tr>
<td>Helpless</td>
<td>28</td>
</tr>
<tr>
<td>Financial loss</td>
<td>22</td>
</tr>
<tr>
<td>Family under threat</td>
<td>7</td>
</tr>
<tr>
<td>Physical injury</td>
<td>5</td>
</tr>
<tr>
<td>Unable to live in the normal dwelling place</td>
<td>7</td>
</tr>
<tr>
<td>Felt fundamental right violated</td>
<td>19</td>
</tr>
<tr>
<td>Others (Feel like negotiating with the accused)</td>
<td>6</td>
</tr>
</tbody>
</table>

4.6: Knowledge of remedies available to victims in case of non-registration:

A question was asked to victims/complainants that if police refuse the crime registration in cognizable cases, do they have any alternative/remedies in a bid to ascertain their legal awareness. The response of the victims/complainants is presented in the table given below:

Table 4.11: Alternative/ remedies available to the victims

<table>
<thead>
<tr>
<th>Other Options</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint to senior</td>
<td>129</td>
<td>62.3</td>
</tr>
<tr>
<td>Court</td>
<td>119</td>
<td>57.5</td>
</tr>
<tr>
<td>SHRC/NHRC</td>
<td>31</td>
<td>15.0</td>
</tr>
<tr>
<td>Others</td>
<td>12</td>
<td>5.8</td>
</tr>
<tr>
<td>Do not know</td>
<td>34</td>
<td>16.4</td>
</tr>
</tbody>
</table>

Table 4.11 highlights majority of the respondents (62.3%) knew that they could file a complaint to the senior police officers, while 57.5% of them were aware that approaching the court is another possible option. In sum total, most of the victims were aware of the alternative to adopt for ensuring registration of crime. In this regard, the written instructions displayed in the police stations lists out that the alternatives available to the complainants in case of non-registration or refusals. The available options were ‘Complaining to Station House Officers’ and ‘Seek the help of SP office’. Contact details of senior officers were displayed in the board.
4.7: Profile of other non-police respondents:

4.7.1. Besides the views elicited from complainants/victims, which are discussed in the preceding paragraphs, the research team made efforts to obtain views of other stakeholders such as Lawyers, Judiciary Officers, Media, Public Prosecutors, NGOs and Political leaders (Opinion makers), on the issue of non-registration of crime. They were also asked to give their views pertaining to the reasons and the possible solutions. As many as 181 persons willingly partook in the study, whose breakup is given in Table No.4.12.

<table>
<thead>
<tr>
<th>Lawyers/judicial Officers</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer/Advocate</td>
<td>43</td>
<td>78.2</td>
</tr>
<tr>
<td>Judicial Officials</td>
<td>10</td>
<td>18.2</td>
</tr>
<tr>
<td>Public prosecutor</td>
<td>2</td>
<td>3.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>55</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Profile of Political Leaders

<table>
<thead>
<tr>
<th>Party affiliation</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>BJP</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Non party affiliation</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Samajwadi Party</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Various Trade union</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Shiv Sena</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>CPM</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>BJD</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>NCP</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>DMK</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>BSP</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Other small regional parties</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Profile of Media / NGO

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media</td>
<td>34</td>
<td>44.7</td>
</tr>
<tr>
<td>NGO</td>
<td>42</td>
<td>55.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>76</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
It may be seen from Table No. 4.12 above that 10 Judicial Officers and 35 representatives from Media also took part in the research study. In case of Opinion Leaders, representatives from almost all the important political parties and some regional parties participated, besides 5 community leaders who had no political affiliation.

4.8: Views of other non-police respondents:

4.8.1. In table No. 4.13, reasons for non-registration of crimes and their gravity, as perceived by the stakeholders are obtained. The respondents were asked to indicate as to how much important they consider are the widely perceived reasons such as (i) lack of manpower and heavy workload of police, (ii) political interference (iii) corruption in police (iv) linkage of crime statistics with performance appraisal and (v) Police feel case is non-cognizable. The respondents were given opportunity to give multiple reasons and the percentage worked out are sum total of these views.

Table 4.13: Reasons for non registration as perceived by other non-police respondents

<table>
<thead>
<tr>
<th>Reason for non registration</th>
<th>Lawyers / Judicial Officers (n= 55)</th>
<th>Media/ NGOs (n=76)</th>
<th>Opinion makers (n= 50)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
<td>Frequency</td>
</tr>
<tr>
<td>Lack of man power &amp; heavy workload</td>
<td>22</td>
<td>40.0</td>
<td>49</td>
</tr>
<tr>
<td>Political interference</td>
<td>24</td>
<td>43.6</td>
<td>59</td>
</tr>
<tr>
<td>Corruption</td>
<td>39</td>
<td>70.9</td>
<td>27</td>
</tr>
<tr>
<td>Linkage of Crime statistics with performance appraisal</td>
<td>24</td>
<td>43.6</td>
<td>11</td>
</tr>
<tr>
<td>Police feel case is non cognizable</td>
<td>7</td>
<td>12.7</td>
<td>33</td>
</tr>
</tbody>
</table>
It is seen that there is no agreement between different groups on any single possible reason. Media and NGOs felt lack of manpower and heavy workload of police as the reasons for non-registration (64.5%).

4.8.2. Corruption in police was considered as most important reason by Lawyers/judicial officers (70.9%) and opinion leaders (76%), whereas Media/NGOs opined that ‘political interference’ was the most important reason (77.6%). The issue of police treating criminal cases as non-cognizable offences, was considered least important by Lawyers/Judiciary (12.7%) and opinion leaders (26%). Possibly, the lawyers/judicial officers having been well conversant with cognizable and non-cognizable differentiation might have over looked this problem. It is also possible that they might be helping the complaints on this issue and ensuring a cognizable offence was not brushed aside as non-cognizable. The problem of lack of manpower and heavy work load received weightage between 40 to 65% from all the respondents. The much talked about constraint of police functionaries between the linkages of crime statistics with performance appraisal received a weightage of only 14 to 44%, which seems to have been considered not significant by the public.

4.8.3. The other reasons which were highlighted by the stakeholders were the possibility of ‘out of court settlement’ in petty cases; lack of sensitivity among police officers towards cases of weaker sections; lack of legal knowledge among cutting edge police officials. For example, NGOs working in Maharashtra shared that local police were not aware about the Maharashtra Electricity Board Act provision which provides that a case to be registered under this Act, against an errant officer of MSEB in case of death of passerby due to electric shock from MSEB poles or wires spread over the road. In such cases, police have been registering as accidental death and no cases would be registered against errant officer, though such deaths are very high. One of the Social worker cum Lawyer stated that police would be less interested to register the cases against persons involved in human trafficking. She shared important information that in Maharashtra State, trafficking of women is high, but police register such cases as elopement, kidnapping, missing person etc. under IPC. Stringent legal provisions relating to trafficking were not applied by police against accused during crime registration and subsequent investigation.
4.9: Views of other stakeholders on Non-Registration of Crimes:

A content analysis of varied responses given by Media, civil society and opinion leaders, regarding non-registration of complaints brought out the under-mentioned broad categories:

4.9.1. Complainants in petty cases: The complainants whose cases are petty that can be settled are generally denied by the police, as they do not want to increase paper work and raising crime graph;

4.9.2. Complainants who are not influential or poor: It was shared by civil society and media that police cannot refuse to register cases of influential people, but they easily say ‘no’ to poor people because they are not in a position neither to give bribe to police nor to approach higher officials. The main reasons behind this are said to be police biasness towards weaker sections and that police feel their complaints are not genuine;

4.9.3. Some of the civil society, media people as well as other police officials admitted that they refuse some cases which they think are false or dubious.

4.9.4. It was also reported by Media/NGOs that criminal cases were mostly non-registered (36%) and in this regard, confirmed that 68% of them (n=50) did accompany the complainants at different police stations and personally noticed this trend.

4.10: Consequences of non-registration on ‘victims’ and ‘Society’:

4.10.1. Consequences on victims:

An effort has been made in the study to ascertain the views of these public entities regarding consequences on the victims due to non-registration of their complainants. The possible consequences, along with weightage given by different stakeholders, are given in table 4.14.
<table>
<thead>
<tr>
<th>Consequences</th>
<th>Lawyers /Judicial officers (n= 55)</th>
<th>Opinion Leaders (n=50)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
</tr>
<tr>
<td>Lose of faith in justice delivery system</td>
<td>46</td>
<td>83.6</td>
</tr>
<tr>
<td>Live under fear</td>
<td>9</td>
<td>16.4</td>
</tr>
<tr>
<td>Feels helplessness</td>
<td>22</td>
<td>40.0</td>
</tr>
<tr>
<td>Suffer financial loss</td>
<td>5</td>
<td>9.1</td>
</tr>
<tr>
<td>Suffer physical injury</td>
<td>3</td>
<td>5.5</td>
</tr>
<tr>
<td>Unable to live in normal dwelling place</td>
<td>5</td>
<td>9.1</td>
</tr>
<tr>
<td>Feels fundamental rights violated</td>
<td>32</td>
<td>58.2</td>
</tr>
<tr>
<td>Others (get in to enmity)</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

It is evident from table 4.14, majority of other stakeholders feel (83.6% lawyers/ judicial officers and 76% Opinion leaders) that the major consequence of non-registration of crimes on victims would be that they will lose faith in justice delivery system. The other consequences are that the victims will ‘Feel helpless and vulnerable’ (40% to 48%), and thus, their fundamental rights are violated (58%).

4.10.2. Consequences on Society:

Similar views on consequences on the Society, at large, deduced in Table 4.15 confirm that nine out of ten leaders and opinion makers (90%) felt that due to non-registration ‘accused would go scot-free’ and people would ‘lose faith in the CJS’. Lawyers and Judiciary (80%) indicated their concern that Victims would also lose their faith in Criminal Justice delivery System’ and vigilantism would be increased (60%). Opinion leaders gave equal weightage to victims losing faith in CJS, as pointed out by Lawyers/judiciary.
Table 4.15: Long Term Impact of non-registration on society
(views of other stakeholders)

<table>
<thead>
<tr>
<th>Consequences</th>
<th>Lawyers/Judicial officers (n= 55)</th>
<th>Opinion Leaders (n= 50)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
</tr>
<tr>
<td>Criminals will go shot free</td>
<td>42</td>
<td>76.4</td>
</tr>
<tr>
<td>Victims will lose faith in CJS</td>
<td>44</td>
<td>80.0</td>
</tr>
<tr>
<td>Impossible to assess of police work</td>
<td>2</td>
<td>3.6</td>
</tr>
<tr>
<td>Victims may take revenge</td>
<td>33</td>
<td>60.0</td>
</tr>
<tr>
<td>Others(crime will increase in society)</td>
<td>8</td>
<td>14.5</td>
</tr>
</tbody>
</table>

The killing of Akku Yadav in Nagpur (August 2004) is a fitting example of such phenomenon. In that case, a mob of around 200 women stabbed Akku Yadav several times, and chili powder and stones were thrown on his face. The women who killed him claimed that Yadav had been raping and abusing local women with impunity for over a decade, and that the local police had refused to help those victims or pursue charges as Yadav was allegedly bribing them. If Criminal Justice delivery system failed to act promptly, the victims are likely to take law into their hands.

4.11: Implications of False Cases: View of Lawyers and Judicial officers: To examine this issue of false complaints, questions were asked from Lawyers and the Judicial officers whether the Indian law is adequate enough against false complaints.

Table 4.16: Lawyers and Judicial officers’ views on adequacy of Indian Law on false complainants

<table>
<thead>
<tr>
<th>Adequate of law against false complainants</th>
<th>Frequency (n=38)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequate</td>
<td>22</td>
<td>40%</td>
</tr>
<tr>
<td>Inadequate</td>
<td>9</td>
<td>16.4%</td>
</tr>
<tr>
<td>Adequate but not used effectively</td>
<td>7</td>
<td>12.7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>International framework</th>
<th>Frequency (n=49)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>International framework is there</td>
<td>6</td>
<td>10.9%</td>
</tr>
<tr>
<td>International framework is not there</td>
<td>5</td>
<td>9.1%</td>
</tr>
<tr>
<td>Not aware of such frame work</td>
<td>38</td>
<td>69.1%</td>
</tr>
</tbody>
</table>

Table 4.16 shows that 40% of the respondents agreed that Indian Law is adequate to curb this malpractice; however, 12.7% lawyers and judicial officers felt that though law is there, but it is not effectively used. Similarly, some of the complainants also shared that police refused to register their cases by saying these are the false cases. So far as knowledge and understanding of International legal
framework for citizen friendly policing and crime registration and its application in the Indian context, a large number of Lawyers (69.1%) said that they do not know about it.

4.12. Are police biased?

4.12.1. In the light of general impression that police are biased to favour rich and influential at the cost of poor and vulnerable, efforts have been made to ascertain how complainants themselves think. Corruption (27.5%) and low economic status of complainants (18.8%), as per table 4.8, emerged as the main reasons for public perception about police bias. It is also noticed that almost all doubt ‘fairness of police’.

<table>
<thead>
<tr>
<th>Reason for the feeling of Police biasness</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low socio-economic status</td>
<td>39</td>
<td>18.8</td>
</tr>
<tr>
<td>Gender</td>
<td>19</td>
<td>9.2</td>
</tr>
<tr>
<td>Previous complaint</td>
<td>2</td>
<td>1.0</td>
</tr>
<tr>
<td>Offender influential</td>
<td>28</td>
<td>13.5</td>
</tr>
<tr>
<td>Corruption</td>
<td>57</td>
<td>27.5</td>
</tr>
<tr>
<td>Other (police insensitive)</td>
<td>28</td>
<td>13.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>173</strong></td>
<td><strong>83.5</strong></td>
</tr>
</tbody>
</table>

4.13: Problems and difficulties faced by victims in the registration process: The problems/difficulties of victims that came to light during the study and the FGDs are as follows:

4.13.1. Low Socio-economic status: A further probe is made during the study to assess the reported bias due to low socio-economic status, through FGDs held in slum areas of urban police stations and some villages from rural police stations. These FGDs were attended by 10 to 30 persons at a time. Most of the participants shared their own experiences with local police. They stated that “if the complainant/victim is not properly dressed up, police do not respect him/her; police give differential treatment to the people belonging to good background; persons with low economic profile going to police station for crime registration were asked to pay a minimum bribe of Rs. 1000”.

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It was shared by many victims that police make them to wait for long hours and ask unnecessary questions, if money is not paid. “Police should be inquiring from both the parties when a complaint was made, whereas Police listened only to influential persons.” The participants said many times, police were forcing both the parties to settle the matter and at times, police are putting counter-cases against each other.

4.13.2. Police apathy towards women victims: FGDs, with women groups across the States revealed that if any woman goes alone to police station for any complaint, police look at them differently and subsequently call them to the police station, even at night times. It was reported that police pay much attention in minor cases, whereas serious cases such as harassment in public places and domestic violence matters were dealt with casually. If women go to report the crime to the senior authorities, the latter threatened that their family members would be falsely implicated in trafficking, drugs or theft-related cases. Through this modus operandi, police allegedly extract money from slum dwellers, for buying stationary or force a male member of the family to work as a sweeper in the police station. Hence, the women from low economic profile claimed that they avoid visiting the police stations and if necessary, they go to police station either with relatives or some local politician or elders in the community. Women shared that as they were staying in slum area, everyday some or other dispute arises. Reasons could be alcoholism among the husbands, domestic violence, etc. When these women victims approach the police for any help, police were asking them many embarrassing questions which increase their helplessness and vulnerability. It was revealed from yet another FGD with women group that ‘police is a part of patriarchal society and has feudal mind set’. According to them, the Police sub-culture is feudal and patriarch, which is biased towards women and weaker sections of the society.

4.13.3. Police Biasness against Trans genders: During FGDs with Trans-Gender group, one of the members from a Trans gender NGO stated that the police often harass them (homosexuals) and extort money from them. He narrated an incident that, during police drive for checking driver’s license, when he identified himself as a Trans gender, the police insensitively questioned him whether he had undergone any surgery or by birth.
He did feel humiliated. Police often consider Transgender community as a soft target and subject them to all types of abusive language treating them as commercial sex workers. Transgenders feel that police have biased attitude towards them and violate their fundamental rights. Hence, they don’t trust police officers.

4.13.4. Distrust of police among Marginalized Community (Dalits and others): An FGD with Dalit group revealed that police cannot be trusted and that they were afraid of police. They stated: ‘We were trying to solve our problems by ourselves, and only when not possible, we might go to police. In that case, male members of the communities only would handle the issues. We were told that police would collect money from both parties. If we pass any information to help the police, they add our name in the charge-sheet to be produced as evidence. They were bothered about themselves, but not concerned about our difficulties. It would be better to keep away from the police for our own sake.’ (While appreciating their concerns, the research team clarified to them that police need to cite informants which is witnesses in Court, as required in the law and that Dalits should not consider this as harassment). This view of dalits were corroborated as details given in Literature Review, by a study conducted by Human Rights Watch and the Center for Human Rights and Global Justice (CHRGJ) at New York University School of Law in 2007. Yet another study stated that out of 103 atrocity cases filed by Dalits in the state of Andhra Pradesh from 1999 to 2003, First Information Reports (FIRs) were correctly registered only in 18 cases, while 29 cases were not registered at all. The National Commission for Scheduled Castes and Scheduled Tribes has concluded that a large number of cases of atrocities go unregistered, mainly because of reluctance on the part of the police officers to register such cases. In this context, the National Human Rights Commission (NHRC) observed that lack of registered cases does not represent an actual reduction in the practice of untouchability.

4.13.5. Accessibility of police station: The victims in rural places stated: ‘If crime happened in very remote rural area where local transportation was an issue, a poor victim would find it very difficult to approach police station. Only a few Police out-posts are authorized to register these complaints. If the victim is a poor lady/a child/handicapped/ elderly person, approaching police station would also be difficult in such cases’. Study confirmed these contentions, especially in rural areas.
4.13.6. **Illiteracy and Lack of knowledge about the legal process:** Illiterate and poor people from weaker sections were unaware about the legal procedure of crime registration. Many people were unable to read or write. A few police personnel acknowledged that entertaining oral complaints of victims are not permitted, and that written complaints are insisted upon. In such cases, complainants who were unable to read and write are not able to submit the complaint.

4.13.7. **Fear among people that police may take revenge if one goes there for registering complaint:** The content analysis of FGD shows that there is always fear among citizen towards the police; this is consistent with the opinion of various police commission reports on poor image of the police among common man. FGD reads as ‘they always listen to migrant people but try to take revenge on local people’ and ‘if anybody goes and ask for the status of the investigation, police instead of giving details, fix that person in the same case’.

4.13.8. **Police helps only influential people:** FGD in community read as ‘the victim as well as society, in general believes that police would listen to those who were influential. Poor people who are not influential were finding themselves not in a position to use their right to access justice effectively. They feel that police will help those who were influential or having support of influential people. If they have any grievance and they approach police alone, the police normally will not listen to them. But if they go in a group, then the police would listen’.

4.13.9. **Weaker sections finding it difficult to approach police:** Women victims were helpless to seek help of police. There are some responses during FGDs with women across states, speaks of kind of treatment they were getting from police. “How can a woman go alone to police station? I just can’t imagine” “Police shouted at me and asked me to shut up. They scolded at me by saying being a woman how dare you were arguing with us.” “Police returned my complaint as I did not write the word ‘Please’ in my application” “When I visited police station to file complaint against my husband, police remarked that we know what kind of a woman you are”; There is another comment of police when I went to file a complaint against neighbor “you being mad, we will not believe you”. A woman from SC community stated: “We SC women always suffer when we go to police. They will also harass us by asking embarrassing questions.” Above responses show how difficult it is for a woman to approach police for help.
4.13.10. Silent suffering: The analysis of another FGD revealed that mostly women victims feel that in case of minor issues they do not want to take these up because approaching police means waste of their time and money. They stated “Police also speak in a rude manner. Going to police station is not a desirable option for minor issues, but if any major issue happens certainly we go to station. Sometime we do not tell anyone and suffer silently. Disclosing our suffering does not depend on legal system but our family and community is more important for us”.

4.13.11. Possible Police – Criminal nexus: It is shared in the FGDs that police are not friendly and helpful to people, while they are friendly with criminals. There are paid killers, and sometimes police know the person behind the crime. Instead of punishing the real culprit, police try to put the blame on someone for the sake of money. They extract confession from them and leave the real culprit unpunished.

4.13.12. Police perspective towards women: NGOs views: Various stakeholders like NGOs, Social workers, media persons, judicial officers and even victims expressed their opinions about police attitude and perception towards weaker section of the society. The content analysis of the responses (interview schedules) revealed that police were biased towards the weaker section and most of the time support influential people of the society. They shared that biased attitude of police is prevailing irrespective of the position. It ranges from constable to Superintendent of Police. It was reported that at one place, police abused a lady doctor who was working in a political party and questioned Dalit atrocities. Police made very derogatory remarks against her and called her ‘a slut, hunting for a new customer’.

4.13.13: Police exhibit male chauvinism: The data from FGD in one of the northern states, a widow staying in slum area, said the police are not allowing ladies to raise their voice and not allow arguing. They shout at women saying that, “you are not supposed to raise your voice in front of police”. “aurat jat hoke unchi aavaj main baat karti hoo aur jaban ladaati hoo”. It shows attitude of police towards women. Many police personnel think that there is nothing wrong if husband and in-laws use physical force against women in household. Being an Indian woman, she should tolerate it.
4.13.14. **Domestic violence:** The content analysis of the responses during interviews with women victim revealed that “the reported offence is not the first offence and they are subjected to violence many times prior to this incident. But they had not reported since it is a family matter and they wanted to keep the family ties unbroken and tolerated all the violence”.

4.13.15. **Seeking more women in police force:** It is argued in a FGD with women that police is a male-dominated department. As police men were part and parcel of the society, they carry the same cultural attitude in policing. As Indian Society follows the patriarchal thought, automatically it was prevailing in police system. It was said that to improve the police system it is necessary to increase women percentage in policing. That will dilute the male dominating sub culture of police system.

4.13.16: **Women police once join service may become equally insensitive:** Interview with social activists and NGO persons, surprisingly, brought out that women police, once appointed in police department, become part and parcel of this patriarchal police sub culture. One social worker shared “there was a case of rape and the victim went to an ‘All women Police Station’ to report the matter. But, the woman SI refused to register a case, who was so insensitive that she passed derogatory remarks against victim’. In such a case, the victim may feel humiliated and will lose faith in justice system. Victim may feel that being a woman, Police SI was not helpful and thus, what to expect from women police”. In the similar line, one respondent stated that “change is not possible unless and until mentality of police is changed. Just appointing more women in police department will not automatically improve the policing. Gradual and constant changes with proper direction are needed.

4.13.17. **Vulgarity of an SP level Officer:** Not only the constable at Police Station, but also at the SP level police holds pathetic views”. One of the social worker shared that: “there was rape of a very poor woman. She went to SP office to lodge a complaint as at police station level they refused to register a case. SP was sitting in his room and many complainants and other officers were present. SP pointed at the woman complainant and made a nasty remark that, “look at her; she is such an ugly woman, who will want to rape her?”
4.13.18. **Police seek humble submissions:** Another social worker shared that her NGO filed a complaint on behalf of a woman complainant, which police did not accept and returned it back on the ground that complainant had not used the word “please”. It should be written as 'please register a case'. Social worker expressed that it is our right to get our case registered, why we beg before police to register a case. But the police hold a view that complainant should humbly and politely request them to register a case.

4.13.19. **Patriarchal norms set in CJS:**

It was shared by one senior academician turned social worker that when women victims are treated badly by the women police, the consequences are worst. A woman victim would feel that if a woman does not understand her situation, what to expect from male police. Senior academician shared some incidents which show how patriarchal norms are fixed in the mindset of judiciary also. And it is difficult to expect gender justice from judiciary, who themselves hold patriarchal views.

**Reference :**


Chapter -V
Non-registration of crimes: Police point of view

In previous Chapter i.e. Chapter IV, point of view of public about the reasons and consequences of non-registration of crime by police was discussed. In this current Chapter, the view points of relevant police Officials are discussed in a bid to know the other side of the ‘coin’. It is generally known that the Duty Officer (DO) of a Police Station, who is expected to receive all complaints/reports made by the public and take appropriate action, while the Station House Officer (SHO) is fully responsible for the functioning of the Police Station, including registration of crime. In police hierarchy, Supervisory Officer is required to control and monitor the working of the subordinates, and in this case, the SHO and the Duty Officer. As such, efforts have been made to ascertain the views of Dos, SHOs and Supervisory Officers as to why the problem of non-registration of crimes occurs or promoted, and what could be the solutions as per them. In this regard, 70 Duty Officers, 26 SHOs and 22 Supervisory Officers drawn from six different State Police establishments, by adopting stratified sampling method, were met and talked to, basing on different Interview Schedules that were specially designed for all the three categories. The inputs received from the said 118 police officials of different ranks are discussed in this Chapter.

