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[INTERPOL Group of Experts on Corruption \(IGEC\)](#)

Global standards to combat corruption in police forces/services

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Article 1

Objectives

- a. To ensure that the police forces/services of each Member State of Interpol have high standards of honesty, integrity and ethical behaviour in and in connection with the performance of their policing functions.
- b. To promote and strengthen the development by each Member State of Interpol of measures needed to prevent, detect, punish and eradicate corruption in the police forces/services within its national boundaries and to bring to justice police officers and other employees of police forces/services who are corrupt.

Article 2

Definitions

Corruption:

- a. The solicitation or acceptance, whether directly or indirectly, by a police officer or other employee of a police force/service of any money, article of value, gift, favour, promise, reward or advantage, whether for himself/herself or for any person, group or entity, in return for any act or omission already done or omitted or to be done or omitted in the future in or in connection with the performance of any function of or connected with policing.
- b. The offering or granting, whether directly or indirectly, to a police officer or other employee of a police force/service of any money, article of value, gift, favour, promise, reward or advantage for the police officer or other employee or for any person, group or entity in return for any act or omission already done or omitted or to be done or omitted in the future in or in connection with the performance of any function of or connected with policing.
- c. Any act or omission in the discharge of duties by a police officer or other employee of a police force/service which may improperly expose any person to a charge or conviction for a criminal offence or may improperly assist in a person not being charged with or being acquitted of a criminal offence.
- d. The unauthorized dissemination of confidential or restricted police information whether for reward or otherwise.

- e. Any act or omission in the discharge of duties by a police officer or other employee of a police force/service for the purpose of obtaining any money, article of value, gift, favour, promise, reward or advantage for himself/herself or any other person, group or entity.
- f. Any act or omission which constitutes corruption under a law of the Member State.
- g. Participation as a principal, co-principal, initiator, instigator, accomplice, accessory before the fact, accessory after the fact, conspirator or in any other manner in the commission or attempted commission of any act referred to in the preceding provisions of this Article.

Police force/service means each police force or police service or other official body with a responsibility to perform policing functions within the national boundaries of the Member State.

Article 3

Principles

- a. To make corruption within police forces/services a high-risk crime.
- b. To promote and maintain a high standard of honesty, integrity and ethical behaviour within the police forces/services of each Member.
- c. To foster the recruitment and training as police officers of persons of high levels of integrity, honesty, ethical standards and expertise.

Article 4

Measures

- 4. Each member of the General Assembly commits to:

Standards of Conduct

4.1 Establishing and maintaining high standards of conduct for the honest, ethical and effective performance of policing functions.

4.1.1 Such standards should mandate and be directed towards an understanding and application of honest, ethical and appropriate behaviour, the avoidance of conflicts of interest, the proper use of public resources in and in connection with the fair and impartial application of the law, the performance of policing functions, the reporting of acts of corruption in and in connection with and the performance of policing functions and the establishment and strengthening of public confidence in police officers and police forces/services as part of the system of justice.

4.1.2 Such standards should accept that it is an obligation of the police force/service to seek out and effectively deal with corruption within the police force/service.

4.1.3 Such standards should impose an obligation on police officers and other employees of a police force/service to report to the appropriate person or authority acts or omissions, which constitute or may constitute corruption within the police force/service.

4.2 Setting up and maintaining effective mechanisms to oversee and enforce the high standards of conduct required in and in connection with the performance of policing functions;

Recruitment, posting, promotion and termination

4.3 Having and maintaining effective systems for the recruitment of police officers of high levels of integrity, honesty, ethical standards and expertise;

4.4 Ensuring that the systems for recruitment, posting, promotion and termination of police officers and other employees of the police forces/services are not arbitrary but are based on fairness, openness, ability and performance;

Training

4.5 Having a system for instructing police officers and others engaged in and in connection with the performance of policing function of the standards and ethical rules applicable to the performance of such functions;

4.6 Having and maintaining a system for the training, including on-going training, of police officers and other employees in the police forces/services which reinforces the high standards of conduct referred to in Article 4.1;

Corruption

4.7 Putting in place deterrents to the bribery of those performing or engaged in or in connection with the performance of policing functions;

4.8 Using their best endeavours to ensure that the mechanisms and systems for the prevention, detection, punishment and eradication of corruption in and in connection with the performance of policing functions in its police forces/services are kept abreast of current practice as recognised by the General Assembly of Interpol;

4.9 Having an effective system that obliges police officers and other employees of the police forces/services to report, enables them and members of civil society to report corruption and that protects those who report corruption in good faith;

4.10 Establishing mechanisms to encourage participation by civil society in activities and efforts to prevent corruption in the

police forces/services;

4.11 Establishing and enforcing procedures for the declaration and registration of the income, assets and liabilities of those who perform policing functions and of appropriate members of their families;

Systems

4.12 Having and maintaining systems of revenue collection, money and property handling and for the control and preservation of evidence that ensure that those collecting or handling public money, dealing with evidence or handling property are accountable and that the systems are such as to deter corruption;

4.13 Having and maintaining systems for the procurement of goods and services that are based on openness, efficiency, equity and certainty of the rules to be applied and that seek the best value for money;

Monitoring

4.14 Establishing a mechanism such as an oversight body or bodies to monitor the systems and measures established for preventing, detecting, punishing and eradicating corruption within the police forces/services and the adequacy, application and effectiveness of such systems and measures;

4.15 Conferring or causing to be conferred on a designated authority, whether internal or external, such powers to carry out investigations and bring to justice without fear or favour, affection or ill will those who engage in corruption and dishonesty in the course of or associated with the carrying out of policing functions and adequately resourcing and funding such authority;

4.16 Providing for a system for the recruitment of officers for such designated authority who are of high integrity and that ensures that such officers are not disadvantaged by recruitment to any such designated authority;

4.17 Providing adequate safeguards to prevent abuse of powers by those engaged in the anti-corruption system and to minimise unnecessary infringements of individual rights;

Review, reporting and research

4.18 Requiring public reporting at least once each year of the work and findings in relation to the monitoring of the systems and measures referred to in Article 4.14 and their adequacy, application and effectiveness;

4.19 On-going research in relation to current best practice for the prevention, detection, punishment and eradication of corruption in and in connection with the performance of policing functions;

4.20 Reviewing at appropriate and regular intervals the measures and systems for the prevention, detection, punishment and eradication of corruption in and in connection with the performance of policing functions;

General

4.21 Making corruption by a police officer or other employee of a police force/service a serious criminal offence;

4.22 Having legislation enacted to allow the proceeds of corruption and related crimes to be forfeited;

4.23 Bringing into being or causing to be brought into being such legislative, administrative and other measures as may be necessary to prevent, detect, punish and eradicate corruption in the police forces/services;

4.24 Taking all practicable steps to ensure that the rates of remuneration for police officers and other employees of the police forces/services are such as to enable them and their families to maintain a reasonable standard of living without having to resort to other employment or to corruption;

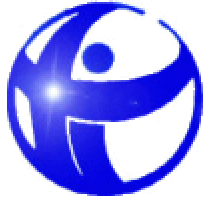
General Assembly

4.25 Reporting at least once each two years, or at such shorter intervals as the General Assembly may resolve, on the measures taken and the mechanisms and systems in place to implement the standards set out in this protocol and the effectiveness of such mechanisms, systems and measures;

4.26 Permitting the monitoring by, and co-operating with, such person or persons as may be appointed by the Secretary General for the purpose of monitoring the mechanisms, systems and measures in place in relation to its police forces/services to achieve the objective and meet the standards referred to in this protocol and the effectiveness of such mechanisms, systems and measures.

