



गृह मंत्रालय भारत सरकार
Ministry of Home Affairs, Govt. of India

Crime Reduction through Dispute Resolution

prepared by

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Crime Reduction through Dispute Resolution

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ABSTRACT

Crime Reduction through Dispute Resolution

Police is constantly confronted with the daunting task of reducing crime in the face of myriad duties that seem to be increasing by the day. The existing system of policing has failed to meet the aspirations of citizens as it fails to address the issues of effective and appropriate penalty, compensation and is extremely slow and expensive. It is a fact that a very large percentage of cases emanate out of petty disputes and managing/ resolving these disputes may be an effective way to control crime.

Working on the premise that approximately 70% of the crime is generated out of petty disputes and that 98% of the cases that are disposed of by the courts of law have little to offer to the victim of crime, whether by way of adequate penalty or by way of suitable compensation, it not only appears natural but also necessary to explore and adopt a new strategy of involving the community to achieve the objective of reduction in incidence of crime.

Whenever a dispute comes to the notice of a Police Station in any manner, viz., a report of any kind, a case pending trial in a court of law or a civil dispute, the complainant/ parties to the dispute shall be informed of the fact that members of CLG provide free counselling to the parties to a dispute in order to explore the possibilities of an amicable, voluntary and equitable resolution of the dispute. An attempt shall be made to make them understand the merits of the alternate mechanism vis-a-vis resolving it through the formal criminal justice system.

Efforts for dispute resolution will be made only in cases covered S. 320 CrPC. This would include non-cognizable cases, family disputes, disputes between landlord and tenant, simple disputes among neighbours, public nuisances, social and religious disputes including long standing communal/caste disputes and also those between various organisations, similar cases under investigation or trial and complaints for action under section 107/ 116(3) Cr.P.C.,. An attempt shall be made to resolve civil and revenue disputes through counselling, in order to arrive at a permanent resolution, thereby preventing the dispute to take the form of a major crime.

While the method suggested above is sufficient and totally hassle free for the parties concerned, if additional precaution is considered necessary, the disputes settled through the above mechanism can be got approved by the permanent *Lok Adalat*.

If, as being done in Maharashtra, incentives in the form of developmental funds are released to the Panchayats in which a substantial percentage of disputes get resolved, the project will take deep roots expeditiously and result in substantial reduction in ordinary crimes.

The key to the success of this programme lies in an effective and vibrant Beat System together with carefully constituted Community Liaison Groups (CLGs) and the ability to identify petty disputes amongst the residents and begin the process of counselling, reconciliation and compromise. The other imperative for a successful implementation is training both police personnel at all levels and the members of CLGs for the purpose.



Development of a positive and problem solving attitude and constant monitoring/ evaluation by independent agencies would also be the other important factors for a satisfactory level of success.

Lack of resources, the fear of loss of authority amongst the various Government agencies and the feeling of loss of opportunity amongst the members of Bar are the likely challenges and impediments in the successful implementation of the project.

It is believed that not only can crime be brought under control through the 'Dispute Management' approach but also a faster rate of economic growth and development can be achieved as a result of peace and tranquillity that it brings about and that it can result in real empowerment of the community, the hallmark of a true, matured and vibrant democracy.



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1. Introduction/ Background

- 1.1. The rights and freedoms which the Constitution enshrines are threatened every time a citizen becomes a victim of crime; it is an assault on the rights and dignity of citizens. Violent crime leads to loss of life and injury, loss of possessions and livelihood. Reduction in crime has always posed a serious challenge to professional police officers. Even though crime continues to pose serious threat to community safety, it has unfortunately taken a backseat in the face of myriad new challenges before police, especially in the Indian context. Therefore there is a definite case for taking all measures to reduce crime.
- 1.2. It is common knowledge that large number of crimes result out of petty disputes like land, boundaries, sharing of ancestral wealth, business disputes, property disputes between business partners, encroachment over public spaces, parking, drainage, differences within the family including marital discord. If the disputes are not settled in good time, they result in repeat offences and even lead to professional crimes like murders, kidnapping for ransom, etc.
- 1.3. According to rough estimates, approximately 70% of the crime registered under the Indian Penal Code is generated out of mutual disputes, mostly petty in nature.
- 1.4. Obviously, there is a strong case for developing alternative models to resolve minor disputes and conflicts in the society so as to achieve significant reduction in petty crime that gets generated out of such disputes.