5.1: Rank-wise profile of the sampled Police Officers:
It was found that officials of different ranks functioned as DOs and SHOs, depending on the size and strength of the Police Stations. Similarly, the supervisory Officers whom the researchers could meet and obtain their views also varied from the rank of Deputy Superintendent of Police to Inspector General of Police. In this way, views of police officials of different ranks could be elicited on the subject, which in a way helped to have a broader coverage. The rank-wise profile of Dos, SHOs and supervisory officers covered in the study is given in Table 5.1.
Table : 5.1 Designation Profile of Police Personnel

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duty Officers (n=70)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constables/Head Constables</td>
<td>26</td>
<td>37.1</td>
</tr>
<tr>
<td>Assistance Sub-Inspector</td>
<td>16</td>
<td>22.9</td>
</tr>
<tr>
<td>Sub-Inspector</td>
<td>22</td>
<td>31.4</td>
</tr>
<tr>
<td>No Response</td>
<td>06</td>
<td>8.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>70</td>
<td>100</td>
</tr>
<tr>
<td><strong>SHOs (n=26)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Inspector</td>
<td>09</td>
<td>34.6</td>
</tr>
<tr>
<td>Inspector</td>
<td>15</td>
<td>57.7</td>
</tr>
<tr>
<td>Senior Inspector</td>
<td>02</td>
<td>7.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>26</td>
<td>100</td>
</tr>
<tr>
<td><strong>Supervisory Officers (n=22)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dy. Superintendent of Police</td>
<td>7</td>
<td>31.9</td>
</tr>
<tr>
<td>Assistant Commissioner of Police</td>
<td>2</td>
<td>9.1</td>
</tr>
<tr>
<td>Superintendent of Police</td>
<td>11</td>
<td>50.0</td>
</tr>
<tr>
<td>Dy. Commissioner of Police</td>
<td>1</td>
<td>4.5</td>
</tr>
<tr>
<td>Inspector General of Police</td>
<td>1</td>
<td>4.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>22</td>
<td>100</td>
</tr>
</tbody>
</table>

The DOs are generally expected to be a senior functionary, but it appears that in some of the police stations, probably because of their small strength, even Constables were deployed. It is also reported that in Assam, there was no duty officer system while second in-charge or third in-charge would play the role of receiving complaints and acting thereon. However, in 31.4% cases, SI were also seen deployed, especially in States like Delhi and other big police stations. The SHO sample comprised of 26 officers, out of which 65% of them were Inspector level, which is a welcome step. Better supervision is expected of police stations with a higher level officer managing it. In case of Supervisory officers, 12 SP level Officers and one IGP level officer could be talked to.
Table 5.2: Socio-Economic and Demographic Profile of Police Personnel

<table>
<thead>
<tr>
<th></th>
<th>Profile of D.Os. (n=70)</th>
<th>Profile of SHOs (n=26)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td>Frequency</td>
<td>Percentage</td>
</tr>
<tr>
<td>Male</td>
<td>63</td>
<td>90.0</td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Below 25</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>26 – 35</td>
<td>12</td>
<td>17.1</td>
</tr>
<tr>
<td>36 – 45</td>
<td>30</td>
<td>42.9</td>
</tr>
<tr>
<td>46 – 55</td>
<td>20</td>
<td>28.6</td>
</tr>
<tr>
<td>56 and above</td>
<td>7</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to 12</td>
<td>32</td>
<td>45.7</td>
</tr>
<tr>
<td>Graduate</td>
<td>22</td>
<td>31.4</td>
</tr>
<tr>
<td>Professional</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td>graduate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post graduate</td>
<td>11</td>
<td>15.7</td>
</tr>
</tbody>
</table>

The sample included 7 female DOs and 2 female SHOs, whose presence is expected to improve DO’s sensitivity towards weaker sections of the Society. However, predominant male presence as DOs (90%) and SHOs (92.3%) contributes to the allegation of ‘male chauvinism’, in policing made by women complainants. Most of the DOs and SHOs are in the age group of 35 to 55 years, assuring their maturity of thought in dealing with their work. Almost 77% of DOs were found educated (upto Graduation), while 96% of the SHOs were either Graduates or Post-Graduates.
Table 5.3: Police officers’ (both DOs and SHOs) response on crime registration

<table>
<thead>
<tr>
<th>Police officers response</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SHOs views on Preliminary enquiry before registration of FIR (n=26)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Always</td>
<td>12</td>
<td>46.2</td>
</tr>
<tr>
<td>Some times</td>
<td>05</td>
<td>19.2</td>
</tr>
<tr>
<td>When it is necessary</td>
<td>07</td>
<td>26.9</td>
</tr>
<tr>
<td>Not at all</td>
<td>02</td>
<td>7.7</td>
</tr>
<tr>
<td><strong>Duty officers views on Preliminary enquiry before registration of FIR (n=70)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required</td>
<td>29</td>
<td>41.4</td>
</tr>
<tr>
<td>Not required</td>
<td>02</td>
<td>2.9</td>
</tr>
<tr>
<td>When it is necessary</td>
<td>39</td>
<td>55.4</td>
</tr>
<tr>
<td><strong>Facility of E-complaints (n=26)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Available in the police Stations</td>
<td>07</td>
<td>26.9</td>
</tr>
<tr>
<td>Not available</td>
<td>19</td>
<td>71.1</td>
</tr>
<tr>
<td><strong>Criteria for crime registration (n=70)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of crime</td>
<td>67</td>
<td>95.7</td>
</tr>
<tr>
<td>Severity of crime</td>
<td>37</td>
<td>52.9</td>
</tr>
<tr>
<td>Status of Victim of crime</td>
<td>12</td>
<td>17.1</td>
</tr>
<tr>
<td>Offenders' status</td>
<td>01</td>
<td>1.4</td>
</tr>
<tr>
<td>Others</td>
<td>06</td>
<td>8.5</td>
</tr>
<tr>
<td><strong>DO seeks for clarifications for FIR (n=26)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes, comes for clarification</td>
<td>21</td>
<td>80.8</td>
</tr>
<tr>
<td>No, need not come for clarification</td>
<td>05</td>
<td>19.2</td>
</tr>
<tr>
<td><strong>How often DO come for clarification (n=26)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very often</td>
<td>03</td>
<td>11.5</td>
</tr>
<tr>
<td>Some times</td>
<td>12</td>
<td>46.2</td>
</tr>
<tr>
<td>Rarely</td>
<td>10</td>
<td>38.5</td>
</tr>
<tr>
<td><strong>Time taking to give copy of FIR (n=70)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Give copy almost immediately</td>
<td>65</td>
<td>92.9</td>
</tr>
<tr>
<td>May take some time to prepare and give copy</td>
<td>02</td>
<td>2.9</td>
</tr>
<tr>
<td>Give copy immediately if demanded</td>
<td>02</td>
<td>2.9</td>
</tr>
</tbody>
</table>
The Table 5.3 reveals that majority of the respondents (both SHOs and Duty Officers) stated that they always prefer to conduct preliminary inquiry before registration of FIR, even in cognizable crimes. It is important to mention that recently the Constitutional Bench of the Supreme Court of India in Lalita Kumari Versus Govt. of U.P. & Ors. on Nov. 12, 2013 directed that Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. A vast majority of the Duty Officers (80.8%), however, admitted that they consult SHO and other senior officers prior to registering an FIR.

As far as registration of crime complaints through telephonic or electronic methods are concerned, a large number of the respondents (71.1%) stated that such facility was not available in the police stations. 95.7% Duty Officers stated that the type of crime (95.7% and severity of crime (52.9%) would be the main criteria for deciding further course of action in such complaints. When asked about the time taken to provide a copy of FIR to the complainants, majority of duty officers (92.9%) gave a socially acceptable answer that a copy of FIR was given immediately to the complainants, which was subsequently clarified that it would take time. While elaborating the reasons for the delay in giving copy of FIR, Duty Officers stated typing would take some time when the complaints were lengthy with attached documents; the non availability/non-functioning of photocopy machine due to power cut and shortage of stationary etc. This indicates the poor state of computerization and inadequacy of other infrastructure in police stations to discharge their official responsibilities.

5.3.1. Requirement of SHO’s permission (DOs response)

Table 5.4: Permission of SHO before registering FIR:

<table>
<thead>
<tr>
<th>SHOs permission</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permission of SHO is necessary</td>
<td>61</td>
<td>87.1</td>
</tr>
<tr>
<td>Permission of SHOs is not necessary</td>
<td>9</td>
<td>12.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Criminal Procedure Code Sec. 154 envisages SHO to order for investigation of the case and name who would be taking up the task. But, this stipulation becomes an impediment if not a ‘check valve’ in the process of registration of crime.

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Table 5.4 shows that a large number of Duty Officers (87.1%) stated that they always take permission of SHOs before registering a complaint, especially as an FIR, because SHO will be accountable for number of crimes registered in the police station. SHO of the police station exercises enormous discretionary power, but with a bigger answerability to both senior officers (system) and Law of the land. He may tend to flout the Law of land, but get bound by the control of supervisory levels.

Research findings corroborate the views of Arvind Verma.\(^1\) He observed that ‘the SHO enjoys a large measure of autonomy, as the “gatekeeper” for registering criminal cases, controlling most of the criminal investigations and influencing the decision to arrest suspects. The discretionary power guaranteed under Sections 154-158 of the Criminal Procedure Code leads to corruption by extorting money by the officers to do or not to do official acts’. He also mentioned that ‘there is a common practice not to register all the cases so as to show crime is under control and keep the official figures down.’

### 5.4: Varying responses to crime against vulnerable sections:

#### 5.4.1. Response of police towards crime against women:

To ascertain how promptly police respond to crime against women, the question was asked to the Duty Officers. Below is the response:

<table>
<thead>
<tr>
<th>Complaint against Women</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Register promptly</td>
<td>65</td>
<td>92.9</td>
</tr>
<tr>
<td>Refer to women’s cell</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

When asked about action taken by Duty officers in crime against women, an overwhelming majority (92.9%) of the respondents stated that they register the complaints promptly. However, the complaints relating to the family dispute and domestic violence are admittedly not immediately registered even if these are cognizable offences. The victims are referred to the Family counseling Centers or Crime against Women's cell or All Women Police Station, as the case might be considered for settlement.
5.4.2. Attitude of Police towards SC/ST Communities

Table 5.6: How often you received complaints of Atrocities against SCs, /STs

<table>
<thead>
<tr>
<th>No. of cases of Atrocities against SCs, STs received in current year</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>34</td>
<td>48.6</td>
</tr>
<tr>
<td>Less than 5</td>
<td>30</td>
<td>42.9</td>
</tr>
<tr>
<td>6 to 15</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td>Don't know</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

During the period of data collection (2012), no crimes were found registered under the Protection of Civil Rights Act, 1955, and the Prevention of Atrocities Act, 1989. Almost half of the Duty Officers (48.6%) stated that such cases were not reported in their police stations, while 42.9% informed that the number was negligible (below 5 cases). In Delhi, the police officials informed that atrocities defined under these acts were not happening due to over all developmental processes and cosmopolitan culture prevailing in the city of Delhi. However, in the State of Maharashtra, it was shared by the media persons and police officials that many false cases were filed under the above mentioned Acts. They explained that whenever a dispute arose between two parties, mostly false cases had been registered under this Act, with malafied intention to harass the other party (these Acts have very stringent punitive provisions).

On the other hand, victims observed that the police were less inclined to file cases under these Acts. For example, FGD with Dalit group highlighted “Police are reluctant to register the complaints under these Acts. Even if the police registered a complaint, they keep some loopholes in the FIRs, investigation and charge sheets to weaken such cases”. Similarly, in another FGD with public prosecutors, one of the Government Pleaders stated that “if the complainant turns hostile in a case filed under this Act, he/she is liable to refund the compensation amount paid to the them”, inferring that cases become strong once registered and put to trial.
Police biased: Perspective from Duty Officers

Another viewpoint shared by most of the Duty Officers that socio-cultural values prevailing in the society are also reflecting in the police organization. In India people generally treat other person according to his/her socio-economic strata based on caste lines. (People from upper caste and/or rich and influential – politically or otherwise always get good treatment everywhere). Police officials also come from the same social milieu. How could you expect the police at the cutting edge level to treat equally all the citizens, in a dignified manner, when they themselves are not getting dignified treatment from their own superior officers as well as from the public. We may therefore infer that social biasness should be dealt at multiple levels- family, community and society along with streamlining of police training pedagogy and democratization of police force.

5.5: Burking of Crime including Non-reporting of Crimes:

Table 5.7 Burking of Crime: Views of Dos (n=70)

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you heard the concept Burking of Crime? (n = 70)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes, know the concept</td>
<td>53</td>
<td>75.7</td>
</tr>
<tr>
<td>No, did not heard</td>
<td>17</td>
<td>24.3</td>
</tr>
<tr>
<td>Agree that a large numbers of cases are not reported</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very much</td>
<td>16</td>
<td>22.9</td>
</tr>
<tr>
<td>Agree</td>
<td>34</td>
<td>48.6</td>
</tr>
<tr>
<td>Cant ‘say</td>
<td>9</td>
<td>12.9</td>
</tr>
<tr>
<td>Not much</td>
<td>7</td>
<td>10.0</td>
</tr>
<tr>
<td>Not at all agree</td>
<td>3</td>
<td>4.3</td>
</tr>
<tr>
<td>No response</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Agree that a large numbers of complaints are not registered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very much</td>
<td>4</td>
<td>5.7</td>
</tr>
<tr>
<td>Agree</td>
<td>19</td>
<td>27.1</td>
</tr>
<tr>
<td>Cant ‘say</td>
<td>11</td>
<td>15.7</td>
</tr>
<tr>
<td>Not much</td>
<td>16</td>
<td>22.9</td>
</tr>
<tr>
<td>Not at all agree</td>
<td>13</td>
<td>18.6</td>
</tr>
<tr>
<td>No response</td>
<td>7</td>
<td>11.0</td>
</tr>
</tbody>
</table>

The table 5.7 demonstrates the nature, extent and causes of non-registration of crimes. It also indicates perceptions of Dos regarding ‘non-reporting’ of crimes. The duty officers were asked whether all sorts of crimes are reported to the police. Seven out of ten respondents (71.5%) agreed to the view
that a large numbers of cases are not reported to the police. When asked whether they agree that a large number of cases are not registered by the police. Only 18.6% disagreed while 32.8% agreed and 22.9% concurred by saying ‘not much’. Even the response of ‘can’t say’ (15.7%) and ‘No response’ (11%) tend to suggest ‘non-registration of crime’. If we compute ‘non-reporting alongwith ‘non-registration’ of crime, it is feared that only less than 10% of crime happening in the Society is getting registered.

While discussing the issue of 'Burking of crime' and non-registration of crimes, its causes and consequences among police personnel (including Duty Officers, Station House Officers and Supervisory Officers), it was noted that many of them agreed that burking of crime was happening. However, most of the officers expressed that it was not happening in their police station and some of them said that it was not happening even in their States. Surprisingly, the general view of Duty Officers across the States, other than Uttar Pradesh, was that crime burking must be happening in Uttar Pradesh or Bihar, while it was not so at all in rest of the States. Notably, a huge majority of DOs (75.7%) admitted to have heard of the concept ‘Burking of crime’.

**Table 5.8: Strategies adopted by victims if complaint not registered immediately:**

<table>
<thead>
<tr>
<th>Strategy adopted</th>
<th>Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
</tr>
<tr>
<td>Quarrelled</td>
<td>41</td>
</tr>
<tr>
<td>Report to SHO</td>
<td>43</td>
</tr>
<tr>
<td>Complained to SP</td>
<td>23</td>
</tr>
<tr>
<td>Went to Court</td>
<td>11</td>
</tr>
<tr>
<td>Local politician/NGO</td>
<td>15</td>
</tr>
<tr>
<td>Complain to Media</td>
<td>11</td>
</tr>
<tr>
<td>Talk ill of police</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
</tr>
</tbody>
</table>

Total will not add up to 100 due to multi response (MR)

When the Duty Officer at the police station refuses to register the crime data indicates that 20.8% complainants may report the matter to the concerned SHOs; and 19.8% may quarrel / argue with the Duty Officers, while 11.1% opted for approaching the concerned SP. Other 5.3% complainants prefer to go to court and filed private complaints, 7.2% may took help of local politicians or NGOs, 5.3% of them prefer taking help of Media professionals and another 1% said they may talk ill of police.
It has been a multiple response Question and thus, responses indicated more than one strategy that was being used by the victims. It may be noted that the DOs consider that victims seek outside intervention, including taking up in the Court (5.3%), in limited cases (total 18%).

5.6: Responses of Police on ‘non-registration of crimes (All Ranks):
A pointed question as to why crime is not registered was asked to not only Duty Officers and SHOs, but also their Senior Officers. Multiple responses were allowed. Their responses are tabulated together in Table 5.9.

Table 5.9: Reasons for non-registration of crimes by police

<table>
<thead>
<tr>
<th>Reasons for non-registration</th>
<th>DOs (n=70)</th>
<th>SHOs (n=26)</th>
<th>Supervisories (n=22)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
<td>Frequency</td>
</tr>
<tr>
<td>If accused is a influential person</td>
<td>7</td>
<td>10.0</td>
<td>-</td>
</tr>
<tr>
<td>Lack of man power &amp; heavy workload</td>
<td>18</td>
<td>25.7</td>
<td>11</td>
</tr>
<tr>
<td>Political interference</td>
<td>10</td>
<td>14.3</td>
<td>4</td>
</tr>
<tr>
<td>Corruption</td>
<td>4</td>
<td>5.7</td>
<td>1</td>
</tr>
<tr>
<td>Linkage with Crime statistics</td>
<td>15</td>
<td>21.4</td>
<td>8</td>
</tr>
<tr>
<td>Police feel that the case is non cognizable</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Police feel that it is a false case</td>
<td>21</td>
<td>30.0</td>
<td>6</td>
</tr>
<tr>
<td>Possibility of settlement</td>
<td>12</td>
<td>17.1</td>
<td>6</td>
</tr>
<tr>
<td>Insensitivity of police</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multi Response (MR)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

From the above table, we can see that 25.7% DOs and 42.3% SHOs stated that lack of manpower and heavy workload are the most important reasons for non-registration of crimes by the police. All the Supervisory Officers (100%) also contended so, However, some of them added that lack of manpower and heavy workload could not be the sole reason as it could also be ‘a matter of doubt about the veracity of complaint’ (77.3) and insensitivity of lower functionaries (72.2%). Increasing number of false cases as a reason for non-registration received about 30% concurrence at DO and SHO level, while senior officers gave 77% mark. The generally believed reasons such as political interference and linkage to crime statistics, received less importance ranging between 14 to 27% and 21 to 50%,
respectively. For both these reasons, senior officers clocked the upper limit indicating their greater worry for crime statistics. As one of the higher officials as well as some SHOs opined that it is an open secret that police always have pressure to control crime graph. No political party in power would allow zero tolerance for crime registration. However, almost all officers stated that it is not happening in their jurisdictions!

5.7: Implications of false complaints on registration of crime:
The phenomenon of filing false cases is also reported increasing. 30% DOs, 23.1% SHOs and 77.3% Supervisory officers opined that they might refuse registration when they find the case was not genuine. Duty Officers stated ‘now a days the number of false cases are increasing’. There is a possibility that some persons using it to harass the other party. The complainants were pressuring the duty officers to make the case cognizable even if the matter was non-cognizable that entitled registration only as an NC. They even suggested to add the Sections relating to cognizable offences, such as chain snatching, mobile snatching, hurt with weapon etc. to make the matters more complicated. Similarly other stakeholders, such as lawyers also stated that sometimes conflicting parties lodge false cases against each other to build pressure for compromise and withdrawal of the cases. Further, rival political parties filing false cases against each other. Due to these factors, it is difficult for police officials to decide the credibility and genuineness of information stated by some of the complainants. The other important cause for non-registration of crime is linked with crime statistics based on performance appraisal system. About 50% Supervisory officers and 30.8% SHOs unwillingly seemed to have agreed to the view that rising crime graph is adversely impacting police officers’ performance appraisal. In fact, efficiency of SHOs and Supervisory officers is always judged on the basis of crime statistics.

5.8: Impact of non-registration as perceived by Police:
5.8.1. On victim and society: It was a multiple response question to indicate one or more consequences.
Table 5.10: Impact of non-registration of Crimes on the victims and society:
Views of Duty Officers (Dos).

<table>
<thead>
<tr>
<th>Impact of non-registration</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on victims</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial loss</td>
<td>20</td>
<td>28.6</td>
</tr>
<tr>
<td>Loss of time</td>
<td>12</td>
<td>17.1</td>
</tr>
<tr>
<td>Loss of employment</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td>Live with fear</td>
<td>23</td>
<td>32.9</td>
</tr>
<tr>
<td>Change place of residence</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td>Impact on society</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lose faith in CJS</td>
<td>44</td>
<td>62.9</td>
</tr>
<tr>
<td>Accused gets advantage</td>
<td>45</td>
<td>64.3</td>
</tr>
</tbody>
</table>

Table 5.10 highlights the duty officer’s response to the question on possible consequences of non-registration of crime on the victims as well as society. A vast majority of the respondents (64.3%) stated that the accused will get advantage if cases are not registered on time, and 62.9% opined that people will lose faith in the criminal justice system. This apart, the victims will ‘live with fear’ (32.9%) and will also suffer ‘financial loss’ (28.6%).

5.8.2. Impact of non-registration on DOs:
Interestingly, some duty officers felt that they had to face consequences and punitive action, if they refuse to register a complaint. According to some of the Dos; we can’t afford to refuse genuine cases because now a day’s people are more aware about their legal rights. Further, media and NGOs are also very vigilant and are easily approachable by the complainants/victims. In this scenario, we become the victims for non-registering of crimes. Therefore, they said that it is in their interest to register all the cases. ‘One sub- Inspector (SI) mentioned that police were registering even such cases which appeared to be false. In such a situation, police are filing charge sheets against the accused’. Most of the duty officers stated that let the court decide whether the case is genuine or not on the merits of the case. Some of the judicial officers with whom the research team interacted mentioned that police were not only registering cases even though prima facie case was not made out against the accused, but also filing charge sheet in such cases’. This is yet another dimension of free registration of cases.
5.8.3. Causes for Non-Registration of Crimes as perceived by Police:

Efforts have been made to examine the causative factors which influenced non-registration of crime, as perceived by police functionaries.

a) Pressure from senior officers to control crime graph:

Table 5.11: Compulsion from senior police officers not to register crime (views of DOs)

<table>
<thead>
<tr>
<th>Compulsion from senior officers</th>
<th>Frequency (n=70)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sometimes</td>
<td>12</td>
<td>17.1</td>
</tr>
<tr>
<td>Little/Very little</td>
<td>8</td>
<td>11.4</td>
</tr>
<tr>
<td>No compulsion</td>
<td>50</td>
<td>71.5</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 5.11 shows that most of the Duty officers stated that there was no pressure on them from the senior officers to register or not to register crimes. It indicates that they were free to follow rule book. It seemed a socially acceptable and legally correct answer. However, FGDs held with the cutting edge police officials, across the ranks, revealed that every SHO had some pressure for management of crime statistics. For example, an Inspector General of Police (Crime) narrated his experience on this issue. He said that ‘when he was appointed as SP of a District for the first time, he instructed all the Police Stations under his jurisdiction for registration of all cognizable crimes. Consequently, within a few a months crime graph increased by 4 times for which he was scolded and asked for explanation by his seniors. He was also warned by the seniors that if he wanted a smooth career this should not be repeated in future.’

The Supervisory Officers conduct crime review meetings periodically as reported by DOs, (23% weekly meetings and 68.5% monthly meetings). During these crime review meetings, DOs claim that SHOs were asked to explain increasing number of crimes during the review period vis-à-vis previous period and usually get admonition for not exercising control on crime. Some SHOs tried to clarify that they were asked to explain only to improve their preventive action and crime detection.
5.9: Separation of Law & Order from Crime Investigation:

Table 5.12  Separation of Law & Order from Crime Investigation (DOs)

<table>
<thead>
<tr>
<th>Separation of Law &amp; Order from Crime Investigation</th>
<th>Frequency(n=70)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very much</td>
<td>52</td>
<td>74.3</td>
</tr>
<tr>
<td>Somewhat</td>
<td>16</td>
<td>22.9</td>
</tr>
<tr>
<td>Can't say</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 5.12 shows that most of the duty officers had agreed that separation of Law & Order from Crime Investigation will help to improve basic policing at the grassroots level. Most of the police officials across the rank have strongly advocated for this arrangement. It will improve the quality of investigation as police will get adequate time for quality investigation however, both the wings should be kept under the supervision of Sr. Inspector or DY. SP. as law & order and crime investigation are closely linked for effective policing. This recommendation has already been made by various commissions/committees on police reforms, Supreme Court’s judgment in *Prakash Singh case* and the Draft Model Police Act prepared by the Ministry of Home affairs, Government of India in 2006.

b) Pressure from local politicians and political economy of crime registration

It was shared by many Duty Officers as well as SHOs that at times there was a pressure on SHOs by local political leaders and influential people to register or not to register crime by and against some people. The data presented in Table 5.13 reveals that majority of the respondents (30%) opined that there was political compulsion for registration of crimes. Further, it shows that if an FIR was related to some politician or influential person(s), they invariably consult their supervisory officers before taking any action (64%). Some of them told that political interference was immensely happening in the matters relating to appointment, transfer, and suspension etc. but not so much in crime registration and day to day functioning of the police station. However, it was added that every ruling political party wants crime under control during their tenure, lest the opposition would hype that the ruling party failed to control crime and was not at all efficient.
Table 5.13: Duty officers’ point of view on political compulsion for crime registration

<table>
<thead>
<tr>
<th>Political compulsion</th>
<th>Frequency (n=70)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A great extent</td>
<td>4</td>
<td>5.7</td>
</tr>
<tr>
<td>Some extent</td>
<td>17</td>
<td>24.3</td>
</tr>
<tr>
<td>Can't say</td>
<td>5</td>
<td>7.1</td>
</tr>
<tr>
<td>Rarely</td>
<td>12</td>
<td>17.1</td>
</tr>
<tr>
<td>No pressure</td>
<td>32</td>
<td>45.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

However, in FGD held with DOs and Constables, they maintained that “Political interference is unavoidable in any government department including police department. In a democratic country absolute freedom to police is impossible and that it is not desirable also”. A senior police officer wondered ‘Why do you see politician as a villain as they are the essential part of the democracy. Police cannot be and should not be fully independent. It should be under the supervision of democratic government. Hence, political parties are inevitable, but at the same time, we need not obey all their orders”.

c) Data presented in Table 5.14 indicates that the views of DOs varied, more or less, equally from ‘Very Independent’ to ‘Not independent’.

Table 5.14: Police autonomy vs. Political interface

<table>
<thead>
<tr>
<th>How independent</th>
<th>Frequency (n=70)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very independent</td>
<td>10</td>
<td>14.3</td>
</tr>
<tr>
<td>Mostly</td>
<td>24</td>
<td>34.3</td>
</tr>
<tr>
<td>Somewhat</td>
<td>19</td>
<td>27.1</td>
</tr>
<tr>
<td>Not sure</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Not independent</td>
<td>16</td>
<td>22.9</td>
</tr>
</tbody>
</table>

This aside, most of the DOs also opined that ‘media is always keen in crime statistics. If crime figure goes high, media and opposition parties exaggerate that law and order is deteriorating in the State and demand that government should step down. No Ruling party, irrespective of political ideologies, can afford this. Ruling parties in their advertisement of good governance are using crime statistics to show their efficiency in controlling crime graph.
In a study on 'Image of the Police in India' (1978) conducted by the Indian Institute of Public Opinion on behalf of the Bureau of Police Research and Development stated “political interference was seen by the public as a major factor contributing to the poor image of the police and manifesting itself in the misuse and abuse of police powers and disregard of the law by the police. Britishers created Police service to control natives. They were meant to serve masters. Even after Independence the subservient role of police has not changed. Police are considered as and perceived by society as a tool in the hands of their political master”. The social and political scenario changed considerably since 1978 and a more independent role is ascribed to police. It is different if a police officer wishes to succumb to such pressures for self preservation and career progression.

5.10. Qualitative data emerged through FGDs:

5.10.1. Directions of Sr. Police officers for Crime Registration: FGDs held with the stakeholders and field experiences of the research team indicate that police registered crime after intervention of the Senior Police officers. During the FGDs with the public, it was revealed by many participants that police at the cutting edge level deliver the service only for privileged people. An analysis of the case studies shows that many cognizable complaints had been registered after intervention of office of the Superintendents of Police in various Districts. FGDs brought out a question that given the demographic profile and image of the police in the country, how many complainants could dare to approach the senior police officers and how many Superintendents of Police actually give preference to listen the complainants.

5.10.2. Police confirm political interface in FGDs.: During FGDs, most of the participants stated that there was a nexus between police and the corrupt politicians. As such, common people consider police as an agent of politicians. It is revealed that police are not registering cases against alleged accused who are affiliated or related to political party and politicians. Many DOs also shared that local politicians were interfering occasionally in crime registration. If the accused belong to a member of political party or supporter of a political leader, then there is a pressure on the local police not to register complaint against him/her. Thus, political pressure is influencing crime registration process as well as the investigation process.
5.10.3. Lack of adequate Infrastructure and Human Capital:

a) During visits of research team to various police stations across the six States, it was noticed that **lack of adequate infrastructure and shortage of manpower were affecting the police image adversely**. This was also affirmed by most of the police officials as well as other stakeholders. Focus Group Discussions (FGDs) held with the duty officers highlighted many difficulties faced by them in discharging their official duties. Data revealed that on an average, they perform more than 10 hours duty every day and many times without weekly off. Most of the time, they bear the expenses from their own pockets to discharge official duties such as stationary, patrolling, investigation, funeral of unidentified bodies, and other requirements of the police stations etc. So far as reimbursement of these expenses was concerned, a meager amount is paid to them if the matter was persistently followed with the concerned account department officials and by ‘parting some amount as bribe’.

