CONCLUSION

WHERE DO WE GO FROM HERE?
FOR A GENDER-SENSITIVE
POLICE.
After completion of my project, on the basis of my field data I can say that in spite of the rosy pictures as depicted by NCRB and SCRB, Karnataka is no safe Heaven for women. Although data shows gradual decrease of crime rate, in reality, if we go by district-wise crime specific (e.g. Dowry death or 304 (B), 498(A) Harassment of married women) data, we may find that in districts like Gulbarga and Bangalore (R) the crime rate for aforesaid crimes are sometimes even higher than the national highest. Main reasons behind this incongruence are
A) Very few cases, related to women and children, are actually registered despite their being reported to the police station.
B) Counselling is often seen as a substitute for registration of cases.
C) The prevalent attitude of most officers is to minimise the incidence of violence and thus deny the right of the complainant to legal justice.
D) Instead of being sympathetic often police responses to women are traditional and patriarchal.
E) Violence against women is not seen as part of the "main stream" activities of the local police station, but are most often referred to the women's police station.

The limited powers of the women's police stations as well as the abdication of responsibility by the system overall leads to further injustice to complainant.

Low conviction rate in the (0% to 20%) cases of gender related violence and phenomenal number (in Bangalore (R) it is almost about 80%) of pending cases languishing in the court for their trial also doubts the effectiveness of the criminal justice system as "Justice delayed is justice denied". But our previous chapters show how police can expedite and influence criminal justice system through action/inaction from the time of registering the complaint to the process of investigation through dying declaration and post mortem.

From the case studies it is evident that with their discretionary power police can make or mar somebody's aspiration. Most police brutalities are due to their belief in personalized justice, caused due to the criminal justice system punishing the accused but doing nothing for the victim. This makes police personnel pass their judgement on the offender and mete out his way of punishing the offender. i.e. custodial violence. But this is not always reflected through their negative attitude. Sometimes to provide justice to the victim women, police just book rape cases which they term as "technical rape" to bargain marriage for the victim with the accused.

My study has proved beyond doubt that as gender related Development Index is inversely related to the rate of crime committed against women [e.g. crime rate is highest in Gulbarga and its GDI is also as low as 19, while it GDI is 4 in Uttara Kannada and occurrence of crime against women is also low there]. But data available from the
personal profile of the police personnel (chapter – 4) and also from the performance of policemen (on the basis of complaint received against them on their violation of human rights) it is surprising that Gulbarga is best performing district (at least from the attitude of police personnel concerned) followed by U.K. and Bangalore (R), But reality may be quite opposite as Gulbarga being a backward district, general fear of police is high among common people and they don’t come up and speak against them. But higher education/attainment of Gulbarga police personnel is also reflected through their human rights sensitive attitude as we reflect that gender sensitive police is the product of gender sensitive society. Thus we have to work towards a more gender sensitive society.

Now on the basis of my study I have made an effort to suggest ways to make police more gender sensitive, respectful, towards human rights and of course more efficient.

**Roads Ahead: Towards A More Gender Sensitive Society**

**A. Change in Recruitment Process:-**

A thorough revamping is needed in the recruitment process. During my field exposure I found that most of the complaints on human rights violation were directed against the constabulary, the most visible part of the police machinery. Therefore, some rethinking in this field is needed. There is an urgent need of enhancing the basic minimum (matriculation for armed & Higher Secondary for Civil Police) educational qualification. Graduation should be the entry point. This should be substantiated by easy promotion and increased remuneration. Long back, police commission has suggested that entry point in Police (as in England) should be two i.e. 1) at the IPS level and 2) at the level of constabulary and the second will fill up all the middle ranks through promotion. Immediately relegating all constabulary only to the armed police and confining regular police to well selected and trained levels of the rank of sub-inspectors may perhaps be a first step to minimize incidence of human rights violation. But nothing much has been done. This suggestion of Police Commission requires speedy implementation. It will bring good merit into the service and will increase the professionalism. Their human rights performance should be made one of the important criteria for their promotion.

Secondly at the level of induction into the police force, some psychological tools should be employed to test the character, social, sensitivity, responsibility and commitment of the candidates.
Thirdly, since the crime against women are mostly personal and intimate in nature, there should be larger representation of women in the force who can inspire confidence of the victims and better appreciate and investigate cases of sexual and domestic violence. However, their specialization only in service aspects of police work dealing with children and female only reproduces the sex role stereotype and is counter productive. They should be made part of all types of policing: investigation to crime fighting.