2. Overview

2.1. Project Title

Crime Reduction through Dispute Resolution

2.2. Vision

Sensitized Police – Empowered Society

Organisational Objectives

- 2.3.1. To involve citizens in resolving petty disputes and conflicts to achieve, in a transparent manner, reduction in:
 - (i) Petty offences arising out of the petty disputes and their escalation into serious crime.
 - (ii) Workload of police personnel, thereby making them available for more important work,
 - (iii) Workload of other agencies of the Criminal Justice System including courts, and
 - (iv) Exploitation of parties to dispute.
- 2.3.2. To improve relations with community and enhance police image in their eyes.
- 2.3.3. To give peace & development a chance.



3. The Business Case

3.1. Purpose of the Business Case

3.1.1. The classical approach to fight the increasing crime would be to increase the number of police stations, police personnel, prosecutors, courts and prisons to expedite the processes of investigation and trial leading to speedy justice and greater satisfaction amongst the victims in as much as they would have a feeling of getting even with the accused by ensuring early conviction. The approach would, however, fail to address the following issues:-

- (i) Compensation to the victim(s),
- (ii) Harassment and exploitation of both parties,
- (iii) Corruption,
- (iv) Lack of transparency,
- (v) Loss of productivity,
- (vi) Adequate penalty,
- (vii) Conflict or dispute management,
- (viii) Cost to Society,
- (ix) Immediate implementation, and
- (x) Budget constraints.

3.1.2. Another way to fight crime could be to provide for stringent penalties so that they act as effective deterrent against crime. It would require major procedural changes, and drastic changes in the attitudes of those who man various branches of the Criminal Justice System, to ensure reasonable certainty of conviction as well as some kind of sentencing policy so that the quantum of penalty is proportionate to the crime uniformly everywhere. This approach has the following shortcomings:-

- (i) Involvement of the legislatures for appropriate legislation,
- (ii) Greater susceptibility to misuse and corruption,
- (iii) Poor chances of conviction as evidence is likely to be put to much closer scrutiny by the courts,
- (iv) Increased chances of miscarriage of justice,
- (v) Reform of criminals a casualty,
- (vi) Absence of conflict or dispute management,
- (vii) Lack of compensation to victim(s),
- (viii) Harassment and exploitation of both parties,
- (ix) Lack of transparency,
- (x) Loss of productivity as more people would remain engaged, and
- (xi) Immediate implementation not possible.

3.1.3. Another alternative is dispute or conflict management through community participation. It is well known that minor disputes result in petty offences. If disputes are not taken care of at an early stage, they get aggravated



causing avoidable tension and repeated criminal occurrences amongst the parties to such disputes. This alternative has the following advantages:-

- (i) Dispute management leaving little scope for enmity and consequent crime,
- (ii) Compensation on mutually agreed terms,
- (iii) Transparency as it involves community,
- (iv) Maximization of civil society's participation in crime prevention,
- (v) Limits opportunities for corruption,
- (vi) Better utilization of all agencies of criminal justice system,
- (vii) Increased productivity resulting out of saved man-hours,
- (viii) Most economic to exchequer and the parties to dispute,
- (ix) Immediate implementation,
- (x) Instant justice for free,
- (xi) Empowerment of community.
- (xii) Improved police image.
- (xiii) Better relations with community.
- (xiv) Greater possibility of public cooperation in policing effort.

3.1.4. It is obvious from the above that the dispute or conflict management is the best alternative as it doesn't require any immediate changes in law (though an appropriate legal backing may be advisable once the project takes roots), can be implemented without any delay, is most cost effective for all stakeholders, ensures maximum utilization of all the agencies of Criminal Justice System, involves citizens in large numbers ensuring transparency, least opportunities for corruption and a fair resolution accepted by the parties to dispute voluntarily. It places back the power where it actually belongs - in the hands of community – the hallmark of a true, matured and vibrant democracy. It also enhances the image of police in the eyes of community enabling a fruitful relationship between them and opening up the possibilities of cooperation amongst them for most police work.