One of the irritating factors for most of the police officials is to provide security for the politicians. Although the primary duty of the police is crime investigation and maintenance of law and order, most of them complained of doing other duties. Because of long working hours and stressful work culture, the cutting edge police officials claimed not getting minimum time to take care of themselves and their families, which is adversely affecting their physical and mental health as well as family lives. Further, they said that the police are not well equipped to detect crime at the police station level. Although district level police stations are getting expert support from legal, forensic and finger print domains for crime investigation, police stations at small towns and taluka/village levels are not privileged with such support system.

Police housing is another area of discontent amongst cutting edge police officials. According to the police respondents, the condition of police quarters is pathetic and not worthwhile for human living.

b) Another aspect which was reported affecting them adversely is heavy workload and shortage of staff. Even the sanctioned strength is not available and huge number of posts across the cadre is vacant. Consequentially, cutting edge police officials have to work more than 12 to 14 hours per day. Besides this, they have to do emergency duties frequently. Leaves are not sanctioned. During the festival times, police do not get leave and on the contrary, spend very hectic duty.
c) According to Mr. Kamal Kumar, IPS (Retd.), one of the major factors that affect the quality of police service is the continuous deployment of policemen for inordinately long hours of duty, without even a weekly off or holiday, and that too under conditions of stress and strain.

d) In a recent survey (2007) of the functioning of police in Rajasthan, conducted by the Massachusetts Institute of Technology, 68% of the police personnel interviewed by them complained long working hours as the “worst aspect of our work in police.” Merely providing a paltry allowance for working on holidays is hardly a remedy for this. Indeed, the number of hours of duty for police personnel needs to be limited to a rational and reasonable level.

e) In many police establishments, vacancies exist for a long time, though the sanctioned strength itself is low. Police are caught up in a vicious cycle of non-registration of crime, showing lesser crime and leading to lesser number of staff, compelling them to reduce work load by non-registration.

f) Police Training and Lack of skill up-gradation:

It is generally emphasized that Police officers should have in-service training for upgrading their knowledge and skills, as required from time to time, to deal with the newer forms of crime. 95% DOs and 92.3% of SHOs reported that they have had attended training programs in the recent past. On further probing, it was found that the trainings varied from Commando Training/Fire Arms/Bomb Disposal to Computers/Wireless communications. However, only some (10.1%) admitted that they did have training in crime investigations, gender sensitization and Public-police relations, which proportion requires to be improved because soft skills are equally important, if not more, in civil police.

SHOs, however, clarified that departmental circulars (63.4%) were received from time to time and briefings were extended to subordinate officials during Roll calls (31%) in order to update the legal knowledge of DOs. During the study, some DOs did ask for having some specific training courses in the areas of Public-Police relations, capacity building and sensitization of human rights.
g) **Training to work in the community with the help of professionals:**

Opinion leaders in a FGD viewed that “people are not aware of their legal rights and legal provisions. They do not have accurate workable knowledge about police functioning and police problems. Therefore, police personnel could collaborate with public in public awareness programs (through community policing and other reach out programme) so that both will be mutually benefited. Some eminent police officers, educationists, lawyers, politicians, NGO professionals etc. can be linked in strengthening police-public interface. Many NGO professionals as well as community people through FGDs across states have emphasized the importance of training in social justice, youth crimes, rights of women and children, SCs and STs, victimology and human rights through citizen centric policing.

h) **Need of settlement or reconciliation for Petty cases:**

Police Officers indicated their unwillingness to file petty offences, as they do not have authority to cancel them or file them once a settlement is arrived. They added that if the offence is petty and compoundable, parties should be encouraged for reconciliation rather than filing an FIR and taking the matter to the Court. In other words, Police functionaries spend considerable time and efforts to get the complaints settled between the parties and thereby, avoid legal processes. But such an effort and time remain unaccounted for. Unfortunately, these complaints lead to corruption at the police station level. In this context, it may be stated that such efforts to reconcile and settle the disputes are officially deemed and accounted for as ‘Support Services’ in developed countries. It is for consideration whether such dispensation is considered as an authorized work load in India too.

5.10.4. **Computerization of police stations**

Computerization of police stations is supposed to have happened in a big way especially in the context of Crime-Criminal Tracking Network (CCTNS). But, on ground, 80% of the DOs reported non-availability of the System. However, 39% DOs stated that computers were used, but only in select areas and not so much in core areas of policing due to lack of skill development of police personnel and procedural roadblocks at the police station level. While concluding the discussions on the views expressed by Police functionaries, it might be summed up that they mostly gave socially acceptable responses while answering the Questionnaire, which may be due to their fear of being rebuked for giving any adverse but factual inputs. However, in FGDs, DOs and
SHOs and even an IGP level Officer came out more in open admitting burking of crime and inadequacy of manpower as the main reason for non-registration of crimes. In FGDs, DOs also spoke of some interference from politicians but justified that it was unavoidable in a democratic country. Both SHOs and DOs talked of changing scenario and need for transparency in policing including proper registration of crime.

References :-

4. Ibid.
Chapter-VI
Non-registration of crimes: some case studies

Case studies were prepared by interacting with complainants the data were collected mainly from complaints/victims of crime through interviews/ discussions. Initially, the research team had contacted concerning police stations of sample districts which referred to some of the relevant cases. But more such cases were referred by local media, lawyers practicing in lower courts as well as civil society organizations where phenomena of non-registration of crimes was perceived. There case studies were connecting from different police stations. A total of 40 case studies are presented in this chapter, along with sub-themes that have emerged through analysis.

1.0 Section I:  Cases in which registration was totally denied

Case-1: Victim of fraudulent marriage

The victim, a 22 year-old woman, married to a school teacher, as per Hindu rituals, come to know that her husband was already married to another woman. The first wife started threatening the second wife and asked her to leave her husband. By citing her parent’s poverty, the second wife (the victim) explained her inability to go back to maternal home. In spite of her willingness to adjust with them, the husband deserted the victim (second wife) and starting living with his first wife. The victims’ in-laws were also not supportive and no support from any other source, she decided to register complaint to the police. So along with her mother, she went to the police station to register the complaint. After narrating the incidence at the police station, she realized that police was not sensitive to her problem and refuse to register the crime. Police told her that her marriage is illegal and void. Despite narrating that she was unaware about her husband’s first marriage, the police refused to register her complaint. Again she approached the police with the help of a lawyer and this time also she was unable to register her complaint. Therefore, on lawyers’ advise she decided to file a private complaint in the court and finally, the court directed the police to register the crime. She felt that police are insensitive and have no concern for issues relating to the women.
Denied by police to initiate justice process, she ran from pillar to post and borrowed money from various sources to meet legal expenses and finally succeeded to register the complaint. Currently, she is homeless and staying in a Shelter Home for Destitute Women.

Case-2: Police confusion on grounds to register a case
The victim, a 62 year-old housewife from Latur district of Maharashtra in her complaint mentioned that her neighbour had borrowed Rs.1500/- from her and did not return back. Apart from this, she narrated the police that his neighbour assured her that he knows one doctor in a neighboring Karnataka State who will cure her illness. Relying on his assurance, the complainant went to Karnataka State; however, she could not find any doctor on the address given to her. Eventually, she returned back and wanted to file police complaint against neighbour for not returning money as well as giving false assurance. To verify the facts police visited her home and interacted with family members and the neighbour and found that she has some mental illness. Police informed the researcher that she is coming every day to the police station and creating scene. Police asked the researcher how police can register such kind of cases and under which provision of law because the complainant could not give any proof that alleged accused neighbour has cheated her. Police said that she is spreading rumor in the community that police must have taken bribe from the accused neighbour. Police shared that handling such kind of complainant is a tough task. They raised a point that how one can expect that police should always treat complainant in a good manner, if complainant is like her.

Case-3: Property related offences not perceived as Criminal offence by police
The 45 year-old victim, a lawyer by profession from Latur district of Maharashtra alleged that the accused, an old friend, sold some property actually belonged to the complainant on the basis of forged documents. The complainant visited the police station to register a case under Section 420, 463, 464 of IPC; however, police refused to register the crime as this is a civil matter. The complainant being a lawyer himself argued with the police that forgery is a cognizable crime and police is mandated to register this case. Still police refused to register the case. Hence, complainant filed a private complaint before the magistrate court for order under Section 156 (3) of Cr.P.C. As reported by the complainant, the Magistrate had ordered the local police to register an FIR, but still the police did not register FIR. Complainant shared that the police always refuse to register cases of forgery, mischief, cheating, and breach of trust although these are cognizable crimes.
Case-4: Victim of Witchcraft

A 30 year-old lady teacher from Guwahati, branded as a witch by the community, was brutally attacked by the public in her village. To save herself from further attack, she came to the police station and narrated the incident and requested police to register a complaint against the accused and provide shelter in the police station. According to her, the police did not register the crime as they did not want to go against the public sentiments. Thus, police supported the public opinion and not the victim. This is a case of witch hunting which is a criminal offence. Every year thousands of women from poor, dalit and tribal communities are targeted or suspected as witchcraft and killed in India where as police do not register all such crimes.

Case-5: Domestic violence coupled with property issue

The victim a 32 year-old married women from Lucknow, Uttar Pradesh. She was working as a beautician. One day, her husband brought a lady to the home and introduced her as his mother. However, the victim could not believe that the lady was his real mother. After some days, she left husband’s home in the heat of argument with husband and went back to her maternal home. However, next day she came to know that her husband had sold the house which was registered on her name after forging her signature. Further, she went to her matrimonial home to meet her husband but he could not meet him. She called his relatives and informed them about the incidence. When she did not get any clue about her husband, she along with her father went to the police station to register a case. But police refused to register the case saying that it is a civil matter hence the case can be filed in the court. She stated that instead of helping her police used abusive language and blamed her as a loose character woman. Finally, she filed a case in the court and spent lot of money for this purpose. Though her case is filed in the court, she feels that judicial process is cumbersome and takes lot of time for delivering the justice. During interview she was crying and feeling helpless as her kids are very young and she is staying with her parents without any financial support from her husband.

Case-6: Alleged property offence against political leader and police unwillingness to register

The victim a 45 year-old farmer, sold a piece of property to a local politician who is currently a Minister in Uttar Pradesh Government. Later he came to know that the politician has acquired whole property by allegedly using forged document. Aggrieved by this the complainant went to the police
station to seek help. But police did not listen and were non cooperative. Police showed their unwillingness by saying that how can we register a case against a Minister. He expressed that police are scared of registering cases against politicians. Police asked him to file a civil case if he has some grievance. Then complainant filed a private complaint and sought order from the Magistrate under Section 156 (3) of Cr.P.C. But, as shared by complainant, police didn’t investigate the case properly and filed the closer report in the court. Now complainant has decided to approach the High Court for fresh police investigation. According to the complainant political pressure and corruption are the main factors for non-registration of crimes.

Case-7 : Brutal domestic violence
The victim a 25 year-old house wife from Lucknow, Uttar Pradesh was abused physically and mentally by her husband and in-laws since marriage. She did not report it to police as it was a family matter and was tolerating all the violence. But it went high when one day her husband had beaten up her badly and due to which she suffered a miscarriage. She left her husband’s home and came to her maternal home and decided to seek help from the police. She went to the police station with her father. But police did not register a case, instead her husband made an allegation before police that she had ran away from home with gold chain. Police did not register the case against husband and in-laws despite of many requests from the victim and her father. The victim left with no option but to file a private complaint before the court. At the time of the interview, her matter was pending before the court. She felt that police are biased towards poor people; they help only those who are influential and give money. She shared that poor people can not afford to resort other measures if police refused to register a case as others are time consuming and costly.

Case -8 : Neighborhood issue not perceived as serious
A graduate Sales Officer with a private company lost some money in an attempt to do start the business. To support himself financially he rented his house to a third party, a migrant from another district, to run a small shop. He stays in the terrace of the same building after constructing a small room for his family. There was some objection and a threat from the locals for giving the house to the outsider. The shop owner visited the police station to file a complaint but instead of registering a case the police advised him for patch up and settlement. Next day evening, a neighbour armed with a chopper entered the victim’s house and tried to attack him for renting his house to an outsider.
Fortunately, some other neighbors watched the incident and overpowered the attacker. At the time of interview, he was present in the police station with wife and children for registering a case. He is scared to go back to his house. The Duty Officer told the researcher that an error of judgment has happened in this case and they are now writing FIR and action will be taken immediately.

1.1. Analysis of Case Studies in which registration was denied
These case studies have been analyzed for identifying common sub-themes. The sub-themes include causes for non-registration of crime as well as factors which influenced the registration of crime at police station level.

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1.2. Police Perception on Non-Registration of Crimes: It has emerged from case studies that generally people come to police stations with their grievances or complaints with variety of problems which they faced at the family and community level. It has also emerged that loss of health and property by victims had a deep impact on their psyche and livelihood. This also degrades quality of life and increases fear of crime which impedes the human development as well as economic development.
This also cost more expensive to the poor and marginalised victims and pushes them to secondary victimization. In this context, police being the first agency to initiate access to justice process to the common people has to play a pivotal role.

It is observed from the above case studies that the victims of non-registration of crimes by police mostly hails from poor or marginalized sections of society. Most of them are women, youth and poor farmers. These people are less educated or no educational background and are engaged in unorganized sector (with no social security) and also have no political power. Unfortunately, the way police have dealt their matters or grievances pose many questions on working and functioning of the police in the democratic country. In spite of enactment of the Domestic Violence Act 2005, police seem to be expecting the parties to settle the disputes themselves, may be with good intention to avoid further enmity or with the intention of managing crime figures. In some cases, the police have shown their judgmental attitude and behaved like judge rather an enforcement agency such as the case of a mentally challenged women and a women victim of witchcraft on the basis of public reaction. Police handling of some cases through settlement mode or popular public opinion is impacting severely to the crime victims. Further, the crime victims and people will lose faith in the criminal justice system, may engage in vigilantism which will undermine the State authority and increasing human rights violation against poor people.

1.3. Causes for Non-Registration of Crimes by Police:

- Family or domestic issue between spouse and siblings (cases 1, 5, and 7).
- Police suspecting the genuineness of complaint (case 2, 4).
- Neighborhood dispute (case 8).
- Civil problem like land and property related issues (case 3, 6,).

2.0: Section II : Cases registered by adopting different methods

2.1. Intervention of the Magistrates

When victim's complaint is not registered by the police he/she has other alternatives to seek justice. As per Cr.P.C. provision the complainant can approach higher police officers. The other option is that he/she can file a private complaint before the court. In such case, the Magistrate can record evidence
under Section 200 or he can order the officer-in-charge of the police station under Section 156(3) of
Cr.P.C to register a FIR or may order an investigation under Section 190 of Cr.P.C. Most of the Judicial
Officers feels that the Section 156(3) is misused most of the time and now lot of private cases are filed
seeking order under Section 156(3). When ask to express their opinion about such cases in which
people do not registering their complaints with police but directly approach the courts through private
complaints, one of the District Judges stated that the citizen has right to file a private complaint in case of
having any grievance against police. Hence, it is not against the law.

Case -9 : Land disputes are not entertained in police stations and ask to file private complaint
The complainant, a 42 year-old businessman, from Allahabad, Uttar Pradesh had a land dispute with
his neighbour. When the victim contacted the police with an intention to register a case the police
suggested him to file a private compliant in the court as it is a civil matter under Section 156(3) Cr.P.C.
Accordingly, he approached the court and a FIR is registered after Magistrate's order. However, police
has not taken any action till date. He shared that police don't register civil cases even if the complaints
involve criminal contents. According to him police don't want to work at all. They are not listening to
people and their grievances. Corruption in police is also high. They are not willing to file cases against
influential people. And if they have to file cases against influential people, then they are not taking
action against them. They want to settle the matter therefore a Complaint Authority should be
established against the police and a counter shall be opened at every police station level with adequate
training to handle crime victims.

Case- 10. Victim's criminal past vitiates the genuineness of his complaint
The victim, a 24 year-old youth from Delhi, educated up to 10th standard, is working as an estate agent. One day when he was on his way to home he was robbed and physically assaulted. Consequently, he was badly injured and hospitalized. He had to undergo surgery. Metal rods were fixed in both of his hands. However, police refused to register a case as complainant himself was a habitual offender. Hence, police were reluctant to register a case. He visited the police station several times for registration of the crime but police did not register a case. With no option left, he filed a private complaint in the court after one month and the Magistrate ordered police to register a FIR under Section 156(3) of Cr.P.C. As reported by the complainant, while passing order to register a FIR the
Magistrate scolded police for non-registration of a FIR. The Magistrate observed that complainant's previous records shall not be the ground for non-registration of crime. The complainant revealed accused names but they police had not arrested the real offender as he was a relative of a politician. As reported by the complainant one day after registration of FIR on Magistrate’s order, police called the complainant in the police station and made him to sit for hours and pressurized him to withdraw the case against the main accused. According to the complainant he suffered mental agony as police did not trust him. He had spent huge amount for his medical expenses and as police refused to register a case, he had to spent money towards filing of a case in the court of law.

2.2. Intervention by supervisory police officers in crime registration

Through FGDs as well as meeting with stakeholders during data collection, we come to know that police registered the crime after intervention of the Supervisory Police Officers. During the FGDs with the community, it was pointed out that police perform their job of crime registration under the influence or pressure of either influential people or politicians or Supervisory Officers within the department. As per Sec 154 (3) Cr.P.C. Complainant can approach senior police officer in case police has refused to register his/her case. The following cases highlight how police registered crimes intervention of the Supervisory Police Officers. When complaint is not registered, many complainants approach office of the Superintendents of Police as per visiting hours fixed for meeting with SPs including complaints regarding crime registration. The research team found that generally offices of the Superintendents of Police are always crowded with complainants during notified time. While interacting with the research team most of the SPs shared that they receive around 100 complaints per month regarding problems in crime registration. During data collection we have witnessed that within 2-3 hours more than 30 complainants had visited SP office for redressal of their problems. We are illustrating some case studies of those cases where crime was registered immediately at police station after intervention of the Supervisory Police officers.

2.3. Intervention by senior officers

Case -11: Graduate teacher’s complaint against Influential people

The Complainant, a 32 year-old graduate teacher from Allahabad, Uttar Pradesh, approached police on behalf of his brother who was a victim of attempt to murder. He reported that accused attempted to murder his brother who is a professional video-grapher. One day complainant's brother (victim) had
gone for video-graphy of a marriage ceremony and he was attacked by the accused and his friends. Resultantly, he and his brother were injured and hospitalized with serious injuries. Since complainant’s brother was unconscious and hospitalized for a long time, he had gone to the police station to file a complaint. But police refused to register a FIR mainly because the accused were influential persons with political connections. As a result, the complainant approached the DIG who directed the concerned police station to register a FIR. At the time of interview, the complainant told us that police had recorded his statement. Complainant states that police did not want to register cases against influential persons.

Case -12. Farmer’s complaint against a burglary
The victim, a 45 year old farmer from Lucknow, Uttar Pradesh, approached the police to lodge a complaint of theft as his house was broken and valuable articles such as jewelry, mobile phones, cash and other electronic items were stolen. But police refused to register a case. Consequently, he filed a written complaint to the SSP. In the meanwhile, he contacted a local political leader who contacted the SSP and finally a FIR was registered and police recovered some of the stolen articles.

Case -13 : Reluctance to register FIR on the plea that stolen property can not be recovered
A 45 old year- old, petty shop owner had gone to the police station to register a complaint about burglary in his shop in the previous night. Police stated even if they register a case, the recovery of stolen property would be a distant dream. Therefore, they were not to register a FIR. So they made an entry in the diary and advised him that once the stolen goods were recovered, a case would be registered. Since his shop is located inside the premises of a Public Sector Unit, a senior official of the PSU advised him to pressurize the police for registration of a case and he will help him indirectly. Although a FIR was registered, till date the stolen goods were not recovered and the complainant did not get any update about his case from the police.

Case -14 : Victim had to warn complaining to senior officer
The complainant a 32 year old graduate from Lucknow, Uttar Pradesh, received an anonymous letter with threat to his life, allegedly from a known person of his village who was jealous of his success. To avoid further complication, he decided to register a case with the police. When he visited the police station, police asked him to wait as SHO was not available in the police station. In the meantime,
police tried to convince him that registering a complaint is of no use because merely on the basis of suspicion we cannot take any action. Since he was aware of his right to approach the senior police officer if a complaint is not filed, he warned them that he would complain to a senior police officer who is personally known to him. As a result, police registered a case, but did not do any investigation.

Case -15: **Higher officials intervention even if victim has proofs**

Mr. X, a 40 year old college canteen worker, got injured in a fight with some students in a college because they used to take money from the complainant’s brother and later refused to return the same. The students had gone to the police station to register a case against Mr. X. Since the complainant was injured, he rushed first to a doctor for basic treatment and later visited the police station with the medical report to file a case against the students. But police did not register the case. Later the students verbally abused Mr. X’s wife over phone, which was recorded by him. Police did not register a case in spite of medical report and recorded telephonic conversation. The complainant submitted a written complaint to the SSP and a case was registered after two months of the incident.

2.4 Intervention of political leader

**Case- 16: Complaint of a Jeweler against an absconding customer**

The victim, a 45 year old jeweler, went to a police station in Delhi to file the complaint against a newly acquainted customer who purchased jewelry of Rs. 7 lakh through cheque payment, which, cheque was bounced. The complainant had gone to the accused home but was shocked to hear from neighbour that he had vacated the rented house and returned to his native place. The complainant had visited the police station to lodge a complaint against the accused and according to him, the Duty Officer did not listen to him. Then he went to the SHO who rudely asked him why he (SHO) should register a case as Police did not tell him to sell gold ornaments without verifying payment modalities. He had visited the police station several times, but failed to get his case registered. As a last resort, the complainant requested a local leader to help him in registration of crime. After intervention of the local leader, police registered a case against the accused.
2.5. Intervention of NGOs and Media in crime registration: When police do not register crimes, the complainants approach NGOs and media to intervene and build pressure on police to register crimes. The following cases illustrate role of NGOs and media in crime registration.

**Case -17: Dalit’s complaint against Upper caste over grazing land**

The victim, a 45 year-old illiterate Dalit, along with his fellow caste members, had gone to the police station for reporting an atrocity case (verbal and physical assault over a fight for grazing land) against some upper caste people. But police refused to register a case against the upper caste accused. So he approached the Superintendent of Police to direct local police to register the case. In the meanwhile, one NGO working for Dalit Rights intervened in the matter as well as media also spread the news of atrocity against a Dalit. After 12 hours, police registered the case. The victim said that some police officials tried to help him, but they were threatened by the accused upper caste people as they also belonged to a political party.

**Case -18: Judgmental towards victim of fraudulent marriage**

A 32 year-old married woman, working as maid servant, went to the police station to file a complaint as her husband was missing. She told police that her husband was already married but concealed his first marriage to marry her. According to the victim, police did not register her complaint and said that this was a family matter and that the husband must have willingly deserted her. She was asked to settle the issue at her own level. Then, she approached an NGO working for women’s rights. A NC was registered and police issued a notice to her husband.

**Case-19: Gang rape of a minor daughter of a rag picker**

The complainant, 35 year-old rag picker, is mother of the victim. The victim is a minor girl who was raped by 4 youngsters. When the minor daughter narrated the incident to her, she took the victim to the police station to register a case against the accused. The complainant said that police were not sensitive to this issue and said that it was a false case. Despite repeated requests made by the complainant, a case was not registered and the victim was also not sent for medical examination. The complainant approached a local NGO for registration of crime, but still it was not done. So with the help of NGO, the complainant filed a private case in the court and finally a FIR was registered and the accused were arrested.
Case – 20: Victim from lower caste finding difficult to register case against upper caste

The complainant, 40 year-old farmer from SC community, complained to the police that his son was brutally beaten up by some boys from the same village and his son was hospitalized. When the complainant went to the police station to register a case, police refused to register the crime because, according to him, accused were from an upper caste influential family. As police did not listen to the complainant, he took help of media reporters. The media also promptly showed the incident in a local news channel. After Media’s intervention, as per the complainant, the police registered NC. The complainant showed NC receipt to the research team and said that he was not aware that police had filed the case under Section 323 of IPC which means Simple hurt and did not apply Section 506 of IPC, which is a cognizable offence.

Case -21: Police minimizing the actual loss

The victim, a 40 year-old man, visited police station to register a case regarding theft of Rs. 10 Lakhs cash and household articles from his house. He dialed on 100 many times for PCR van, but they turned up only after many calls and advised him to go to the police station to file a case. He stated “police were very rude and insensitive towards me”. When he requested them to register a case, they asked him “why do you want to register a case”. They bluntly told him that there was no need to file a complaint as “you may not get back all the stolen things - It is of no use”. Finally, after intervention of an influential political leader, his case was registered. However, according to him, police underestimated the stolen articles and showed only Rs. 25000/- in FIR, as against Rs.10 lakh written in his complaint. After registering FIR, police did not do investigation and gave no information about the status of his case.

2.6: Intervention of National Commission for Women (NCW)

Case -22: Rape by relative on false promise of marriage

The victim, a 26 years old woman, was raped by her sister’s brother in law and he was subsequently sexually abusing her for almost three years. He was blackmailing her by saying that if she tells anybody, then he will commit suicide or will spoil her life by exposing her. After her sister came to know of this, the accused and his parents agreed for their marriage. Taking advantage of this development, the man sexually abused her further by making false promise of marriage. They further decided to commit
suicide by taking poison and the man again cheated her as he provoked the woman first to consume poison by saying he would take poison thereafter. Finally he did not consume poison. The woman was hospitalized and saved. Due to this, she was depressed for about three years. Later, both the man and his parents dishonored the marriage promise by citing her depression. Her parents complained to the National Commission for Women (NCW), who directed police to register a case and refer the victim to an NGO for counseling. Even then, police did not register a case immediately and advised victim to settle the issue, for which she did not agree and a case was registered. The case was being investigated by a male police officer. The complainant felt awkward to disclose details of the case to him. Finally police filed the charge sheet and case is pending in the court. Taking advantage of this procedural loophole, the accused threatened and assaulted her many times even in public places and police could not protect her.

2.7: Cases Registered after repeated requests made

Case -23: Police Insensitivity towards women victims
The complainant, a 35 year-old graduate and a woman worker in Aanganwadi from Kamrup district of Assam, had a fight with neighbor. Her son and mother were physically abused by her neighbor. The complainant narrated that she went alone to register a case after the incident and reported the incident, but police didn’t trust her. They insulted her by saying ‘she is a mad woman and is telling lies’. She went two times to the police station but police didn’t register a case. Third time, when she went with her husband to the police station, after protracted arguments and warning to the police that they will approach the senior police officers, a case was registered. She felt that police had insulted her because she was a woman.

Case-24: Complainant’s putting pressure on police
The victim is a 20 years old young man studying business management. His complaint was related to his stolen bike. According to him, he had parked his bike in a parking area and went for the examination. After finishing examination, he found his bike was missing. He approached the police station with his friend to file a complaint. Police asked him to wait for the day and come on next day. During his second visit to the police station, police questioned him “why you have not taken care of your bike”. The complainant was surprised and clarified that he had parked his bike in parking area
and went for examination. The complainant requested police to register an FIR and not NC. He explained to police that he had inquired and came to know that a copy of the FIR is required to claim insurance money. After hearing this from complainant, the police official got angry and scolded him that there was no need for registering a case for Insurance purposes. The victim was surprised with the police response. However, after many requests, his case was registered eventually on the second day.

