

## CHAPTER-V INTEGRATED AUDIT

### POLICE DEPARTMENT

#### 5.1 Integrated Audit of Police Department

*In Sikkim, policing seems to have a positive influence on the society, as can be seen from the low rate of crime, a strife free society, absence of law and order problem and a speedy and above national average conviction rate. Audit scrutiny however, revealed that the activities of the Police Department in prevention, detection and curative aspects of crime need further improvement, as the crime rate had marginally increased over the years, budgeting is irrational, the workforce is disproportionate to the sanctioned strength and the pace of progress of police modernisation was slow. Despite the State Government signing a Memorandum of Understanding (MOU) with the GOI for implementation of National Police Commission (NPC) recommendations, these have not been implemented. A review of the functioning of the Department brought out the following main points:*

#### **Highlights:**

**The conviction rate of 47 per cent reported to the GOI was high compared to the actual conviction rate ranging between four and 32 per cent in seven test-checked Police Stations.**

*(Paragraph 5.1.9.3)*

**The Department failed to benefit from modernisation schemes like CIPA and POLNET due to their tardy implementation.**

*(Paragraph 5.1.11.3)*

**Deployment of State police personnel was not in conformity with the State Government's own norms.**

*(Paragraph 5.1.12.1)*

**High percentage of under-trials (60 per cent) indicated slow progress of trials and lack of initiative to expedite the process.**

*(Paragraph 5.1.12.3)*

#### 5.1.1 Introduction

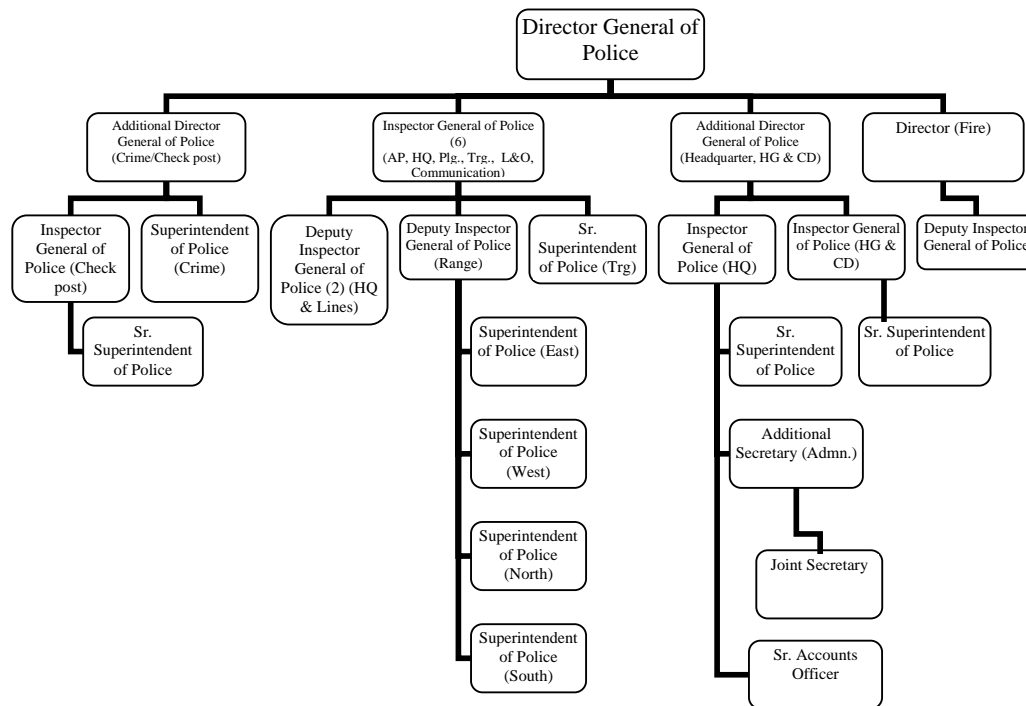
The State Police is responsible for maintaining public peace, protecting life and property of the citizens and preventing and detecting crimes. The curative aspect is dealt with by the jail administration, which though falls within the jurisdiction of the Home Department, is an integral part of policing. Although Police is a State subject, GOI through Modernisation of Police Force (MPF) and Modernisation of Prison Administration (MPA) programmes, aided the State Government in removing the identified deficiencies in various aspects of the police administration and also to bring about reforms in jail administration.

Sikkim has a low crime rate. The State recorded a total of 2,990 IPC crimes during 2003-2008 and ranked 26<sup>th</sup> (out of 28 States) in the rate and incidence of crime as of March 2006. The Department had a total strength of 1,778 (including 23 IPS and 66 SPS officers) police personnel as of March 2008 deployed in police headquarters, SP offices and thanas.

### 5.1.2 Organisational Set up

The Director General of Police (DGP) is the overall in-charge of the Department and is assisted by officers and staff belonging to various services. The State has two prisons, i.e., the central prison at Rongyek and the district prison at Namchi. The prisons are headed by the Senior Superintendent of Police, who functions as an independent head of prison cell under the control of the Home Department. The organogram of the Police Department is given below:

Chart No-5.1



### 5.1.3 Scope of audit

The functioning of the Police Department covering the period 2003-08 was reviewed in May-June 2008 with reference to the information furnished and the records maintained in the State Police Headquarters, seven out of 26 Police Stations (PS) and the State Central Prison, Rongyek. The police stations were selected on the basis of simple random sampling without replacement (SRSWOR) method.