Again, the induction of women should not only be in basic grades but in managerial positions and not simply as police women but as police surgeons, psychologists and forensic scientists. Their representation should be proportionate, otherwise the women in uniform run the risk of accepting and perpetuating the masculine culture and practices. For better integration and involvement in police mainstream and providing equal opportunities, National Police Commission has recommended recruitment of women in vacancies in general duty posts and not against Women specific post. This proposal requires immediate implementation.

B. Training: Need for a change:-

Training is a continuous process (induction, pre promotion, refresher, reorientation) and a vital tool for unlearning the male bias and learning to deal with the needs, concerns and priorities of women more sensitively.

The emphasis on education about human rights should be two-fold: (a) before entry into the police service and (b) after.

(a) Before entry:-

The government should introduce the subjects of human rights in the curricula of schools, colleges and universities, which will lay special emphasis on duties of citizens and the need to respect law and human rights. Because young mind can be motivated with least of effort.

(b) On entry into service: -

After entry into service, training should be on a continuing basis breaking it up into three levels. (a) Induction training, (b) practical training and (c) in-service training.

Training at the induction stage is the pacesetter because it shapes the policemen of the future and given the level of integrity and idealism at this level, receptivity to gender sensitive values and human rights friendliness are high. Unfortunately the basic/institutional training, especially for constables and sub-
inspectors, the most visible part of the police organization and pillars of the investigation mechanism; is governed by the "law and order", "Crime and security framework. Proper perception of gender and behaviour, critical understanding of laws for women, social investigation and role of police need to be built into the training content. A probe into the course materials available for constables of the Karnataka police does not even mention human rights in general and gender specific rights in special.

Field realities and role socialization in police sub-culture, build up certain cynicism that provides mental blocks to new ideas at a later stage. To overcome this resistance, continued gender sensitization programmes at various levels starting from cutting-edge level constables and subinspectors to middle and top leadership should be conducted on a priority basis training content and methodology being designed to suit the need and job requirement at each level.

There should be free flow of knowledge among various police training institutes at the national level as well as the state level. BPR &D should monitor and co-ordinate these programmes. Training methodology, in general, should be participative and help the participants to confront their own values, attitudes, it should facilitate self introspection, rethinking, analysis and adjustment of values. So that attitude and values, change is spontaneous, not imposed.

Faculty should be inter-disciplinary including women activists, academicians, lawyers, judges, senior police officers, and courageous women victims who have dared to fight--- so that objective of learning includes a cross section of view point and not just the police view point. The need and rationale of gender sensitization training should be internalized and appreciated. Otherwise there will be resistance - subtle and reactionary-to the acceptance of the training inputs categorizing it as unrealistic and therefore, unnecessary.

C. Administrative Changes:-

1. Cases of crime against women require regular monitoring. As in atrocity cases (offences committed against scheduled castes and Scheduled tribe population) a committee headed by District Magistrate should regularly monitor the progress of the cases, a committee comprising of District magistrate, superintendent of police, District judge, representative of women's commission, local member of parliament, 3 selected members of Jilla Panchayat, and representatives of local women's organization and women activists and intelligentsia can be formed at the district level for the said purpose.
2. Constitution of an apex body at the state level consisting of representatives of women's commission, police, judiciary, administration, prison, prosecution, women's activists, lawyers, civil liberty activists, legislators, academicians and media to spell out a formal policy and code of conduct on gender sensitization. There is an urgent need for monitoring and implementation of such policy at regular intervals and effect modifications in the light of new experience.

3. Special, officer-intensive units to deal with crimes against women with an appropriate "mix of sex in investigation cadre" and not a parallel force of women investigators which will lead to sexual division of labour.

4. Appointment of a fixed number of women constables/officers per police instead of all women police stations which promotes segregation and is rendered ineffective.

5. Posting of women duty officers even during night especially at railway stations and market places to record women complaints and to look into cases of harassment of women.

6. Women under-trials/suspects should not be kept at police station, but at women crisis/support centers in voluntary sector under police guard.

7. Lateral entry of professional psychologists and community workers into police to supplement the amateurish effort of police in these field are most sought after changes.

D. Structural changes: Reforms needed at the Thana Level:

Police station is the single most important unit in the police organization because this is the cutting edge place of governance & the most common place where police-public interactions takes place. Again this is the place where violations of human rights in general and women's rights in special, are also very common. Thus reform at this critical level is of utmost necessity.

1. The SHO(Station House Officer) constitutes the most important position in a police station. Since this position is invariably filled by functionaries who after manning lower levels for significantly longer terms, become conditioned to defend the existing defective system under the then SHO and when they themselves get a chance to become an SHO, they tend to enjoy the same unbridled power in that position and adopt more or less same style as his predecessor.
Thus SHO’s powers may be decentralized to Division Officers and the SHO may be entrusted with only coordination of their responsibilities. Each division officer, in Inspector’s rank, may be given final responsibility of maintaining law and order in his respective Division. SHO, a dySP rank officer should work as a supervising officers.

2. In order to force the SHO to behave in a more responsible manner as well as eliciting peoples genuine participation, statutory body of peoples representation, comprising local people be created in the police station level to whom the SHO and his staff should be accountable.

5. There should be a redressal of grievance against erring police functionaries at the police station level.

6. As suggested by police commissions, complete separation of the law and order functions of the police from investigation work, and increase in police strength is urgently required.

7. The proliferation of senior-supervisory post and diversion of professionally competent officers to non-police assignments disturbs the organizational stability by making it top heavy and therefore a more balanced organizational pyramid should be built up

8. A Civilian bias must be given to the present paramilitary character of organization for this.
   a) Redesigning of the Police buildings so as to make them resemble the offices of a service agency rather than outposts of a occupation force.
   b) Instead of traditional militaristic uniform, which differentiates police from the common man, suitable modification in favor of civilian mode of dressing is needed.

E.  **Need to Professionalise Police:**

Professionalism should also be noticed in maintaining data. Because, in district level there is no formal procedures of data keeping. It is often incoherent and erratic. Continued follow up, and improvisation take place manually and therefore erratically. Computerization data in through Crime Criminal Information System (CCIS) a software developed by NCRB is proved to be in effective because of major head/ minor head problem. While F.I.R. is based on only one crime i.e., the major crime and undermine other several minor heads, CCIS shows data on all the crime heads. This problem demand immediate solution, as it is jeopardizing the data basis. Manual up keeping and regular following up of the cases are required.
F. Police & Third Degree: Need for a Debate

It is evident from the data (11% in Gulbarga, 40% in Bangalore (R) and 6% in Uttara kannada District) as well my personal interaction with police personnel in the field reveals that a significant number of police personnel believe that third degree methods do not violate human rights. My interaction with police men reveals that almost all of them can not deny the effectiveness of "Third-Degrees" as a vital investigation mechanism. They believe although it may go against individuals but police have to resort to it for the greater social good. Fundamental freedom enshrined in the constitution cannot be unlimited and unrestricted in a welfare state. The state may impose checks and restrictions for the security of state, public order, morality and unity and integrity of adjusting the conflicting interests of the individuals and of the society and a balance has to be maintained keeping in view the security of the society. However, too much filling of balance in favour of security of the society as against the rights of the individual can result in police excesses and atrocities. The security of the society cannot become an excuse for police lawlessness. With this dilemma heavy on their heads, police have to function under pressure and criticism from all sections of the society and the state.

But civil society can no longer shoulder its responsibility as well. Society takes a very Hippocratic, ambivalent attitude. When a terrorist is killed or a rapist is hanged joyous society encourage police in the name of same "greater social good:". But when it comes to their own doorstep they start panicking. When the police adhere strictly to the law of the land and unable to show result, indeed, the vast majority of people ask what is the use of a police force if it cannot instill some amount of fear among the anti-social elements. Civil society needs to take its stand and therefore, it should engage itself on rigorous, meaningful debate on this issue.

G. Police Neurosis and Gender Justice

In recent days due to pressure from women's organisation, human rights institutions, individual social workers, commissions and inquiries instituted against police, constant vigilance form both print and audio-visual media, police personnel (especially investigators) are suffering from a neurotic symptoms. But it is not a sort of
psychoneurosis as defined by psychiatrists. This is not phobic reaction either. Because "phobia" is an irrational fear, that is "morbid anxiety." Wherever, a woman comes to the picture as crime-doer, offender in crime, victim of offence, the police officer/men are afraid to deal with her. Police "Gynoneurosis" is a term coined by James Vadackumchary¹ and it means nothing but an anxiety-state of police officers/men expressed when they interact with women during the course of their job as police officers/men.

Police personnel are pictured as people who are against women. They read the same in the media & watch it in the same in the television and movies. Women, generally view police with suspicion and distrust. Police have to deal with women in various capacities (as offender, as victim as colleague & so on) and in various difficult situations. Many times police-women do not accompany them. Thus, women in such situations become emotional and sometimes irrational too to humiliate policemen. Many women make accusations against the police and people have a tendency to believe whatever women speak out. The police are always disbelieved and people think that these police personnel/officers always misbehave with women. All said and done the fact cannot be denied that some policemen/officers do misbehave with women. When the public attitude, women's accusations and police misbehavior are mixed together, comes a situation which is wholly unfavorable to police. This too creates gynoanxiety nuerosis among police functionaries.

Thus a concerted & matured effort needed from media, public and of course police to overcome this problem.

H. Establishment of Forensic Science Laboratory in Each District:

Growing importance of forensic science in investigating and detecting cases is unmistakable. In previous chapter we have seen forensic science can be subsidiary to "third degree methods " for eliciting the truth. Therefore, establishment of forensic science laboratory in each district should be made compulsory. More people with Forensic Science should be inducted into the police force and police personnel should be encouraged to undergo courses on advanced forensic science tools like polygraph test, truth serum test or brain-mapping etc.

¹ (Vadackumcharyy (2000), "Police, Women & Gender Justice", APH Publications, New Delhi, PP 119-123)
I. Gender Audit

It is noticed that the district where GD index is high, crime against women is low. This proves that the development has a direct bearing on curbing the violence against women. Keeping this in mind I'm suggesting introduction of gender auditing in every sphere.

About 20 years ago, in 1983, the Australian Parliament made a precedent-setting decision at the initiative of "famocrats" from the Labour Party. A resolution was passed to look into how the national budget of Australia is likely to affect the status of women in the country. A year later that resolution was implemented, when the national budget was presented, when the national budget was presented to the Australian Parliament together with the first Women's Budget Statement. Since that time reports analyzing the effect of national budgets on the status of women have been published in some 40 countries around the world.

What is a "Gender Budget Statement" or "gender audit"?

A "gender audit" is one aspect of what is referred to as "mainstreaming", and analyzing public policy, including legislations, regulations, allocations, taxation and social projects from the point of view of their effect on the status of women in a given society. Gender audits analyze the income and expenditures of the Government from a gender perspective. The basic assumption of Gender audits is that public policy treats men differently in the family and forms the lower economic status for women. The purpose of gender audit is to bring in changes in public policy that contribute to an increase in gender equality.

Three international agencies the United Nations Development Fund for Women, the Commonwealth Secretariat and the International Development Research Center - encourage governments and advocacy organizations around the world to do gender audits of their national budget. They also promote implementation of the conclusions of those audits, to the more equitable standpoint of gender.

Gender audit is thus the need of the day. It needs to be implemented urgently both in India as well as in the states like Karnataka; because from Human Development Report of Karnataka it is evident that the districts, where gender related development index is high crime against women is low. Fruits of development should reach the women properly to ensure them their due rights. And lower GDI of so called high GDP districts shows that high wealth without equitable distribution can not bring gender justice.

There are a number of international agencies that recommend that government and NGOs perform gender audit of their budgets for two reasons, firstly, as long as the national budget fails to refer to gender, it cannot reflect the states’ commitment to work for greater gender equality.
The second rationale for doing gender audits is that they raise women's awareness of economic issues. Generally, women are less involved than men in economic issues and even tend to avoid them. A gender audit of the state budget aims to raise women's awareness of economic issues in general and of fiscal issues in particular and in doing so ensures an increase in the resources allotted to women. Women's participation will lead to a more efficient use of the resources committed to areas relevant to women.

J. Police Accountability & Autonomy:

We have already analyzed the scope and extent of human rights violations by police and existing 3 channels of police accountability in India i.e., external (Judicial review and Public interest Litigation) internal (departmental enquiry) and other channels (Supervision by District Magistrate). A closer and critical look exposes inadequacy of these three channels. If we look at other international models (as proposed by various countries), we can possibly suggest some lessons that India can draw to its advantage.

In Australia reform of administrative control of police behaviour has been dominated by the ombudsman concept. The salient features are the requirements that complaints received by the commissioner of police are forwarded to ombudsman for information while the enquires are conducted by a specialist internal investigation unit within the police force. The ombudsman does reserve the powers to conduct independent investigations according to its discretion. An experiment with totally independent and external body of citizens to enquire into police complaints was carried out from the beginning but subsequent non-cooperation and resulting ineffectiveness led to its demise and submergence in the specialist police ombudsman model in May 1988.

In Canada, this problem has been tackled by creation of the “office of complaints commissioner” in the citizens boards which look after policing in their respective jurisdictions. One of the purposes of this new system was to encourage police to be responsive to citizen complaints and to exercise disciplinary authority to that end.

The principles and procedures of the British system is similar to one followed in India, wherein complaints could be made only against misconduct by individual officers and not against the force, police policy or operational decisions. Investigations were carried out by senior police officers, usually from the same force and their report scrutinized by chief constable to determine further disciplinary action. Public complaints Authority (PCA), a full time body with supervisory role in investigations has been provided with more teeth and higher status.
In the USA decentralized and multiple systems of police organizations have implied a multiplicity of civilian oversight mechanisms. A police executive research forum's (PERF) Survey of 101 US police departments has report that 83.9% complaint agencies are of internal police variety. In this category, there is no civilian involvement and exclusively an independent specific unit within the department undertakes the internal review of complaints. The few external complaint agencies interrelate with police at different stages are of following types.

1) The civilian authority, which receives, investigates, adjudicates and recommends discipline to the police executive as in Michigan and San Francisco.

2) The civilian authorities functioning in a similar manner as above, except that the investigative phase is carried out by police departments. e.g. New City’s civilian review board.

3) Some agencies function like the two mentioned above except that the city’s chief administrator act as an arbitrator mediator of disciplinary disputes between the agency and the police executive. E.g. Cleveland, Ohio, Cincinnati’s office of municipal investigations and the police review commission in Berkeley, California.

Thus the most important lesson is that in the matter of public complaint against the police personnel, involvement of the citizen is absolutely necessary. In any democracy the nature and conduct of the government has to be decided by its citizens and therefore, they must be part of the process that overlooks the institutional arrangements to redress their grievance. Further more, in any inquiry against police person, the investigation cannot be solely left in hands of another police officer. Some lawyers or nominated citizens with understanding of department rules need to be involved to bring transparency in the system.

Towards this end we need to revamp the much talked about “Lokpal” or “Ombudsman” system. Lack of political will remains a major bottleneck in the process.

But as yet Karnataka has successfully implemented the Lokayukta system. But still the success of the post mainly depends on the person who holds the post.

Accountability is related with autonomy. Without certain amount of autonomy there will be no accountability. As per police commissions recommendations following suggestions can be seriously considered.

a) It is necessary to insulate the investigation wing of the police form external pressures to ensure its freedom in the operational areas of police investigation.
b) To remove the Damocles sword of transfer dangling constantly on the head of the police personnel in responsible posts and assuring him stable tenure, after proper and careful selection on the basis of both merit and seniority.

c) To monitor transfer and posting an independent committee should be formed comprising retd. Judges, retd. Senior police personnel, Social activists, Chief minister/Prime minister, leader of opposition of Loka Sabha/Assemblies and Home Minister as the members.

Constitution of State Security Commission to help the state governments to effectively discharge their superintending responsibility is also the requirement.

**Contribution to the Existing Sociology of knowledge**

There are three things that a piece of meaningful research is expected to do. *First*, it can provide new facts and information and further elaborate and substantiate the existing paradigm. *Second*, it can contribute to the theoretical enrichment, give new insights and add to the theoretical rigor of the discipline. *Third*, it can have implications for the larger society and generally debate on social policies. As I see, in my research I have made an effort to collect necessary information on the engagement between Karnataka police and women's right. Even though the thesis does not claim for theoretical innovation or a paradigm shift, it tries in modest, meaningful ways to establish a mediating point between political sociology (i.e. to study police as an important constituent of the state) and gender studies (study of women’s rights), and third, as I have just outlined, this work does indeed help us to suggest remedial measures for a more human and gender sensitive police.

As a researcher, I realize that the journey has just begun, and I have to perpetually move towards the ever-expanding frontiers of sociological research.