**Case -25 : Lawyers' month long dharna**

A 29 year old male advocate from Coimbatore, Tamil Nadu went to police station with his client in connection with a dispute over vacating a house. Instead of taking action on his complaint, he was assaulted by five police personnel at the police station. Police alleged that the advocate spoke in a high headed manner and assaulted a police official. However, the advocate insisted that police had assaulted him and that he had undergone treatment in a private hospital. The city lawyers were united to fight against police and demanded arrest and remand of the police personnel involved. After a high level inquiry, the lawyer was compensated but action was not initiated against the guilty police personnel. That led to a month long protest by lawyers in the city. Only after a city wide lawyers boycotting of the courts and ‘dharna’, some action was initiated against the guilty police personnel.

**Case -26 : Agitation in a public place**

The victim a 19 year- old married woman and a housewife from Maharashtra got married at an age of 15. That was an arranged marriage. But, after the marriage, she came to know that her husband was having illicit relationship with his sister-in-law. She informed this to the mother-in-law and brother-in-law, and sought support to resolve the matter. However, no one believed her and they started physical and verbal abuse of the victim. One day, victim’s in-laws and husband forcibly tied her hands and forced her to drink poison. Somehow she survived. Scared with this, she did not talk about it to the parents as she did not want to give stress to her parents. Also, she was not willing to report the matter to the police. After some time, she was brutally beaten by her in-laws and the victim returned to her parent’s house. Finally, victims’ parents decided to lodge a complaint against her husband and in laws, but police refused to register a case as the accused and his family were influential and according to the victim, they “bribed the police”. As a last resort, the victim and her parents sent a letter to the SP, but nothing had happened. Ultimately, victim filed a private complaint in the court and Magistrate ordered police to file FIR and issue notice to the accused. Even then, but police did not take action and instead, demanded money.
Hence, the victim set on fast unto death for 7 days and due to intervention of supervisory police officer, notice was served and an FIR was registered against the accused persons.

**Analysis of Case Studies:**

Table 6.2: Analysis of Case studies on registration of crimes by different methods

<table>
<thead>
<tr>
<th>Case Study</th>
<th>Victims/ Complaints</th>
<th>Issues</th>
<th>Victims strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Business man</td>
<td>Land dispute</td>
<td>Private case</td>
</tr>
<tr>
<td>10</td>
<td>Male estate agent</td>
<td>Robbery</td>
<td>Private complaint</td>
</tr>
<tr>
<td>11</td>
<td>Graduate teacher</td>
<td>Attempted murder on brother</td>
<td>DIG intervention</td>
</tr>
<tr>
<td>12</td>
<td>Male farmer</td>
<td>Burglary</td>
<td>Intervention of SSP</td>
</tr>
<tr>
<td>13</td>
<td>Male shopkeeper</td>
<td>Burglary in his shop</td>
<td>Insisting using influential connection</td>
</tr>
<tr>
<td>14</td>
<td>Male graduate</td>
<td>Life threatening letter</td>
<td>Warning as complaining to senior officer</td>
</tr>
<tr>
<td>15</td>
<td>Worker in a canteen</td>
<td>Fight with student</td>
<td>SSP intervention</td>
</tr>
<tr>
<td>16</td>
<td>Jeweler</td>
<td>Bouncing cheque</td>
<td>Seek politicians help</td>
</tr>
<tr>
<td>17</td>
<td>Dalit illiterate</td>
<td>Atrocity</td>
<td>SSP, NGO &amp; media help</td>
</tr>
<tr>
<td>18</td>
<td>Poor house maid</td>
<td>Husband deserted</td>
<td>NGO intervention</td>
</tr>
<tr>
<td>19</td>
<td>Rag piker, mother of victim</td>
<td>Minor daughter was raped</td>
<td>NGO intervention</td>
</tr>
<tr>
<td>20</td>
<td>SC farmer</td>
<td>Son was attacked by boys</td>
<td>Media intervention</td>
</tr>
<tr>
<td>21</td>
<td>Male villager</td>
<td>Minimization of crime</td>
<td>Seek influential person’s help</td>
</tr>
<tr>
<td>22</td>
<td>Young girl</td>
<td>Raped &amp; false promise of marriage</td>
<td>National Women’s Commission</td>
</tr>
<tr>
<td>23</td>
<td>Women anganwadi worker</td>
<td>Son and mother were attacked by neighbor</td>
<td>Warning as complaining to senior officer</td>
</tr>
<tr>
<td>24</td>
<td>Student</td>
<td>Bike theft</td>
<td>Persistent requests</td>
</tr>
<tr>
<td>25</td>
<td>Male advocate</td>
<td>Police assaulted him</td>
<td>Lawyers month long dharna</td>
</tr>
<tr>
<td>26</td>
<td>Young married woman</td>
<td>Attempted murder by in-laws</td>
<td>Agitation in public place</td>
</tr>
</tbody>
</table>
Section III: Police pressure on the victims to withdraw their cases

Case -27: Police believes complainant as careless not taking care of belongings.
The complainant, a 45 years old Muslim labourer lost his bike. His bike was stolen from the area where he used to work. When he went to the police station to register a complaint, police inquired from him about his place of residence and asked him to go and register a case there but he explained them that “I am working here and my bike is stolen from this area hence the case should be registered here only”. Then police registered his case unwillingly. After some days, police took his signature on paper mischievously, in which it was written that willingly he is taking back his complaint. He come to know of it afterwards in the court when magistrate asked him whether he had signed this document willingly and knowingly. He replied yes, because police told him to do so. After magistrate’s order he came to know that his case was canceled. He was very angry with the police and told that he would never trust the police.

Case – 28: Counter-cases against both the parties
The complainant, a 40 years old farmer, had a dispute with his brother on property issue. They fought several times but they did not report the matter to the police. When they could not resolve the matter amicably both of them had gone to the police station to register a complaint. But police didn’t listen to them. After several requests, police registered a case against each other. According to the complainants, police pressurized both the parties to settle the matter.

Case -29: Drunkard husband: victim wife should adjust
The complainant, a 30 years old married woman, lodged a complaint against her drunkard husband that he had been beating her every day. She tolerated it for many times as it was a family issue. After losing hope she went to the police station for help. As the matter related to matrimonial dispute, police sent her to counseling cell in the SP office. She was asked to give a written complaint and the concerned officer issued notice to her husband to be present on respective date. However, her husband did not turn up on the particular date. The victim is partially satisfied with the police follow up which will act as deterrent action, but she also felt that police is soliciting that women should adjust with their drunkard husbands.
Case –30: **Police convincing victim not to register / file a complaint**

The complainant, a 33 year old woman and an Aanganwadi Sevika, shared her experience with police when she had gone to the police station to report a suicide case of her brother in law who had committed suicide due to mental torture from his wife and her parents. The complainant’s in-laws wanted to file a case of abatement of suicide but police advised her not to register a case. They convinced the complainant that she would not get anything by registering a case and “the deceased will never come back now, so it was of no use.” Convinced with this, the complainant and her family members decided not to register a case. She alleged that deceased's wife had given bribe to police for discouraging us not to register a crime.

**Table 6.3 : Analysis of Case study on which police pressurized the victim to withdraw**

<table>
<thead>
<tr>
<th>Case Study</th>
<th>Victims/ Complaints</th>
<th>Issues</th>
<th>Victims strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Laborer</td>
<td>Stolen bike</td>
<td>Immature closer</td>
</tr>
<tr>
<td>28</td>
<td>Farmer</td>
<td>Dispute with brother</td>
<td>Counter case</td>
</tr>
<tr>
<td>29</td>
<td>Married women</td>
<td>Domestic violence</td>
<td>SP intervention</td>
</tr>
<tr>
<td>30</td>
<td>Anganwadi worker</td>
<td>Domestic violence</td>
<td>Bribery</td>
</tr>
</tbody>
</table>

The followings themes are emerged from the case study analysis;

1. **Police high-ups Influence**
2. **Judicial Magistrate Intervention**
3. **Political Influence**
4. **NGOs Influence**
5. **Media Influence**
6. **Complainant's putting pressure on police**
7. **Perceived Police pressure for compromise /withdraw**
8. **Police Burking of crime**
9. **Police Bias**
10. **Police Corruption**
Thematic analysis:

It has emerged from the case studies that some of the victims or complainants who had initially visited the police stations with their complaints related to violence or conflicts were not considered or heard properly at first instance. As a result, they were not able to register the offence. However, when they used alternative modes available around them such as social, economic and political or administrative, then they could get access to initiate the process i.e. registration of crime, which show that Police being a most visible public institution is not accessible to the poor and people belonging to marginalized and vulnerable sections of the society.

It also emerged from some of the case studies that the complainants or victims of crime had used alternatives method within police department for crime registration. In this regard, the complainants approached the supervisory police officers for redressal in both types of grievances - treatment met out to them during their visits to the police stations as well as refusal of crime registration at the police station level. It clearly emerged through case studies that victims/complainants sought higher police officials’ intervention both formal and informal levels (cases 11, 14, 17, 20, 25). The formal way of approaching police high officials by victims includes written complaints to the SP and DIG through fax or personal visits. The informal way of approaching police officials for crime registration was also highlighted through some case studies.

The another dimension emerged through case studies (9,10) is that some of the complainants or victims of crime who could not register their crimes at the police station level used judicial intervention mode and approached local courts to direct the police to register their complaints.

In crux, the complainants/victims of crime who had firsthand experience with the police felt that police indulged in burking of crime through various ways - underestimated loss in property related crimes (Cases 23, 25, 29, 30), pressuring victims/complaints to settle the matter through mutual agreement or withdrawal of the cases registered against the influential accused. Police biasness towards poor victims and women also emerged prominently through case studies (cases 18, 22, 25, 27). Finally, corruption in police system is also playing an important role in crime registration process (Cases 16, 28, 30).
Case studies showing the positive side of police

Case 31: **Immediate arrival of police at crime spot and arrest of accused**
The complainant is a 26 year-old woman, Sales Executive from Delhi, West. When she was doing shopping, her laptop was stolen in a public place. As lot of crowd was there, somebody immediately called the police and police came very quickly to the spot. The accused was apprehended by the police immediately with the support of the public and complainant got her laptop back. The accused was arrested and FIR was registered promptly by the police. She shared that she had a very good experience with police. Further, she added that in their area, police are very friendly. They are helpful and efficient.

Case 32: **Prompt registration and investigation by police**
The Complainant, a 42 year-old businessman, who locked his house, alleged that in his absence, accused broke his house and stole some articles. After returning back to home, the complainant found that the door was broken and some articles were missing. He rushed to the police station. Police immediately registered an FIR and visited the crime scene. Police did all the necessary and result oriented investigation and the accused were caught and arrested by the police. The complainant shared that police performance was satisfactory and they treated him well. He got all his stolen articles back and was happy with the police.

Case 33: **Complainant’s first interaction with police created a good image of police in his mind**
The complainant a 38 year old professor noticed one day his motor bike stolen. He went to police station to register a case in the night time and his case was immediately registered by the police. The complainant expressed that only first time he visited police station in his lifetime and had a lot of apprehensions about the police but his experience with police was contrary to his earlier apprehensions. He had a very good experience with the police. The complainant shared “police were very cooperative and helpful. They offered a chair and even a cup of tea. He willingly shared his thoughts about the problems faced by the police. According to him “police were overburdened and were doing stressful job. They lack the basic infrastructural facilities and good working conditions.” He suggested that they should be provided with good working conditions and infrastructural support. While commenting on their physical health, he suggested that police personnel at the police station level should be provided good food through Mess service and their residential facilities should be improved. As complainant is an academician, he suggested that training and refresher courses should be organized regularly and
everyone should get opportunity of it. For transparency in police station CC TV cameras could be a good option”. He said.

**Case 34 : Victim of an accident sent immediately for treatment**
The complainant, a 25 year- old Muslim young man, met with an accident near the police station. Police immediately rushed to the spot and sent him for medical care. According to the complainant “police registered an FIR and arrested the accused. Although the accused was released on bail later on, according to the complainant “he had a good experience with the police and he was satisfied with the police as he was well treated during the entire process of the crime registration.”

**Case 35 : Prompt action by police in arresting an accused of cheating**
The complainant, a 45 year -old Muslim businessman from Assam gave Rs. 50000/- as loan to the accused who was allegedly from Bangladesh because his property was seized and he promised that he will pay back the loan amount after receiving money from some source. However, the accused ran away and disappeared after receiving the money with the intension of cheating. The complainant went to the police station to lodge a complaint. As stated by the complainant “police immediately registered his case and the accused was traced and arrested by police without delay”. According to him “police did not give copy of FIR to him, because he had not asked for it. However, his experience with police was good.” Regarding police problems, he shared that “police were having a lot of pressure from politicians, especially when they have to register a case against any influential person or politicians as their transfer, posting in difficult area, suspension was in the hands of senior officials.”

**Case 36: Secular Police SHO**
The complainant, a 35 year- old woman and a social worker from Assam, was working as a matron in ladies hostel managed by an NGO. The NGO is known for propagating the ideology of Hinduism. When the riots were disturbing Assam on the issue of Bangladeshi migrants, this NGO was providing help to local Assamese. One night some people attacked the hostel and broke its doors. On realizing the threat, the ladies shouted and called for help. And immediately many people from the community assembled there and accused ran away. Next day, the complainant went to the police station to intimate the police about the incidence along with one of the trustees who was the famous doctor and Ex-Secretary of Health Department, Govt. of Assam. The complainant shared that “since the police
station was headed by a Muslim SHO, she was little apprehensive about his positive response. However, she was treated by the SHO despite he knew that the complainant was from an NGO, a strong supporter of Hinduism. The SHO advised her to register an FIR otherwise she had not thought of filing an FIR. After filing of FIR police protection was provided to the complainant for two nights. The Complainant was very happy with the police for positive response.”

**Case 37: Case registered against adulterous husband**

The complainant, a 55 year-old women, recently retired as a teacher. After 30 years of married life, her husband one day brought a young lady with him as his lover. This had upset her and she left home. She shared that “When she went to the police station for help, police first asked her whether she wants to register a case or want to settle the matter. Since she insisted to register a complaint, an FIR was registered immediately. Police filed a charge-sheet and case was pending in the court. The complainant was happy with the police as her complaint was registered immediately and she was treated well at the police station.

**Case 38: Dispute with relative**

The complainant, a 45 year old Muslim shop keeper, was physically attacked by his relatives. The complainants’ relatives visited the police station to lodge a complaint against the accused persons. Police registered an FIR. However, as reported by complainant, “the matter now mutually settled between both the parties, hence, they requested police not to file a charge sheet and cancel the case.” As per request of both the parties police submitted cancellation report in the court. According to complainant “he did not face any difficulty while registering a complaint and finally settling the matter with the support of the police.”

**Case 39: Cheating complaint registered immediately**

The complainant a 42 year-old woman Professor narrated that the accused with the help of dummy land owner cheated her in a property transaction. The accused known to the complainant introduced a land owner who showed all the documents of the land. Relying on the documents and the accused, she signed an agreement and paid an advance (around 60% of total amount). However, she came to know after sometime that the known person and land owner were fraudulent and cheated her. Her college Principal gave contact number of a police official of the concerned police station and advised her to
seek police help. Accordingly, she made a call to the police to lodge a complaint. She reported that “police came to her home for recording her statement so that a case could be registered.” Further, she said “police personnel were overburdened. They were busy in maintaining Law and Order and securities of VIPs. Police were also not well equipped. They lack proper infrastructure and manpower shortage and due to heavy work load police are suffering with health problems. In fact, politicians are using them for their own purposes. There is a need to change this scenario.”

**Case 40: Complainant recovered his bike within 7 days**

The complainant, a 48 year–old man, was working as a clerk in the District court. His bike was stolen from parking slot. He shared that when he visited police station police listened to him and registered his complaint and started the search for stolen bike. Resultantly, the bike was recovered but the accused was not traceable. The Complainant shared that “he received very positive treatment from the police.”

**Analysis of case studies**

The above mentioned 10 case studies were indicative of positive side of police functioning regarding registration of crime. Police do not always try to avoid crime registration but they also help and guide the crime victims to initiate the justice process. The case studies show that in several cases, police immediately registered the cases without much hassle, which is a good sign of peoples’ friendly, democratic and proactive policing. Further, the content analysis of FGDs and interviews conducted with crime victims and other stakeholders show that all the police officials are not bad and always try for crime burking as many of them are discharging their responsibilities to maintain rule of law. It is noteworthy to mention that all ten case studies also indicate that most of these cases were promptly registered because the complainants were educated and belonged to middle or upper middle class.
### 6.4. Case studies on Positive side of Police

<table>
<thead>
<tr>
<th>Case Study</th>
<th>Victims/ Complaints</th>
<th>Issues</th>
<th>Victims opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>Old woman Sales Executive</td>
<td>Stealing of Laptop in pubic</td>
<td>Police was quick and helpful.</td>
</tr>
<tr>
<td>32</td>
<td>Businessman</td>
<td>Stealing of articles by breaking lock</td>
<td>Police was active and their efforts satisfactory.</td>
</tr>
<tr>
<td>33</td>
<td>Professor</td>
<td>His motorbike stolen.</td>
<td>Praised Police working, suggested improved infrastructure and working conditions.</td>
</tr>
<tr>
<td>34</td>
<td>Muslim Young Boy</td>
<td>Met an accident</td>
<td>Police very cooperative in crime registration and sending him to hospital.</td>
</tr>
<tr>
<td>35</td>
<td>Muslim businessman from Assam</td>
<td>Bangladeshi refugee did not return loaned amount.</td>
<td>Police very active in registering case and locating and arresting the accused.</td>
</tr>
<tr>
<td>36</td>
<td>Matron in Ladies hostel managed by NGO for Hinduism.</td>
<td>Some hooligans attacked hostel</td>
<td>SHO, though Muslim, immediately registered FIR and provided police protection.</td>
</tr>
<tr>
<td>37</td>
<td>Retired Teacher</td>
<td>Husband tried relationship with different young lady.</td>
<td>FIR registered immediately, charge sheet filed and case in progress.</td>
</tr>
<tr>
<td>38</td>
<td>Muslim Shop Keeper</td>
<td>Physical assault by relatives</td>
<td>Police cooperative in registering FIR and then in mutual settlement.</td>
</tr>
<tr>
<td>39</td>
<td>Woman professor</td>
<td>Fraudulent land deal and cheating.</td>
<td>Police rushed to her to record her statement to register case.</td>
</tr>
<tr>
<td>40</td>
<td>District Court Clerk</td>
<td>Stealing of motorbike from parking slot.</td>
<td>Police swung into action and recovered his bike.</td>
</tr>
</tbody>
</table>
Chapter VII
A Synthesis of view points and conclusions

7.1 Indian police of modern times find their origins from 1861. The then British Administration formulated the first Police Act in 1861. Since then, despite massive changes in both sociological and political scenario, the systems of colonial policing mostly remained unchanged. Police continue to be only law enforcers in their own way, with least concern for public concerns and aspirations. In effect, except in the 14 States which have adopted Model Police Act, 2006, the provisions of 1861 Act seems to be persisting everywhere else. There are no systematic studies to understand the ground realities and effective implementation of the changed police procedures. It, thus, looks as if the Governments are pairing an old bullock cart of Policing with that of a fast-moving locomotive of democratic aspirations.

7.2. In the context of crime registration, the NCRB data (Crime in India) shows that 60.41 lakhs of cases registered (23.87 lakh crimes under IPC, and 36.54 lakh under SLL). As stated earlier, the registration of crime in India despite its huge population is found 50% of the total crime registered in USA (124 lakh), which has a population 1/4th of India. The Government of India publication “Crime in India, 2012” also indicates that only 50.03% of complaints made to the police) excluding complaints initiated suo moto by police) got reduced into 7.3 lakh criminal cases. It is found that 17 out of total States/UTs gave the number of complaints received and numbers of cases registered are same, which does not seem factual. These States may not be maintaining various other types of complaints that their police forces are receiving.

7.3. Additionally, Indian Criminal Justice System follows an unclear way of classifying offences in cognizable and non-cognizable crimes, wherein Police can directly take action only in cognizable offences, whereas in non-cognizable offences, permission of the Magistrate is required. There are numerous accounts to say that the Indian Police indulges in wide range of burking of crime and even in terms of the Hon’ble Supreme Court, the number of crime registered are equal to the number of crimes that go unregistered. In fact, some of the policing units, whenever boldly ventured for free registration ended up with three to four fold increase in the registered crime. By all means, one cannot deny that the
menace of non-registration of crimes in Indian Policing system needs rectification. As such, ascertaining severity of problem of non-registration of crimes and coming up with possible solutions is indeed found to be a difficult task, but worth doing in the interest of our Nation and to revive public faith in Indian policing and other judicial processes.

Cross Tabulation of responses from different stakeholders:

7.4. In a bid to understand the phenomenon of non-registration of crimes, the research team devised Interview Schedules/Guides as described in Chapter III, for eliciting the views of police officers at three different levels included supervisory officers, and seven different categories of public, with emphasis on complainants/victims. Alongside, Focused Group Discussions (FGDs), cases studies and observations were also made. The research team ended up with obtaining data on more than 150 variables, which indeed became enormous and required studious processes for correlation and classification. Views of the public are discussed in Chapter IV and those of the Police are discussed in Chapter V.

7.5. A detailed analysis of inputs from both the sides indicates a general trend that the answers given with reference to the interview schedules/guides, from both public and police were guarded and were mostly socially acceptable versions. It might be due to the fact that public, especially the complainants’ fear of possible backlash in case they give any adverse reports about police functioning. Similarly, Duty Officers and Station House Officers also seemed to have their fear of talking against the system and bringing out the malice in writing for reply to the questionnaires. As the questionnaires are structured and the respondents are identifiable, it is natural for the respondents to be cautious and conscientious while giving their replies. The research team tried their best to assure the respondents and also conducted their interviews at places comfortable to them (complainants were questioned at their houses or in the company of Lawyers/NGO Office bearers and the like), whereas DOs were questioned separately i.e. not in the presence of their senior officers. Of-course, the answers of other public stakeholders i.e. media, NGOs, Advocates and opinion leaders were more forthcoming, but those too sometimes sounded stereotype in blaming the police. The ten Judiciary Magistrates, who were questioned, seemed least biased and came up with responses what they deemed factual. However, certain counter questions and cross questions amongst the different category of respondents helped to balance the analysis of responses.
7.6. On the other hand, both the public and police respondents were more expressive and forthright in their comments during the FGDs, who might have done so, obviously due to the fact that it was a group discussion and the views were not recorded person to person. Further, the views boldly voiced by some participants seemed to have encouraged others to express their views with less reluctance. Thus, the inputs of FGDS were given due importance. The case studies conducted during the study and given in Chapter VI, were as per the details given by the individual victims, which who were also found informative. Some of them were badly aggrieved victims, who were made available by the lawyers, media and NGOs. The research team also kept detailed notes of their visits to different police stations, which notes are kept in view while arriving at conclusions.

7.7. The views expressed by different stake holders both public and police – on certain common questions, are cross tabulated and placed below, in order to bring out their varying responses on some common issues.

7.7.1. It is seen from Table 7.1 that both SHOs (42%) and supervisory police officers (100%) feel lack of manpower and heavy workload as the main reason, followed by DOs (30%) and supervisory police officers (77%) feeling that the complaint could be false. They gave importance to linkage of crime statistics to performance appraisal only 20 to 55% - DOs (21%), SHO (31%) and Supervisory Officers (55%). On the other hand, stake holders i.e. lawyers/judicial officers (71%) and opinion leaders (76%) considered corruption as the main reason followed by political interference and linkage of crime statistics to performance.
### Table 7.1: Reasons for non-registration: perception of all other stakeholders (excluding victims)

<table>
<thead>
<tr>
<th>Reasons</th>
<th>DOs</th>
<th>SHOs</th>
<th>Supervisory officers</th>
<th>Lawyers/Judicial officers</th>
<th>Media/NGOs</th>
<th>Opinion Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of man power &amp; heavy workload</td>
<td>25.7</td>
<td>42.3</td>
<td>100</td>
<td>40</td>
<td>64.5</td>
<td>54</td>
</tr>
<tr>
<td>Interface with opinion leaders</td>
<td>14.3</td>
<td>15.4</td>
<td>27.3</td>
<td>43.6</td>
<td>77.6</td>
<td>60</td>
</tr>
<tr>
<td>Corruption</td>
<td>5.7</td>
<td>3.8</td>
<td>50</td>
<td>70.9</td>
<td>35.5</td>
<td>76</td>
</tr>
<tr>
<td>Linkage of Crime statistics</td>
<td>21.4</td>
<td>30.8</td>
<td>54.5</td>
<td>43.6</td>
<td>14.5</td>
<td>34</td>
</tr>
<tr>
<td>Police feels case is non cognizable</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>12.7</td>
<td>43.4</td>
<td>26</td>
</tr>
<tr>
<td>Police feel that it is a false case</td>
<td>30</td>
<td>23.1</td>
<td>77.3</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Possibility of settlement</td>
<td>17.1</td>
<td>23.1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Insensitivity of police</td>
<td>-</td>
<td>-</td>
<td>72.7</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If accused is a influential person</td>
<td>10</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The above table shows that, Lack of manpower & heavy workload is one of the major reasons for non-registration of crime. All the respondents felt that lack of infrastructure and manpower create hurdles in registering of crime. Interface with opinion leaders were also found one of the reasons.

However, supervisory police officers (73%) accused their subordinates as insensitive to the reporting of crime. With reference to working out of possible settlement of the problem, it was only DOs (17%) and SHOs (20%) considered it as a reason for non-registration of crime. Victims, however, stated during FGDs, that corruption followed by interference of influential people, were possible reasons for non-registration of crime.

**7.7.2.** An effort has been made to ascertain which type of offence received what kind of responses from the DOs and SHOs. The figures are given in Table No. 7.2.
<table>
<thead>
<tr>
<th>Nature of Offence</th>
<th>Responses</th>
<th>FIR Percentage</th>
<th>NC Percentage</th>
<th>Entry made in daily dairy Percentage</th>
<th>No Action Taken</th>
<th>Other Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
</tr>
<tr>
<td>Body Offence</td>
<td>78</td>
<td>37.7</td>
<td>48.7</td>
<td>21.8</td>
<td>7.7</td>
<td>10.3</td>
</tr>
<tr>
<td>Property Offence</td>
<td>103</td>
<td>49.8</td>
<td>67.0</td>
<td>12.6</td>
<td>7.8</td>
<td>9.7</td>
</tr>
<tr>
<td>Domestic/</td>
<td>19</td>
<td>9.2</td>
<td>31.6</td>
<td>15.8</td>
<td>5.3</td>
<td>26.3</td>
</tr>
<tr>
<td>matrimonial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Body &amp; Property</td>
<td>6</td>
<td>2.9</td>
<td>83.3</td>
<td>-</td>
<td>-</td>
<td>16.7</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0.5</td>
<td>-</td>
<td>100</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The above table reveals that where both bodily harm and property loss (3% of the total) are involved (could be cases of robbery and dacoity), police took them up seriously and registered them as FIRs (23%). Property offences received next importance: reduced as FIRs (67%) and as NCs (13%). In case of domestic/matrimonial responses, only 32% were registered as FIRs and 16% as NCs, while in 26% cases no action was taken. It is understood that 21% of such complaints were referred to Women Cells and other Units, for possible follow up action. With reference to nature of crimes, property offences (50%) were maximum, followed by ‘bodily harm’ (38%).