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TRANSPARENCY INTERNATIONAL INDIA

INDIA CORRUPTION STUDY 2005

TO

Improve Governance

VOLUME 9 CORRUPTION IN POLICE DEPARTMENT

July 28, 2005

Study designed & conducted by



Centre for Media Studies

RESEARCH HOUSE, Community Centre, Saket New Delhi – 110 017

Phone # 011-2685 1660, 2686 4020, Fax # 91-011-2696 8282

Email # naveen@cmsindia.org; Website: www.cmsindia.org

Issued By

TRANSPARENCY INTERNATIONAL INDIA

Lajpat Bhawan, Lajpat Nagar, New Delhi-110 024

Phone 011-2622-4519 / Telefax – 2646-0825

Email # naveen@cmsindia.org; Website: tiindia@gmail.com, www.tiindia.in

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CORRUPTION IN POLICE DEPARTMENT

“The proper function of a government is to make it easy for the people to do good and
- Gladstone

9.1 KEY HIGHLIGHTS

- Value of petty corruption in Police (Crime/Traffic) **in the country is estimated at Rs 3899 crores per annum.**
- Approximately 15% of households **in the country claimed to have interacted** with Police in last one year. This, figure is higher in urban (18%) in comparison with rural (13%) areas.
- **More than half (55%) of the respondents interacted with Police for filing complaints.**
- **More than one tenth (12%) of all households** in the country **have claimed to have paid bribe** to Police to get service in last one year.
- **87%** of those who had interacted with Police **perceived it to be corrupt.**
- More than three fourths (77%) **of those who had interacted** felt that the corruption had increased **in the last one year**
- **70% of those who had approached the Police had** adopted alternate routes **like paying bribes, using influence, approaching middlemen etc.**

9.1.1 Classification of States

Adequacy of Police (in terms of staffing/ coverage etc.) has implications on how Police deals with the cases (public) (which is infact, the point of corruption). To analyze the relation between adequacy of Police and corruption, the states were grouped as high, medium and low on the basis of three major criteria, namely, number of Policepersons per 100 square kms, per 10000 population, and number of Indian Penal Code (IPC) cases per Policeperson.

GROUPING OF STATES ON THE BASIS OF POLICE STAFFING

States	Civil Police personnel per case	Civil Police per 10000 of Populations	Civil Police per 100 Sq. Km. of Area	Category
Delhi	0.45	6	3154.08	High
Punjab	1.25	7.75	103.73	High
Haryana	0.61	9.82	89.14	High
Maharashtra	0.64	8.29	43.6	High
Himachal Pradesh	0.56	18.12	15.81	High
Uttar Pradesh	0.73	12.98	51.11	Medium
Tamil Nadu	0.34	7.7	62.97	Medium
Kerala	0.27	10.71	114.46	Medium
West Bengal	0.60	7.17	55.43	Medium
Gujarat	0.42	32.27	26.05	Medium
Karnataka	0.36	9.9	30.06	Medium
Orissa	0.45	13.53	18.64	Low
Bihar	0.35	8.33	75.74	Low
Assam	0.37	6.77	23.63	Low
Rajasthan	0.33	21.01	13.15	Low
Andhra Pradesh	0.26	9.29	26.06	Low
Jharkhand	0.21	14.2	34.34	Low
Madhya Pradesh	0.22	13.75	16.78	Low
Chhattisgarh	0.27	6.24	9.89	Low

* Source: Crime in India 2002, Ministry of Home Affairs, Govt. of India.

Source: Data on Police Organisations in India (As on 1.1.2003)

9.2 INTERACTION WITH POLICE

Overall 15 percent of the households (**3 crore households**) interacted with Police department during the last year. More than half of the interactions happened for filing of complaint.

PURPOSE OF INTERACTION

(Figures in percent)

Purpose of Interaction	States: Staffing of Police			Total
	High	Medium	Low	
Make a complaint	57	51	57	55
Violation of Traffic law	8	17	9	12
As an accused	8	13	11	11
As a witness	5	6	5	5
Passport verification	4	5	4	4
Verification for job	5	1	5	3
Pending case	3	1	2	2
Others (challan, case compromise)	8	1	7	5

9.2.1 Difficulties Faced

More than 60% of the people who interacted with Police faced difficulties relating to the behaviour of the personnel. Most common complaints were about the indifferent attitude of the personnel or the personnel being corrupt. Infact, in many instances indifferent attitude is a way to force the citizen to pay bribe to get the work done.

The affect of this apathy is magnified by the fact that most interactions with Police happen in stress situations and most people are normally unaware about the rules and procedures to be followed. The indifferent attitude is much more prevalent in states with more staff inadequacy than states in a comparatively better position. The reasons for staff apathy could be either high **work pressure or sheer lack of training and sensitization**. Today approximately 90% of the Police force consists of constabulary. For long the mindset among authorities has been that an ordinary constable is **not meant to think and take decisions**. This attitude has worked as a catalyst in making the public interface of the Police i.e. the constable, insensitive and indifferent.

DIFFICULTIES FACED

(Figures in percent)

Difficulties faced	States: Staffing of Police			Total
	High	Medium	Low	
Indifferent staff attitude	60	60	69	64
Staff is corrupt	57	61	64	61
Procedural (e.g. use of english language)	46	39	45	43
Non availability of forms and guidelines	33	26	29	29
Interference of middlemen	12	12	9	11

9.3 PERCEPTION ABOUT OPERATIONS OF POLICE

Nearly nine out of every ten (87%) respondents who had interacted with the Police agreed that there was corruption. Moreover, in case of Police people do not even come out to complain for the fear of retribution and therefore feel obliged to pay bribe..

PERCEPTION OF CORRUPTION

(Figure in percent)

Perception of corruption	States: Police Staffing			Total
	High	Medium	Low	
Disagree	7	6	4	5
Neither agree nor disagree	6	10	4	7
Agree	86	83	92	87

9.3.1 Level of corruption

In the past few years there have been increased efforts to improve the image of Police department. However, more than three fourth (77%) of the respondents interacting with the department believed that the corruption has **increased in the department during the last year**. This percent is marginally higher in case of respondents from states having low Police staffing.

It is important to note that common beliefs about the extent of corruption and the untrustworthiness of governmental institutions influences **individual decisions to participate in corrupt activities**. While these perceptions may not be an accurate reflection of the reality of corruption within public institutions, they still serve as a foundation for decision making among the civilian population. Inconsistencies between public perceptions and reality may cause individuals to make choices based on incorrect assumptions, thus fueling the phenomenon of corruption. Attempts to curb corruption, therefore, must be accompanied by attempts to change public expectations. Without a change in public expectations, reform attempts may be unsuccessful and highly costly.

LEVEL OF CORRUPTION

(Figures in percent)

Level of corruption	States: Police Staffing			Total
	High	Medium	Low	
Decreased	6	7	3	5
About the same	15	20	15	17
Increased	78	72	81	77

9.3.2 How committed is Police to bring down corruption?

Nearly two third (64%) of those who had interacted with the Police felt that the Police is not committed to fighting corruption. However 20% believed that Police was committed to fight corruption. Higher percent of respondents interacting with Police from states having low Police staffing believed that Police was not committed to fight corruption in comparison with respondents from states having high Police staffing.