3.1.5. Some success stories are narrated in Appendix IV.

3.1.6. An independent study conducted by IDC, Chandigarh on the initiative in Kota & Bundi districts of Rajasthan is being appended to the paper at Appendix V.

3.1.6. Two rulings by High Courts of Rajasthan and Andhra Pradesh, supporting the concept of counselling, are appended at Appendices VI and VII respectively.

3.1.7. The statistics showing sharp drop in registration of IPC offences in Kota range of Rajasthan where the scheme was implemented are appended at appendix VIII.

3.1.8. Rajasthan statistics of results achieved through community participation are appended at appendix IX.



3.2. Sponsor

The programme will be jointly sponsored by both the Central and State Governments. Recognized organizations and institutions can be approached for funding, training and impact assessment studies.

3.2.1. Responsibility of the State/ UT Governments:

- (i) The primary responsibility for the implementation of the scheme will be that of the State/ UT Government concerned.
- (ii) The State/ UT Governments shall have to issue necessary instructions to make it mandatory for the Police to approach the community (Community Liaison Group or CLG) for resolution of any dispute/ conflict that comes to their notice and to make them liable for extending all support in the effort by the community to resolve the disputes referred to them by police.
- (iii) The State/ UT Governments shall have to ensure independent monitoring of the implementation of the programme.
- (iv) The State Government shall provide sufficient budget for the implementation of the programme.
- (v) Once the implementation starts, the State Governments may consider approaching some of the UN and other international funding organizations/ foundations for funding.
- (vi) The state government shall also make adequate arrangements for the training of police personnel and the members of Community (CLG) to prepare them for discharging the roles assigned to them.

3.2.2. Responsibility of the Central Government:

- (i) The expenditure on the implementation of the scheme may be borne by the State/ UT Governments subject to the provisions made in this regard by the MHA for funding of the implementation of the NPM projects out of the MPF Scheme.
- (ii) The Central Government, through the BPR&D and the members of the MM2, will provide support in terms of the initial briefing of the officers as well as arranging independent evaluation of the programme.
- (iii) A selected group of officers from MHA, BPR&D and MM2 will be constituted to monitor the implementation of the programme by the States/ UTs.
- (iv) MHA may consider taking up the scheme with the Finance Commission and the Planning Commission for provision of additional resources for the implementation of the project.
- (v) BPR&D will get appropriate training programmes designed for police personnel and the members of community (CLG) involved in the programme.
- (vi) It would be desirable to provide a strong legal backing to this initiative once it takes roots.
- (vii) Central Government may also circulate model legislation to State Governments/ Union Territories to institutionalise the programme.



4. Situational Assessment and Problem Statement

- 4.1. The current practice is to record the gist of the report of a non-cognizable offence and to advise the informant to approach the appropriate court. Preventive measures from section 107 CrPC onwards are resorted to in cases where breach of peace is anticipated. According to the existing law, all cognizable offences are required to be registered and investigated irrespective of the gravity of the offence. The victims as well as the accused are forced to undergo the painful processes of investigation and trial in either case. The concept of victimology is yet to gain acceptance and currency in India and therefore there is little for the victims in this system. The Indian Criminal Justice System is infamous for being tedious, tardy, extremely expensive, painfully slow and corrupt. To top it all, the Civil and Revenue courts also have the dubious distinction of never settling a dispute in decent time-frame leading to serious discontent amongst the people and forcing them to take law in to their own hands to enforce their perceived rights. This has a direct bearing on the incidence of crime. A petty dispute takes the form of a full blown enmity leading to petty crime initially and serious crime subsequently. All these factors lead to enormous work-pressure on the Police, Prosecution, Courts and Prisons as large number of cases are registered, investigated and sent up to the courts of justice for trial. It is estimated that approximately thirty five million cases are pending in various Indian courts and many more are added every day.
- 4.2. It is estimated that out of every 100 cases disposed of by courts, only 2 conclude in a penalty of imprisonment while the remaining 98 result in discharge, acquittal, probation, admonition or fine. In a large number of cases, the two parties compromise after years of delay and after they are left with little or no resources to contest any longer and some cases are even withdrawn by the government.
- 4.3. The victim remains highly disappointed with the entire exercise and loses faith in the criminal justice system. There is also no mechanism for suitable compensation to the victim.
- 4.4. According to rough estimates, wherever registration of crime is relatively free, approximately 70% of the crime registered under the Indian Penal Code is generated out of mutual disputes and is petty in nature.
- 4.5. In the net analysis, the existing system fails miserably in meeting the aspirations of people and police gets the flak for failure of any or all arms of the Criminal Justice System.

5. Critical Assumptions and Constraints

5.1. Assumptions

- 5.1.1. Citizens expect police to intervene in issues that are non-cognizable or are civil or revenue disputes.



- 5.1.2. They expect police to resolve all kinds of problems.
- 5.1.3. Police officers are forced to go beyond their legal authority to meet the expectations of public or sometimes they even bend the system for their own advantage.
- 5.1.4. Citizens are unhappy with the current state of affairs.
- 5.1.5. Lack of a system to satisfactorily manage disputes and conflicts is leading to incidence of crime.

5.2. Constraints

- 5.2.1. Police does not have the legal authority to deal with such disputes yet they have to address them as they have a direct bearing on crime situation.
- 5.2.2. Police lacks training and motivation in effective dispute resolution.
- 5.2.3. Fear of loss of authority amongst some officials of Police, Prosecution and Judiciary.
- 5.2.4. Fear of loss of opportunity amongst members of Bar.
- 5.2.5. State governments may not accept the model recommended and provide sufficient funding as indicated herein.

6. Implementation Strategy

6.1. The Plan

An active and vibrant Beat System with Beat Officers ~~enjoying~~ charged with considerable powers/responsibilities as suggested in the Overarching Model coupled with carefully constituted Community Liaison Groups at various levels, viz., Beat, Police Station, Circle or Sub-division and District level, are at the core of successful implementation of the project- 'Crime Reduction through Dispute Resolution'.

As soon as a minor crime or other matters specified in Annexure I is reported to the police station, the complainant is informed about the facility for counselling and if he is ready, the matter is referred to the beat level CLG for counselling and resolution. The procedure for counselling, the type of matters that can be taken up for counselling, and the records to be maintained in this regard have been spelt out in detail in the draft DGP's Standing Order at Annexure I.

While the scheme of resolution of disputes envisaged in the above annexure is the most hassle-free for the police and the contending parties and the same has not given rise to any legal problem in any of the places where it has been implemented, if any legal problem is anticipated or the officers want to be doubly sure, the disputes settled can be taken up before the Lok Adalat and got approved by it. A write up of such a scheme implemented in Vijayawada (AP) is appended at Appendix II. It may be cautioned here that this scheme would result in some wastage of time and money



for both the police and the parties to the dispute and hence this scheme should be preferred over the earlier one only if there are compelling reasons.

Efforts for reducing crime through dispute resolution can get considerable fillip if sufficient rewards are offered. In this context the “Mahatma Gandhi Dispute Free Village Campaign” implemented by Government of Maharashtra is worthy of emulation. The scheme offers cash incentives to the villages which amicably resolve a given percentage or more disputes. The incentive amount can be used by the Village Panchayats for developmental works. This scheme, with suitable modifications to make it generally acceptable and long lasting, is given at Appendix III. It is recommended that the State Governments may suitably reward villages which show promising results in dispute resolution as the savings arising out of any Alternate Dispute Resolution programme is substantial not only for the parties concerned, but for the Government as well.

The actual implementation of this project would include the following steps:-

- 6.1.1. Designing of training programmes by BPR&D in consultation with members of MM2 and one subject expert.
- 6.1.2. Issue of directions by the State Government/ Police department wherever it is proposed to be implemented.
- 6.1.3. Reconstitution of Beats, ~~devolving of adequate powers on~~ making Beat Officers responsible for their Beat and making them effective.
- 6.1.4. Constitution/ Reconstitution of Community Liaison Groups (CLGs)/ village committees at various levels.
- 6.1.5. Identification and training of suitable persons/ volunteers from CLGs for participation in the programme.
- 6.1.6. Training of Police personnel, especially the police station staff.
- 6.1.7. Implementation in all the States that are interested.
- 6.1.8. Inclusion of the programme in all training courses conducted at the National Police Academy, the State Police Academies and other police training institutions.
- 6.1.9. Impact Studies for evaluation and modification that may become necessary.
- 6.1.10. The model will be offered to all the states through a GOI advisory. Thereafter, MHA may call a meeting of the DGPs and/ or Nodal Officers of all the states/ UTs interested in the implementation of the project, to explain the project details and persuade them to implement it and decide on a time table for implementation. Alternatively, some of the members of MM-2 and the representatives of MHA can be sent to the capitals of these states to explain and ‘sell’ the scheme to wider group of senior officers of the state. It may be left to the states concerned to decide whether they want to implement the scheme all over the state at one go or in stages. States that



already have an effective Beat System and CLG (by whatever name they are known including the village committees) can implement the project all over the state at one go, while other states may need a year's time for its implementation in a phased manner. In any case, the scheme can be made functional within one month of the Beat System and CLGs being in place and the results should be evident within the first three months. It is important to note that the programme does not require a Pilot Project as it has been extensively tried in Rajasthan and assessed by an independent agency which has listed in its report several other countries in which similar schemes are in vogue. If the scheme is regularly presented in all the vertical interaction courses of IPS officers organized by various institutions and other important courses organized by premier training institutions like the SVP NPA, ICFS, CBI Academy, Internal Security Academy, etc. several promising young officers are bound to implement it in the areas under their charge.

- 6.1.11. A National Project Implementation Committee consisting of a core group of officers of Micro Mission: 2 along with the representatives of MHA and BPR&D can be deputed to visit the states which require assistance in implementation, and to monitor the implementation at the national level. MHA/ BPR&D/ States/ UTs may engage appropriate agencies to make independent audit of implementation of the project.

6.2. **Mission Statement**

Empowering the community to resolve disputes and conflicts and thereby reduce the incidence of crime that gets generated out of such disputes.

6.3. **Deliverables**

- 6.3.1. Reduction in disputes - Peace & tranquility in the area.
- 6.3.2. Justice for free without harassment.
- 6.3.3. Greater satisfaction amongst citizens.
- 6.3.4. Reduction in crime registration.
- 6.3.5. Reduction in court pendency.
- 6.3.6. Better utilization of the resources of the police, prosecution and judiciary.
- 6.3.7. Speedy trial.
- 6.3.8. Better Police Image.

6.4. **Stakeholders**

- 6.4.1. Government
- 6.4.2. The Criminal Justice System
- 6.4.3. Community
- 6.4.4. Civil Society
- 6.4.5. Other stakeholders like the media



6.5. Milestones

- 6.5.1. Drafting of GOs and Standing Orders by MM2 – Already done. [Draft order to be issued by Police Chiefs is placed at Appendix-I.](#)
- 6.5.2. Presentation before the Ministry of Home Affairs.
- 6.5.3. In-principle approval of the project
- 6.5.4. Final approval of the project by MHA
- 6.5.5. Issue of advisory to States/ UTs by MHA to adopt the project within 15 days of approval.
- 6.5.6. Meeting of Nodal Officers of states/ UTs within one month of approval.
- 6.5.7. Issue of GO by States/ UT's Home Departments within two months of approval.
- 6.5.8. Sanction of Budget by Government within three months of approval.
- 6.5.9. Issue of Standing Orders by the DGPs of the States/ UTs within three months of approval
- 6.5.10. Implementation of the project by the District SPs/ CoPs within four months of approval.
- 6.5.11. Incorporation of the subject in the syllabi of basic training and in-service training of police within five months of approval.
- 6.5.12. Impact Study after six months of implementation by the districts/ Commissionerates.
- 6.5.13. Modifications, if needed.

7. Budget requirements

- 7.1. It is proposed to use the Community Counselling Centres at the Police Station/ District level proposed by MM:2 separately in a different project for the implementation of this project at these levels. However, the main thrust of this programme shall be at the Beat/ village/ Mohalla level. It shall also be implemented in the Police Stations wherever Community Counselling Centres are not functional. Once the Community Counselling Centres are functional, the work shall get transferred to them. In view of the above, the project has no requirement of capital or non-recurring expenses.
- 7.2. It would, however, be necessary to provide adequate funds for the frequent visits of Beat Officers to their respective Beats and to meet the expenses incurred on the meetings to be held by the members of the CLGs with parties to a dispute.
- 7.3. It is suggested that a lump sum amount of Rs.500/- for every dispute attended to may be granted to the Beat Officer concerned. The system of an allowance to an individual is not considered appropriate as it may be taken as a part of pay/ salary and may be treated as such by the individual.
- 7.4. Similarly, the fixed Travelling Allowance (FTA) of the Police Station staff is proposed to be made reasonable, say Rs.250/- per month or it could be Rs. 50/- per visit,



subject to a maximum of Rs. 250/- per month to encourage them to travel to their Beats more often.

- 7.5 Calculation of actual expenses would depend on the number of Beat Officers in each State and the actual number of disputes attended.
- 7.6 No provision has been made for budget required for training purposes as a separate project is being submitted on 'Crime Reduction Through Community Policing' which would include a training module. It would take care of the training required for the purposes of this project.

8. Related Projects

- 8.1. MM:2 proposes to submit a bouquet of Community Policing Projects based on its study of successful community policing projects across India and abroad. Some of its projects already approved by MHA are:
- 8.1.1. Police Community Partnership Programme (Overarching model of Community Policing)
 - 8.1.2. Community Counselling Centres to deal with special problems of women, children and other vulnerable sections.
 - 8.1.3. Soft Skills Training for Police Personnel.
- 8.2. Some others having relevance to this project are in the pipeline which include the following:
- 8.2.1. Community Outreach Programmes.
 - 8.2.2. Crime Reduction through Community Policing
 - 8.2.3. Reformation of Professional Criminals

9. Work Plan

- 9.1. Issue of advisory by GOI to State/ UT governments.
- 9.2. Issue of GO by state government.
- 9.3. Sanction of budget by Gol and State/ UT governments.
- 9.4. Issue of Standing Orders and appointment of Nodal Officers by DGPs.
- 9.5. Meeting of Nodal Officers.
- 9.6. Setting up Project Co-ordination Committees at the national and state levels.
- 9.7. Re-organization of Beat System and appointment of Beat Officers.
- 9.8. Constitution of beat/ police station level CLGs.
- 9.9. Organising training of police station staff and members of CLGs.
- 9.10. Continuous monitoring and review by the state's Nodal Officer and Project Coordination Committee.
- 9.11. Laying down criteria for internal and independent evaluation.
- 9.12. Annual evaluation and audit by an external agency approved by the State/ MHA/ BPR&D.



APPENDIX-I

**ORDER PROPOSED TO BE ISSUED BY DGPs OF STATES/ COMMISSIONERS OF
POLICE OF UTs**

Office of the Director General of Police.....

No.....

Dated.....

Standing Order No...../2011

Crime Reduction through Dispute Resolution

Government of has vide order No..... dateddirected the implementation of community policing programmes in the state. These orders are being issued for the smooth and uniform implementation of these programmes throughout the state.

2. Police is constantly confronted with the daunting task of reducing crime in the face of myriad duties that seem to be increasing by the day. The existing system of policing has proved inadequate in meeting the aspirations of citizens as it fails to address the issues of effective and appropriate penalty or compensation; and is extremely slow and expensive. A very large percentage of cases emanate out of petty disputes and managing/ resolving these disputes can be an effective tool for reducing crime.

3. It is estimated that approximately 70% of the registered crime is generated out of petty disputes and that almost 98% of the cases that are disposed of by the courts of law have little to offer to the victim of crime, whether by way of adequate penalty or by way of suitable compensation. Hence, it not only appears natural but also necessary to explore and adopt a new strategy of involving the community to achieve the objective of reduction in the incidence of crime.

4. The key to the success of this programme lies in an effective and vibrant Beat System together with carefully constituted Community Liaison Groups (CLGs) and the ability to identify petty disputes amongst the residents and begin the process of counselling, reconciliation and compromise. The other imperative for a successful implementation is training both police personnel at all levels and the members of CLGs for the purpose. Development of a positive and problem solving attitude and constant monitoring/ evaluation would also be the other important factors for successful implementation of the programme.

5. The Dispute Resolution System shall be implemented in the following manner:

5.1. Beats shall be reconstituted and made effective.



- 5.2. Community Liaison Groups (CLGs) shall be constituted/ reconstituted at various levels.
- 5.3. Suitable persons/ volunteers from CLGs shall be identified and trained for participation in the programme.
- 5.4. Police station level staff shall be trained/ briefed so that they can make positive contribution in the programme.

PROCEDURE FOR COUNSELLING

6. Whenever a dispute comes to the notice of a Police Station in any manner, viz., a report of any kind, a case pending trial in a court of law or a civil dispute, the complainant/ parties to the dispute shall be informed of the fact that members of CLG provide free counselling to the parties to a dispute in order to explore the possibilities of an amicable, voluntary and equitable resolution of the dispute.

7. An attempt shall be made to make them understand the merits of the alternate mechanism vis-a-vis resolving it through the formal criminal justice system.

8. Efforts should be made to persuade the parties concerned to resort to counselling in the following categories of cases by the members of CLG and co-opted members, if any:

- 8.1. Non-cognizable cases.
- 8.2. Simple hurt.
- 8.3. Complaints for action under section 107/ 116(3) Cr.P.C.
- 8.4. Family disputes.
- 8.5. Dispute between landlord and tenant.
- 8.6. Simple disputes among neighbours.
- 8.7. Public nuisances.
- 8.8. Social and religious disputes including long standing communal/ caste disputes and also those between various organisations.
- 8.9. Similar cases under investigation or trial.
- 8.10. An attempt shall be made to resolve civil and revenue disputes through counselling, in order to arrive at a permanent resolution, thereby preventing the dispute to take the form of a major crime.
- 8.11. All disputes likely to impact crime situation, public order and peace.

9. The following precautions shall be taken at the time of counselling

- 9.1. An entry shall be made in the General Diary of the Police Station before counselling is resorted to.



- 9.2. Any case including petty/ ordinary crime involving an active criminal shall be immediately acted upon.
- 9.3. Serious crimes shall not fall within the purview of counselling.
- 9.4. Compromise/ settlement/ resolution should be fair and without any influence from either side or from counsellors/ mediators and Beat Officer. Any instance of undue influence or coercion shall be penalized severely.
- 9.5. Members of C.L.G. and Beat Officers shall be jointly trained and prepared to counsel the disputed parties.
- 9.6. On receipt of report in ordinary/ petty disputes, the Beat Officer shall visit the scene and listen to the version of the opponent party with the help of the C.L.G. members. The compromise shall be arrived at with the help of the members of C.L.G.
- 9.7. Together with C.L.G. members, other stakeholders like community leaders, may also be involved during the counselling with the express approval of both the parties.
- 9.8. The procedure for counselling shall be initiated only after obtaining the written consent of the parties concerned in the prescribed proforma (Annexure-1). Daily progress report shall be noted in a running note sheet.
- 9.9. As far as possible, the venue for counselling shall be within the village/ neighbourhood. In case this is not possible, counselling may take place in the Community Counselling Centre/ Police Station.
- 9.10. In cases involving very ordinary road accidents, if the parties concerned are willing to arrive at a compromise, counselling may be resorted to. If need be, representatives of insurance companies may also be invited so that a unanimous solution may be arrived at among all the stakeholders.
- 9.11. During the service of summons and warrants (both bailable and arrest) counselling may be attempted to arrive at a compromise.
- 9.12. During the counselling process, **the endeavour shall be to identify the root cause of the dispute and address it.** In case counselling fails to resolve the main issue, depending on the circumstances, either or both the parties may be bound down under the preventive provisions of CrPC and wherever any cognizable offence is found to have been committed, a case shall be registered and investigated in accordance with law.
- 9.13. When a compromise is arrived at during the course of counselling, both the disputing parties shall sign a compromise document, which shall bear the signatures of the C.L.G. members and co-opted members who participate in counselling. This compromise document shall further be certified by the police station in-charge and the Beat Officer.
- 9.14. The compromise document shall be prepared in the prescribed format and a copy of the same shall be maintained in the police station records. If desired,



the parties concerned shall be provided with copies of the compromise letter. A brief mention of the final disposal shall also be made in the General Diary of the Police Station.