7.7.3. A cross tabulation of views of different stake holders pertaining to consequences of non-registration on (i) victims and (ii) society were prepared and given in Tables No.7.3 and 7.4 appended below:
Table 7.3: Consequences of non-registration of crimes on the victims:

<table>
<thead>
<tr>
<th>Consequences</th>
<th>Complainants (N=90)</th>
<th>Lawyers/Judicial officers (N=55)</th>
<th>Opinion Leaders (N=50)</th>
<th>Duty Officers (N=70)</th>
<th>SHOs (N=26)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
</tr>
<tr>
<td>Live in fear/ Helpless</td>
<td>23</td>
<td>56</td>
<td>74</td>
<td>33</td>
<td>19</td>
</tr>
<tr>
<td>Financial loss</td>
<td>10.6</td>
<td>9.1</td>
<td>28.0</td>
<td>28.6</td>
<td>23.1</td>
</tr>
<tr>
<td>Family under threat</td>
<td>3.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Physical injury</td>
<td>2.4</td>
<td>5.5</td>
<td>14.0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Unable to live in the normal dwelling place</td>
<td>3.4</td>
<td>9.1</td>
<td>8.0</td>
<td>7.1</td>
<td>3.8</td>
</tr>
<tr>
<td>Felt fundamental right violated</td>
<td>9.2</td>
<td>58.2</td>
<td>58.0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lose of faith in justice delivery system</td>
<td>-</td>
<td>83.6</td>
<td>76.0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Loss of time</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>17.1</td>
<td>26.9</td>
</tr>
<tr>
<td>Loss of employment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7.1</td>
<td>7.7</td>
</tr>
<tr>
<td>Others (Feel like negotiating with the accused)</td>
<td>2.9</td>
<td>-</td>
<td>2.0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multi response (MR)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

7.7.4. The data was obtained from 90 victims, whose cases were either not registered at all or registered after lot of persuasion/intervention at higher levels. These victims felt non-registration mainly made them to feel and live in fear (23%) followed by financial loss (11%). On the other hand, other public stakeholders did feel that it was loss of faith in justice delivery system (76% to 84%) and agreed that it would make victims feel helpless and live in fear (64%). On the other side, police functionaries, (DOs) did emphasis that victims (33%) would remain in fear from the accused. It thus appears that decisions were taken at SHO or higher level for registering of complex cases and those DOs opted to sympathize with the victims.

7.7.5. In the context of impact on society due to non-registration of crimes, other stakeholders indicated that it would lead to criminals going scot free (76 to 90%) and victims losing faith in police (80%). In this regard, there is similarity of concern between public and police functionaries.
Table 7.4.: Impact on society and justice delivery system

<table>
<thead>
<tr>
<th>Impact</th>
<th>Public</th>
<th>Police</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lawyers/Judicial Officers (N=55)</td>
<td>Opinion leaders (N=50)</td>
</tr>
<tr>
<td></td>
<td>Percentage</td>
<td>Percentage</td>
</tr>
<tr>
<td>Criminals will go scot free</td>
<td>76.4</td>
<td>90</td>
</tr>
<tr>
<td>Victims will lose faith in police</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>No proper evaluation of quantum of police work</td>
<td>3.6</td>
<td>4</td>
</tr>
<tr>
<td>Victims will take revenge by using violent methods</td>
<td>60</td>
<td>42</td>
</tr>
<tr>
<td>Other</td>
<td>14.0</td>
<td>14</td>
</tr>
</tbody>
</table>

Multi response (MR)

7.7.6. In order to facilitate a convenient method of bringing out a synthesis of the views, a comparative statement is prepared, as given in Table 7.6, on relevant issues connected to the main problem of non-registration of crime. The views of both Public and Police functionaries are kept side by side and a conclusion is drawn, basing on the facts recorded on those issues:

Table: 7.5. A Synthesis of view points—Public vis-à-vis Police

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>View point of public</th>
<th>View point of Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Issue: General Behavior of Police to Complaints</td>
<td>D Os claim that they were generally courteous and accommodative within the possible limits.</td>
</tr>
<tr>
<td></td>
<td>88% of the complainants admitted to have visited the police station for the first time. 50% of them indicated that Police were helpful, listened to them and were sensitive; they also indicated that they felt relaxed after reaching the Police station and did trust the Police. Such positive comments were more while 10 to 15%</td>
<td>In FGDs, D Os talked of Senior Officers rough treatment to them. They added that SHOs, who generally decide the course of action, were not readily available in Police stations; public were required to wait, which would be</td>
</tr>
<tr>
<td></td>
<td>D Os claim that they were generally courteous and accommodative within the possible limits.</td>
<td>In FGDs, D Os talked of Senior Officers rough treatment to them. They added that SHOs, who generally decide the course of action, were not readily available in Police stations; public were required to wait, which would be</td>
</tr>
</tbody>
</table>
indicated that they cannot say. irritating for both sides. DOs sought to have orientation programs for bettering their skills in dealing with public. They also indicated their vulnerability in the hands of their senior officers and media, compelling them to behave better.

**Conclusion:** There were no serious complaints except an opinion leader saying that Senior Officers behave better than the junior functionaries. The type of treatment extended by Senior Officers to their subordinates has a bearing on police behavior with the public.

<table>
<thead>
<tr>
<th>2.</th>
<th><strong>Issue: Facilities at Police Stations:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Complainants mentioned lack of sitting room and other facilities, as a matter of fact; not by way of any accusation</td>
</tr>
</tbody>
</table>

**Conclusion:** Research team did find poor conditions of Police Station buildings and facilities insufficient therein, especially in States other than Delhi and in Rural Police stations. An overall improvement of facilities in Police stations deserved to be made.

<table>
<thead>
<tr>
<th>3.</th>
<th><strong>Issue: Police Attitude towards women</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women generally take somebody with them for making a complaint but where they went alone, Police were discourteous and suspicious. Some women even mentioned that they were called in odd hours; Police slow-pedal complaints of domestic violence and referred them to other places rather than giving relief. In FGDs, women complained that Police were are ‘patriarchal’ and hence, were not sympathetic to women issues. One public leader mentioned that even women police stations were also not sympathetic to women complaints.</td>
</tr>
<tr>
<td>Conclusion: <strong>The presence of women police personnel needs to be increased and officers at cutting edge level be made more gender sensitive.</strong></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>4.</strong> Issue: <strong>Police Attitude towards SC/ST complainants:</strong></td>
<td></td>
</tr>
<tr>
<td>Claimed that Police were least aware of the provisions of Special Acts and made their case deliberately weak. Some Public prosecutors in Maharashtra mentioned that a number of false cases were registered complaints of SC/ST, resulting in undue harassment to other party (accused).</td>
<td>47% DOs mentioned that they did not receive any complaint during the year while 43% mentioned of receiving less than 5 complaints.</td>
</tr>
<tr>
<td>Conclusion: <strong>Research Team did not find any case to have been registered during the year at any of the police stations. Possibly, there is neglect or minimization of complaints of SC/ST communities.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>5.</strong> Issue: <strong>Tendency to make NC/Entries in Daily Diaries:</strong></td>
<td></td>
</tr>
<tr>
<td>Data indicates that 57% of complaints were registered as FIRs, while 17% as NCs and 7% were entries in DDs. A probe into about 11.6% complaints where no action was taken/or told to have been taken that about 40% of them were sent to Women Cell and the like, while other 60% were just filed.</td>
<td>Numerous complaints are received, which are weighed as per legality, and cases are registered. 57% of FIRs should speak for their positive efforts.</td>
</tr>
<tr>
<td>Conclusion: <strong>The of cognizable and non-cognizable cases extended enormous authority to police for deciding either way. As recommended by Malimath Committee and CHRI, this differentiation requires to be removed. Such classification does not seem to exist elsewhere.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>6.</strong> Issue: <strong>Role of people accompanying complainants:</strong></td>
<td></td>
</tr>
<tr>
<td>43% complainants claim to have gone alone to the Police Station while 51% stated to have taken along with them relatives, friends and neighborers. Only 7 complaints talked of taking an NGO representative or a politician along with them. Almost 80% complainants claimed that they did take someone as a moral support and help in articulation. Only 20% feared police.</td>
<td>Most Persons accompanying were not a problem and rarely they quarreled with them. But, politicians and local leaders, DOs (41%) said so were over-bearing and tried to influence the follow up action.</td>
</tr>
</tbody>
</table>

**Conclusion:** Police station is generally feared and taking someone along with is natural. A waiting place may be ear-marked in police station for such escorts.

| **Issue:** Time taken for registration | 44% victims said that it took one hour while 30% said more than 2 hours. Only 5% mentioned that it was more than a week. | 58% stated that it depends on the case and claim to have taken only 30 minutes in 36% cases. In FGDs, DOs talk of inadequate infrastructure like computers and Photostat machines etc. which take lot of time in filing of FIRs. Sometimes, they are also to wait for SHOs prior to deciding of action to be taken. |

**Conclusion:** The facilities and infrastructure requirements are to be made available to police stations without which inconvenience and delays are bound to occur.
### 8. Issue: **Interference of Media/NGOs:**

**Only in 3% cases, media/NGOs interference was reportedly used.**

Public have become well conversant of their rights and media acts as a watch dog, whom police fear. Politicians interfere more in case of appointments and transfers; not so much in registration of crime or routine police functioning.

**Conclusion:** Influence of outsiders including politicians seems to have been reduced. A close look at the opinion leaders, who spoke about non-registration were mostly block level or panchayat level leaders.

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### 9. Issue: **Whether a copy of FIR/NC was given and when?**

**77% claimed to have received FIRs/NC immediately, while 8% said got only when demanded and 4% did not get it at all.**

Claimed to have given immediately in 94% cases and none was denied or not given.

**Conclusion:** Public are aware of the provisions and police, once registered, do give a copy.

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### 10. Issue: **Discrimination on the basis of education level:**

**Data indicates that more the educated better were the chances of their complaints getting into FIRs. Illiterates and semi-illiterates received raw deal.**

They do not discriminate, but an educated person convinces genuineness of his complaint and thus gets needed action.

**Conclusion:** Police seems to be overlooking illiterate and poor people and 33% of their complaints were either registered as NCs and 25% as DD entries. They were not apprised of fate of their complaints.
### 11. Issue: Discrimination on the basis of Gender:

| 63% of general complaints were made into FIRs, while only 38 complaints of domestic violence became FIR; in almost 28% complaints received on counts of domestic violence received no action. | They do not discriminate in case of domestic violence and rather it referred cases to women cell for reconciliation. |

**Conclusion:** Treatment of women and handling of their complaints in Police stations require to be improved.

### 12. Issue: Burking (hushing up) of crime:

| Public have too many complaints against police for not registering the cases, which gets into their psyche and tend not to report a crime incident unless it was a serious one or required some documentation to obtain insurance claim etc. However, public are also averse to long winding legal processes. | 76% of DOs admitted to have heard of the concept and 72% accepted that a large number of cases are not reported to police and only 32.8% agreed that the reported cases were not getting registered. SHOs and senior officers too admitted in different discussions that burking of crime has been persisting. |

**Conclusion:** Burking of crime is rampant all over. A computation of non-registration of crimes along with registration of crimes is likely to indicate that only less than 10% crime thus happening in Society is getting registered.
### 13. Issue: Reasons for non-registration:

<table>
<thead>
<tr>
<th>Reasons for non-registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption in Police was considered as most important reason by Lawyers/Judicial officers (71%) and opinion leaders (76%). Media/NGOs considered it was political interference (78%). They also indicated lack of manpower and heavy work load is also important (40 to 65%). General complainants feel influence of other party could be a reason for non-registration. But in FGDs, victims talked openly against corruption in police.</td>
</tr>
<tr>
<td>DOs did not accept corruption as a reason. But, they accepted non registration in FGDs and lack of manpower and excessive work load as a main reason Police had permitted to settle petty cases. Long hours of duty and poor welfare measures require rectification (20 to 30%). Vacancies should be made good. 50% supervisory officers felt that performance appraisal links of crime statistics was a reason besides increase in motivated/false complaints.</td>
</tr>
</tbody>
</table>

**Conclusion:** Police deployment (All India level) is 138 per lakh population, which is very low in comparison to international standards of 250 to 300. Additionally, most of the States have 20 to 30% vacancies, while it is almost 50% in U.P. The problems projected by Police are genuine and deserves to be remedied at the earliest, for providing better performance.


<table>
<thead>
<tr>
<th>Awareness of complainants about alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>60% of public are aware of complaining to Seniors or moving a Court; only 16% claims not aware of alternatives.</td>
</tr>
<tr>
<td>Public are aware of their rights and alternatives of Course of action putting the lower functionaries on defense.</td>
</tr>
</tbody>
</table>

**Conclusion:** Public awareness seems good.

### 15. Issue: Consequences of non-registration of crimes on victims:

<table>
<thead>
<tr>
<th>Consequences of non-registration of crimes on victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% talked of helplessness and financial loss and 20% indicated that they live in fear. About 19%, it was violation of their Fundamental</td>
</tr>
<tr>
<td>Police did agree that victims live in fear (33%), financial loss (29%). DOs also stated that non-registration puts them in a tight</td>
</tr>
</tbody>
</table>
Rights. Other public stakeholders say it is loss of faith in justice delivery system (80%) and violation of Fundamental Rights (about 50%).

corner in dealing with public and they themselves might suffer punitive action, if checked. Some Police Officers tend to register even false cases and refer them to Court for remedy.

Conclusion: **It is accepted by both that non-registration is a menace resulting in loss of faith in justice delivery system, and must be remedied.**

<table>
<thead>
<tr>
<th>16. Issue: <strong>Knowledge and Skill upgradation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Understanding of special Acts and Provisions at the cutting edge level is poor.</strong> Many of them are not conversant with computers and unable to use them, though they are available.</td>
</tr>
<tr>
<td><strong>DOs seek to get better orientation in Police-Public relations upgradation of their soft skills, training programs in weapon handling etc. are not necessary for civil police.</strong></td>
</tr>
</tbody>
</table>

Conclusion: **With improving literacy level, Police functionaries require upgradation of their skills.** Preference has to be given to improve their soft skills especially for the civil police, who deserve to be treated distinctly from Armed Police personnel.

<table>
<thead>
<tr>
<th>17. Issue: <strong>Reasons for non-reporting of crimes:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public find reporting to police and legal processes are long drawn and time consuming; prefer legal system where relief is received instantaneously.</strong></td>
</tr>
<tr>
<td><strong>About 72% DOs agreed that a large number of cases are not reported to Police. Only 19% disagreed.</strong></td>
</tr>
</tbody>
</table>

Conclusion: **Non-reporting coupled with non-registration of crimes give an impression that only less than 10 crimes happening in the society are getting registered.** The policing procedures require to be reviewed and simplified.

<table>
<thead>
<tr>
<th>18. Issue: <strong>Need for preliminary inquiries:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>May not mind provided these are done in a fair manner by listening to both the parties and</strong></td>
</tr>
<tr>
<td><strong>97% of DOs and 92% of SHOs preferred to have preliminary inquiries before registration</strong></td>
</tr>
<tr>
<td>Issue</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Conclusion: <strong>Such a wait for permission from SHO is illegal and would be a violation of latest orders of Supreme Court.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issue</th>
<th>Relevance of false complaints:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conclusion:</strong> <strong>Police cannot any more discriminate against false complaints, except that they could take prescribed action against such complainants after investigating the cases. The existing provisions under Sec.186 and 211 seem ineffective and thus, a stricter legislation is called for stricter action once proved so.</strong></td>
<td></td>
</tr>
</tbody>
</table>

Checking the basis facts. Should not be taken as a means to delay or defer the genuine cases.

Conclusion: **Though necessity of Preliminary inquiry (PI) is accepted by both public and police, the latest Supreme Court order (Nov., 2013) rules out holding of PIs; only in limited cases of 5% to 10% PIs are allowed. This order puts extra burden on police for registration of all complaints.**
Discussions on some important conclusions:

7.8.: Extent of non-registration of crimes:

7.8.1. A compilation made by National Crime Record Bureau (NCRB) in Crime India, 2012; (page 193) shows that a total of 1.08 crore complaints reportedly received by Police of all States/UTs out of which 60.4 lakh cases were registered (23.9 lakhs under IPC and 36.5 lakhs cases under SLL). In this compilation, almost all States, except Haryana, Kerala, Maharashtra, West Bengal, Chandigarh, Delhi and Puducherry, indicated the number of complaints received are same as number of cases registered, which inputs does not seem factual. Possibly, these States might not have taken into account the complaints, which were not registered. This issue requires specific and indepth study. The category of complaints listed therein are:

- Oral - 12 lakhs
- Written - 36 lakhs
- Distress calls over phone/dial 100 - 25 lakhs
- Initiated suo-moto by Police - 34.5 lakhs

Table 7.6: Number of Complaints received by Police & Cases Registered in Sampled States during 2012

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>State/U T</th>
<th>Category of Complaints Received</th>
<th>No. of cases Registered Under</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Oral</td>
<td>Written</td>
</tr>
<tr>
<td>1</td>
<td>Assam</td>
<td>469</td>
<td>78281</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>285819</td>
<td>633780</td>
</tr>
<tr>
<td>3</td>
<td>Delhi</td>
<td>14998</td>
<td>347461</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>426</td>
<td>82685</td>
</tr>
<tr>
<td>5</td>
<td>Tamilnadu</td>
<td>58842</td>
<td>309349</td>
</tr>
<tr>
<td>6</td>
<td>Uttar pradesh</td>
<td>9105</td>
<td>264844</td>
</tr>
</tbody>
</table>
7.8.2. Effects of modernization of police Scheme:
Government of India started modernization of police in 1999 with a small allocation of 200 crores or so to help all the State Police forces in a bid to improve their working capacity. Under the Scheme, the State Governments were required to share a part of the expenditure. Initially, the Scheme started for limited with limited objectives. Over the years, the scope of the Scheme is enlarged to a wide range of activities, with a Five Year plan for 2012-17. The allocation also went up to 12250 crores for 2012-17. Alongside, Government are accorded permission to fill up their existing vacancies and improve the working conditions of police. Unfortunately, the police is treated as non-plan subject and counted as expenditure on Government exchequer.

7.8.3. Latest experiments of Delhi Police in free and fair registration of crime:
Delhi Police administration took a bold decision to register all cognizable crime that is brought to their notice in May, 2013. A comparative statement of corresponding periods from 1/1/2013 to 21/4/2014 is given below as Table 7.8

<table>
<thead>
<tr>
<th>CRIME HEAD</th>
<th>2013</th>
<th>2014</th>
<th>VARIATION %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dacoity</td>
<td>5</td>
<td>27</td>
<td>440.00%</td>
</tr>
<tr>
<td>Murder</td>
<td>124</td>
<td>166</td>
<td>33.87%</td>
</tr>
<tr>
<td>Attempt to Murder</td>
<td>152</td>
<td>188</td>
<td>23.68%</td>
</tr>
<tr>
<td>Robbery</td>
<td>266</td>
<td>1360</td>
<td>411.28%</td>
</tr>
<tr>
<td>Riot</td>
<td>33</td>
<td>40</td>
<td>21.21%</td>
</tr>
<tr>
<td>Kidnapping For Ransom</td>
<td>6</td>
<td>9</td>
<td>50.00%</td>
</tr>
<tr>
<td>Rape</td>
<td>499</td>
<td>559</td>
<td>12.02%</td>
</tr>
<tr>
<td>TOTAL HEINOUS</td>
<td>1085</td>
<td>2349</td>
<td>116.50%</td>
</tr>
<tr>
<td>Extortion</td>
<td>48</td>
<td>64</td>
<td>33.33%</td>
</tr>
<tr>
<td>Snatching</td>
<td>617</td>
<td>2425</td>
<td>293.03%</td>
</tr>
<tr>
<td>Hurt</td>
<td>468</td>
<td>566</td>
<td>20.94%</td>
</tr>
<tr>
<td>Burglary</td>
<td>574</td>
<td>2816</td>
<td>390.59%</td>
</tr>
<tr>
<td>House Theft</td>
<td>537</td>
<td>3034</td>
<td>464.99%</td>
</tr>
</tbody>
</table>

*Source: Crime in India, 2012*
<table>
<thead>
<tr>
<th>M V Theft</th>
<th>3875</th>
<th>5973</th>
<th>54.14%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Theft</td>
<td>2509</td>
<td>12532</td>
<td>399.48%</td>
</tr>
<tr>
<td>M O women</td>
<td>1034</td>
<td>1250</td>
<td>20.89%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>1440</td>
<td>1901</td>
<td>32.01%</td>
</tr>
<tr>
<td>Abduction</td>
<td>159</td>
<td>158</td>
<td>-0.63%</td>
</tr>
<tr>
<td>Fatal Accident</td>
<td>486</td>
<td>450</td>
<td>-7.41%</td>
</tr>
<tr>
<td>Simple Accident</td>
<td>1680</td>
<td>2263</td>
<td>34.70%</td>
</tr>
<tr>
<td>Other IPC</td>
<td>5295</td>
<td>7382</td>
<td>39.41%</td>
</tr>
<tr>
<td><strong>TOTAL NON HEINOUS</strong></td>
<td>18722</td>
<td>40814</td>
<td>118.00%</td>
</tr>
<tr>
<td><strong>TOTAL IPC</strong></td>
<td>19807</td>
<td>43163</td>
<td>117.92%</td>
</tr>
<tr>
<td>Arms Act</td>
<td>305</td>
<td>256</td>
<td>-16.07%</td>
</tr>
<tr>
<td>Excise Act</td>
<td>597</td>
<td>539</td>
<td>-9.72%</td>
</tr>
<tr>
<td>Gambling Act</td>
<td>201</td>
<td>198</td>
<td>-1.49%</td>
</tr>
<tr>
<td>Other Act</td>
<td>818</td>
<td>1304</td>
<td>59.41%</td>
</tr>
<tr>
<td><strong>TOTAL ACT</strong></td>
<td>1921</td>
<td>2297</td>
<td>19.57%</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>21728</td>
<td>45460</td>
<td>109.22%</td>
</tr>
</tbody>
</table>

(Source: Commissionate of Delhi Police)

7.9. **Lack of man power:**

7.9.1. All Sections of the Police and some stake holders emphatically stated that lack of adequate man power and resultant heavy work loads are important reasons for non-registration of crime in Police Stations. This fact was highlighted by various Commissions/Committees that were constituted for bringing in reforms in Police working. The factual position, on the basis of Govt. of India statistics (Crime in India 2012) shows that a total of 17 lakhs policemen were sanctioned, out of whom only 13 lakhs are posted resulting in vacancies upto 23.7% of the total strength. Even going by sanctioned strength, all India rate of policemen (number of policemen per one lakh population) is only 138, to deal with a crime rate (total number of criminal cases per one lakh population) is 196.7. The police population includes Head Constables, Constables and Armed Guards. As such, the actual number of investigating Officers i.e. Inspectors, SIs and ASIs and at some places, Head Constables dwindle down to almost 1/4th of the total police personnel. Going by area, the presence of policemen in India per 100 sq. Km. is only 53. India still have 3879 police stations (27.4% of total), which all have less than 20 police personnel. Only 5619 police stations (39.7%) have strength of 40 and above police personnel. Modern police stations, where police are required to handle, besides traditional crime, a number of new offences that came up due to changing social scenario and technological advances should be having atleast 100 to 200 police functionaries. The other important issue is the minimal role of constables in Indian police, who constitute 70% of the total force. Relevant data pertaining to the 6 sampled States, is given in Table No.7.9.
### Table 7.8: Data pertaining to Crime data, presence of policeman etc. of Sampled States

<table>
<thead>
<tr>
<th>States</th>
<th>Area in Sq.Km.</th>
<th>Police per Sq. Km.</th>
<th>Population</th>
<th>Total Registered Crime</th>
<th>Crime Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assam</td>
<td>78438</td>
<td>74.5</td>
<td>31071</td>
<td>170079</td>
<td>250.0</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>308245</td>
<td>60.3</td>
<td>73730</td>
<td>496930</td>
<td>176.7</td>
</tr>
<tr>
<td>Delhi</td>
<td>1483</td>
<td>5146.7</td>
<td>19164</td>
<td>113831</td>
<td>283.3</td>
</tr>
<tr>
<td>Odisha</td>
<td>155707</td>
<td>29.1</td>
<td>41224</td>
<td>118094</td>
<td>164.8</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>130058</td>
<td>72.6</td>
<td>68002</td>
<td>914568</td>
<td>294.8</td>
</tr>
<tr>
<td>U.P.</td>
<td>240928</td>
<td>76</td>
<td>205426</td>
<td>1858747</td>
<td>96.4</td>
</tr>
<tr>
<td><strong>Total of 6 state</strong></td>
<td><strong>914859</strong></td>
<td><strong>5459.2</strong></td>
<td><strong>438617</strong></td>
<td><strong>3672249</strong></td>
<td><strong>1266</strong></td>
</tr>
<tr>
<td><strong>All India</strong></td>
<td><strong>3166404</strong></td>
<td><strong>52.9</strong></td>
<td><strong>1213370</strong></td>
<td><strong>7150502</strong></td>
<td><strong>196.7</strong></td>
</tr>
</tbody>
</table>

Source: Crime in India, 2012

### Table 7.8 continues...

<table>
<thead>
<tr>
<th>States</th>
<th>Police Strength</th>
<th>Police population*</th>
<th>No. of Police Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sanctioned</td>
<td>Actual</td>
<td>% of vacancy</td>
</tr>
<tr>
<td>Assam</td>
<td>32188</td>
<td>22292</td>
<td>30.75</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>191087</td>
<td>170990</td>
<td>11.52</td>
</tr>
<tr>
<td>Delhi</td>
<td>71550</td>
<td>68024</td>
<td>4.93</td>
</tr>
<tr>
<td>Odisha</td>
<td>33487</td>
<td>29433</td>
<td>12.11</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>99353</td>
<td>81022</td>
<td>18.46</td>
</tr>
<tr>
<td>U.P.</td>
<td>331826</td>
<td>151912</td>
<td>54.22</td>
</tr>
<tr>
<td><strong>Total of 6 state</strong></td>
<td><strong>759491</strong></td>
<td><strong>523673</strong></td>
<td><strong>31.05</strong></td>
</tr>
<tr>
<td><strong>All India</strong></td>
<td><strong>1702290</strong></td>
<td><strong>1298944</strong></td>
<td><strong>23.70</strong></td>
</tr>
</tbody>
</table>

Source: Crime in India, 2012

*Police Men per lakh population.

Unit cost per Police men (Per Annum)
7.9.2. It is seen from table 7.8 that Assam, Delhi and Tamil Nadu, have crime rates of more than 250, whereas those States have different police population rate - 188 in Assam, 398 in Delhi and 139 in Tamil Nadu. The variation between a well developed State like Tamil Nadu having 139 Police Population rate in comparison to Assam having 188 seems illogical. U.P. has a lowest Police Population rate of 89 but shows the lowest crime rate of 96.4 (all India Average Crime rate is 196.7). A State like U.P. with a population of 20 crores has only 1515 Police Stations, out of which almost 500 Police stations have strength less than 40 personnel. The police presence in Odisha having a crime rate of 164.8 has low police presence of only 110 in a total of 563 police stations.

7.9.3. **Infrastructure facilities including Police Housing:**

The police stations are mostly located in old and dilapidated buildings where the policemen do not have even proper sitting space or residing facilities. The mobility of policemen are also very much restricted due to non-availability of adequate number of vehicles and their communication net work is also minimal. A factual position of the 6 sampled States with reference to their housing, transport and communication facilities are given in Table No. 7.10.