#### 5.1.4 Audit objectives

The Audit objectives were to verify whether:

- Planning was adequate and effective to ensure the achievement of the Department's objective of prevention and detection of crime and maintenance of law and order.
- Utilisation of funds was efficient, economic and effective;
- Human resource management was adequate and effective;
- Operational preparedness of the Department was adequate and effective.
- Centrally Sponsored Schemes were implemented efficiently, economically and effectively to achieve the scheme objectives.
- Internal control mechanism was in place and functional.

#### 5.1.5 Audit Criteria

Audit conclusions were benchmarked against the following criteria:

- Recommendations on Police reforms by the National Police Commission, Padmanabiah Committee and Prison reforms by the Iyer Report.
- Guidelines on Modernisation of Police Force (MPF) and Modernisation of Prison Administration (MPA).
- Sikkim Financial Rules (SFR) and SPWD code.
- Notifications/ circulars issued by GOI/ State Government.
- Bureau of Police Research and Development norms.

#### 5.1.6 Audit Methodology

The audit process started with an entry conference with the DGP on 28 April 2008. Questionnaires were issued to the Department and police stations eliciting information on crime management. Data was verified with reference to original records and analysed to draw conclusions. Discussions were held with the departmental officers and the report has been finalised after taking into account the replies furnished by the DGP and his officers during the exit conference on 7 July 2008.

#### *Audit Findings*

Audit findings are enumerated in the succeeding paragraphs:

#### 5.1.7 Planning

Planning forms an important basis for efficient implementation of programmes. Scrutiny revealed that the Department had neither devised any long-term plan nor a medium term plan for crime management. Planning activity is confined to preparation of annual budget and planning for the Centrally Sponsored Schemes (CSS) like MPF and MPA. While budgeting exercise was undertaken to project the expenditure, planning for the schemes was limited to preparation of Annual Plans in respect of MPF and MPA for submission to GOI for release of funds. The Department had not even prepared an activity report to highlight its achievements and major activities.

Aberrations noticed in respect of MPF and MPA are mentioned in paragraphs 5.1.10 and 5.1.11 respectively.

### 5.1.8 Budgeting

The budget provision, expenditure and saving/excess in respect of Direction and Administration are shown in the following table:

**Table- 5.1**

(Rupees in crore)

| Year         | Budget Provision | Expenditure   | Excess (percentage) |
|--------------|------------------|---------------|---------------------|
| 2003-04      | 51.75            | 51.80         | 0.05 (0.10)         |
| 2004-05      | 57.69            | 57.70         | 0.01 (0.02)         |
| 2005-06      | 63.92            | 65.84         | 1.92 (3.00)         |
| 2006-07      | 69.91            | 70.59         | 0.68 (0.97)         |
| 2007-08      | 77.07            | 77.16         | 0.09 (0.12)         |
| <b>Total</b> | <b>320.34</b>    | <b>323.09</b> |                     |

Source: Detailed Appropriation Accounts

The Department had consistent excesses over budget provision during all the years under review. The excess was more pronounced during 2005-06 (Rs.1.92 crore) and 2006-07 (Rs. 0.68 crore) as shown above. The persistent excesses indicated that regular budgetary activities like demand for supplementary grants and regularisation of excesses were not carried out. The Department stated (September 2008) that the excess was mainly due to payment of arrear dearness pay and non-acceding of request for supplementary grants by FRED.

### 5.1.9 Operations management

The main function of the Police Department is prevention and detection of crime and maintenance of law and order. A well managed police force will be able to contain crime, detect the crimes in time, respond quickly to any situation and prosecute criminals expeditiously.

The Department has not framed any Manual for regulating its activities. In the absence of a police manual/ code, the Department carried out its day-to-day activities on the basis of the Police Act, CRPC, IPC Code, experience and instinct of the Officer-in-Charge of PS.

#### 5.1.9.1 Increase in Crime rate

Scrutiny of records in Police Headquarters (PHQ) and seven<sup>1</sup> PS revealed that the crime rate in the State for the last six years has been fluctuating, as shown below:

<sup>1</sup> Sadar, Singtam, Namchi, Jorethang, Naya Bazar, Geyzing and Mangan

Table- 5.2

| Year | IPC <sup>2</sup> crimes | SLL <sup>3</sup> crimes | Total crimes | Percentage of increase |
|------|-------------------------|-------------------------|--------------|------------------------|
| 2003 | 437                     | 175                     | 612          | -                      |
| 2004 | 631                     | 161                     | 792          | 29.41                  |
| 2005 | 552                     | 143                     | 695          | (-) 12.24              |
| 2006 | 703                     | 158                     | 861          | 23.88                  |
| 2007 | 667                     | 231                     | 898          | 4.30                   |

Source: Departmental figure

Compared to the base year 2003, the rate of crime has increased by 29.41 *per cent* in the next year. Though there was a drop in the subsequent year, the gain could not be sustained as there was again an increase of 23.88 *per cent* in 2006. The crime rate again increased in the following year. Considering the low rate of crime and the adequacy of police force, these sharp increases pointed to the fact that crime prevention was not tackled as per a coordinated operational plan.