- 9.15. On successful completion of counselling, the names and complete addresses of the parties concerned together with their telephone numbers shall be provided to the Beat Officer. The Beat Officer on round shall visit and verify that the outcome of the counselling session is being implemented in true spirit. In case he feels that the dispute is likely to resurface, he shall ask for the counselling procedure to be resumed immediately.
- 9.16. No proceedings shall be initiated under section 107/ 116(3) Cr.P.C. unless there is an impending threat of a major dispute arising out of the issue even if a compromise has not been possible. The practice of resorting to such proceedings just for the satisfaction of the complainant should be discouraged and counselling should be encouraged in such cases.
- 9.17. The officer in-charge of the police station shall maintain the papers related to the compromise. The cover page of the file shall have the index containing 1) Serial number 2) Name and address of the complainant 3) Name and address of the opposite party 4) Page number of the compromise letter together with a summary of the compromise.

10. For the successful implementation of this programme, it is imperative that senior officers take personal interest in its implementation. Subordinates should be regularly briefed about the philosophy of this system and they should be motivated and encouraged to perform their role as partners in the system. It is important to ensure periodic appraisal of the programme for better implementation of the same.

11. During their field visits including village visits, senior officers shall ascertain that the programme is being implemented in the true spirit and without any undue influence. They should also be cautious to ensure that the subordinates take due interest in its implementation and do not attempt to fail it for their own ulterior motives. For this purpose, it is expected that Circle Officers/ Sub-Divisional Police Officers shall randomly verify at least 5% of the disputes taken up by Police Stations in their jurisdiction for their being voluntary, fair, equitable and permanence. Similarly, District Superintendents and Additional Superintendents of Police shall verify 2% of such disputes. Any incidence of forced, unfair or inequitable resolution should be dealt with by the officers in the most severe manner under the departmental disciplinary rules.

12. All concerned are expected to put in their best effort to make this programme a great success.

**Director General of Police/
Commissioner of Police**



ANNEXURE -1

**APPLICATION TO BE OBTAINED FROM A COMPLAINANT FOR HIS
WILLINGNESS TO BE COUNSELLED**

To
Officer in Charge,
Police station _____
District _____

I _____ son/ daughter/ wife of Shri
_____ aged _____ years, caste _____, resident of
_____, police station
_____, district _____, came to report against Shri/ Smt/
Kumari _____ aged _____ years, caste
_____, resident of _____, for
_____ (brief of the dispute/ incident). I have
been informed that members of Community Liaison Group (C.L.G.) are giving their
services free of cost for resolution of disputes. I voluntarily propose to explore the
alternative of resolution of dispute with the help of members of C.L.G. before taking any
legal action in the matter.

Date:

Signature/ Thumb impression
Name of complainant (with ID)
Address
Phone:

I/ we voluntarily agree for free counselling by members of CLG to explore the
possibility of resolving the above stated dispute.

Signature/ Thumb impression
Name of non-complainant (with ID)
Address
Phone:

Signatures of Beat Officer & SHO



ANNEXURE-2

APPLICATION TO BE GIVEN BY COMPLAINANT AFTER SUCCESSFUL COUNSELLING

To
Officer in Charge,
Police station _____
District _____

I _____ son/ daughter/ wife of Shri _____ aged _____ years, caste _____, resident of _____, police station _____, district _____, came to report against Shri/ Smt/ Kumari _____ aged _____ years, caste _____, resident of _____, for _____ (brief of the dispute/ incident). I was counselled by members of Community Liaison Group (C.L.G.) on my request free of charge which resulted in a mutually agreeable resolution of this dispute. I no longer want any legal action to be taken in the said matter. I declare that the resolution is voluntary, equitable and fair.

Date:

Member, Community Liaison Group

Name	Signature
1.	
2.	
3.	

Signature/ Thumb impression
Name of complainant (with ID)
Address
Phone:

I confirm the above.

Signature/ Thumb impression
Name of non-complainant (with ID)
Address
Phone:

Signatures of Beat Officer & SHO