<table>
<thead>
<tr>
<th>S.No</th>
<th>State</th>
<th>Annual Expenditure on one police man</th>
<th>Total Sanctioned Strength</th>
<th>No. of Houses Available</th>
<th>Satisfaction level</th>
<th>Vehicles</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assam</td>
<td>225678</td>
<td>32188</td>
<td>185</td>
<td>0.57</td>
<td>87</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>246053</td>
<td>191087</td>
<td>90620</td>
<td>47.42</td>
<td>17606</td>
<td>15217</td>
</tr>
<tr>
<td>3</td>
<td>Delhi</td>
<td>460402</td>
<td>71550</td>
<td>15584</td>
<td>21.78</td>
<td>6280</td>
<td>20008</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>328469</td>
<td>33487</td>
<td>10824</td>
<td>32.32</td>
<td>5137</td>
<td>6139</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>348981</td>
<td>99353</td>
<td>49672</td>
<td>49.99</td>
<td>14485</td>
<td>21570</td>
</tr>
<tr>
<td>6</td>
<td>Uttar pradesh</td>
<td>427476</td>
<td>331826</td>
<td>65888</td>
<td>19.85</td>
<td>12791</td>
<td>37894</td>
</tr>
<tr>
<td></td>
<td><strong>Total of 6 state</strong></td>
<td>339509.8</td>
<td>759491</td>
<td>232773</td>
<td>30.64</td>
<td>56386</td>
<td>97828</td>
</tr>
<tr>
<td></td>
<td><strong>All India</strong></td>
<td>332867</td>
<td>1702290</td>
<td>636427</td>
<td>37.38</td>
<td>162402</td>
<td>387052</td>
</tr>
</tbody>
</table>

(Source : Crime in India, 2012)
One main argument for such varying rates of police presence in different States is that Police is a State subject and the relevant State Governments should have taken into their requirements in view, and improve police presence to meet the ever growing challenges of police. (It also deserves to be noted that the average annual cost of a police personnel in India is Rs. 3.33 lakhs whereas it is 4.27 lakhs in U.P. (almost on par with Delhi spending 4.60 lakhs on a police personnel). The research team having visited both U.P. and Delhi wonders how beleaguered policemen in U.P. cause expenditure higher than all India average).

Table 7.10 : Total budget for state, police expenditure and expenditure on police training for the financial year 2014-15 (Rs. in Crores)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>States</th>
<th>Total Budget for State</th>
<th>Total Budget for Police</th>
<th>Total Police Expenditure</th>
<th>Total Expenditure on Police Training</th>
<th>Police Expenditure as % of State Budget</th>
<th>Expenditure on Police Training as % of Total Police Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assam</td>
<td>58104.55</td>
<td>2833.52</td>
<td>2680.35</td>
<td>38.76</td>
<td>2.40</td>
<td>1.45</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>213462.32</td>
<td>4766.07</td>
<td>6595.59</td>
<td>4.97</td>
<td>3.09</td>
<td>0.08</td>
</tr>
<tr>
<td>3</td>
<td>Delhi</td>
<td>36766.00</td>
<td>5036.47</td>
<td>3694.32</td>
<td>94.95</td>
<td>10.05</td>
<td>2.57</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>27355.51</td>
<td>2503.06</td>
<td>2351.42</td>
<td>25.72</td>
<td>8.60</td>
<td>1.09</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>160807.90</td>
<td>5106.29</td>
<td>5486.08</td>
<td>95.50</td>
<td>3.41</td>
<td>1.74</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>274704.59</td>
<td>12509.75</td>
<td>8917.25</td>
<td>135.35</td>
<td>3.25</td>
<td>1.52</td>
</tr>
<tr>
<td><strong>All India</strong></td>
<td>10009555.26</td>
<td>90314.05</td>
<td>74257.66</td>
<td>1086.11</td>
<td>0.74</td>
<td>1.46</td>
<td></td>
</tr>
</tbody>
</table>

(Source: Data on Police Organisations, BPR&D, 2015)
Table 7.11: Amount of modernisation grant made available to the police in financial year 2014-15 by the central & state governments and total amount utilised thereof (Rs. In Crores)

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>States</th>
<th>Central Government</th>
<th>State Government</th>
<th>Total Amount Utilised for Modernisation by state Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assam</td>
<td>251.23</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>114.85</td>
<td>77.41</td>
<td>77.78</td>
</tr>
<tr>
<td>3</td>
<td>Delhi</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>42.92</td>
<td>28.36</td>
<td>55.81</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>86.36</td>
<td>57.58.</td>
<td>-</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>185.84</td>
<td>123.97</td>
<td>41.51</td>
</tr>
<tr>
<td>All India</td>
<td>5064.89</td>
<td>1152.31</td>
<td>3566.48</td>
<td></td>
</tr>
</tbody>
</table>

(Source: Data on Police Organisations, BPR&D, 2015)

Table 7.12: States-wise number of police stations not having vehicle, telephones, wireless sets

<table>
<thead>
<tr>
<th>Sl.no</th>
<th>States</th>
<th>Number of Police Stations not having</th>
<th>Neither having telephone nor wireless sets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vehicle</td>
<td>Telephone</td>
</tr>
<tr>
<td>1</td>
<td>Assam</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Delhi</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Odisha</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>All India</td>
<td>400</td>
<td>352</td>
<td>127</td>
</tr>
</tbody>
</table>

(Source: Data on Police Organisations, BPR&D, 2015)
Table 7.13: Transport facilities (vehicles) available with police (civil+armed)

<table>
<thead>
<tr>
<th>Types</th>
<th>Heavy</th>
<th>Medium</th>
<th>Light</th>
<th>Two/three wheelers &amp; others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle availability</td>
<td>10445</td>
<td>16000</td>
<td>62775</td>
<td>67773</td>
<td>163646</td>
</tr>
<tr>
<td>Vehicle requirement as on 1.1.2015</td>
<td>33580</td>
<td>41785</td>
<td>70647</td>
<td>89327</td>
<td>235339</td>
</tr>
<tr>
<td>% of deficiency</td>
<td>68.9%</td>
<td>61.7%</td>
<td>11.2%</td>
<td>24.2%</td>
<td>30.5%</td>
</tr>
</tbody>
</table>

(Source: Data on Police Organisations, BPR&D, 2015)

It is seen that in spite of the sizable procurement of vehicles during the last nine years under the MPF scheme, still there was deficiency level of 30.5% percent of vehicles in the Police Forces of the States/UTs as on 01.01.2015. It is expected that with the further extension of the Modernization of State Police Force scheme (MPF scheme) launched in Financial year 2000-01 for five years, the remaining deficiency of Police vehicles and the new one arising out of normal attrition on and sanction on of new Police Units shall also be met completely.

The total number of 1,63,946 vehicles available with the States/UTs Police as on 01.01.2015, increased by 0.89% from the availability of 1,62,488 vehicles as on 01.01.2014.

7.10. Growing awareness of public vis-a-vis predicament of police:

The literacy level and general awareness of common man has considerably improved whereas an average policeman is still continuing to struggle to deal with his multifarious activities. Strangely, Govt. depends a lot on police because this is the service, which is delivering results good or bad, if not optimum. The command structure in Police departments is still regimental and punishment levels are high. In the wake of growing public awareness about the registration of crime and the expected follow up action, policemen continue to be on receiving end. The latest verdict of Full Bench of Supreme Court headed by Chief Justice of India (November, 2013) to register all complaints without choice of conducting PEs, would add to their predicament. Once a case is registered, Police have no power to
cancel or close the investigation without the approval of a Magistrate. The role of policemen continues to be there as investigating officer all through the trial period. Policeman already feels over burdened and lack of time to rest or take care of his family. Thus, the Policemen might breakdown under their added burden or act truant.

7.10.1 It clearly indicates that the increase in property offences such as theft, burglaries, snatching, robbery and vehicle thefts showed 400% increase while in case of offences against body, some increase was registered. In other words, usual burking of crime has been in case of property offences where the police are required to locate the relevant criminals and obtain evidence, including recovery of the stolen property. In comparison, in offences against body, the accused is generally identified and evidence is readily available by way of medical report, eye witnesses and the like.

7.10.2. Alongside, Police also started in the month of February, 2014, an innovative project for registering the missing and lost property complaints, through mobile and internet facilities. They worked out an elaborate mechanism, explaining the Rationale and Method of filing reports on their website. It is reported that more than 30,000 of complaints were lodged during the last two months, resulting in saving an average of 500 complainants per day from going to police stations to register their reports. The system allows issuance of digitally signed receipts from the police, which could be further verified by the relevant departments for authenticity. This system deserves to be studied – may be after six months - so that its implications could be understood, prior to replicating the same elsewhere.
CHAPTER VIII

Non-registration of Crimes:
Problems identified and Solutions recommended

8.1. The process of criminal justice starts with the registration of offences by the police about the commission of a crime. Non-registration of a crime ends the process of justice right at the beginning, without due scrutiny as per law. When criminals find that the crimes are not registered, they get further emboldened and tend to commit more crimes. It naturally results in eroding the faith of the public in the effectiveness of the police and the criminal justice system.

8.2. The registration of crime by police in India is governed by Criminal Procedure Code, 1973 (Cr.P.C.). Sections 154 to 159 of Cr.P.C. empower a police officer to register a complaint if it involves a criminal offence. However, Indian Criminal Justice System follows an unclear way of classifying offences into cognizable and non-cognizable (The First schedule, attached to Cr.P.C. 1973), wherein Police can directly take action only in cognizable offences, while in non-cognizable offences, permission of the Magistrate is required. This stipulation accords considerable discretionary power to the police Officers, who decide or tend to twist a complaint to be registered as a First Information Report (in case of cognizable Offices) or a Non-Cognizable report. There are numerous accounts to say that the Indian Police indulges in wide range of burking or manipulation of crimes and even in terms of the Hon’ble Supreme Court, the number of crimes registered is equal to the number of crimes that go unregistered. In fact, some of the policing units, whenever boldly ventured for free registration ended up with three to four fold increase in the registered crime.

The Constitution Bench of the Supreme Court modified its landmark Guidelines in Lalita Kumari Vs. Govt. of UP issued on November 12, 2013. In a petition moved by the Delhi Police, the Constitution Bench comprising Chief Justice Sathasivam, Justice B.S.Chauhan, Justice Ranjana Desai, Justice Ranjan Gagoi and Justice S.A. Bobde extended the time limit from 7 days to 15 days generally and Six weeks in exceptional cases, for concluding the preliminary inquiry and for registering the First Information Report in criminal cases.

The Supreme Court said that, “While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed
fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.” With the landmark judgment in the Lalita Kumari case, the Supreme Court has held that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. On the basis of the Judgment a Complaint was filed before the Delhi police against Justice Ganguly relating the sexual harassment allegations made by a law intern. Though Delhi police failed to register an FIR, no action was taken against the Delhi police. The other Guidelines issued by the Constitution Bench in the Lalita Kumari case are as follows: The Supreme Court issued the following Guidelines regarding the registration of FIR: (i) Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. ii) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. (iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further. (iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence. (v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence. (vi) As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under: (a) Matrimonial disputes/ family disputes (b) Commercial offences (c) Medical negligence cases (d) Corruption cases (e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry. (vii) Since the General Diary/Station Diary/Daily Diary is the record of all information
received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above (Priyanka Srivastava vs. State of UP, Crl. No 781 of 2012).

8.3. The menace of non-registration of crimes badly dents the police image and impedes their efforts to better the police-public relations, which are vital for effective functioning of police. As such, it is found imperative to ascertain causes for the problem and evolve solutions. In this regard, TISS availed the opportunity, under the aegis of the BPR&D, MHA, GOI, to conduct an in-depth study on the theme ‘Non-registration of Crime: Problems and Solutions’. The study took two years (2012-14), longer than intended one year, but succeeded in collecting empirical data from relevant stake holders (n=506), both public and police, and arrived at certain tangible conclusions.

Registration of FIR: Victims of crimes are sometimes turned away from a police station on the mere ground that the reported crime has occurred in the jurisdiction of some other police station and it is for the victim to go there and make his complaint. This works to the disadvantage of ignorant people and weaker sections in society. The NPC has recommended an important amendment to Section 154 Cr.P.C. which would make it incumbent on a police station to register an FIR whether or not the crime has taken place in its jurisdiction and then transfer the FIR to the concerned police station, if necessary.

8.4. The study is based on a nation-wide (six States from different Zones of India) data collected from ten different categories of Stake holders (n=506); a total of 33 Focus Group Discussions (FGDs) held at different parts of the country and with varied categories of public and police functionaries and 40 case studies, including a ten instances of police good work; besides field notes on observations made by the Research team. It has been a mixed model: a blend of quantitative data (Statistical Package for Social Sciences was used) and Qualitative data through content analysis and correlations. Cross tabulation of responses given by public vis-à-vis police functionaries on relevant issues are drawn to bring out their varying perceptions. A Synthesis of police and public viewpoints has been worked out to draw conclusions on specific issues and thereby identify the ‘Problems’ (causative factors) that lead to non-registration of crime.
8.6. Problems Identified: The problems so identified and the possible solutions to reduce the menace of non-registration of crime are summarized as given below:

Lack of adequate man power and heavy work load in police stations:

8.6.1. Problem: It is reconfirmed from the study that most of the cutting edge personnel are working for long hours and have heavy work load; such a situation was prompting them to avoid more work by registering all the crimes. This was a view clearly stated by police functionaries and supported by public stake holders.

Solutions:
(i) This inadequacy was highlighted by various Commissions/ Committees, which were constituted to bring in much needed reforms in police working. It is not only augmenting strength of existing police force but most importantly, filling up the vacancies averaging about 23.6% of the total strength of policemen in the country. Releasing Central Grants under Police modernization may be linked up for filling up of the vacancies by State Government.

(ii) Existing strength of less than 40 personnel in 3879 Police stations (27.4% of total number of 14155 police stations in the country) may be upgraded atleast by 50%, to start with and gradually increase them by 100%.

(iii) A work study be got conducted by all the State Governments to work out the optimum strength for their existing police stations, by taking into account not only the investigation work but also various other sundry duties of the policemen, including extending security cover to VIPs, arrangements at rallies and local functions and the like. In this regard, the studies conducted earlier by the BPR&D should be of immense value.

(iv) Police establishments may take the help of Private Security agencies, which are constituted under a statute of the Government of India In this regard, the local authorities are given powers to license these agencies. As such, the private security personnel can act as force multipliers, provided the police organizations devise working mechanisms to enlist their time and energies. In other words, informal
interactions with the private security agencies and their personnel, besides apprising them of the crime situation and the needed precautions to be taken, as tried out by some enterprising police officers, would yield some positive results.

v) The recommendations outlined in some of the studies, which were conducted at the instance of BPR&D for standardizing the duties of Police personnel vis-à-vis duties that could be outsourced, deserves to be implemented.

vi) Model Police Act, 2006 (Soli Sorabjee Committee Report) stipulated for differentiating Police personnel posted in Police Stations as Civil police vis-à-vis personnel posted in Armed Units, who function in section and platoon strengths. It is proposed that all persons in Civil Police units should have a minimum rank of Head Constables/Asstt. Sub Inspectors, who would have better educational level, training and promotional avenues. In that way, every functionary in the Police Station could be an investigating Officer. As such, the lowest functionary in Civil Police, a Constable, who generally plays a low key, could feel motivated and become more productive.

vii) The recommendations of Model Police Act, 2006 (Chapter III, page 24-27) were reportedly introduced in the Revised Police Act of Himachal Pradesh. Lessons learnt by them in implementing these provisions may be widely circulated. In this context, it may be mentioned that in most of the developed countries have lesser number of police functionaries (New York City was having a strength of 40000 police functionaries vis-à-vis Delhi having more than 70000 police personnel, who all were known as Police Officers I, II & III, to become a full fledged Officer in a matter of three years). The stipulation of differentiating Civil Police from Armed police was included in MPA, 2006, only after holding a consultative meet with State Police representatives by the BPR&D in 2006. It is hoped that by adopting such a measure, which may mean a paradigm shift, would improve man power utilization in police stations. Needless to say that 85% of sanctioned strength of Indian Police comprises Constables and Head Constables, while the Inspector to ASI level constitutes 14%.

viii) Police functionaries specifically requested for separation of crime investigation wing from that of Law and order wing, which, according to them, would give them time for investigation work and thereby, facilitate them to take up additional work caused by free and fair registration of crime. The
issue of separating Investigation Wing from Law & Order Wing was strongly recommended right from National Police Commission to Supreme Court directives of 2006. It was supposed to start in big cities, to be followed by smaller cities. Some of the Southern States adopted separate Wings, but some of them got back unifying them. This issue deserves in-depth study to understand ground realities and remove the shortcomings, if any, prior to its introduction elsewhere.

ix) Police in Urban and Metropolitan areas to be associated in urban planning. (1) While planning for any major developmental activity, in any area notified under section 11, the concerned agency shall consult the Commissioner of Police on the safety and security needs of the citizens, or any other policing requirements. (2) The suggestions of the Commissioner of Police shall be given due consideration in finalising such plan, which shall include the establishment of new police outposts or police stations, as the case may be.

Special provisions for Rural Policing. Police stations in rural areas shall be so organised as to be self-sufficient and the Government in this regard may set up a system of village guards and village defence parties in accordance with the provisions of this Act.

Village Guards and Village Defence Parties.

(1) The District Police Chief may enlist at least one Village Guard for each village in a Police District, in the manner, and for performing such duties, as may be prescribed.

(2) The Village Guard enlisted in accordance with the provisions of this Act and the rules made in this behalf, shall be a public servant as defined in the Indian Penal Code, 1860.

(3) The District Police Chief may organise a voluntary group of local respectable persons as a Village Defence Party for each village in the manner, and for such purposes, as may be prescribed.

8.6.2. Problem Identified: Police behavior towards complainants: Behaviour of police towards complainants, especially women and marginalized sections of society, was not good, resulting in a large number (more than 75%) of population were averse to Police and avoid coming forward to report a crime, unless it was serious and intolerable.
Solutions:

(i) Police functionaries, though drawn from the same milieu, are expected to be different and more service-oriented. It emerged during the study that a number of police functionaries, at cutting edge level, sought to have orientation programs in public dealing and up-gradation of their legal knowledge and other soft skills. The usual in-service training programs for Civil Police may be soft-skills, instead of routine trainings in weapon handling, bomb disposal and the like.

(ii) The facilities in the police stations need to be augmented, besides taking care of the welfare of police personnel. Some experiments made in Hyderabad Police to ear mark a sitting place and working cabin for each police person need to be studied in depth and replicated by all police stations.

(iii) The self esteem of a police officer at cutting edge level needs to be boosted up by middle and senior functionaries, instead of using intemperate language and making insulting comments about them. An empirical study conducted by Dr. Rao (presented in All India Police Science Congress, 2013) revealed an increasing alienation between the lower functionaries (Constables and Head Constables) and middle functionaries (ASI to Inspector). Similar empirical studies be got conducted by different District Police Officers in a bid to understand the situation in their police stations and take corrective measures.

(iv) Increasing the presence of women in police forces, as MHA sets it at 10% of the total, is hoped to improve behavioral patterns of police functionaries towards complainants. (U.P. police officials welcomed their government’s circular not to use pan, beedi and intemperate language in the presence of women Police, who were soon to be added).

8.6.3. Problem: Inadequacy of resources for police working: Police Departments have been ranked low in Government funding priority as these are treated as non-productive units and are a matter of drain on the State exchequer. Strangely, but as a matter of fact, Police continue to be under ‘non-plan’ budget and the Governments are always less inclined to spend more money on police. This resulted in shortage of man-power, infrastructure, transport etc. Cumulatively, these problems of police directly or indirectly impacting on crime registration, investigation and filing of charge-sheets in the Courts of law, resulting in almost 50% cases ending in acquittals. Such acquittals contribute to the loss of public faith, especially in Police, leaving aside all other wings of Criminal Justice System. In such a situation, no one would take trouble to report crime or associate with police.
Solutions:

i) It calls for a paradigm shift in the thinking of Government and Political executives, who need to realize that there is a close link between security and economic development of a State/Nation. One would hesitate investing in an area where security was lax, for example; Noida/Ghaziabad vis-a-vis Gurgaon; West Bengal vis-a-vis Gujarat, when Tata Car Project and many other Projects moved out of West Bengal to other places, in the wake of then existed maoist activities in West Bengal.

ii) The National Police Mission, which was constituted on the directions of Hon’ble Prime Minister of India in 2007-08, was supposed to adopt a mission-mode for equipping the police to effectively face ever increasing challenges of crime and terrorism, turned out into yet another bureaucratic exercise. It was opined that police being a ‘regulatory authority’ cannot function like any other Missions, such as National Literacy Mission, National Horticulture Mission and the like. The Mission requires to be effective and made more productive to bring in much needed infrastructural facilities for the police.

iii) The annual cost on a police personnel in India is Rs. 3.33 lakhs and thus, the total expenditure on about 13 lakhs police personnel (actual posted strength) works out to Rs. 4,29,000 crores. In comparison to some of the big scams that emerged in the country, this amount does not seem big and India should be able to spend more, of-course, only when it is realized that there is close link between the security and national development.

iv) The ongoing efforts to improve the housing facilities to the police personnel deserve to be continued, as all India satisfaction level in police housing is only 37.38%, with Tamil Nadu (50%) and Maharashtra (47%) topping the list in comparison to states like U.P. (20%) and Delhi (22%). The inadequacy of vehicles and equipments are also found important, which are helped to be taken care of in the on-going police modernization schemes.

8.6.4: Problem: The political economy of crime statistics: It emerged that management of crime statistics by police functionaries has linkages with performance appraisals, as one of the important reasons for non-registration of crime in India. The crime graphs have had negative impact on the performance of not only the police but also Governments in power. In certain States, the political executives openly insisted on burking of crime in order to show lowering of crime. It is widely reported
that Ms. Mayawati, the then Chief Minister of U.P., (one of the States studied by the research team), had placed senior officers under suspension, for their inability to control the crime (Graph).

**Solutions**

i) Study indicated that police functionaries, even at cutting edge level, are averse to such manipulations of crime statistics. In fact, many of them stated that linkages between crime statistics and performance appraisal are becoming minimal. It has also come to light that current ongoing drive for free and fair registration of crime in Delhi (one of the States included in the study) received strong support from the Govt. of India, Ministry of Home Affairs, who exercise control over functioning of Delhi Police.

ii) Model Police Act specifically sought the State Police Boards, which are supposed to be constituted by the Governments, to identify performance indicators to evaluate the functioning of Police Services, which shall, inter-alia, include operational efficiency, public satisfaction, victim gratification vis-à-vis police investigation and response, accountability, optimum utilization of resources, and human rights record; (Rule 181 (b) of Chapter 8 of MPA, 2006). This provision deserves to be noted for implementation. In fact, second Administrative Reforms Commission, 2005 and the National Committee on Policy for Criminal Justice System, 2006-07 also recommended for delinking the crime statistics with the performance appraisals, in a bid to save from non-registration of crime.

iii) MPA proposes imprisonment of 3 months or with a fine or both, to a Police officer, who, without lawful reasons, fail to register an FIR, as required by Section 154 of Cr.P.C., 1973. (Section 199 (i) (b). The latest order of the full Bench of Supreme Court (November, 2013) for registering all complaints, without choice of conducting preliminary inquires, would subject police functionaries to penal action, if they opt for non-registration of crime.

iv) In the wake of such overwhelming legal binding, Police Chiefs need to resolve and convince their political executives for a fair and free registration of cognizable offence. It needs to be a decision at national level and by all the State Governments, to adopt a uniform policy for registration of crime. Such a decision might lead to a quantum jump in registered crime in all the States. The crime figures so risen could be taken as a bench mark for future comparison of crime statistics. In this regard, it may be pointed out that lead countries like USA tops with highest registered crime of 1.24 crores (2011),
followed by Germany (21 lakhs), France (12 lakh) and Russian Federation (10 lakhs). In fact, these
developed countries consider that higher crime rate as an index for higher economic development.
India, having population four times more than that of USA, registers only 50% crimes as that of USA
(60.41 lakh crimes were registered in India during 2012).

8.6.5: Dilemma of cognizable and non-cognizable nature of offences:

Problem: Victims usually nurse a grudge against the police that gravity of their cases were either
reduced or made into non-cognizable, in a bid to control the crime graph. According to 1st Schedule
attached to Cr.P.C., 1973, out of 445 offences, 292 are classified as Cognizable and 131 as non-
cognizable, while 22 offences as both cognizable and non-cognizable according to the circumstances.
The nicety of this classification is not known to an average citizen and sometimes, even educated ones,
which unawareness is misused by some police officials to minimize or twist the complaint. In some of
the offences, which automatically fall under the non-cognizable category, genuine police officers have
problem in convincing the complainants.

Solution: It is indeed a practicable problem, which calls for review by wider public so that a common
man is aware of such distinction. In this regard, Malimath Committee, however, sought for removing
this distinction and wanted police to register all crime and it to be investigated. CHRI, a National NGO,
also supported this view.

8.6.6: False complaints made to police in order to harm to others:

Due to drive for free and fair registration of crime and non-availability of provisions for conducting
PIs, police officers might be loaded with false complaints. As it is, police can propose no action under
Section 182 (if it was only false information) and 211 (if it is false charge of offence) against the
complainant only when they could prove that it was a false complaint after making thorough
investigation. In fact, many Magistrates, who were to accept that it was a false complaint, would not
easily do so. Even if they accept, the offence being non-cognizable, Magistrates permission is required
to take up action against the false complainant, which procedure is not normally pursued by an
otherwise over-burdened police officer.
**Solution:** This problem is likely to increase when the statutory requirement of registering of complaint, without a question and calls for a stricter law to deal with false complaints. The proposal to recover expenses incurred on the police investigation, from false complainant, as is being done in USA and other countries, may have to be equally brought into a statute.

**8.6.7. Problem Identified: Interface of political/NGO/Media and other influential person in the process of registration of crime:**

For long, political interference is considered as a big hindrance to register or not to register an offence, on merits. Similar interferences were reported from other influential and civic authorities.

**Solution:** The study and the case studies, however, indicate that interference by media and NGOs were mainly to support victims whose cases were not registered on flimsy grounds. Even in the case of political interference, the level of such political leaders was only of Panchayat/community level. In fact, some of the police officers, including senior Officers, mentioned that they care a little for political interference and are able to finalize the issues, on merits. They even added that political leaders are interested in recruitment and posting of police personnel, and not so much in crime registration and routine functioning of the police stations. It thus, seems that this obstacle could be sorted out by police men’s own resolve and if need be, by referring to the Hon’ble Supreme Court’s directives.

**8.6.8. Problem identified: Police corruption:**

Both the public stake holders and police functionaries accepted, in different measures, that the corruption in police does affect the process of registration of crime.

**Solutions:** It is unfortunate but corrupt practices of police are ‘naked’ in nature and victims naturally feel aggrieved for this attitude of police. Certain studies conducted earlier indicated that part of corruption was due to ‘inadequacy of infrastructure’ etc. suffered by the police personnel, while some consider it as a ‘compensation’ for their over burden of work. Such arguments will not hold well in the modern society where public intolerance has grown big against such corrupt practices. It is hoped that in the times to come, corruption in police would be minimized. It is also noticed that public awareness about alternative methods for getting their complaints registered, such as submitting complaints before
the senior officers and the Magistrate, would disrupt the corrupt practices of police men, as could be seen in the Case studies included in the study.