COMMITMENT OF POLICE TO FIGHT CORRUPTION

(Figures in percent)

Difficulties faced	States: Police Staffing			Total
	High	Medium	Low	
Not committed	55	57	74	64
Indifferent	15	15	12	14
Committed	26	25	12	20

9.4 EXPERIENCE WITH POLICE

To get an idea about the extent of corruption, it would be essential to probe about their experiences with the Police. Respondents were questioned on their experience with respect to corruption, quality of service and alternate methods used to get their work done.

9.4.1 Quality of service received

Nearly three fourth (74%) of those who had interacted with the Police regarded the service of the Police as poor, while only 11% are happy with the services. Not surprisingly, the quality of service is regarded as poor by higher number of respondents from states having low Police staffing in comparison to respondents having high Police staffing.

QUALITY OF SERVICE RECEIVED

(Figures in percent)

Quality of service	States: Police Staffing			Total
	High	Medium	Low	
Poor	73	70	79	74
Neither poor/nor good	14	18	9	14
Good	13	12	12	11

9.4.2 What other methods are availed to get the work done?

70% of respondents who had interacted with the Police had adopted alternate methods like paying bribes, using influence, approaching middlemen etc. Of these, 80% had paid bribe to avail the services. The data below shows that there is no significant differences among the three categories of the States.

ALTERNATE AVENUES USED

(Figures in percent)

Alternate procedures used	States: Police Staffing			Total
	High	Medium	Low	
By paying additional amount	80	81	80	80
By putting extra efforts	28	25	27	27
By using influence through	12	19	15	16
By political influence	5	17	9	11
By bureaucrats/officials influence	5	11	9	9
Approached middlemen	2	8	5	5

9.4.3 Services for which bribes are paid

An FIR is a very important document as it sets the process of criminal justice in motion. It is only after the FIR is registered in the police station that the police take up investigation of the case. Unfortunately, this leaves the **SHOs in a dominant position of determining when and which criminal incident to register and which one to ignore**. As a result citizen is forced to bribe or exert influence to register an FIR.

Also people very frequently pay for avoiding challans for traffic law violations. However a lot of this corruption may also be due to citizen's disregard for traffic rules. People very frequently break traffic rules and whenever caught tend to pay bribe to the officials.

SERVICE FOR WHICH BRIBES ARE PAID FOR

(Figures in percent)

Activities for which bribes are paid	States: Police Staffing			Total
	High	Medium	Low	
Registering FIR	64	33	51	47
Avoiding being challan for traffic offence	7	24	13	16
For avoiding arrest	9	10	14	11
Other activities (bail, challan etc.)	7	12	6	8
Arresting accused	5	8	6	6
Police verification of passport	5	5	6	5
Ensuring the case is followed up actively	3	8	4	5
Police verification of job	2	3	0	4
Sending charge sheet to the court	4	3	3	3

9.4.4 Modus operandi for bribing

Unlike many other departments, where a large number of people paid bribes through middlemen, in Police department 81% of the respondents claiming to have paid bribe directly to Police officers. This points out to the fact that in Police department corruption is much more **open and has become institutionalized** to some extent.

PAYMENT OF BRIBES

(Figures in percent)

Persons to whom bribes were paid	States: Police Staffing			Total
	High	Medium	Low	
Money was paid to Police/Traffic Police officer	94	96	99	97
Money was paid to the agents/touts/dalals	11	9	5	7

9.5 VALUE OF CORRUPTION

- 14.65 percent of total households in the country had interacted at least once with the Police in the last one-year. This means 3 crore households had interacted with Police.
- Nearly 80 percent of those interacted with the Police had actually paid bribes. This works out to be 12% of the total households.
- The average amount of bribe paid to the Police per household was estimated to be Rs. 1705/- (Rs. 1921/- for Urban households, and Rs. 1419/- for Rural households).
- The total monetary value of the bribe paid in the last one year works out to be **Rs. 3899/- crores.**
- There was a variation in the amount of bribe paid depending on the nature of work. On an average, bribe for avoiding arrest was Rs. 1911/-, while the average bribe paid for avoiding challan for traffic offence was Rs. 175/-

9.6 SERVICE PROVIDERS PERSPECTIVE

9.6.1 Concerns

➤ **Very high work pressure and lack of basic infrastructure**

The Police force today works in acute shortage of personnel, resulting in high work pressures. Policemen spend long hours on work with barely any facilities being provided. Very often Police station does not even have basic facilities like washrooms etc. These working conditions combined with long hours of work create excessive levels of stress.

In addition to this Police personnel of lower ranks are used by superior officer for personal works. In addition to increasing workload it also reduces the self-esteem of the personnel.

➤ **Political interference**

There is excessive interference in the functioning of Police by the politicians. Pressure on the police takes a variety of forms, ranging from a promise of career advancement and preferential treatment in service matters if the demand is yielded to, and a threat of drastic penal action and disfavored treatment in service matters if the pressure is resisted. Even though it is not very easy to punish a Police Officer under statutory law without adequate grounds, it is easy to subject him to administrative action by way of transfer or suspension on the basis of an alleged complaint taken up for inquiry. While suspension acts as a great humiliating factor, a transfer disrupts police officer's family, children's education, etc.

A study by National Council of Applied Research (NCAER) about living and working conditions of constabulary in Delhi and Uttar Pradesh reveals that 53% and 43% of constables in Uttar Pradesh and Delhi respectively were transferred from one District to another or from one place to another in less than a year

➤ **No cooperation from citizen**

It is very hard to prevent crime without proper cooperation from citizen. However, people do not follow even the basic instructions to prevent crime like getting the domestic servants, drivers, employees verified and whenever an incident happens Police is blamed for negligence.

➤ **Scant respect for law among citizens**

People make use of every opportunity to break laws, when caught they bribe the concerned official to avoid punishment/ embarrassment.

9.6.2 Initiatives

- Taken initiatives to gain public confidence, and improve public relations (for example Delhi Police “with you, for you always”)
- Imparting training to officials for effective public dealing
- Giving training like Yoga, meditation etc. so that officers mind and body are refreshed while they are on duty.
- Use of computer technology to ensure smooth working and transparency (e cops Andhra Pradesh)

9.7 SUGGESTIONS TO REDUCE CORRUPTION

1. Local policing – more responsive and accountable enforcement

There are several policing functions that concern the day-to-day life of common citizen and are very local by nature e.g. patrolling, traffic regulations, prosecution for offences like public nuisance or eve teasing. The enforcement of law for these cases could be entrusted to a local force accountable to panchayat or citizen committees.

This local force will have a small area under its jurisdiction, resulting in better interaction and involvement with citizen.

2. Making transfers and promotions transparent

Payments of bribes for postings and promotions is a well-known phenomenon in Police department. As a result the Policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a tool for getting better return on “investment”. Also transfers are also commonly used as a retribution tool against officers as a pressure tactic.

However, if a system could be designed where postings are automatically generated by software after a given time interval for each employee, a big chunk of corruption can be eliminated.

Similarly objective criterion for promotions could be articulated and publicized so that individual judgement plays a limited part in promotions. This will reduce the need for bribes in order to get promotion.

3. Use of Information Technology

Non-registration of complaints is the most common grievance of citizens interacting with Police department. Since the registration of complaint or FIR is the first step in justice delivery, citizen is forced to pay bribe. Use of technology for reporting and handling of cases can.