#### 5.1.9.2 Registration of complaints and response thereof

Test check of records at seven<sup>4</sup> major PS revealed that the registration of complaints has remained almost static or increased marginally ranging between 18 (Mangan PS) to 169 (Sadar PS) during the last five years (2003-07). Audit analysis of complaints pertaining to 2007 revealed that a major portion of crimes related to theft (18 *per cent*), crimes under motor vehicles Act (15 *per cent*), burglary (15 *per cent*), cheating (six *per cent*), assault (four *per cent*) and others (42 *per cent*). One heartening fact is that there were very few serious crimes like murder (two cases), attempt to murder (six cases), robbery (four cases), rape (Nil) etc.

The response time in respect of two major PS (Sadar and Singtam) covering 24 *per cent* of total complaints recorded in the State were test-checked. It was found that the response of the police to emergent situation was quick enough (with a minimum time taken of three minutes) in almost all the cases except in one case where it was 3.50 hours.

#### 5.1.9.3 Conviction rate

During 2003-2008, a total of 4059 crimes were recorded in the State, of which, 1819 cases were stated to have been convicted, indicating 45 *per cent* conviction rate which was higher than the national average (42 *per cent*) as shown below:

<sup>2</sup> Indian Penal Code

<sup>3</sup> Special Local Laws

<sup>4</sup> Sadar, Singtam, Namchi, Jorethang, Naya Bazar, Geyzing and Mangan

**Table- 5.3**

| Year         | Crime       |            | Total crimes | Actual conviction<br>(figures in brackets are in per cent) |                 |                  |
|--------------|-------------|------------|--------------|--|-----------------|------------------|
|              | IPC         | SLL        |              | IPC  | SLL             | Total            |
| 2003         | 437         | 175        | 612          | 238 (54)   | 174 (99)        | 412 (67)         |
| 2004         | 631         | 161        | 792          | 157 (25)   | 142 (88)        | 299 (38)         |
| 2005         | 552         | 143        | 695          | 224 (41)   | 209 (146)       | 433 (62)         |
| 2006         | 703         | 158        | 861          | 184 (26)   | 116 (73)        | 300 (35)         |
| 2007         | 667         | 231        | 898          | 225 (34)   | 150 (22)        | 375 (42)         |
| <b>Total</b> | <b>2990</b> | <b>868</b> | <b>3858</b>  | <b>1028 (32)</b>   | <b>791 (91)</b> | <b>1819 (47)</b> |

Source: Departmental information

In order to corroborate the figures reported by the Department, a detailed analysis of conviction rate in seven police stations was undertaken. The results are shown below.

**Table- 5.4**

| Name of the Police Station | 2003-2008             |                        |                    |
|----------------------------|-----------------------|------------------------|--------------------|
|                            | Complaints registered | No. of convicted cases | Success percentage |
| Sadar                      | 844                   | 127                    | 15                 |
| Singtam                    | 288                   | 35                     | 12                 |
| Namchi                     | 367                   | 84                     | 23                 |
| Jorethang                  | 191                   | 61                     | 32                 |
| Geyzing                    | 188                   | 24                     | 13                 |
| Naya Bazar                 | 157                   | 28                     | 18                 |
| Mangan                     | 91                    | 04                     | 04                 |
| <b>Total</b>               | <b>2126</b>           | <b>363</b>             |                    |

Source: Departmental records.

These figures revealed that the conviction rate ranged from four (Mangan PS) to 32 per cent (Jorethang PS) and the average conviction rate is 17 per cent. Thus, the figure of 47 per cent conviction rate reported to the National Crime Record Bureau (NCRB) appears to be very high. Moreover, the Department showed more number of convictions (SLL crimes) than the crimes reported in the year 2005 further weakening the credibility of the figures.

#### 5.1.9.4 Vigilance Cases

The registration of complaints in respect of Vigilance cases during 2003-07 is shown below:

**Table- 5.5**

| Year         | Number of cases registered | Number of cases acquitted | Number of convictions | Pending investigation |
|--------------|----------------------------|---------------------------|-----------------------|-----------------------|
| 2003         | 7                          | 05 (71)                   | 0                     | 2 (29)                |
| 2004         | 12                         | 08(67)                    | 0                     | 4 (33)                |
| 2005         | 16                         | 09(56)                    | 0                     | 7 (44)                |
| 2006         | 10                         | 03(30)                    | 0                     | 7 (70)                |
| 2007         | 14                         | 01(7)                     | 0                     | 13 (93)               |
| 2008         | 21                         | Nil (0)                   | 0                     | 21(100)               |
| <b>Total</b> | <b>80</b>                  | <b>26 (32)</b>            | <b>0</b>              | <b>54 (68)</b>        |

Source: Departmental records

Figures in bracket represent percentage

The percentage of acquittal ranged between zero to 71 per cent which shows that either the cases registered were frivolous or the investigative machinery

was not effective. The latter is further supported by the fact that there has not been a single conviction during the period. Cases pending investigation were also high ranging between 29 to 100 *per cent*, reasons for which were neither on record nor could be stated by the Department.

#### **5.1.9.5 Non-implementation of NPC recommendation towards prevention of crime**

Despite signing a Memorandum of Understanding (MoU) with the GOI, for implementation of recommendations of the NPC and Padmanabhaiah Committee, the State Government had not put in place the required mechanism to implement them, as shown below:

- Public support for crime prevention and Charter of Citizen rights was not displayed in any of the PS in the State;
- Records on police patrolling on national and State highways and nakabandi at strategic points could not be produced to audit;
- None of the PS was provided with the imprest money to meet the day to day contingent expenditure in delivery of service from the PS.
- No records could be shown of inter district/border meeting on collection and exchange of crime intelligence.
- No surveillance register was maintained to check on habitual offenders in order to prevent the crimes at Mangan PS. In other PSs also, the mode and type of surveillance was not defined.
- No lady duty officers were posted in Singtam and Naya Bazar PS to address the issues relating to women.

The Department stated (September 2008) that the checking system was available at the entry points to Sikkim viz. Rangpo, Melli etc. and that, the National Highways were patrolled by traffic mobiles. With regard to ladies force, it was stated that 30 *per cent* women were deployed at various PS and traffic units. The reply of the Department regarding patrolling at Highways was not supported by documentary evidence. Further, the claim of deployment of lady officers at PSs is incorrect, as the PS at Singtam and Nayabazar were not provided with any lady officer.

### **5.1.10 Implementation of Modernisation of Police Force**

Modernisation of Police Force (MPF) is a Centrally Sponsored Scheme (CSS) which was implemented with a view to meet the identified deficiencies in various aspects of police administration and focused on strengthening the police infrastructure. Results of audit scrutiny of MPF are enumerated below:

#### **5.1.10.1 Annual Plan (AP)**

Guidelines of MPF scheme required submission of AP by April each year for fund allocation and subsequent release. Details of submission of AP and its approval by the GOI is shown below:

**Table- 5.6**

| Annual Plan (AP) | Date of submission by SG | Delay in submission (in months) | Approval of AP by MHA |
|------------------|--------------------------|---------------------------------|-----------------------|
| 2003-04          | January 2004             | 09                              | January 2004          |
| 2004-05          | June 2004                | 02                              | August 2004           |
| 2005-06          | August 2005              | 04                              | August 2005           |
| 2006-07          | Not available            | -                               | September 2006        |
| 2007-08          | May 2007                 | 01                              | August 2007           |

Source: Annual Plans

As can be seen above, there was a delay in submission of AP by the Department ranging from one month to nine months leading to delayed approval by the GOI and consequent delay in release of funds by the GOI. The Department stated (September 2008) that the preparation of AP prior to the receipt of direction from Ministry of Home Affairs (MHA) for submission of AP could not be initiated. The reply is not tenable as the scheme guidelines categorically stipulated submission of annual plan by the State Government in a routine manner every year.

#### 5.1.10.2 Budgeting and release of funds

Guidelines of the scheme required sharing of funds between GOI and State Government in the ratio of 75:25. Details of approved plan and actual contribution by the GOI and the State Government are shown below:

**Table- 5.7**

(Rupees in crore)

| Year         | Approved Plan | Share as per MPF guidelines |             | Actual contribution (%) |             |
|--------------|---------------|-----------------------------|-------------|-------------------------|-------------|
|              |               | GOI                         | State       | GOI                     | State       |
| 2003-04      | 5.95          | 4.46                        | 1.49        | 0.40 (7)                | 0.70 (12)   |
| 2004-05      | 5.37          | 4.03                        | 1.34        | 1.00 (19)               | 1.60 (30)   |
| 2005-06      | 4.00          | 3.00                        | 1.00        | 1.72 (43)               | 0.50 (13)   |
| 2006-07      | 3.00          | 2.25                        | 0.75        | 2.24 (75)               | 1.00 (33)   |
| 2007-08      | 5.04          | 3.78                        | 1.26        | 3.76 (75)               | 2.41 (48)   |
| <b>Total</b> | <b>23.36</b>  | <b>17.52</b>                | <b>5.84</b> | <b>9.12</b>             | <b>6.21</b> |

Source: Departmental figure

While the contribution of the GOI varied from a minimum of seven *per cent* to a maximum of 75 *per cent*, the State's share ranged from 12 to 48 *per cent* indicating that the funding was neither as per the approved plan nor as per the guidelines.

The expenditure and the closing balances are detailed in the table below:

**Table- 5.8**

(Rupees in crore)

| Year         | OB   | Receipts     | Total | Expenditure  | Closing balance (%) |
|--------------|------|--------------|-------|--------------|---------------------|
| 2003-04      | 2.58 | 1.10         | 3.68  | 1.39         | 2.29(62)            |
| 2004-05      | 2.29 | 2.60         | 4.89  | 3.00         | 1.89(39)            |
| 2005-06      | 1.89 | 2.22         | 4.11  | 2.39         | 1.72(42)            |
| 2006-07      | 1.72 | 3.24         | 4.96  | 4.32         | 0.64(13)            |
| 2007-08      | 0.64 | 6.17         | 6.81  | 5.10         | 1.71(25)            |
| <b>Total</b> |      | <b>15.33</b> |       | <b>16.20</b> |                     |

Source: Departmental figure.



The unspent balances ranged between 13 to 62 *per cent* during the last five years primarily due to slow progress of capital works. This, coupled with the fact that releases were not as per norms indicated that modernisation was not accorded due priority in the annual plans.

### 5.1.10.3 Execution of MPF scheme

Guidelines of MPF scheme stipulated execution of various components like (i) construction of PS, Police Training centre, Police barracks, Outposts, (ii) improvement in Mobility, (iii) upgrading the Equipment, (iv) procurement of Weaponry, (v) creation of POLNET, and (vi) CIPA. The findings with respect to these items are given below:

- **Construction:** During 2003-08, the Department through Building & Housing Department (executing agency) took up nine construction works against which six have been completed and three were under progress. Scrutiny revealed that in case of the six completed works, the delay ranged between two to 18 months. Further, in respect of three on going works, though the works were scheduled to be completed by March 2007, May 2007 and February 2008 respectively, these are still awaiting completion as of October 2008.
- **Equipment:** The MPF provided equipment to cover security, surveillance, communication and Forensic Science Laboratory (FSL)/Finger Prints Bureau (FPB). The State Government was in receipt of all the equipment except the FSL/FPB.

Scrutiny revealed that the Department proposed (January 2004) for training of personnel and construction of one FSL building in view of availability of four sets of mobile forensic science laboratory equipment in all the four district headquarters. The Department however was yet to train (September 2008) the manpower for FSL laboratory in the absence of which, the mobile forensic science laboratory equipment procured prior to 2003-04 remained unutilised. Besides, Rs. 10 lakh allotted by the GOI towards construction of FSL building remained unutilised since 2004-05 since no construction had been taken up. While the Department did not respond on the status of four sets of mobile forensic science laboratory equipment, it stated (September 2008) that it was not possible to earmark funds for the construction of FSL costing Rs. 2 crore and above from the annual plan size of Rs. 5 crore. The reply of the Department is not acceptable, as the Department could not utilise even the allotted fund of Rs. 10 lakh for the purpose.

Similarly, details of procurement (August 2004) of various equipment (security, MT and investigation) through STCS and SIMFED revealed that these items were procured at a rate higher than what was approved by the GOI in annual plan 2003-04 resulting in extra expenditure of Rs. 12.10 lakh. The Department stated (September 2008) that it was not feasible to specify rates of various items and the amount indicated was based purely on market survey. The reply is not tenable as the rates of these items were already fixed by the GOI in the approved annual plan.

Thus, the Department failed to utilise all the equipment at its disposal effectively.

- **Weaponry:** Weapons in the form of INSAAS Rifle, Self Loading Rifle (SLR), AK 47, AKM Arsenal, Glock Pistol and allied ammunition were provided under the MPF by the GOI. In respect of procurement of these arms and ammunitions, the GOI make payment directly to the Ordnance Factory on the basis of allocation made. On receipt of these arms and ammunitions, the Department conducted regular trials through test fire.
- **Common Integrated Police Administration (CIPA):** The CIPA software is designed and developed to maintain the details pertaining to all the activities of the police stations relating to crime and criminals. The system provides information to the higher levels as and when required and also generates various statutory reports for the smooth functioning of the PS. The GOI directed the State Government to cover all PS with CIPA in a phased manner commencing from 2004-05 to be completed by 2007-08. The State Government, however, included the PS in CIPA only from the AP of 2005-06 and that too, not as per the directive of GOI. It was noticed that the quantity of computers and peripherals requisitioned and actually received were not in conformity with the suggested set up leading to excess procurement. Even though installation of hardware in eight PS was completed by May 2008, these computers were used as stand- alone computers.

Thus, CIPA could not be implemented in any of the PS despite incurring Rs. 40.40 lakh on procurement of hardware. The Department stated (September 2008) that the CIPA project is the brain child of the MHA and that its implementation also rests with the MHA and further added that the site preparation in 11 PS has been completed.

- **POLNET:** Police Communication Network (POLNET) is a satellite based police communication network and is intended to connect all the PS in the country through Multi Access Radio Telephone (MART), independent of Department of Telecom (DoT). The GOI sanctioned Rs. 42 lakh (January 2004) and Rs. 20.85 lakh (June 2004) for implementation of POLNET and directed (January 2004) the State Government to reprioritise the items and forward the same to MHA. While plan for reprioritisation was not on record, the State Government kept a provision of Rs. 52.53 lakh for infrastructural support in 2004-05 and released Rs. 18.34 lakh to the Directorate of Co-ordination Police Wireless.

Scrutiny (May 2007) revealed that Rs. 79.50 lakh was incurred on infrastructural support till 2007-08. While the equipment was installed at the Police Headquarters, Gangtok, District Headquarters, three PS (East District) and two PS (West District), the equipment at Police Headquarters remained non-functional from April 2008 for want of repair of RF amplifier. Similarly, the equipment at South District Headquarters also remained non-functional from April 2008 due to technical defect. Further, POLNET equipment claimed to have been commissioned at two PS viz Sadar and Geyzing was yet to be commissioned at Sadar PS and Geyzing PS was yet to receive the equipment. Thus, the objective of improved

communication among the State police force was not achieved despite expenditure of Rs. 79.50 lakh.

The Department stated (September 2008) that the procurement of various items of equipment and their accessories under POLNET project had been initiated by the MHA and therefore the failure of POLNET project cannot be ascribed to the State Police Department. The fact however, remained that despite an expenditure of Rs. 79.50 lakh, the objective of POLNET is yet to be achieved by the State.

### 5.1.11 Implementation of Modernisation of Prison Administration

The curative aspects of crime management are taken care of by various reforms carried out in jail administration. Modernisation of Prison Administration (MPA) is a CSS focused on modernising the prisons in terms of providing better facilities in the prisons, reformation, correctional administration and rehabilitation of offenders through construction of more prisons, barracks and provision of minimum needs like water supply, sanitation etc. Results of audit of implementation of the scheme are brought out in the succeeding paragraphs:

#### 5.1.11.1 Planning

As with the modernisation of police force, modernisation of prison administration also required submission of Annual Plan (AP) by April each year for fund allocation. Scrutiny revealed that submission of AP was delayed by the Department for periods ranging between two months and ten months as shown below:

**Table- 5.9**

| Annual Plan (AP) | Date of submission by SG | Delay in submission (in months) | Approval of AP by MHA |
|------------------|--------------------------|---------------------------------|-----------------------|
| 2003-04          | June 2003                | 02                              | December 2003         |
| 2004-05          | June 2004                | 02                              | March 2005            |
| 2005-06          | Not on record            | -                               | November 2005         |
| 2006-07          | February 2007            | 10                              | September 2007        |

Source: Annual plans.

This led to delayed approval of AP by the GOI and consequent delay in release of funds.

#### 5.1.11.2 Budgeting and release of funds

Guidelines of the scheme required funding from the GOI and the State Government in the ratio of 75:25. Details of contribution by the GOI and State Government are shown below:

**Table- 5.10**

(Rupees in lakh)

| Year    | Approved Plan | Share as per MPA guidelines |        | Actual contribution |           |
|---------|---------------|-----------------------------|--------|---------------------|-----------|
|         |               | GOI                         | State  | GOI                 | State     |
| 2003-04 | 705           | 528.75                      | 176.25 | 273 (52)            | 30 (17)   |
| 2004-05 | 550           | 412.50                      | 137.50 | 273 (66)            | 60 (44)   |
| 2005-06 | 235           | 176.25                      | 58.75  | Nil (0)             | 100 (170) |
| 2006-07 | 709           | 531.75                      | 177.25 | Nil (0)             | 100 (56)  |
| 2007-08 | Nil           | Nil                         | Nil    | 544.50              | 90        |

Source: Departmental figure.

As can be seen above, funding was not as per the approved plan and rendered the budgeting process irrelevant. The unspent balances ranged between 40 to 53 *per cent* during the last five years (except during 2006-07) as shown below:

**Table- 5.11**

(Rupees in crore)

| Year    | OB       | Receipts | Total | Expenditure | Closing balance (%) |
|---------|----------|----------|-------|-------------|---------------------|
| 2003-04 | 2.73     | 3.03     | 5.76  | 3.00        | 2.76 (48)           |
| 2004-05 | 2.76     | 3.33     | 6.09  | 3.33        | 2.76 (45)           |
| 2005-06 | 2.76     | 1.00     | 3.76  | 2.26        | 1.50 (40)           |
| 2006-07 | 1.50     | 1.00     | 2.50  | 2.56        | (-) 0.06            |
| 2007-08 | (-) 0.06 | 6.35     | 6.29  | 2.93        | 3.36 (53)           |

Source: Departmental figure.

The huge closing balances were primarily because of slow progress of works leading to partial utilisation of funds, while the closing balance of Rs. 336.02 lakh for the period 2007-08 was primarily because of the fact that GOI share for 2005-06 and 2006-07 was released during June and November 2007.

#### 5.1.11.3 Execution of MPA scheme

- **Construction:** During the period 2003-08, the Prison Authorities through Building & Housing Department (executing agency) took up five construction works, of which four were completed and one was under progress as of March 2008. Out of the four completed works, one work was completed with a delay of 15 months and the on-going work has been delayed by over a year considering that the stipulated date of completion of July 2007.
- **Overcrowding of prisoners:** One of the objectives of reforms in prison administration is to provide better environment to the prisoners. Construction of new prisons is a step in this direction. Scrutiny of records of the only prison in the State revealed that against the capacity of 138 prisoners to be housed in six barracks, two wards and one female barrack in State Rongyek jail, excess number of prisoners ranging between 24 (17 *per cent*) and 85 (62 *per cent*) were housed indicating overcrowding of prisoners as shown below:

**Table- 5.12**

| Year | Total capacity | Actual number of prisoners housed | Excess number of prisoners |
|------|----------------|-----------------------------------|----------------------------|
| 2003 | 138            | 171                               | 33                         |
| 2004 | 138            | 162                               | 24                         |
| 2005 | 138            | 198                               | 60                         |
| 2006 | 138            | 223                               | 85                         |
| 2007 | 138            | 177                               | 39                         |
| 2008 | 138            | 164                               | 26                         |

Source: Departmental records

Despite the overcrowding of prisoners in the State prison, Rongyek, the Prison authorities were yet to initiate effective steps to plan and construct additional barracks or a new prison in East district (already sanctioned) to ease the overcrowding.

- **Disposal of cases:** One of the recommendations of the Justice Iyer Committee on jail reforms was to reduce the number of undertrials by taking expeditious steps for quick disposal of cases. The details of prisoners including undertrials are given in the table below.

Table- 5.13

| Year         | *UTP inmates |        | Total UTP inmates | Convicted inmates |        | Total Convicted inmates | Total Inmates |
|--------------|--------------|--------|-------------------|-------------------|--------|-------------------------|---------------|
|              | Male         | Female |                   | Male              | female |                         |               |
| 2003         | 87           | 02     | 89                | 80                | 01     | 81 (48)                 | 170           |
| 2004         | 99           | 01     | 100               | 61                | 01     | 62 (38)                 | 162           |
| 2005         | 119          | 06     | 125               | 71                | 02     | 73 (37)                 | 198           |
| 2006         | 131          | 01     | 132               | 89                | 02     | 91 (41)                 | 223           |
| 2007         | 133          | 04     | 137               | 81                | 01     | 82 (37)                 | 219           |
| 2008         | 128          | 05     | 133               | 81                | 01     | 82 (38)                 | 215           |
| <b>Total</b> |              |        |                   |                   |        | <b>471 (40)</b>         | <b>1187</b>   |

Source: Departmental records

\*Undertrial Prisoners

It was noticed that out of a total of 1,187 inmates, 471 (40 per cent) were convicted criminals indicating a high percentage undertrials (60 per cent) in the prison. The recommendations of Justice Krishna Iyer Committee towards speedy disposal of cases of undertrials and their welfare involving (i) outside institutes, NGOs and trainers to sensitise the prison officials to ensure positive motivation in the process of correctional reform, (ii) constitution of Prison adalat in the prison premises, (iii) involve NGOs, law graduates, legal aids cell to render legal assistance to the undertrials, follow-up cases for bail and other procedures, to get relief from Courts for expeditious disposal of their cases, etc. were not implemented by the Prison Administration, thereby depriving the undertrials of these facilities. Even the Supreme Court's judgment to release the undertrials where the detention was more than half of the maximum period of punishment was not adhered to.

- **Training and Capacity Building:** Scrutiny (June 2008) revealed that the State Government neither initiated any measures to conduct skill training/capacity building exercises nor provided funds except Rs. 2.50 lakh during 2007-08 to develop infrastructure for curative aspects. Reformation, correctional and curative measures to bring these inmates to the mainstream of the society was of utmost importance to enable the convicts to be gainfully employed after their release and also to instill a sense of self respect in them.
- **Excess deployment of manpower:** The State Prison Administration had not prescribed its own norm for deployment of guards for the superintendence and management of prisoners. However, the norms prescribed by the GOI stipulate the requirement of one guard for every six prisoners.

Audit analysis of actual men-in-position vis-à-vis norms prescribed by the GOI disclosed excess deployment of guards and extra expenditure of Rs. 10.09 lakh as shown below:

**Table- 5.14**

| Year | Total number of inmates | Requirement of Guards (as per norms fixed by the GOI) | Actual deployment | Excess deployment |
|------|-------------------------|---|-------------------|-------------------|
| 2003 | 171                     | 29  | 57                | 28                |
| 2004 | 162                     | 27  | 57                | 30                |
| 2005 | 198                     | 33  | 57                | 24                |
| 2006 | 223                     | 37  | 57                | 20                |
| 2007 | 219                     | 37  | 57                | 20                |
| 2008 | 215                     | 36  | 57                | 21                |

Source: Departmental records

### 5.1.12 Human Resource management

#### 5.1.12.1 Deployment of manpower

The State Government issued (June 1996 and March 2000) orders stipulating the strength of the police force in the State. Audit scrutiny revealed that there was no correlation between the men-in-position and the sanctioned strength, as shown below:

**Table- 5.15**

| Post                    | Sanctioned strength | Men-in-position | (+) Excess (-) Vacancy |
|-------------------------|---------------------|-----------------|------------------------|
| Sikkim Police Service   | 99                  | 66              | (-) 33                 |
| Police Inspector        | 28                  | 57              | (+) 29                 |
| Sub Inspector           | 125                 | 150             | (+) 25                 |
| Assistant Sub Inspector | 60                  | 55              | (-) 05                 |
| Head Constable          | 244                 | 282             | (+) 38                 |
| Constable               | 1327                | 1043            | (-) 284                |
| Driver                  | 86                  | 102             | (+) 16                 |

Source: Departmental records

While there are 33 vacancies in the SPS cadre, there is surplus in other officer cadres. There was a shortage of 284 personnel in the constable cadre. In order to find the extent of skewness in distribution, deployment in seven PS was reviewed. The results are given in the table below.

**Table- 5.16**

| Police Station | Average No. of crimes in a year | Post   | Sanctioned strength | Men-in-position | Excess (+) Vacancy (-) |
|----------------|---------------------------------|--------|---------------------|-----------------|------------------------|
| Sadar          | 167                             | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 7                   | 8               | (+) 1                  |
|                |                                 | ASI    | 2                   | -               | (-) 2                  |
|                |                                 | HC     | 12                  | 13              | (+) 1                  |
|                |                                 | Const. | 79                  | 50              | (-) 29                 |
| Singtam        | 58                              | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 1                   | 3               | (+) 2                  |
|                |                                 | ASI    | -                   | 2               | (+) 2                  |
|                |                                 | HC     | 2                   | 12              | (+) 10                 |
|                |                                 | Const. | 16                  | 27              | (+) 11                 |
| Namchi         | 73                              | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 2                   | 2               | -                      |
|                |                                 | ASI    | 1                   | 1               | -                      |
|                |                                 | HC     | 3                   | 12              | (+) 9                  |
|                |                                 | Const. | 22                  | 38              | (+) 16                 |
| Jorethang      | 38                              | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 2                   | 2               | -                      |
|                |                                 | ASI    | 1                   | 1               | -                      |
|                |                                 | HC     | 3                   | 7               | (+) 4                  |
|                |                                 | Const. | 22                  | 22              | -                      |
| Gyalshing      | 38                              | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 2                   | 1               | (-) 1                  |
|                |                                 | ASI    | 1                   | 1               | -                      |
|                |                                 | HC     | 3                   | 3               | -                      |
|                |                                 | Const. | 22                  | 16              | (-) 6                  |
| Nayabazar      | 31                              | PI     | -                   | -               | -                      |
|                |                                 | SI     | 2                   | 2               | -                      |
|                |                                 | ASI    | -                   | 1               | (+) 1                  |
|                |                                 | HC     | 2                   | 6               | (+) 4                  |
|                |                                 | Const. | 13                  | 11              | (-) 2                  |
| Mangan         | 18                              | PI     | 1                   | 1               | -                      |
|                |                                 | SI     | 2                   | 2               | -                      |
|                |                                 | ASI    | 1                   | 1               | -                      |
|                |                                 | HC     | 3                   | 3               | -                      |
|                |                                 | Const. | 22                  | 23              | (+) 1                  |

Source: Departmental records

The above figures show that the average number of crimes in Sadar PS was the highest (167), where there was a vacancy of 29 constables. Similarly, while the average crime rate is modest at Singtam (58) and Namchi (73) PS, there were 11 and 16 extra constables posted respectively in those PS.

The inconsistency in deployment of Police force indicated that the notified (June 1996 and March 2000) sanctioned strength is not based on the crime rate or requirements. Besides, the sanctioned strength notified during March 2000 was not reviewed till date (September 2008). In addition to the above, the Police Department also deployed 489 Home Guards in the State.

### 5.1.13 Internal Audit

The responsibility of carrying out internal audit of Police Department was assigned to the Directorate of Internal Audit (Finance Department). It was however, noticed that the Director of Internal Audit had not inspected the records of the Department during any of the years under review.

Consequently, issues of non-compliance with rules and procedures were not brought to the notice of the senior management of the Department to initiate necessary corrective measures.

The position of outstanding inspection reports and paragraphs issued by the Accountant General (Audit), Sikkim to the Department for the last five years is detailed in the table below:

**Table- 5.17**

| Year    | Opening Balance |       | Addition |       | Total |       | Clearance |       | Closing Balance |       |
|---------|-----------------|-------|----------|-------|-------|-------|-----------|-------|-----------------|-------|
|         | IR              | Paras | IR       | Paras | IR    | Paras | IR        | Paras | IR              | Paras |
| 2003-04 | 3               | 11    | 1        | 5     | 4     | 16    | 3         | 12    | 1               | 4     |
| 2004-05 | 1               | 4     | 1        | 3     | 2     | 7     | Nil       | 2     | 2               | 5     |
| 2005-06 | 2               | 5     | 1        | 5     | 3     | 10    | Nil       | 1     | 3               | 9     |
| 2006-07 | 3               | 9     | 1        | 2     | 4     | 11    | Nil       | 3     | 4               | 8     |
| 2007-08 | 4               | 8     | 1        | 6     | 5     | 14    | Nil       | 2     | 5               | 12    |

#### **5.1.14 Conclusion**

*The response of the police to emergent situations was quick in almost all the cases. However, the Department does not have its own Police Manual and has not even formulated an overall crime management plan. The sanctioned strength of manpower in the Department was neither based on the crime rate nor on requirements. The Department also failed to benefit from the modernisation schemes due to their tardy implementation. The prison administration did not take up any corrective measures to avoid congestion of prisoners in the prison and also failed to initiate suitable measures for speedy disposal of cases of undertrials. Besides, internal audit of the Department was not carried out even once during the review period.*

#### **5.1.15 Recommendations**

- The Department should prepare its own Police Manual and formulate an overall crime management plan;
- The Police Department should rationalise the deployment of its personnel;
- Annual Plans should be submitted on time both in respect of MPF and MPA so as to secure their approval and release of funds on time;
- Expenditure from the MPF/MPA Schemes may be incurred strictly in accordance with the guidelines and norms;
- The Prison Authorities should prepare their own Prison Manual incorporating the recommendations contained in the Justice Iyer Report;
- Emphasis may be given to curative aspects of policing through proper budgetary support.