8.6.9. Time taken for registration and long winding legal procedures:
The duty officers generally obtain permission from the SHOs before registering a case or otherwise, which process may take time especially when the SHO was away from the Police Station. Once the case is investigated and put in Court, the legal process takes longer time.

Solution: With the betterment in communication system and computerization, the delays at the police station in entertaining a complaint are hoped to reduce. The ongoing experiment by Delhi police for registering complaints of non-cognizable nature, through mobile telephones and Internet connections, might set a model for other States to emulate. The Revised Cr.P.C. stipulated time limits of 60/90 days for completion of the investigation and putting the charge-sheet in the Court, whereas similar time limits should also be set for the Hon’ble Courts to decide a case. Certain fast track Court have come up which are doing well in expediting the trials.

8.7. Conclusions:
The Causative factors for non-registration of crime are widely known. The current Study helped in quantifying and evaluating those factors. The study also helped in finding out some of the earlier reported problems, are non existing or some what, lost their importance. The solutions suggested above are also not unknown. In fact, many of these measures were spell out by various Commissions/Committees. What is most needed is a resolve to accept the suggestions, which are valid, and endeavor to implement those measures on ground. The research team sincerely hoped that the suggestions made by it would be considered with the seriousness that they deserve.

8.8: Suggestions for further studies/research:
Having studied the problem of non-registration of crime and alongside, various other relevant issues in policing, the research team would like to submit the following suggestions for taking up further studies in Police:

i. Current study, though started as some sort of a survey to be done, turned out into full blown empirical study, covering about 150 variables with a sample size of 506 stake holders. The data
obtained in the study, is codified under SPSS (Statistical Package for Social Sciences), a user friendly software for conducting statistical analysis. Thus, it is worth continuing with the study and clean the data through factor analysis and other correlation techniques. Such an effort will help in obtaining the level of significance of various comparisons and conclusions drawn thereon. This follow up could be a regular research leading to a Ph. D.

ii. In policing, a large number of decisions are taken and implemented, without proper evaluation or impact studies. This is the time for BPR&D, as is being done, to plan more research studies by enlarging the time lines.
Appendix- 1
Consent Form

I understand that I am being asked to participate voluntarily in the study ‘non registration of crimes: problems and solutions’. This research is being conducted by Tata Institute of Social Sciences, Mumbai.

I understand that:

- I will be asked to answer questions based on an interview schedule in the language known to me. I will be asked certain questions related to my experience in the police station while I visited there to report the crime and some personal details.

- It will take approximately 45 minutes of my time.

- I was assured that all the information collected from me will be kept confidential. It means that no one except the members of the research team directly involved in the research will know who I am. My name and other information which identify me will not be used anywhere.

- All the information collected from me will be combined with that from all other respondents so that no one will know how I answered the question.

- I have the right to ask any question about anything I do not understand in the interview process.

- My participation is purely voluntary. I can quit the interview at any point of time and I have the right to refuse answering any question.

- I have read and understand or I was informed about the purpose of the study and my role in it and I am willing to participate in the study. I understand that I will not get any direct benefit in cash or kind for participating in this study. I agree to participate in the study.

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Appendix- 2

Interview Schedule for Victims

Identification Details
1. Serial No_________________
2. Name of the locality/ area__________________________________________
3. Town and District _________________________________________________
4. Name of the respondent (optional)____________________________________
5. Address of the respondent____________________________________________
6. Date of interview____________________________________________________
7. Name of the interviewer______________________________________________

Demographic and Socio - Economic Profile
8. Age ( in completed years) ____________

9. Gender
   1) Male                     2) Female

10. Education (no of years of education completed successfully)_____________

11. What is the religion of the head of household?
   1) Hindu                  2) Islam                  3) Christian
   4) Sikh                  5) Buddhist               6) Nav Buddhist
   7) Jain                  8) Jewish                 9) No religion
   10) Others               11) Don't know

12. Which caste category you belong to?
   1) General                2) OBC                    3) SC
   4) ST                     5) Others
13. **What is your occupation and occupation of the head of household?**

_________________________________________________________________

14. **What is your monthly household income (in Rs)**

_________________________________________________________________

**Nature of Complaints**

15. **Is there any crime committed against you?**
   1) Yes
   2) No

16. **If yes, what was the nature of crime?**

_________________________________________________________________

17. **Who committed crime against you?**
   a) Criminal
   b) family member
   c) known person
   d) Influential person
   e) unknown person
   f) Others (specify) __________________________________________________

18. **Was it the first time you were ever subjected to crime?**
   1) Yes
   2) No

19. **If no, what was the earlier crime (past experience of crime) against you?**

_________________________________________________________________

20. **Did you report the matter (recent offence) to police?**
   1) Yes
   2) No
21. If no, what was the reason for non reporting?
   a) Its family matter  
   b) no use of complaining  
   c) fear of retaliation  
   d) sort out matter in a village panchyat  
   e) Other (specify)_______________________________________________________

22. If reported, what was the outcome?
   a) FIR registered  
   b) NC registered  
   c) Entry made in dairy and copy given  
   d) No action taken  
   e) others (specify)_______________________________________________________

23. How many times did you visit the station to file FIR/ NC?
   _______________________________________________________________________

Experience in the police station

24. What are the facilities available in the police station (MR) ?
   a) Seating arrangement  
   b) Resting room  
   c) Drinking water  
   d) First aid box  
   e) Washroom facility for complainants  
   f) Reception room  
   g) Other (specify)_______________________________________________________

25. During my interaction with police while complaining I found that :
   i) The police behaved in a helping manner
       a) Very true  
       b) true  
       c) can't say  
       d) Not true  
       e) certainly not true  

   ii) Listened to me properly
       a) Very true  
       b) true  
       c) can't say  
       d) not true  
       e) certainly not true
iii) **The police was sensitive to my case**
   a) Very sensitive  
   b) somewhat sensitive  
   c) can't say
   d) Not enough  
   e) not at all

iv) **I felt relaxed with the police officials**
   a) Very true  
   b) true  
   c) can't say
   d) Not true  
   e) certainly not true

v) **I did trust the police**
   a) Very true  
   b) true  
   c) can't say
   d) not true  
   e) certainly not true

26. Did the police register the complaint immediately?
   1) Yes  
   2) No

27. **If not, what strategy did you adopt to get your case registered?**
   a) Quarreled with the duty officer  
   b) Reported to the SHO
   c) Complained to DSP/SP  
   d) Went to Court
   e) Went back with a local politician/ NGO  
   f) Complained to media
   g) Did not go back, but kept talking ill of police  
   h) Other __________________________________________________________

28. **Due to non registration of your complaint, what are the consequences you suffered?** (MR)
   a) Lost faith in Justice Delivery System  
   b) Live under constant fear
   c) Felt helpless  
   d) Suffered financial loss
   e) My family is under threat  
   f) Suffered physical injury
   g) Unable to live in the normal dwelling place  
   h) Felt my fundamental rights are violated
   i) Others (specify)____________________________________________________
29. Had the case been registered on time, what consequences you might have avoided?
______________________________________________________________________

30. If the police refuse to register the complaint, what alternatives are available to the citizens?
a) Complain to senior police officer (written)    b) approaching the court
  c) approaching SHRC/NHRC                d) Others_____________________
  e) Do not know

31. What could be the possible reasons for not using those options by general public like you?
______________________________________________________________________

32. Who accompanied you when you visited the Police Station for reporting crime?
 a) Went alone    b) Relative     c) Friend
  d) Neighbour    e) NGO person  f) Politician
  g) Others (specify) _________________________________________________
(If answer is other than a’ above (i.e. went alone))

33. Why did you take someone with you to station? (MR)
  a) Fear of police    b) To help me in articulation
  c) As an evident    d) To read the complaint
  e) For moral support    f) Fear of offender
  g) Show police that I am not vulnerable
  h) Others (specify)______________________________________________

34. What was the time taken to register complaint?
_________________________________________________________________
35. Was the content read out to you?
   1) Yes  2) No

36. Whether the contents were correct as told by you?
   1) Yes  2) No

37. Was a copy of your complaint given to you?
   1) Yes  2) No

38. If Yes can you show me?
   a) FIR  b) NCR
   c) Extract of daily diary  d) Stamped copy of complaint (acknowledgement)

39. Was it given to you immediately?
   a) Immediately  b) After few days  c) When asked
   d) After giving pressure  e) Not given

40. What action police took after registering your complaint?
   a) visited my place
   b) problem solved
   c) arrested the offender  and case was sent for trial
   d) case was sent untraced/ cancelled
   e) Do not know
   f) other action taken ________________________________

41. Do you feel that instead of FIR only NCR was written?
   1) Yes  2) No
42. What could be the reasons? (MR)
   a) Offender is influential
   b) Corruption
   c) Police insensitiveness
   d) To show crime figures low
   e) Heavy work load
   f) Police think that it may be a false case
   g) Political interference
   h) Other(specify)___________________________

43. Are there any clear cut instructions about whom to approach in case of refusal at station?
   1) Yes  
   2) No

   If yes, is it displayed in station and what are those instructions?
   1) Yes 
   2) No

   Do you get feedback from the police about the status of your complaint?
   1) Yes  
   2) No

44. If yes, how did you get feedback?
   a) Police informed me 
   b) I used to ask
   c) through court
   d) Others (specify) ____________________________________________

45. Have you ever felt that the police are biased?
   1) Yes 
   2) No

46. What was the reason for that bias? (MR)
   a) my low Socio-economic status
   b) my gender
   c) my previous complaints
   d) offender is influential
   e) corruption
   f ) others ______________________

Suggestion for Improvement

47. Why police are reluctant to register complaints?
   ____________________________________________________________
48. Can you suggest some measures to improve the approach of police towards filing complaints?

___________________________________________________________________

49. What is your suggestion, based on your experience with police, to make police service more citizens friendly?

___________________________________________________________________

50. Any other relevant suggestion/ comment do you want to express

___________________________________________________________________

---------------------------------- x -------------------------------
Appendix – 3

Interview Guide for Magistrates and Judges
Lawyers and Public Prosecutors

1. Name of the State /District ________________________________

2. Name of the respondent (Optional) _____________________________

3. Position /designation ___________________________________________

4. Since when you are in this position? __________________________________

5. The Hon’ble Supreme Court in Lalita Kumari Vs. State of UP passed a comprehensive order (July 2008) expressing its grave anguish on non-registration of the FIR even in a case of cognizable offence. According to you, what could be the reasons for non-registration of crimes? (MR)

   a) Police insensitivity
   b) Lack of man power and heavy workload
   c) Political interference
   d) Corruption
   e) Linkage of Crime statistics with police performance appraisal
   f) Police feels case is non cognizable/false
   g) Other (specify)__________________________________________

6. Do you feel that all the crimes that are happening in the society are reported to police?

   1) Yes
   2) No

   A) If No, why all crimes are not reported to police? (MR)

   a) No faith in police and judicial process
   b) Social stigma
   c) Fear of police
   d) Possibility of out of court settlement
   e) Fear of accused
   f) Other(specify)__________________________
B) Does District Legal Services Authority help the victims in such cases?
   1) Yes
   2) No

C) If yes, what kind of help they can provide?

7. What could be the consequences on the victims if crimes are not registered? (MR)
   a) Lose faith in Justice Delivery System
   b) Live under constant fear
   c) Feel helpless
   d) Suffer financial loss
   e) Suffer physical injury
   f) Unable to live in the normal dwelling place
   g) Feel fundamental rights is violated
   h) Other (specify) __________________________________________________________

8. What could be the long time impact on society and Justice Delivery System if non-registration of cognizable offences becomes a practice?
   a) Criminals will go scot free
   b) Victims will lose faith in police
   c) No proper evaluation of quantum of police work
   d) Victims will take revenge by using violence methods
   e) Other (specify) __________________________________________________________

9. How many private complaints under Sec 156(3) of Cr.P.C came to your notice within last one year?

A) And what did you do?
10. Is there any case in which despite of your direction to register FIR under Sec 156(3) of Cr.P.C. no steps were taken within 24 hours by the police?

1) Yes 2) No

If yes, what action is taken against such errant police officer?

11. What is the approximate rate of percentage of 'false/fake complaints'?

What action you have taken against 'false complaints'?

12. Have you come across any case registered under Sec 217 of IPC against police officers for dereliction of duty (dereliction relating to non registration of crime)?

1) Yes 2) No

If yes, what is the rate of percentage of action taken against such errant police officer?

13.A. Do you find practice of recording non-cognizable offences also by Police in your jurisdiction?

1) Yes 2) No

If yes, please elaborate the on-going practice.

B. Is it mandatory to report all the recorded NCs to the magistrate?

1) Yes 2) No

What action you may have taken in either case?

If yes,__________________________________________

If no,__________________________________________

15. A. Do think that many times police registers cognizable offence as non-cognizable one?
   a) Very true   b) somewhat true
   c) not true    d) Can’t say

   B. Have you ever come across Police registering non-cognizable offences as cognizable offences due to corrupt practices?
   a) Very often   b) Some times
   c) Not at all   d) can’t say.

16. A. How do judiciary supervise/monitor whether the judgments delivered regarding registration of FIRs in cognizable offences are followed or not?

   B. How effectively the SC/HC judgments, and your own advisories, if any, on crime registration are implemented?

17. A. Is there problem of ‘false complaints’ to Police?
   a) Very much   b) To some extent
   c) not at all   d) Cannot say

   B. What action is possible against false complainants – by police and/or Judges?
C. Have you taken any action against false complainants?

_____________________________________________________________________

D. Is the Indian Law adequate against false complainants?

1) Yes  
2) No

If no, please suggest improvements.

_____________________________________________________________________

18. 'Non registration of cognizable offence is an offence'. It was recommended by Soli Sorabji Committee in draft Model Police Act, 2006, Sec. 199(1) (b). What is your view?

_____________________________________________________________________

19. What are the ways and means to maximise SC/HC judgements effectiveness in crime registration at ground level?

_____________________________________________________________________

20. Is there any international framework for making criminal justice system more citizens friendly and effective?

1) Yes  
2) No  
3) Don't know

If yes, please give details.

_____________________________________________________________________

21. A. How do you describe relation between police and society?

_____________________________________________________________________

B. What is the state of police-political interface for free and fair crime registration?

_____________________________________________________________________
22. How far the media, civil society and social movements influence the reforms in the criminal justice delivery process?

_____________________________________________________________________

23. What are the measures you may suggest to improve the crime registration mechanism? (Give priorities)

1. Delinking the performance appraisal with the crime statistics
2. Separation of Law & Order from Crime Investigation
3. Filling of the vacancies and increase of police strength at cutting edge level
4. Increasing the strength of the police staff in a police station
5. Making a non-registration of crime as an offence against police
6. Other (specify)

---------------------------------- x -------------------------------
Appendix – 4

Interview Guide for Opinion Leaders

1. Name of the State/District________________________________________

2. Name of the respondent (Optional)________________________________

3. Political party affiliated, if any____________________________________

4. Position/designation______________________________________________

5. Since when you are in this position?______________________________

6. Do you agree that all crimes are not recorded by the police in police stations?
   a) Strongly agree       b) Agree       c) Don’t know
   d) Disagree            e) Strongly disagree

7. Have you come across any such case of refusal to register a complaint at police station?
   1) Yes               2) No

   If yes, what could be the reasons, please elaborate?
   __________________________________________________________________

8. Have you accompanied any such victims to register the crime to police stations?
   1) Yes               2) No

   If yes, what could be the reasons, please elaborate?
   __________________________________________________________________
9. A. Are you aware that Police can register any cognizable offences?

   1) Yes  2) No

If yes, why so?

B. Name some cognizable offences.

C. Please name some non-cognizable offences.

D. What a Complainant is required to do in case of a non-cognizable offence?

E. Will you please indicate what percentage of common complaints to Police constitutes cognizable offence?

   a) below 10%  b) 11 to 20%  c) 21 to 30%
   d) 30 to 50%  e) more than 50%.

10. A. What kinds of crimes are normally not registered in police stations?
B. What are the reasons for the non-registration of crimes at Police Station (MR)?

(a) Lack of man power
(b) Heavy workload
(c) Influential people supporting offender prevent police from registering crime
(d) Political interference
(e) Corruption
(f) Linkage of Crime statistics with police performance appraisal
(g) Police feels case is non cognizable/false
(h) Other (specify)________________________________________________

11. Do you know that the victim has other options if police refused to register their complaints?

1) Yes  2) No

If yes, what are the options?

_____________________________________________________________________
_____________________________________________________________________

12. According to you, who are the victims of non-registration of crime?

_____________________________________________________________________

13. What are the impacts of non-registration of crime on the victims, and their family?

a) Lose faith in Justice Delivery System   b) Live under constant fear
   c) Feel helpless                       d) Suffer financial loss
   e) Suffer physical injury
   f) Unable to live in the normal dwelling place
   g) feels fundamental rights is violated
   h) Others(specify)______________________________
14. What are the impacts of non-registration of crime on the society and justice delivery system?

a) Criminals will go scot free
b) Victims will lose faith in police
c) No proper evaluation of quantum of police work
d) Victims will take revenge by using violence methods
e) Others

15. Do you agree that the media and civil society can play a role in curbing this non-registration of crimes at station level?

1) Yes  
2) No

if yes, what role they can play?

__________________________________________________________________________

16. What is the role opinion leader can play in this regard to improve the crime registration?

__________________________________________________________________________

17. What type of political interface will hamper the justice delivery systems?

__________________________________________________________________________

18. Can you suggest any other things to improve the system to make the crime registration process more citizens friendly?

__________________________________________________________________________

19. How can one ensure free registration of crime?

__________________________________________________________________________
20. As a political leader/ people's representative, what constructive role you and other political leaders can play in free and citizen's friendly registration of crime?

---------------------------------- x -------------------------------

---------------------------------- x ---------------------------------
Appendix – 5
Interview Guide for Media & NGOs

1. Serial No ____________________________

2. Name of the locality/ area____________________

3. Town / District / State _________________________

4. Name & address of the media /NGO office _____________________________

5. Date of interview______________________________

6. Name of the interviewer_________________________

7. Name of the respondent (Optional)___________________

8. Respondent’s designation/ position ___________________________

9. A. Are you aware that Police can register any cognizable offences?

   1. Yes  2. No

   If yes, why so?

   _______________________________________________________________________

   B. Please name some cognizable offences.

   _______________________________________________________________________

   C. Please name some non-cognizable offences.

   _______________________________________________________________________

   D. What a Complainant is required to do in case of a non-cognizable offence?

   _______________________________________________________________________
E. Will you please indicate what percentage of common complaints to Police constitutes cognizable offence?

a) below 10%  

b) 11 to 20%  

c) 21 to 30%  

d) 30 to 50%  

e) more than 50%.

10. Do you agree that all the cognizable crimes are not reported to police?

a) Strongly agree  

b) Agree  

c) Don’t know  

d) Disagree  

e) Strongly disagree

11. What could be the reasons for such non-reporting?(MR)

a) No faith in police and judicial process  

b) Social stigma  

c) Fear of police  

d) Possibility of out of court settlement  

e) Fear of accused  

f) Others________________

12. Do you agree that all cognizable crimes are not registered by police at the police station?

a) Strongly agree  

b) Agree  

c) Don’t know  

d) Disagree  

e) Strongly disagree

13. What are the reasons for the non-registration of crimes at police station?(MR)

a) Lack of man power and workload

b) Influential people supporting offender prevent police from registering crime

c) Political interference

d) Corruption

e) Linkage of Crime statistics with police performance appraisal

f) police feels case is non cognizable/ false

g) other (specify)__________________________________________________
14. In case of non-registration of crimes what the media/NGOs can do?

15. Is there any case in which only after media’s/NGOs intervention police registered the crime?
   1) Yes  2) No

   If yes, please elaborate your experience

16. What was the reason behind non-registration of crimes in that case?

17. Do you have any priority of giving coverage to non-registration of crimes in your scope of work?
   1) Yes  2) No

   If yes, please elaborate

18. Do you agree that the community and media including print and electronic can play a role in reducing non-registration of crimes?
   a) Strongly agree  b) Agree  c) Don’t know
d) Disagree  e) Strongly disagree
19. Do you agree that the media/NGO could be helpful in building pressure on police to register all cognizable offences?
   a) Strongly agree  b) Agree  c) Don’t know
d) Disagree  e) Strongly disagree

20. Do you agree that police attitude regarding socio economic and educational status of victim/accused influences the filing of FIR?
   a) Strongly agree  b) Agree  c) Don’t know
d) Disagree  e) Strongly disagree

21. What is the nature of police – politician interface?
_______________________________________________________________________

22. A. Do you think 'false complaints' are increasing?
   1) Yes  2) No
   If yes, what action you proposed against them?
_______________________________________________________________________

   B. Is there any provision in Indian Law for taking action against false complainant?
   1) Yes  2) No  3) I don’t know
   If yes, what is that action/quantum of punishment?
_______________________________________________________________________

23. Do you agree that the corruption play a role in registration of crimes?
   a) Strongly agree  b) Agree  c) Don’t know
d) Disagree  e) Strongly disagree
24. How far the public demonstration / rallies and social movements influence the criminal justice delivery process?

25. How can one ensure free registration of crime?

26. What can be done by media / NGO to get justice to weaker sections of society?
Appendix – 6
Interview Schedule for Duty Officers

Identification Details

1. Serial No_____________________________________

2. Name of the locality/ area_____________________

3. Town / District / State _______________________

4. Name & address of the Station_________________

5. Date of interview____________________________

6. Name of the interviewer______________________

Personal profile

7. Name of the officer (optional)___________________

8. Gender

   a) Male  b) Female

9. Present Designation

   a) Hawaldar  b) Assistant Sub-inspector

   c) Sub-inspector  d) Inspector

   e) Senior Inspector

10. Level of Entry in Police Service

    a) Constable  b) Hawaldar  c) ASI

    d) S I  e) Other (specify)__________________
11. What is your Age (in years)?
   a) Below 25  
   b) 26 – 35  
   c) 36 – 45  
   d) 46 – 55  
   e) 56 and above

12. What is your religion?
   a) Hindu  
   b) Islam  
   c) Christian  
   d) Sikhs  
   e) Buddhist  
   f) Jain  
   g) Others (specify)____________________

13. What is your caste category?
   a) General  
   b) OBC  
   c) SC  
   d) ST  
   e) Others________

14. What is your educational qualification?
   a) up to 12  
   b) graduate  
   c) professional graduate  
   d) post graduate

15. What is your length of total service in police department?
   a) below 5 yrs  
   b) 6 to 10 yrs  
   c) 11 to 15 yrs  
   d) 16 to 20 yrs  
   e) above 20 yrs
16. How long you have been functioning as duty officer/ receiving and registering complaints?
   a) less than 3 months   b) 4 to 6 months   c) 7 to 12 months
d) above one year e) other (specify)_____________

17. After basic training, have you received any refreshers training or promotional course in your service period?
   1) Yes   2) No

18. If yes, how many times and when was the last such training course?

__________________________________________________________________________
__________________________________________________________________________

Family Background

19. Are you married?
   1. Yes   2) No

20. If yes, do you keep your family with you?
   1) Yes   2) No

21. If yes, tell me who are the family members staying with you?
   a) Wife   b) Child   c) Father
d) Mother   e) Others

22. If no, where do they stay?

__________________________________________________________________________
23. What are the major problems do you face at the family front?

__________________________________________________________________________
__________________________________________________________________________

24. Whether your family support system is adequate?

1) Yes                      2) No

25. What are your suggestions, if any, for having a better family support system to police staff?

__________________________________________________________________________
__________________________________________________________________________

Facilities for public in Reporting Room

26. Do you (your Police Station) have any reception room or reception corner?

1) Yes                      2) No

27. Do you have any enquiry counter or help desk to assist the visitors?

1) Yes                      2) No

28. Do you have any waiting room for complainants particularly for women and children?

1) Yes                      2) No
29. What are the facilities available for visitors and complainants at the police station?

   a) Seating arrangement  
   b) Drinking water   
   c) Wash room  
   d) Reception room   
   e) Other______________________________

**Duty Officer System**

30. How many officers (ASI & above) and hawaldars are there in your police station?

   Officers ____________  
   Hawaldar ____________

31. Is there ‘duty officer’ system in your station?

   1) Yes  
   2) No

32. If yes, how many are detailed in 24 hours and each for how many hours?

   ____________________________________________

33. If no, which officer is assigned to receive and register complaints in your police station?

   ____________________________________________

   ____________________________________________

**Procedure and actual practice of registration of crime**

34. How many complaints do you receive in your police station every day (approximate)?

   ____________________________________________
35. What percentage of those complaints you find cognizable in nature?

   a) Up to 10%  b) 11 to 20%  c) 21 to 30%
   d) 31 to 50%  e) other___________________________

36. What are the guidelines/framework provided to you to decide whether the offence is
cognizable or not?


37. Is there a Non-Cognizable Offences Register (NCR) exists in your Police Station? If not, how
do you deal with non-cognizable offences?


38. What are the main considerations in deciding the course of action for crime registering?

   a) Nature of the crime
   b) Severity of the crime
   c) Victim of the crime (like crime against women/children, dalits, etc)
   d) Offender’s status
   e) Any other (specify)______________

39. What is the use of daily diary and how do you use it while registering or not-registering a
crime reported to you as duty officer?


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40. What actions follow after registration of a non cognizable offence?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

41. If complainant is non- conversant with the local language and is not able to read, or understand the local language, how do you assist such complainants?

________________________________________________________________________
________________________________________________________________________

42. If complainants forces you to register an offence as cognizable offence, but you find it as non cognizable, then how do you deal with such situations?

________________________________________________________________________
________________________________________________________________________

43. How many times complainants need to come to police station for registering an FIR?

   a) only once   b) two times   c) three times
   d) four -five times   e) can't say its depends

44. Are you, to take permission of SHO or any other senior officer before registering an FIR?

   1) Yes   2) No

If yes, who is that officer?

________________________________________________________________________
45. How a complainant does come to know the updates of his/her complaint?

________________________________________________________________________
________________________________________________________________________

46. Do you give a copy of the FIR to the complainants?

1) Yes 2) No

If yes,

a) Almost Immediately  b) may take some time  c) when necessary
d) if demanded  e) never

47. In case a complainant is refused registration of his report, what he normally does?

a) Quarrels with the duty officer
b) Reports to the SHO
c) Complains to DSP/SP?
d) Goes to Court
e) Comes back with a local politician
f) Does not come back but keep talking ill of police
g) Other (please specify)

48. How much time it takes to register an FIR?

________________________________________________________________________
________________________________________________________________________

49. Do you or the SHO conduct any preliminary inquiry before registration of FIR?

1) Yes 2) No 3) if necessary
50. Do you register crimes even though the complainant has not given all details?

   a) Always  
   b) sometimes  
   c) when its necessary  
   d) rarely  
   e) not at all

51. What are the difficulties you face in registering FIR?

   _______________________________________________________________

52. Do you seek guidance from your supervisory officers to resolve the issue?

   1) Yes  
   2) No

53. In case of registering FIR of offences like rape, is it necessary for the victim to come to police station for recording statement and FIR?