- Filling of cases could be done through Internet and if required detailed information can be given later on.
- Case status could be made available online to bring in more transparency and make the Police force more accountable.
- FIR could be registered/ receipt issued through check posts or mobile vans

4. Performance monitoring

Establishing a system for monitoring the performance of Police can substantially increase the accountability of the force. Objective performance and efficiency indicators can be chosen and tracked to monitor the performance of the Police force.

This will lead to having clear improvement goals for the force on objective and measurable parameters.

5. Minimizing political interference - Greater functional independence

As advocated by National Police Commission a Chief of Police of a State should be given a fixed tenure of office so as to encourage functional independence. It has been commonplace in India for transfers and postings of officers to be used as a kind of reward and punishment, as a result of which, many chiefs of police have had allegiances to political parties.

Also the selection of Police Chief could be entrusted to an expert committee (maybe headed by UPSC chairperson). The committee may be given a pre-specified number of candidates, decided on the basis of seniority, to choose from.

6. Introducing greater accountability

In today's scenario, there is very little accountability of Police to the citizen with regard to satisfactory delivery of services e.g. if a Police officer refuses to register a complaint. Unlike in other services like electricity or telecom, where if a citizen is not satisfied with the complaint redressal by the department, it has the option of going to the independent regulator, there exist no such mechanism in case of Police.

It is very essential that accountability of officials at different levels be defined and a degree of immediate proximity to the people and third party intervention introduced. Public hearings could be an effective tool for this purpose, as shown in experiments with other services. A system could be introduced where; a few complaints against police are picked up every month (or some pre-decided time interval) for public hearing. The public hearings could be conducted by a panel of retired judges and prominent citizens.

9.8 CASE STUDY

Community Policing Scheme – Punjab Police

(Source: Frontline, April 22, 2005)

“Punjab Police has pioneered what is probably India’s finest effort to improve relations between the Police and local communities” World Bank Report

Background

- Post-terrorism, the community was seen to be alienated from Police personnel. Need was, thus, felt to modify the existing policing system and bring people closer to men and women in ‘khaki’.
- It was feared that high number of Police personnel (at newly created Police stations and posts) would remain under utilized in the coming years.
- It was noticed that various pro-people steps initiated by officers withered away once they were transferred.

The initiative

- Government has opened Community Police Resource Centers (CPRCs) in most districts of the state. These also function as victim relief centres.
- Each CPRCs is allocated 10 Lakh rupees from Police Modernisation Fund.
- While an elaborate State level steering committee is in place, district level committee is headed by an officer of the rank of Superintendent of Police.
- Personnel of CPRCs have been trained to
 - Focus on the rights, requirements and expectations of victims of crimes.
 - Improve Police response to victims of sexual and other violent crimes (especially trained woman officers help avoiding insensitive questioning).
- Community group volunteers and retired civil officers have been engaged in running helplines.

- The child protection unit in each CPRC has a library equipped with books of fiction and information on the work of Police and creates awareness about rights of children, women and citizens.

Application

- CPRCs facilitate grievance redress to deal with common complaints such as problems in accessibility of Police officers at lower levels.
- These act as nodal centres for community-oriented schemes such as
 - Combating domestic violence,
 - Helping the aged,
 - Providing legal aid and arranging meeting with resident welfare associations, traffic regulation committees, and economic offences wings.
- Drug de-addiction campaigns and counselling for women are also taken up.
- CPRC's act as community-service cum-information centers to
 - Provide no objection certificates for arms license.
 - Help with verification of issue of passport.
 - Grant permission for political and religious processions.
 - Deal with requests for security arrangements.

Outcomes

- With the setting up of CPRC, 359 out of 429 complains received were disposed of, each taking an average of 19 days, in comparison to 37 days it took earlier.
- Number of public complaints increased after setting up of the Centre, which shows people were more forthcoming to register their complains CPRC.

ANDHRA PRADESH POLICE – e COPS: More Open Handling of Criminal Cases in India

Background

- There were concerns on effectiveness, Lack of transparency and complaints of corruption in the Police department.
- There were widespread allegations that many Police personnel demanded bribe to register cases, give updates with regard to the progress of case and to provide other information.
- A new system was designed by automation of some processes, along with statewide online accessibility, for registration of cases, processing and follow-up of criminal cases with the aim to improve transparency.

Application

- Earlier, if a crime was committed, the victim (or a witness) had to go to the respective Police station where they lived, and report the crime/ file FIR. Paper-based processes were also subject to manipulation or getting lost.
- With e-COPS system, a victim could go to any Police Station (not just local ones) and the Duty Officer would register the crime directly onto the system.
- Once case has been registered, it cannot easily be changed. The person registering the case also gets access to case details. The person can track progress at any point through net by using an FIR code number issued at the time of registration.
- The system makes available case details include FIR, action taken, action pending, other crime details, etc. on the internet.
- The victim could also lodge a complaint if they found, from accessing case details, that the case has not been registered properly, or that there has been no progress made on the case since it was last accessed.
- Finally, senior police officers could also use e COPS to monitor case details and progress. All of this introduces the transparency of handling a case and the accountability of Police officers.
- Effective coordination among different entities in criminal justice system is being ensured by interfacing for access and transfer of information – thus making it easier to collect inputs needed for proper and quicker investigation of a case.

- e-COPS is being integrated with the fully computerized Fingerprint Analysis Criminal Tracing System (FACTS).
- It maintains a database of listed offenders in all criminal cases reported. The database can be accessed by various Police Stations through a e-network, thus assisting Police officers in their investigations.
- A user-friendly interface has been developed that enables the system to be handled even at constable level.

Benefits

- Using e-COPS has resulted in significant reduction in time required to register a criminal case, and locate relevant information. (Previously, it took a few days to get FIR properly recorded; with e-COPS it takes an hour or so).
- Victims of crime away from their home can register crime immediately, rather than having to return home, as was the case earlier. This has eliminated problems of jurisdiction.
- By dis-intermediating Police officers to some extent, has resulted in greater transparency and reduced scope for corruption.
- Once a complaint is registered, it is electronically transferred to the higher authorities. Consequently, the scope for delinquencies such as non-acceptance of a complaint, losing track of case, etc is totally eliminated.
- The transparency in the system helped in enhancing public interface and confidence.

COVERAGE & METHODOLOGY

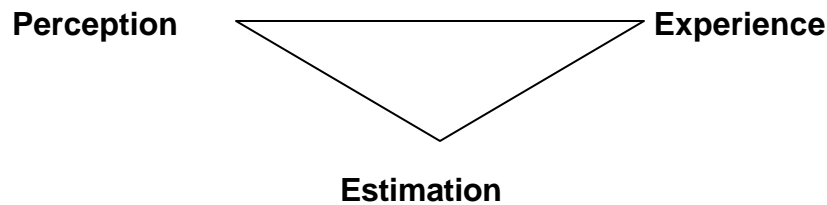
India Corruption study is the ***largest corruption survey*** ever undertaken in the country with a sample of **14,405** respondents spread across **20** states. From each State about **525 - 950** respondents were interviewed. The survey covered **151** cities and **306** villages.

This national survey on corruption ***is the first in its scope***. It is not just limited to estimating monetary value of petty corruption but also ranks public services and states. The study also looks into systematic aspects of corruption in the public services and has come up with service specific initiatives to reduce corruption.

The focus of this survey is on ***petty corruption*** experienced by ***common man*** in availing public services. Petty corruption is something which citizens end up paying to get one or other job attended to at the public utilities/services which they are entitled to without spending anything “extra money”.

The estimation of monetary value of petty corruption is to give a reliable idea of the money involved. This estimate does not include contractors or large scale transactions involving procurement, tenders, etc or the dealings of corporates or large business. It also does not include welfare and other Government programmes for the rural population or vulnerable sections. The estimate of petty corruption is specific to the services in each case and does not include valuation of “corrupt practices”.

The survey is based on a ***unique methodology*** developed by independent CMS, over the years. Improving on three previous CMS annual studies on corruption in public utilities, the methodology followed for this larger and comprehensive India Corruption Survey 2005 is unique. Firstly, it aims at both “perception” and “secondly, the outlook of the service provider too is taken into account. For this, the study relied on a combination of methodologies. These include household survey, “exit poll” to capture the experience of service users, discussions with service provider, case studies and tracking of implementation of initiatives.

CMS '3D' CORRUPTION MODEL

The field work for the survey was undertaken during December 2004 and January 2005 months except in Chattisgarh, Jharkhand and J&K where it was done later in March 2005. The survey in J&K could not be taken up earlier due to hostile weather conditions. The survey in Jharkhand was taken up after the elections to State assembly was completed.

ABOUT TI India

Set up in 1997 as an apolitical, Non Governmental Organisation (NGO), TI India is dedicated to combat corruption through practices that bring about absolute transparency and integrity.

TI India is an organization of concerned citizens dedicated to maximize accountability of government institutions, elected representatives and government machinery towards the general populace.

A non – partisan organization, TI India is among the 92 affiliates of Transparency International (TI), headquartered in Berlin, Germany and founded by Peter Eigen, a former World Bank official in May 1993. Each affiliates is dedicated to fight corruption in its respective country and follows an unbiased, non investigative approach.

The focus is not on investigating individual cases of corruption and malpractice, but on building holistic systems to combat corruption.

TI India is registered under the Societies Registration Act, 1860. It is also registered under Foreign Contribution Regulation Act and is authorized to accept contributions from overseas donors.

ABOUT CMS

Centre for Media Studies (CMS) is an independent professional forum engaged in research, policy, advocacy, programme planning and evaluation. CMS endeavor is to bring more accountability, responsiveness and transparency in government and other sectors.

Today, CMS initiates debate and dialogues on important public issues, disseminates research findings to contribute to knowledge and understanding of society and thus help in better informed decision making.

CMS has emerged as an inter-disciplinary group with a wide range of interests and capability in areas of communication research, social research, environment planning, public opinion research, training and advocacy.

Over the years, CMS has taken up initiatives in Citizen Charter, administrative reforms, capacity building, improving public services, electoral reforms, right to information and good governance.

Corruption in police

-- By Arshrika Singh

[This report is based on newspaper clipping available in the PUCL Reference Library]

What is Corruption? To study this concept it is very important to understand its meaning. Police corruption is defined as the “abuse of police authority for personal or organisational gain by a police officer acting officially” ¹.

It is not an easy concept to understand and it has many complex aspects. But one aspect which stands out is its existence which is spread almost in every part of the world. Corruption can be broken down into two sections, internal and external corruption. With reference to the police department, internal corruption is the illegal acts and agreements within a police department by more than one of the officers and external corruption is the illegal acts and agreements with the public by one or more officers in a department.

The most important elements of police corruption are misuse of authority and misuse of personal attainment. Widespread corruption at every level of the administrative department poses as a great obstacle in its working, efficiently and effectively. It inverts the goals of the organisation, that is, it may encourage and create crime rather than deter it. One of the main causes for this is that the police officials have ceased to act as professionals and are politicized to a great extent. They are manipulated by political leaders, who have misused the power of appointments and transfers to patronize weak or corrupt officers for their own selfish purposes at the cost of public interest. These leaders appoint wrong persons for the top jobs as they are willing to carry out the dictates and wishes of their political masters for their own survival. The main areas for their interference are appointments, transfers, rewards, and punishments. General police corruption includes bribery or exchange of money or something of value between the police and the wrong doer. Other police crimes may range from brutality, fake encounters, sexual harassment, custodial crimes, to illicit use of weapons.

Despite an attempt to eliminate corruption by ways like increased salaries, upgraded training, incentive for education, and developing policies that focus directly on factors leading to corruption, it still exists.

Even though the government spends over 67% of the Home Ministry’s budget on the police, there has been no noticeable improvement in the behavioral and attitudinal pattern of police personnel. Apart from allocating 67% of the budget on police, Rs 800 crores is being spent on modernization of the police forces of states for last three years ². Yet there is no improvement in the conduct of the police personnel of all ranks.

Police Corruption is also violation of human rights as it denies some very basic rights to the citizens. The fundamental right of being protected by a law enforcing agency, mainly constituted for this purpose is being denied by the prevailing corruption. The right to self-defense is under a threat with more and more cases of custodial crimes and wrongful persecution and prosecution being reported. With the present day situation worsening, the basic Right to life granted under Article 21 of the Constitution is being denied. Cases of fake encounters, rising death toll in the prisons, and unnecessary delay in investigation makes one feel insecure and vulnerable. A Sub-Inspector reportedly, compelled the family of a man who had committed suicide to pay a bribe for the release of his body, in another case a police officer was penalised for extorting money from a trader by threatening to implicate him in a murder case³. Such incidents make it like a commercial transaction. The general public loses trust in the department by such incidents and are lead to believe that everything can be done if one is in position to talk in terms of money or power with the police officials.

Following are some cases reported in the newspapers, from different states that

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Last Updated: Wednesday, 17 October 2007, 17:27 GMT 18:27 UK

[E-mail this to a friend](#) [Printable version](#)**Calcutta police chief transferred**

The police chief in the Indian city of Calcutta and four other officers have been transferred in connection with the mysterious death of a Muslim man.

They are accused of threatening Rizwanur Rahman, who was found dead last month near the city's airport.

Mr Rahman had recently married the daughter of a rich Hindu businessman who allegedly opposed the union.

Police say he committed suicide but his brother says he was murdered. The high court has ordered a federal inquiry.

Candlelit vigils

Mr Rahman, a computer graphics designer, was found dead with a head wound on 21 September on a train track near the city's airport area of Dumdum.

Police described the death as a case of suicide.

The discovery led to protests by angry crowds of friends and relatives who attacked police in central Calcutta, alleging foul play.

His family say he was being threatened by police to break off his marriage, and that police and Mr Todi are responsible for his death.

"This is a case of cold-blooded murder but the police are trying to show it as suicide. That is preposterous," said the dead man's brother, Rukbanur Rehman.

The state government has now removed the police chief, Prasan Mukherjee, and four other senior officers.

West Bengal Chief Minister Buddhadev Bhattacharya said that his government had decided to transfer the five officials to positions from "where they cannot influence the inquiry".



Senior police officers have been accused of high level corruption

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The High Court is at loggerheads with the government over the case

He said that if a federal police inquiry found them guilty, they would be punished in accordance with the law.

The removal of the men from their posts came a day after the Calcutta high court ordered that the case be transferred to India's top investigating agency, the Central Bureau of Investigation.

Tens of thousands of people from all social and religious backgrounds have been holding rallies and candlelight vigils in Calcutta to demand justice for Mr Rehman, the BBC's Subir Bhaumik in Calcutta says.

It has also become a talking point on national television and on online blogs.

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Maharashtra cop named in sex racket has unsavoury past

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Akola (Maharashtra), Feb 13 (IANS) A senior police official who tops the list of government officers named by an alleged victim of a large-scale sex racket as her exploiters was in the news for wrong reasons at least twice in the recent past.

District Superintendent of Police Deepak Pandey first hit headlines about five years back when his wife, then an Indian Administrative Service (IAS) probationer at Dharni in Amravati district, approached the state women's commission against him for torture.

The Indian Police Service (IPS) officer, serving at the time as ADC to then governor Mohammad Fazal, was placed under suspension for two years following the complaint that his wife filed when Pandey roughed her up in full public view in Dharni.

The despicable modes of torture reportedly mentioned in the complaint included branding her by lighted cigarettes.

State Women's Commission member Yashomati Thakur told IANS that Deputy Chief Minister R.R. Patil nodded when she recalled the case while talking to him at Amravati Monday.

"I was the one to order the officer's suspension at that time," Thakur quoted Patil as saying.

Pandey and his wife are since legally separated pending decision of a divorce suit filed by the wife.

The IPS officer then got into news for handing down a patently wrongful and downright feudal punishment to a police constable - of standing in the scorching sun from morning to evening for two consecutive days.

The only "fault" of the constable, then on the verge of retirement, was that he stopped Pandey who was talking on cell-phone while driving a car - a traffic offence.

The constable, who failed to recognize the IPS officer as he was not in his police uniform, had, in fact, let him off with a salute when the latter revealed his identity.

Pandey was let off with a warning for the punishment he gave to the subordinate.

In the sex racket case now under a Criminal Investigation Department (CID) probe, Pandey called a press conference Sunday to refute the charges the victim levelled against him.

A few hours later the same day, he also got the girl to address the press in his chamber to withdraw the charges against him - an act being viewed as highly improper for a government officer.



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When reporters told Patil at Amravati Monday that the girl had retracted her allegations against the officer, he said it would be probed whether she did it under duress.

And the girl did tell the press in Akola the next day that she had cleared Pandey's name under pressure from him and that she was actually firm on what she had stated in her affidavit - published also in a Marathi newspaer.

"How will I be able to help you unless you clear my name?" the girl quoted Pandey as telling her.

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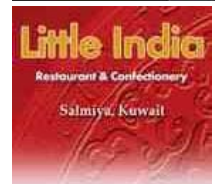
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INDIA | Wednesday, February 13, 2008

Maharashtra cop named in sex racket sent on leave

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From correspondents in India, 07:02 PM IST

A senior police officer named by a teenager victim of an alleged large-scale sex racket in Maharashtra was Wednesday asked to proceed on leave with immediate effect.

The racket's victim, an 18-year-old girl, in her affidavit Monday accused district Superintendent of Police Deepak Pandey of sexually exploiting her.

Pandey has been asked to proceed on leave with immediate effect and Additional Superintendent of Police Pravin Padvad has taken his charge, official sources said.

Besides Pandey, the girl has also named other government officers as her exploiters.

A high-level team of state Crime Investigation Department (CID) arrived here from Pune to probe the sex scam allegedly involving top government officers.

The police Tuesday arrested Niku Takvat, the main accused of the scam, who would remain in police custody till Feb 17. Nitu has admitted that she knew Pandey and others named by the teenaged girl.

In the affidavit, a copy of which was sent to local Marathi daily Deshonatti, the teenaged girl said Takvat allegedly ran the sex racket. After trapping her into it, the alleged kingpin forced her to entertain many highly placed officers in the police and other government departments besides other influential people.

The girl stated in her affidavit that many girls like her are being exploited in the racket.

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Moga sex scandal: Senior Punjab cops enter the hall of shame

Mineguruji, 28 February 2008, Thursday

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Caretakers of law – khaki clad cops at Punjab entered the hall of shame as they were arrested for their involvement in a sex racket unearthed at Chandigarh and Moga

AS IF the Delhi policemen had not done enough to harm the 'khaki' image by letting off the kidney racket accused in lieu of cash, the shocking news of the involvement of senior police officials in a sex racket in Punjab has shamed the nation.

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A CBI team on February 26 arrested Davinder Singh Garcha, senior superintendent of police, Moga along with then superintendent of police (headquarters) Paramdeep Singh Sadhu, for involvement in the now infamous 'Moga sex scam'.

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The two officials were key persons involved in blackmailing rich and influential persons and major portion of money went to them. Both the officials were arrested from their houses in Chandigarh. Raids were also conducted at the residences of the two officials in Chandigarh, Ropar and Jalandhar.

The modus operandi of the entire scam was simple, female members of the gang would accuse rich persons of sexually abusing and cases would be filed against them. However, the lower level police officials would intercede in the matter and a deal would be struck, consequently the girls would not identify the accused persons.

According to the CBI demands ranged somewhere between three to six lakhs depending upon the ability of the accused to pay.

It is to be noted that the Supreme Court on February 7 had stayed the Punjab and Haryana High Court order for a CBI inquiry into the sex scandal.

The Punjab government had moved a special leave petition (SLP) in the Supreme Court challenging the December 11 order of the state High Court calling for CBI inquiry into the case.

The SLP mentioned that the high court had overstretched jurisdictional powers by ordering a CBI probe into the matter.

An official on the condition of anonymity said that the government was making efforts to prevent the CBI to make inroads in the case. However, the arrest of two senior officials by CBI has stalled these efforts and now the inquiry will go as directed by the high court.

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British teen raped, killed on Goa beach

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First Published: 01:03 IST(2/3/2008)
 Last Updated: 01:20 IST(2/3/2008)

The family of a 15-year-old British girl found dead on Anjuna beach in Goa is claiming she was raped and murdered and the autopsy report confirms this. But the police, they allege, are maintaining it was a case of drowning despite all the evidence. The body of Scarlet Keeling was found by the police at 7.15 am on February 18 – and the case has been

unreported till now.

The incident is yet another body blow for Indian tourism.

Scarlet's autopsy report – seen exclusively by Hindustan Times – details five large bruises on her shins, head and forearm that occurred before she died. The report establishes that her lungs were not full of salt water, rather there was sand in her mouth and trachea. Reports suggest she also had sexual intercourse. The family, however, contends that this proves that Scarlet was raped and suffocated on the beach.

"The police told us Scarlet had drowned and that there were no marks on her body," said Fiona MacKeown, Scarlet's mother. "Now, we want a second autopsy."

Advising the family is Vikram Varma, a Supreme Court lawyer, who says that there is overwhelming evidence that Scarlet was raped and murdered. "There is clear ambiguity in the police behaviour and investigation," Varma said.

Superintendent of Goa (North) Police, Bosco George, said that the police is now looking into both the possibility of murder and drowning, adding that it is premature to say whether it was a homicidal or an accidental death.

"The police is not here to protect us as tourists and make Goa safe," MacKeown said. "They are just here to make money. There must be more awareness of the dangers that exist in this beautiful place."

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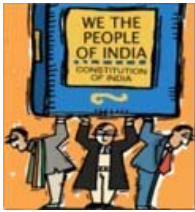


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Rescuing the police force

Autonomy will not improve the IPS, instead it will simply make a system already tainted by its conduct even less accountable, says [Arvind Verma](#).



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December 2003 - Writing in Indian Express on November 13 about the arrest of Sridhar Vagal, a senior Indian Police Service officer arrested in connection with the counterfeit stamp paper racket, Julio Ribeiro [argues](#) that 'the need of the hour is for civil society to organize and protest against the castration of the police force, particularly of its IPS cadre'. The remedy, Ribeiro - himself a former IPS officer - suggests, lies in empowering the IPS further. But laying every scandal at the feet of disdained politicians is too easy; what is really needed is to place some of the blame upon the police leadership itself.

Among public officials, there is a naive longing for the past when political leaders were honest and did not interfere in administrative matters. Ribeiro says that in that golden age the IPS officers were overwhelmingly free from corruption, that 'they laid down norms and led by example'. Furthermore, they 'ensured justice for the common citizen'. Ribeiro of course is partially right. Some of the stalwarts of that era, officers like BN Mullick and Rustomji did indeed lead by example and worked to serve the country. But their numbers were small then as they are now.

Corruption within the IPS has existed since the beginning and has been increasing steadily. Vagal's case is not an isolated one. IPS officers make money from transfer and postings of subordinate officers, take bribes and give favors. They demand cuts from vendors supplying uniforms, office equipment and vehicles to the department; even extort from the business houses and subvert investigation of cases on pecuniary or political considerations. 'Hafta' the weekly extortion collected by police station officials from local businesses is only one part of the corruption in Indian police. Corrupt practices are now part of the Indian police system and are found in every department, in every rank and in every police institution including training colleges. The malaise has spread all over the country and in every aspect of policing.

In a democracy, the ruling party should naturally be held responsible for any misdeeds of the public servants who they control. However, the responsibility of the police leadership for actions of its personnel should not be ignored either. The existence of a corrupt, brutal and oppressive police force, alienated from the people points towards failures of police leadership. If torture, extortion and misuse of force are obvious traits of Indian police then supervisory ranks must be held responsible too.

It is not as if Ribeiro's generation - or that of his predecessors - did not know about police brutality and extortion. Police officers have been corrupt and brutal from the very beginning. This was the way that the British created the Indian police system - one that could strike terror in the hearts of the people. The Raj itself was symbolic, based upon an implied authority and total subjugation of the people. However, even after independence the IPS did nothing to change the organizational culture and functioning. Despite having the opportunity to work under honest political leadership [for a short time], at the time when a new system was being forged the first generation of IPS officers did nothing to usher reforms and emphasize the due process of law. The IPS simply continued the organizational culture and ethos of policing established by the British in 1861.

The British IP officers were not dishonest in their dealings. But although they did not accept money like Vagal and his type are doing today, they purposely created an aura of grandeur for themselves and functioned no differently from the extortionist subordinates. 'The British not only borrowed the structure but also took over the feeling tone of the Mughal administration - a mixture of great pomp and show...' writes Cohn. Ostentatious pageantry and grandeur of the senior officers was an obvious, visible form of authority. The morning parade and salute to the commanding officer, the armed sentry at the Superintendent's gate and armed escort on their tours were symbols that placed the officers on a high pedestal.

This style of policing created a cultural setting in which the IP leadership were way above everyone and this distance was deliberately maintained. There was no way in which any citizen could dare to approach the senior officer thereby leaving no avenue of complaint against the corrupt subordinates. These senior officers maintained an image of incorruptibility even though their subordinates took money right outside their gates.

Nevertheless, there was institutionalized corruption indulged by the senior officers. The tiger hunts and lavish entertainment were part of the organizational practices in which the officers on tours would combine business with sports and pleasure. Zamindars showered lavish treatments during officers' tours; this helped them build associations with the rulers which in turn helped maintain their hold over their tenant farmers. The fruit, flower and gift baskets that reached SP residences during Christmas and other occasions were blatant bribes.

These practices continue today. In present day India, tiger hunts have been banned but the Raj lives on. The same traditions of grandeur for the senior officers and unaccountability to the people continues. The lavish living style of the senior officers is still quite visible. Instead of tiger hunts there are New Year parties, picnics and official 'get-togethers' with family and friends at Dak Bungalows. The entertainment of senior officers by the subordinate staff is

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even now an established practice in the police departments and beyond a token payment all other expenses are passed down to the station-in-charges.

Similarly, the practice of glorifying senior officers still survives. In many provinces like Uttar Pradesh and Bihar, IPS officers are still addressed as 'Huzur Bahadur', or 'Kaptan Sahib', titles used during the British period. Personal drivers, body guards, even armed guards for the residence and family are common appendage for senior police officers. Constables and even middle level officers do not sit down in front of any IPS officer. It is not uncommon for police station personnel to take care of the comforts of the senior officers. Thus, official vehicles, telephones and staff are used for personal purposes; subordinate officers escort the children to school or the spouse for shopping and making social visits. In Bihar, a senior officer had almost a 100 police personnel tending his large garden and orchards! The subordinate officers are routinely utilized for making purchases, for making arrangements during private parties and functions, for obtaining special tickets during major sports or cultural events and even for getting railway or airlines tickets.



The inevitable consequence of these practices is a quiet acceptance of the corruption in the subordinate ranks. The IPS officers, who themselves misuse public funds and demand services from the subordinates, are unwilling and unable to provide any control over the mercenary actions of their subordinates. They have little legitimacy and moral strength to take firm action against the extortion indulged by their officers. Most actively share the booty while a small minority remains at best passive and indifferent towards these corrupt practices. This form of corruption is not due to the pressures of dishonest politicians. The organizational culture and norms have made

corruption and extortion a part of the police system in the country.

Will all this change if IPS is given more power and police leadership is placed beyond the purview of political control? The elitist nature of the police leadership, the lack of any accountability to the people and outdated management practices have all combined to make corruption endemic and even acceptable within the organization. The persistence of open corrupt practices by officers is clearly indicative that the organization itself has become deviant. In a culture where pomp and show of senior officers is maintained through expenses borne by the subordinate officers, it is not surprising that regular extortion in every police station are not inquired nor frowned upon by the senior ranks. It is therefore not surprising that the station house officer's extortion are common public knowledge and the traffic constable dares to collect money from truck drivers in plain view. Corruption within the police department is every citizen's common experience and every rank is without blemish.

Meaningful reforms in the police system require a transformation of organizational structure, management practices, supervision procedures, decentralization of power, creation of local accountability system, even a change in role and functions of the police in the society. But in today's situation, an IPS independent of the political authority can only be more dangerous. What if Sridhar Vagal had all the power and was beyond political control? To entrust a system already tainted by its conduct with the responsibility to reform itself is foolhardy, and political control, however terrible it may be today, is still a useful tool. ☺

Arvind Verma
December 2003

Dr. Arvind Verma is a former IPS officer. He is currently with the Department of Criminal Justice at Indiana University in Bloomington, in the United States, and the managing editor of [Police Practice and Research](#).

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Nithari and the system of governance

C. Raj Kumar

It would be a mistake to view the Nithari killings purely as a problem of proliferation of crime in Indian society. It is a failure as much of the larger governance system as of the law-enforcement machinery.

THE SHOCKING and traumatic discovery of the skeletal remains of a large number of children in Nithari village, Noida, Uttar Pradesh, reflects the situation with regard to crime in India. The issues these killings have raised also demonstrate the crisis in governance. While the investigation into the deaths of the children continues and new information relating to their traumatic victimisation is emerging, there are a number of issues relating to human rights, justice, and the rule of law that deserve a deeper examination. The Nithari killings underline the growing sense of insecurity and helplessness among the Indian citizenry as a result of the lack of accountability among the police and other law-enforcement agencies.

What is the role of the police in protecting the rule of law? What has clearly emerged from the investigation so far has been that the police in Nithari village did not fulfil their legal and constitutional obligations, and may have colluded with the perpetrators of the ghastly crimes. More importantly, the information so far is that the police, over a period of time, have systematically undermined the rule of law by not taking efforts to register complaints by the residents of Nithari in some cases. They have also done little to instil confidence among the affected families who had no information about the whereabouts of their missing children.

Unfortunately, the police's role coming under critical scrutiny in cases of this kind is not unique or exceptional. Time and again, the Indian police have been subject to criticism for human rights violation and efforts have been made to infuse transparency and accountability. Historically, accountability has been infused by the active role of courts, including the higher judiciary. The media have also played an important role in highlighting these human rights violations. The working of the National Human Rights Commission (NHRC) since 1993 has added another dimension to this effort to seek transparency and accountability within the police. Notwithstanding these positive developments, there is a clear sense of outrage, helplessness, and frustration among the families of the victims of the Nithari killings that the police have failed to protect the rule of law. There is also a feeling that the

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police have, in the process, violated the most fundamental right to life of the children.

And what of corruption and its relationship to law enforcement? It is well recognised that corruption is endemic in almost all institutions of governance in India. Every act of corruption has serious implications on the protection of human rights of people and the preservation of the rule of law. In the context of the Nithari killings, it is possible that the police officials and other law-enforcement authorities who should have otherwise taken proper action in dealing with complaints from the citizenry may have been bribed to be indifferent to these complaints. It is also possible that because of the susceptibility of some members of the law enforcement mechanism to corruption, they may have colluded with the perpetrators of these gruesome acts. Although this case is under investigation, some information relating to the initial lapses on the part of the police is clear. Further, the police had the legal obligation to ensure the investigative process had duly begun from the time the matter was brought to their attention. Strangely, when so many children were missing over a period of time from the same locality and complaints were being made, no eyebrows were raised with regard to the pattern of crime that was emerging. What is completely unacceptable is the lack of checks and balances within the governance apparatus, including the law-enforcement machinery, even when lives of people are at stake.

There is also a widening gap between the human rights framework and its implementation. The problems in the criminal justice system have come to the fore in the aftermath of the Nithari killings. In fact, the story is only too familiar in the Indian context where numerous reports from commissions have recognised the problem of corruption within the police, the abuse of power by law-enforcement officials, lack of proper checks and balances when it comes to policing, the need for insulation of the police from the political machinery, and the accountability of the law-enforcement machinery. The Vohra Committee Report of 1993, the Report of the National Commission to Review the Working of the Constitution of 2002, and the Malimath Committee Report of 2003 have dealt with certain important aspects of these problems. Courts and the human rights commissions have also emphasised the need for accountability among the law-enforcers.

However, the Nithari killings have revealed the fragility of the rule of law in India and the wide gap between the normative legal and human rights framework, on the one hand, and the actual enforcement of law and implementation of human rights, on the other. This gap has created a crisis within the system that is no longer equipped to prepare itself or for that matter respond to the type of crimes that have taken place in Nithari.

The way forward

Urgent measures are necessary to save the present situation. Efforts should be taken to eliminate corruption in the police and other law-enforcement agencies. In the 16th Biennial conference of the Central Bureau of Investigation on anti-corruption in November 2006, President A.P.J. Abdul Kalam and Prime Minister Manmohan Singh made strong arguments in support of the need and urgency for taking efforts to fight corruption in India. It is notable that Dr. Manmohan Singh has been working hard to impress upon the members of his own Cabinet the need to ensure good governance. The President had made clear his keen desire to see a corruption-free India. He has time and again stressed the need for efforts to eradicate corruption. Mr. Kalam mentioned that an independent commission against corruption similar to the one in Hong Kong could help India eliminate corruption.

It is time the United Progressive Alliance Government seriously considered the establishment of an Independent Commission against Corruption. The rationale behind this suggestion is that the existing law enforcement machinery, including the police, in

India has become hugely corrupt and numerous acts of abuse of power on account of corruption have made these institutions weak and ineffective. The root cause of the problem should be addressed. And this is to take direct and tangible efforts with a view to eliminating corruption. The existing institutions such as the Central Vigilance Commission, the CBI, the Enforcement Directorate, the Directorate of Revenue Intelligence, and also the Directorate of Vigilance and Anti-corruption in the States, just to name a few, are not properly equipped to fight corruption. What is being proposed is one nodal agency that will bring together the mandate, functions, and expertise of all these institutions so that anti-corruption measures form the sole function of this umbrella organisation. Of course, this is an ambitious proposal that will involve revamping a number of anti-corruption institutions, but for far too long, piecemeal measures have been tried and have failed.

Now with the working of the Central Information Commission (CIC) and institutions such as the National Human Rights Commission willing to consider acts of corruption as violations of human rights, there is a possibility of renewed enthusiasm among institutions. If the law-enforcement mechanisms are not sufficiently empowered by the establishment of a truly independent commission against corruption, there is little hope for eliminating it. It would be a huge mistake to respond to the Nithari killings purely as a problem of proliferation of crime in Indian society. It is as much a failure of the larger governance system in India, as it is a failure of the law enforcement machinery.

(The writer is with the School of Law, University of Hong Kong. He is Honorary Consultant to the National Human Rights Commission in India. Email: crajkumar4@yahoo.com)

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Police sacked over India killings

Six Indian policemen have been sacked for alleged incompetence over the murders of 17 young women and children in a suburb of the capital, Delhi.



Police say their investigation is still continuing

Three senior officers have also been suspended, officials say.

Public anger against the police has grown since the remains of the victims were found in a sewer in the satellite town of Noida last Friday.

A local businessman and his servant have been arrested on suspicion of multiple abduction, rape and murder.

'Gross negligence'

"Three senior officials were suspended for three months and six policemen were dismissed," said Navin Chandra Bajpai, the top civil servant in Uttar Pradesh state where Noida is located.

Mr Bajpai said those sacked were two inspectors and four sub-inspectors.

"Our probe panel had prima facie found these officials guilty of dereliction of duty and gross negligence in responding to complaints made by parents of missing children," he told Reuters news agency.



Police control angry crowds outside the house

The BBC's Anu Anand in Delhi says that the controversy is the latest example of public pressure and intense media scrutiny forcing Indian officials to act.

Our correspondent says that India's legal justice system is riddled with corruption and few criminal cases are ever resolved.

Furious residents have accused police of failing to act over the abductions and murders because many of those reported missing came from impoverished families.

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The residents say that as many as 40 children have disappeared in the area over the past two years.

Officials say that those accused of incompetence will be given an opportunity to explain their case, after which a panel will decide on further action.

On Monday, there was rioting around what the press has begun to refer to as the Noida "house of horrors", with police being pelted with stones.

Legal representation

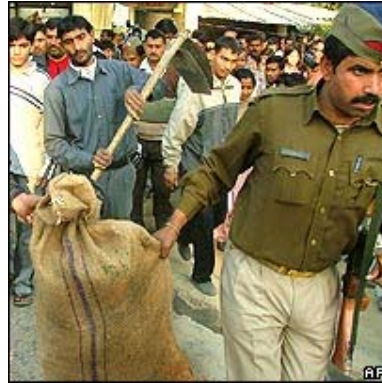
The Uttar Pradesh state government is under mounting pressure over the murders.

It has more than doubled compensation for victims' families to 500,000 rupees (more than \$11,000) after angry relatives rejected the initial offer.

On Wednesday India's Supreme Court rejected calls for the case be transferred from the police to a team of federal investigators.

The government launched its own investigation, which will report in two weeks.

There has been no word from the two men being held, and correspondents say it is not clear if they have legal representation.



The remains of the children were found hidden in bags

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