   1) Yes  
   2) No

54. In serious cases, do you provide any legal support in the police station at the time of registering FIR?

   a) always  
   b) sometimes  
   c) when it's necessary  
   d) rarely  
   e) not at all

55. Is a lady police officer assigned to deal with complaints of women and children?

   a) always  
   b) sometimes  
   c) when its necessary  
   d) rarely  
   e) not at all

56. What are the most common cognizable offences that are registered every year in your jurisdiction?

   _______________________________________________________________

   _______________________________________________________________
57. Is there any jurisdictional issue while registering the crimes?

   a) Register only the crime happened in your jurisdiction
   b) Register the crime irrespective of the jurisdiction
      (and later on forwarding to the respective stations)
   c) Consult supervisory officers if jurisdictional issue comes
   d) Other _________________________________

58. Do you receive complaints through telephone?

   a) sometimes                    c) rarely                    e) not yet

59. Is there any mechanism to record such complaints?

   1) Yes                        2) No

60. Do you have the facility of e-complaints?

   1) Yes                        2) No

61. Is it necessary to visit station to register FIR in such cases?

   a) very necessary             b) necessary           c) preferable
   d) not much necessary         e) not necessary

62. In how many cases your police station registered FIR u/sec 156 (3) of Cr.P.C. i.e after judicial magistrate’s order?

________________________________________________________________________

63. What types of complaints are generally directed by magistrate to police?

________________________________________________________________________
64. How do you update your knowledge of law and legal procedures, current circulars, amendments and court judgments?

   a) departmental circulars       b) training/ workshops       c) discussed during meetings
   d) others______________________________

65. Do you get any input from prosecutors in registering crime to make it watertight?

   a) always       b) most of the instances       c) in some instances
   d) rarely       e) never

66. Are the Advisories issued by the MHA, GOI from time to time implemented in your state?

   1) Yes       2) No

   If yes, please give details of the order

   ________________________________

Public interference in registration of crimes

67. Who generally accompanies the complainants?

   a) Relatives       b) neighbours       c) politicians
   d) NGO personnel       e) Sarpanch       f) Media
   g) Others ________________________
68. In such cases, how many persons usually accompany the complainant?

a) 1  

b) 2 to 5  

c) 6 to 10  

d) 10 to 20  

e) more than 20

69. A. What is the role of such persons in the crime registration process?

a) Constructive role  

b) Destructive role  

c) Influencing role  

d) motivate victim  

e) moral support to the victim  

f) Other(specify) _____________________

B. Do they pressurize you?

a) always  

b) sometimes  

c) rarely

70. How do you deal with them?

_______________________________________________________________________

_______________________________________________________________________

71. What is your view regarding complainants who come unaccompanied for registration of crime?

_______________________________________________________________________

_______________________________________________________________________

72. Is there any political compulsion on you to register / not register complaints?

a) great extent  

b) some extent  

c) can't say  

d) rarely  

e) no pressure

73. Is there any compulsion from senior police officers not to register crime?

a) very much  

b) some  

c) a little  

d) very little  

e) no impact
74. Do you/your staff feel de-motivated by such compulsion?

   a) very true     b) true     c) can't say
   d) not much     e) not at all

75. Whether corruption is a factor for registering/non registering of crimes?

   a) very much     b) somewhat     c) can't say
   d) not much     e) not at all

76. If you have to register FIR against any influential person or political leader, what will you do?

   a) follow CrPC procedure     b) delay for a few days     c) consult seniors
   d) do not register     d) Others (specify) _____________________________

Crimes against weaker sections

77. In case of crime against women do you promptly register the complaint?

   1) Yes     2) No     3) Can't say

78. Do you feel the necessity of settlement or reconciliation in a number of cases, instead of registration and further legal process?

   a) always     b) sometimes
   c) when it is necessary     d) never
79. How often you received complaints of atrocities against SCs, STs during last one year?
   a) nil         b) less than 5      c) 6 to 15
   d) More than 15 e) Don't know

80. In what type of cases you generally consult your SHO or other senior officers prior to registering or non-registering a case?

Burking of crime

81. Have you heard about ‘Burking of crime’?
   1) Yes       2) No

82. A. Do you agree that large numbers of cases are not reported in the police station?
   a) very much         b) agree         c) can’t say
   d) not much          e) not at all agree

   B. Do you agree that large numbers of complaints are not registered in the police station?
   a) very much         b) agree         c) can’t say
   d) not much          e) not at all agree

83. If yes, what may be the causes behind it?
A. For non reporting

_______________________________________________________________________

_______________________________________________________________________

B. For non registration

a) Offender has influential  b) Corruption

 c) Police insensitiveness  d) To show crime figure low

e) Heavy work load  f) Police think that it may be a false case

g) Political interference  h) Other (specify)

_______________________________________________________________________

_______________________________________________________________________

84. Who are the victims of this non registration?

_______________________________________________________________________

_______________________________________________________________________

85. Are there any government / senior officer’s pressure on police to under report the crime figures?

 a) always  b) sometimes  c) can’t say

d) rarely  e) no pressure

86. How independent is the police service from political interference?

 a) very independent  b) mostly  c) somewhat

d) not sure  e) not independent
Supervision and Review Meetings

87. How often the review meetings related to crime situation and follow up action are conducted by the supervisory level police officers?

a) daily  b) weekly  c) fortnightly

 d) monthly  e) quarterly

88. If the number of crime registration is higher than previous period, what is the reaction of supervisory authority

____________________________________________________________________

____________________________________________________________________

89. Is there any Govt Rule / DGP/SP circular regarding registration of offences?

1) Yes  2) No

If yes, what are those?

____________________________________________________________________

____________________________________________________________________

Performance Appraisal

90. Do the numbers of registered cases play any role in performance appraisal?

1) Yes  2) No

If yes, in what way?

____________________________________________________________________

____________________________________________________________________
91. Are you happy with the performance appraisal criteria?
   a) very happy    b) happy    c) can’t say
   d) not much happy  e) not happy at all

92. If not happy, what should be the criteria?

_______________________________________________________________________

_______________________________________________________________________

Impact of non - registration

93. What could be the impact of non - registration of offence On society?
   a) lose faith on justice delivery system
   b) criminals will get advantage
   c) Other ________________________________

B. On victim

   a) financial loss    b) loss of time    c) loss of employment
   d) Live with fear    e) seeking to change place of residence
   f) Other ________________________________

Solutions for free and fair crime registration

94. Whether computerisation of police station is implemented in your Station?

   a) at the optimum level    b) some level    c) not up to the level
   d) In the process    e) not yet
95. Whether the Crime Criminal Tracking Network (CCTN) is available in your station?

1) Yes  
2) No

96. If yes, are you using that system for crime registration?

1) Yes  
2) No

97. Do you agree that separation of Law & Order from Crime Investigation will enhance the crime registration?

(a) very much  
(b) somewhat  
(c) can’t say  
(d) not agree  
(e) definitely not agree

98. Do you agree that crime is on increase in modern times?

1) Yes  
2) No  
3) I don’t know

99. What may be the remedy(ies) or solution(s) to curb the practice of non registration?

______________________________________________________________________
100. Which among the following would improve the citizen friendly crime registration
(Please priorities between 1 to 6, ‘1’ being the highest.)?

a) De-linking the performance appraisal with the crime statistics

b) Separation of Law & Order from Crime Investigation

c) Filling of the vacancies and increase of police strength at cutting edge level

d) Increasing the strength of the police staff in a police station

e) Making a non-registration of crime as an offence against police

f) Other (specify) ________________________________________________

-------------------------------------------------------------------- x -------------------------------
Interview Schedule for Police Station Officers

Identification Detail

1. Serial No ______________________________

2. Name of the locality/ area_____________________

3. Town / District / State _______________________

4. Name & address of the Station_______________

5. Date of interview__________________________

6. Name of the interviewer_____________________

Personal profile

7. Name of the SHO (optional)__________________________

8. Gender
   a) Male  
   b) Female

9. Present Designation
   a) Sub-inspector  
   b) Inspector  
   c) Senior Inspector

10. Level of Entry in Police Service
    a) Constable  
    b) Hawaldar  
    c) ASI  
    d) S I

11. What is your Age (in years)?
    a) Below 25  
    b) 26 – 35  
    c) 36 – 45  
    d) 46 – 55  
    e) 56 and above
12. What is your educational qualification?
   a) up to 12  b) graduate
   c) professional graduate  d) post graduate

13. What is your length of total service in police department?
   a) below 5 yrs  b) 6 to 10 yrs  c) 11 to 15 yrs
   d) 16 to 20 yrs  e) above 20 yrs

14. How long you have been functioning as Station House Officer?
   a) less than 3 months  b) 4 to 6 months  c) 7 to 12 months
   d) one to two years  e) other(specify)___________

15. After basic training, have you received any Refresher training or promotional course in your service period?
   1) Yes  2) No

16. If yes, how many times and when was the last such training course?
   ____________________________________________________________

17. What is your religion?
   a) Hindu  b) Islam  c) Christian
   d) Sikh  e) Buddhist  f) Jain
   g) Other (specify)____________________

18. What is your caste category?
   a) General  b) OBC  c) SC
   d) ST  e) Other_____________________
Family Background

19. Are you married?
   1) Yes    2) No

20. If yes, do you keep your family with you?
   1) Yes    2) No

21. What are the major problems do you face at the family front?

____________________________________________________________________________

22. What are your suggestions, if any, for having a better family support system from your department to police staff?

________________________________________________________________________________

Procedure and actual practice of registration of crime

23. Is there ‘duty officer’ system in your station?
   1) Yes    2) No

24. If yes, what are the duty hours?

_______________________________________

25. Do you change them?

   a) Frequently       b) After 3 months       c) After 6 months
   d) As and when required

26. A. Is there a Non Cognizable Register (NCR) exists in the Police Station?

   1) Yes    2) No
If not, how do you deal with non-cognizable offences?

____________________________________________________________________

B. What are the mechanisms in place for registration of crimes in your Police Station?

____________________________________________________________________

27. Are there any instances that your Duty Officer came to you for clarification, when complainant forces the officer to register an offence as cognizable offence, whereas DO found it as non-cognizable

1) Yes  2) No

If yes, how do you deal with such situations?

____________________________________________________________________

If yes, how often it happens

a) Very often b) Some times c) Rarely
d) Not at all

28. Does the duty officer take permission of you before registering an FIR?

a) Yes 2) No

If yes, why?

____________________________________________________________________

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29. In case a complainant is refused registration of his report, what he normally does?
(MR)
   a) Quarrels with the duty officer        b) Reports to you        c) Complains to DSP/SP
d) Goes to Court                    e) Comes back with a local politician
f) Does not come back and keep talking ill of police
g) Other (please specify)_______________________________________________

30. Is there any system for conducting preliminary enquiry before registration of FIR?

    1) Yes                        2) No                        3) if necessary

    If yes, please specify, in what situations

    _____________________________________________________________________
    _____________________________________________________________________

31. Is a lady police officer assigned to deal with complaints of women and children?

    a) always                        b) sometimes                        c) when its necessary
d) rarely                        e) not at all

32. What are the most common cognizable offences that are registered in your jurisdiction?

    _____________________________________________________________________

33. Do you receive complaints through telephone?

    a) Many times                        b) sometimes
c) rarely                        d) not yet
34. Is there any mechanism to record such complaints?
   1) Yes  
   2) No

35. Do you have the facility of e-complaints?
   1) Yes  
   2) No

36. In how many cases during last year, your police station registered FIR u/sec 156 (3) of Cr.P.C. i.e after judicial magistrate’s order?
   _______________________________________________________

37. Out of cases registered on court's order, how many cases were sent for trial during last year? Please specify in approximate percentage if number is not available
   _______________________________________________________

38. What types of complaints are generally directed by magistrate to police?
   _______________________________________________________

39. Was there any disciplinary action initiated during last two years, against any police officer in your police station for dereliction of duty related to non-registration of offence, by the judiciary?
   1) Yes  
   2) No

   A) What action had been taken?
   _______________________________________________________

   B) Against how many?
   _______________________________________________________
40. How do you and your DO update the knowledge of law and legal procedures, current circulars, amendments and court judgments?

   a) departmental circulars   b) training/ workshops   c) discussed during meetings
   d) others ________________________________

41. Do you get any input from prosecutors in registering crime to make it watertight?

   a) always   b) most of the instances   c) in some instances
   d) rarely   e) never

42. During the last calendar year, what were the crime statistics of your police station? Please give a copy indicating head wise crime, type of disposal etc.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Head</th>
<th>Type of disposal</th>
<th>Remarks, if any</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Sent to court</td>
<td>Cases untraced</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cases cancelled</td>
<td>Cases under investigation</td>
</tr>
</tbody>
</table>

43. Please give us details of cases sent as cancelled

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>FIR No.</th>
<th>Brief details</th>
<th>Time taken to send for cancellation (days)</th>
<th>Has the Magistrate accepted for cancellation</th>
<th>Action, if any taken against false complainant</th>
</tr>
</thead>
</table>
44. Are false complaints a problem in free registration of crime?

1) Yes
2) No

If yes, in what way?

_______________________________________________________________

45. What is the procedure to inform progress of case to complainant?

_______________________________________________________________

Public interference in registration of crime

46. Is there any political compulsion on you to register / non register complaints?

a) A great extent
   b) some extent
   c) can't say
   d) rarely
   e) no pressure

47. Do you face any compulsion in registration of crime?

a) very much
   b) somewhat
   c) a little
   d) Negligible
   e) not at all

If yes, from Whom?

_______________________________________________________________

48. Do you/your staff de-motivated by such compulsion?

a) very much
   b) somewhat
   c) little
   d) very little
   e) not at all
49. Whether corruption is a factor for registering/non registering of crimes?

a) very much  b) somewhat  c) can't say
  d) not much  e) not at all

50. If your duty officer has to register FIR against any influential person or a political leader, what will he do?

a) follow CrPC procedure  b) delay for a few days  c) consults you
  d) do not register  e) Others (specify) __________

51. In what type of cases your DO generally consult you, prior to registering or non-registering a case?
_______________________________________________________________________

Crimes against weaker sections

52. Do you feel the necessity of settlement or reconciliation in a number of cases, instead of registration and further legal process?

a) always  b) sometimes
  c) when its necessary  d) never

53. How often you receive complaints of atrocities against SC/STs during last one year?

a) nil  b) less than 4  c) 4 to 10
  d) More than 10  e) Do not know
54. Are the Advisories issued by the MHA, GOI or State Government from time to time regarding weaker sections implemented in your state?

1) Yes 2) No 3) Do not know

If yes, please give details of the order

________________________________________

'Burking of crime'

55. Do you agree that large number of cases are not registered/ reported in the police station?

a) strongly agree  b) agree  c) not much

d) not at all agree  e) can’t say

56. If yes, what may be the causes behind it? For non reporting

________________________________________

57. Are there any government / senior officer’s pressure on police to under report the crime figures?

a) always  b) sometimes  c) rarely

d) no pressure  e) can’t say

58. What are the reasons according to you, for reported 'burking of crime'? Please mark priority.

(Please give priorities between 1 to 6, ‘1’ being the highest)

a) Inadequate manpower  

b) Prevalence of false complaints  

c) Political interference  

d) Corruption  

e) Linkage of Crime statistics with police performance appraisal  

f) Other ________________________________

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59. How independent is the police service from political interference?

a) very independent       b) mostly
  c) somewhat               d) not sure
  e) not independent

Supervision and Review Meetings

60. How often the review meetings related to crime situation and follow up action are conducted by the supervisory level police officers?

A. DSP level
B. SP level

a) daily       b) weekly       c) fortnightly       d) monthly       e) quarterly

61. In crime review meetings by the senior officers, which all issues are discussed? (Please give priorities) between 1 to 5, ‘1’ being the highest.

a) Comparative crime figures    b) Nature of the crime in the area
   c) Preventive action          d) Law and order problem
   e) Other _______________________________

62. If the number of crime registration is higher than previous period, what is the reaction of supervisory authority?
_____________________________________________________________________

63. Is there any Govt Rule / DGP/SP circular regarding registration of offences?

1) Yes               2) No

If yes, what are those?
_____________________________________________________________________

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Performance Appraisal

64. Do the numbers of registered offences play any role in performance appraisal?

1) Yes  2) No

If yes, in what way?

____________________________________________________________________

65. Are you happy with the performance appraisal criteria?

a) very happy  b) happy  c) can’t say
d) not much happy  e) not happy at all

66. If not happy, what should be the criteria?

____________________________________________________________________

Impact of non - registration

67. What could be the impact of non registration of offences on society?

a) Lose faith on justice delivery system  b) criminals will get advantage
c) Others (specify)__________________________________________________

68. Possible impact on victim

a) Financial loss  b) loss of time  c) loss of employment
d) Live with fear  e) problem with change of residence
f) Others _____________________________________________________________

69. Is non registration of crime a major irritant in police- public relations?

a) very much  b) to some extent  c) not at all
d) can’t say
70. To what extent, you think your police station is registering all cognizable offences?
   a) very much      b) to some extent                c) not at all
   d) can’t say

Solutions for free and fair crime registration

71. Whether computerisation of police station is implemented in your police station?
   1) Yes            2) No

   If no, why it is not computerised

72. Whether the Crime Criminal Tracking Network (CCTN) is used in your police station?
   1) Yes            2) No

73. Do you agree that separation of Law & Order and Crime Investigation wings will enhance the crime registration?
   a) Very much      b) somewhat                      c) can’t say
   d) Not agree      e) definitely not agree

74. Do you agree that crime is on increase in modern times?
   1) Yes            2) No                                3) do not Know

75. What may be the remedy(ies) or solution(s) to curb the practice of non registration?
76. Which among the following would be the most important to improve the citizen friendly crime registration?(MR)
   a) Delinking the performance appraisal with the crime statistics
   b) Separation of Law & Order from Crime Investigation
   c) Filling of the vacancies and increase of police strength at cutting edge level
   d) Increasing the strength of the police staff in a police station
   e) Making a non-registration of crime as an offence against police
   f) Other (specify) ______________________________________________________

------------------------------------ x ------------------------------------
Appendix – 8
Interview Guide for Supervisory Officers
(Dy. S.P. to I.G. level Police Officers)

Interview Guide

1. Name of the State /District ________________________________

2. Name of the respondent (Optional) __________________________

3. Designation ______________________________________________

4. Since when you are in this post? ______________________________

5. What was your position earlier to this post? __________________

6. What do you feel the reasons behind non reporting of all crimes to police?

(Give 1 to 6 (‘1’ being highest in order)

a) No faith in the justice delivery system  
   b) Fear of accused  
   c) Fear of police/ harassment  
   d) Social stigma attached to certain crimes such as rape  
   e) Possibility of out of court settlement  
   f) Other (specify) __________________________________________

B. What percentage of complaints are registered as FIRs? ______________

7. What are the reasons for non - registration of all complaints by Station level police officers?

   i) Not all complaints constitute cognizable offences and thus not actionable by Police
      
      a) Strongly agree  
      b) agree  
      c) cannot say  
      d) disagree  
      e) strongly disagree
ii) **Shortage of manpower / increasing workload**
   a) Strongly agree          b) agree          c) cannot say
   d) disagree               e) strongly disagree

iii) **Inadequacy of law to deal with false complaints**
     a) Strongly agree          b) agree          c) cannot say
     d) disagree               e) strongly disagree

iv) **Political interference**
    a) Strongly agree          b) agree          c) cannot say
    d) disagree               e) strongly disagree

v) **Poor infrastructure and lack of transport facility**
   a) Strongly agree          b) agree          c) cannot say
   d) disagree               e) strongly disagree

vi) **Linkage of crime statistics with performance appraisal**
    a) Strongly agree          b) agree          c) cannot say
    d) disagree               e) strongly disagree

vii) **Possibility of false complaints**
     a) Strongly agree          b) agree          c) cannot say
     d) disagree               e) strongly disagree

viii) **Insensitivity of police personnel at Station level**
     a) Strongly agree          b) agree          c) cannot say
     d) disagree               e) strongly disagree

ix) **Other (specify)**
    a) Strongly agree          b) agree          c) cannot say
    d) disagree               e) strongly disagree
9. Do you have any mechanism to communicate the Supreme Court / High Court Judgements, Executive Orders of DGP, Advisory issued by the Home Ministry to the Station Level Officers regarding crime registration?

a) Office circular  b) Departmental meetings  
c) Short-term workshop/training  d) Instruction by senior officers on time to time  
e) Special meetings on the issue  f) Job rotation  
g) Departmental publications  h) internet  
i) Other

1. A. What type of disciplinary action can be taken against police officers in case of refusal of registering crimes by the department?

___________________________________________________________________

B. How many such actions are taken in the last one year?

___________________________________________________________________

2. A. Has any complainant come to you for redressal of his/her grievance?

1) Yes  2) No

If yes, how many are such complainants on an average in a month?

___________________________________________________________________

B. Are there any police officers against whom case under sec 217 of IPC is registered?

1) Yes  2) No

How many are they?

___________________________________________________________________

3. Have you come across any 'false case'?

1) Yes  2) No

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If yes, what action you have taken

________________________________________________________

4. How effectively the SC/HC judgments, executive orders of DGP and the Advisories on crime registration are implemented?

________________________________________________________

5. Have you issue any circular regarding conducting preliminary enquiry before registration of FIR?
   1. Yes   2) No

If yes, please specify in what situations

________________________________________________________

6. What are the mechanisms of reviewing the crime situation? How often it is happening?

________________________________________________________

7. What could be the consequences on victims of 'non - registration' of crime? (MR)
   1. Lose faith in Justice Delivery System
   2. Live under constant fear
   3. Feels helpless
   4. Suffer financial loss
   5. Suffer physical injury
   6. Unable to live in the normal dwelling place
   7. feels fundamental rights is violated
   8. Others(specify)______________________________________________

8. What could be the consequences on police department due to 'non - registration' of crime?
   a) Criminals will go scot free
   b) Victim will lose faith in police
   c) No proper evaluation of quantum of police work
   d) Victims will take revenge by resorting to violence
   e) Others (specify)________________________________________________________
9. What is the sanctioned strength of police personnel under your control?

_______________________________________________________________________

10. What is the actual strength of police personnel?

_______________________________________________________________________

And how many are vacant posts?

_______________________________________________________________________

11. Please specify the reasons for vacancies?

_______________________________________________________________________

12. Whether crime registration figures have an impact on performance appraisals of police officials?
   1) Yes  2) No

If yes, please specify

_______________________________________________________________________

13. Do you agree that the police service is citizen friendly enough?
   a) Strongly agree  b) Agree  c) Cannot say
d) Disagree  e) Strongly disagree

14. What are the ways to make police more citizens’ friendly crime registration system?
   i) By training to police personnel
      a) Strongly agree  b) Agree  c) Cannot say
d) Disagree  e) Strongly disagree

   ii) Legislative reform
      a) Strongly agree  b) Agree  c) Cannot say
d) Disagree  e) Strongly disagree

   iii) Police Modernization Scheme
      a) Strongly agree  b) Agree  c) Cannot say
d) Disagree  e) Strongly disagree
iv) **By setting up separate Law& Order and Crime Investigation**
   a) Strongly agree 
   b) Agree 
   c) Cannot say 
   d) Disagree 
   e) Strongly disagree

v) **Other (specify)**
   a) Strongly agree 
   b) Agree 
   c) Cannot say 
   d) Disagree 
   e) Strongly disagree

15. **What are the problems and difficulties that exist in the registration process and system?**
   ____________________________________________________________

16. **Are the Advisories issued by the MHA, GOI/your own State Government circulated/implemented at appropriate level in your jurisdiction?**
   1) Yes 
   2) No 
   If yes, please give details of the direction order
   ____________________________________________________________

17. **MHA, GOI/Your own State Government has issued Advisory on crime against women (Sept 2009) directing setting up of a 'crime against women and children desk' in each police station. Do you have such desk?**
   1) Yes 
   2) No 
   If yes, please give details of the direction order
   ____________________________________________________________

18. **What is the percentage of women and SC, ST person’s representation in your jurisdiction?**
   ____________________________________________________________

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19. Do you feel crime is increasing?
   1) Yes                              2) No
   If yes, what are the measures need to be taken to control crime?

_______________________________________________________________________

20. In crime review meetings by the senior officers, which all issues are discussed? (Please give priorities, between 1 to 5, ‘1’ being highest in order)
   a) Comparative crime figures issue
   b) Nature of the crime in the area
   c) Preventive action
   d) Law and order problem
   e) Any other ________________________________

21. What type of training, man power, infrastructure etc are necessary to make police force more citizens friendly and accessible to all including poor persons and from vulnerable sections of society?

_______________________________________________________________________

22. What are your suggestions for making the Police Service/Force more effective and fair in terms of Criminal Justice Delivery?

_______________________________________________________________________

23. Which among the following would improve the citizen friendly crime registration? (MR) (Please give priorities between 1 to 6, ‘1’ being the highest in order)
   a) Delinking the performance appraisal with the crime statistics
   b) Separation of Law & Order from Crime Investigation
   c) Filling of the vacancies and increase of police strength at cutting edge level
   d) Increasing the strength of the police staff in a police station
   e) Making a non-registration of crime as an offence against police
f) Other (specify) __________________________________________________

24. Are there any other issues you want to share with us Sir/Madam, regarding non registration?

________________________________________________________________________

________________________________________________________________________

------------------------------------ x -------------------------------

------------------------------------ x -------------------------------

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Annexure-I
FIRST INFORMATION REPORT FORM
(Under Section 154 Cr. P.C.)

1. Dist.........................................P.S.........................Year.............F.I.R.............Date....................

2. (i) *Act...................................................Sections..............................................................
   (ii)*Act...................................................Sections..............................................................
   (iii)*Act...................................................Sections..............................................................
   (iv)*Other Acts & Sections........................................................................................................

3. (a)*Occurrence of Offence : *Day .................... *Date ............ * Time ............
   (b) Information received at P.S. Date .................... Time ..............................................
   ( c ) General Dairy Reference : Entry No(s) .................... Time ...........................................

4. Type of information :

5. Place of occurrence : (a) Direction and Distance from P.S. ............ Beat No........
   (b) * Address ......................................................................................................................
   (c ) In case outside limit of this Police Station, then name of P.S........................................
       District ....................................................

6. Complainant / information :
   (a) Name ............................................................................................................................
   (b) Father's / Husband's Name ............................................................................................
   ( c ) Date / Year of Birth ............................................ (d) Nationality ..........................
   (e) Passport No. ................................. Date of Issue ................................. Place of Issue ............
   (f) Occupation:....................................................................................................................
   (g) Address: ..........................................................................................................................
7. Details of known / suspected / unknown/ accused with full particulars
   (Attach separate sheet if necessary):
   ..............................................................................................................................................
   ..............................................................................................................................................
   ..............................................................................................................................................

8. Reasons for delay in reporting by the Complainant / Informant:
   ..............................................................................................................................................
   ..............................................................................................................................................
   ..............................................................................................................................................

9. Particulars of properties stolen / involved (Attach separate sheet if necessary):
   ..............................................................................................................................................
   ..............................................................................................................................................

10. * Total value of the properties stole / involved:
    ..............................................................................................................................................

11. * Inquest Report / U.D. Case No., If any:
    ..............................................................................................................................................

12. F.I.R. Contents (Attach separate sheets, if required):
    ..............................................................................................................................................

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at Item No. 2., registered the case and took up the investigation/direction/........................................... Rank..........................
to take up the investigation transferred to P.S.......................................... on point of jurisdiction.
F.I.R. Read over to the complainant. Informant, admitted to be correctly recorded and copy given to the Complainant/ Informant free of cost.

   Signature of the Officer -in-charge, Police Station

   * Name: ............................................................................................................................

   * Rank: ........................................ No. ..................................

14. Signature / Thumb-impression
    of the complainant / informant

15. Date & time of dispatch to the court: