



Regional variations in terms of women police personnel

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Abstract

In most Civil matters, there is no such stringent need for any instrumentality of government maintaining law and order, but when it comes to the Criminal justice system, the most crucial and pivotal role is played by the police system. The law and order situation of any country depends largely on the effectiveness of the police system. Among the top safety-ranking countries with lower crime rates, the percentage of women police workers lies between 22% and 40%. While in India, Women constitute only 7% of the total strength of the Police system, with regional variations of 3-4% among different states. ^[1] India ranks 148 among 170 nations in safety ranking and crime rate. There are innumerable provisions under the Code of Criminal procedure 1973 which mandate the inclusion of women police personnel. Section 47 (1) makes an express provision for the arrest of any woman only by a woman police officer. Under section 154 of the code, any information given by a woman for any crime against a woman then such information is to be recorded by a woman police officer only. Further, under section 157, in any offence relating to rape, the statement must, as far as practicable, be recorded by women police personnel. Under section 161, the examination of female witnesses pertaining to any crime against women must be carried out by a woman. In a nutshell, there are various provisions in the code *viz*: Section 164A (relating to medical examination), 167, 173, 174, 176, 198 etc. The present paper seeks to make a correlation between crime rates in different states and with a respective count of the women police force in the concerned state. The paper also seeks to throw light on the exigency of the women police officer in light of the Code of Criminal Procedure 1973.

Keywords: women, police, crime, representation, criminal justice system

Introduction

Out of all jobs provided by any state, policing is considered one of the most challenging, psychologically defying and health-threatening services. In India, police officers are primarily regulated by The Police Act 1861. Section 22 ^[2] of the Act contemplates that every police officer is always presumed to be on duty and may at any time be employed in any part of the district as and when required. This provision makes the police service one of the toughest services with less certainty about working hours. Further, Section 15 ^[3] of the Act empowers the state government to quarter and deploy additional police officers in any disturbed and dangerous area. This further makes Policing one of the challenging services having the very unstable working condition. In addition, the Act imposes several other responsibilities on police officials *viz*: regulation of public assemblies and licensing of the same, to keep order on public roads, to take into custody any person who commits any of the following acts;

- Slaughtering cattle
- Curious Riding
- Obstructing Passengers
- Throwing dirt on streets
- Being found drunk or riotous
- Indecent exposure to the person
- Neglect to protect dangerous place. ^[4]

With this bunch of responsibilities and stressful working conditions, a woman finds herself very unfit and unsuited for this job. At the outset, police service was open to men only and women were not admitted to this service, but, with the growth of time, society radically changed its mindset and service was made open to women in the 1930s; first

woman cop was recruited in police service. While the woman IPS officer was appointed in the year 1972 ^[5].

Initially, when the policing system came into existence, it was considered an instrumentality of the government to tackle criminal offences and act as a mediator between society and the Court of law. But in today's era of globalization, this meaning of the police system has become obsolete, and Police officials are now responsible not merely for maintaining law and order but also for performing a variety of other functions. Section 23 ^[6] of the Police Act 1861 defines various functions of police officers, *viz*: obey and execute orders and warrants, collect information likely to affect public peace, prevent offences, apprehend criminals etc.

Countries like Canada, Australia, the UK, and USA have nearly thrice the number of women police than India. India, though steadily marching towards its goal of achieving 33% of the women police force, the pace of achieving this goal of gender parity in the police force is very slow. A vast body of research outcomes gives detailed evidence of the advantages of women in policing. Research evidence proves that women police are less likely to use force or to be accused of excessive force. The mere presence of women reduces the use of force among other officers. Policewomen are met with the same rate of force as compared to their male counterparts, and sometimes more and yet they are more successful in defusing violent or aggressive behavior overall. So, there are vast advantages for women in policing, like community policing, problem-solving, and interpersonal communication skills, which are none less than the masculine physical strength required in the policing system. Physical agility is but a small component of police

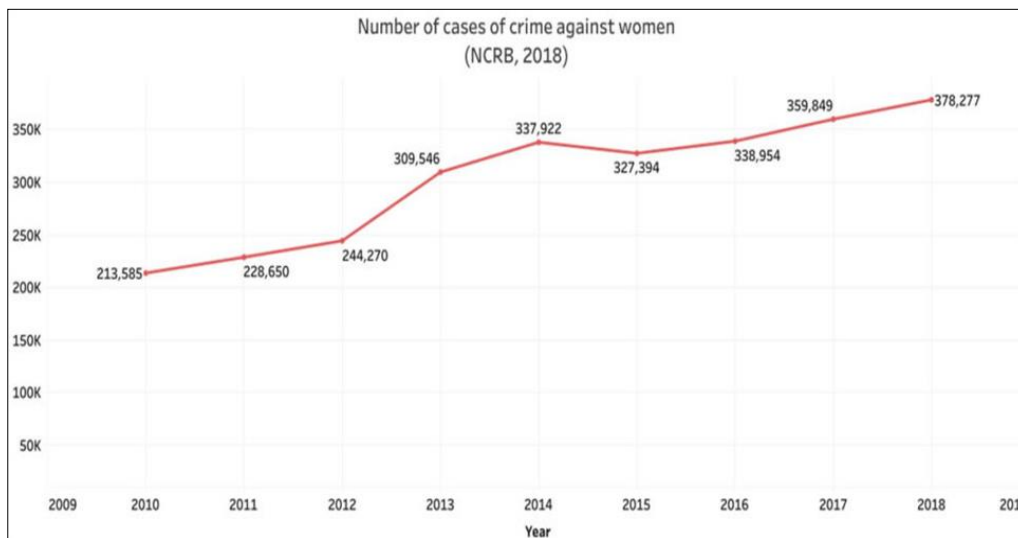
work. Much of an officer’s day is spent mediating interpersonal conflicts

Importance of Women in the Police system

Apart from the ethical benefits of employing a woman in the police system, there are various legal mandates making it absolutely essential to engage women in policing system. There are several provisions under the Code of Criminal Procedure 1973(hereinafter Code) and Prevention of Children from Sexual Offences Act 2012 (hereinafter POCSO) that mandates the requirement of woman police officer to comply with certain legal procedures. In India, ranking 148 in safety ranking and crime rate, the maximum proportion of offence is constituted by Crimes against women and Crimes against children. These crimes are increasing at an alarming rate, posing a threat to women and

child safety. According to data published by NCRB, there has been a surge of 15.3% in crime against women from 2020 to 2021. The number of incidents registered per lakh was 56.5% in 2020, which rose to 64.5% in 2021, with an 8% hike in cases per lakh population. [7]

In order to effectively address these cases of crime against women, there is an urgent need that all police stations must have women police officers within their station. Victims of crime against women find it very difficult to approach police stations because of lesser confidence in a male police officers. Many crucial pieces of information are left undisclosed due to the male-only model because the victim feels hesitant to disclose the information due to the social stigma attached to these offences. Following is the pictorial representation, which shows a line graph of the total number of crimes against women in different years.

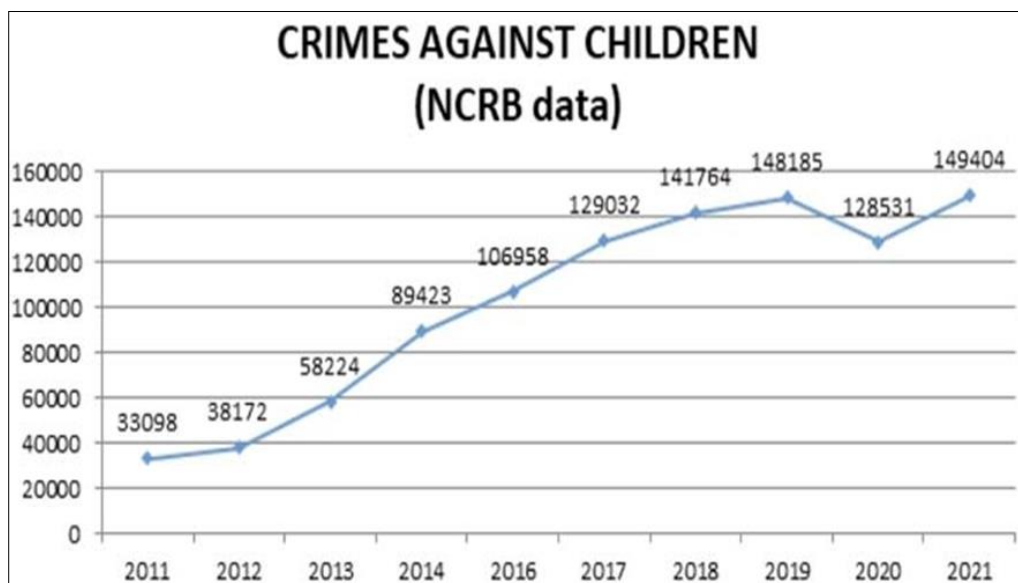


Source: National Crime Report Bureau, 2018.

Fig 1

Further, data published by NCRB acquaints that there has been a surge of 2111% in offences against children from the year 2013 to 2020. [8] The data published by NCRB depicts an alarming picture of crime against women and children in

India, all while the majority of these cases are left unregistered, which never comes into the picture of data published by NCRB.



Source: National Crime Report Bureau, 2018.

Fig 2

Out of the total registered cases, a conviction results only in 21 to 24 percent of cases. In the majority of cases, the accused is left acquitted on account of various loopholes in the judicial system *viz*; lack of evidence, witnesses becoming hostile, reluctance in disclosure of information to a male police officer, victims having less confidence in male police personnel etc.

In order to combat these shortcomings, there are several recommendatory requirements under the Code and POCSO, though not mandatory, to include women police officers in policing institutions.

Under section 46 of the Code, the arrest of a woman should, as far as practicable, be made by a woman police officer. Further, under section 100(3) of the Code the search for a person of a woman must be made by a woman only. The Code makes a mandatory requirement for the record of FIR of any offence alleged to have been committed against a woman to be recorded by a woman police officer only. Proviso of section 154 requires the information relating to any offence committed under sections 354, 354A, 354B, 354C, 354D, 376, 376A to 376E, 509 of Indian Penal Code 1860 shall be recorded only by a woman police officer. The Code also makes a mandatory provision under section 161 for the examination of the witness by a woman police official of any woman against whom any offence is alleged to have been committed under any of the abovementioned sections of IPC.

It is widely considered that woman has the ability to understand a child's mental and emotional needs. The framers of the law gave precedence to this consideration and included various provisions under POCSO, making it compulsory to have woman police personnel for adherence to various procedural requirements. Section 24 of the Act directs that the statement of a child who is alleged to be the victim of sexual offences must, as far as practicable, be recorded by a woman police officer only.

Therefore, it is pertinent to state that, in light of the sudden surge in crimes against women and crimes against children, its of paramount importance that we must have a significant number of women police officers in our police system in order to address procedural requirements in an efficient way.

Challenges

As it is evident from the above discussion, the inclusion of women police officers in the Indian police system would radically help in the reduction of crimes and would also help in managing interpersonal petty disputes. Despite having research evidence regarding the inclusion of women in the police force, India's situation is quite unsatisfactory. The main reason for the shortage of women workforce in India is the patriarchal mindset of Indian society, which consider policing as one of the professions of masculine character. The patriarchal mindset is deeply embedded in the thought process of society which does not allow a woman to work in an institution like the Police system. Women also feel reluctant to join this profession, considering it to be man's cup of tea. In addition, there are various issues regarding the

working culture of the police system, which further acts as an impediment for a woman to join this profession.

In addition, India lacks a model policy providing for non-discriminatory norms and an equal work environment for both men and women. There is a lack of effective regulations providing social security to the woman police force. A woman is a delicate and fragile gender and is prone to physical and emotional trauma, which must be taken into consideration while framing our policies. Article 15 (3) of the constitution empowers the state to make special provisions for women and children. Any law passed for the purpose of promoting women's welfare cannot be challenged to be void alleging violation of the equality doctrine. Therefore, different states must come up with a draft policy providing special treatment to woman personnel in the police system. Many Police stations lack separate washrooms and toilets for men and women, making a woman uneasy in this profession. Also, the working hours in the police system are uncertain, making a woman reluctant to join this profession.

The most challenging issue that every employed woman faces is maternity and child care. Being employed in police service, a woman has to face several challenges in her day-to-day life. Married women find it much more difficult to work in the harsh working condition of policing service. There is no definite time period for working, and most police personnel are required to give more than 12 hours of duty. The lack of childcare support systems in police stations makes it difficult for a married woman to continue with her service in the police system.

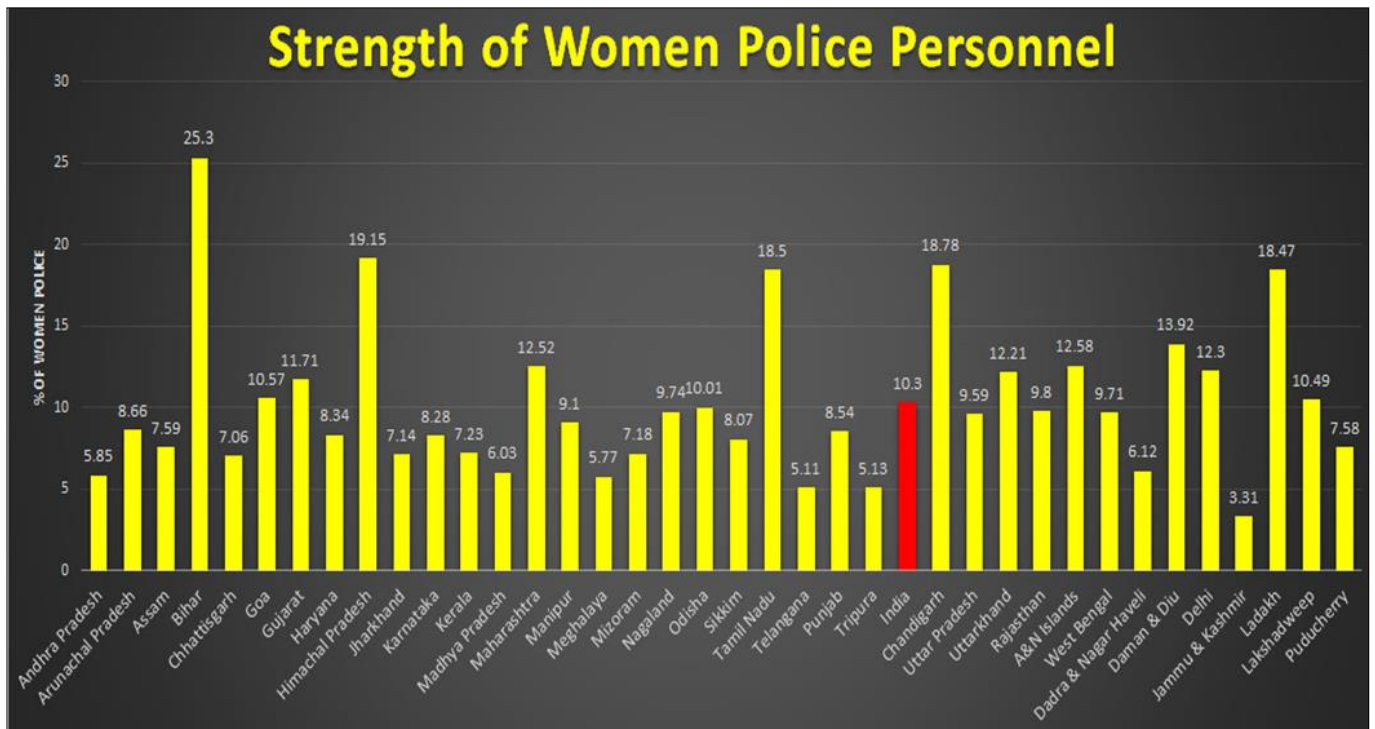
Regional Variations

According to a report published in 2021, statistically, women constitute only 10.5% of the total police workforce on average in India. This data, when we compare it with countries at the top of the safety ranking, is far below average. Though in India, states are constantly working to make this representation increase, some states are so below the average that it will take 2-3 decades for them to reach a handsome figure. In India, several states, like Bihar, Tripura, etc., have taken the initiative to provide 33% horizontal reservation to women in government services, but there is no such initiative at the National Level. Moreover, there is a draft bill pending in parliament for providing 33% reservation to women, but this bill relates only to the representation of women in Loksabha and not in government services.

India is a country best known for its peculiar character of unity in diversity. There are altogether 28 states and 8 Union territories in India, having a distinct language, culture, race and ethnicity. Some states are woman-centric while others are of a patriarchal mindset. This variation in cultural diversity accounts for variation in the representation of women in various government services, including police services. The following table represents the representation of policewoman in India. ^[9]

Table 1

Serial No.	State/Union Territory	Percentage of Women Police
1	Andhra Pradesh	5.85
2	Arunachal Pradesh	8.66
3	Assam	7.59
4	Bihar	25.30
5	Chhattisgarh	7.06
6	Goa	10.57
7	Gujrat	11.71
8	Haryana	8.34
9	Himachal Pradesh	19.15
10	Jharkhand	7.14
11	Karnataka	8.28
12	Kerala	7.23
13	Madhya Pradesh	6.03
14	Maharashtra	12.52
15	Manipur	9.1
16	Meghalaya	5.77
17	Mizoram	7.18
18	Nagaland	9.74
19	Odisha	10.01
20	Punjab	8.54
21	Rajasthan	9.8
22	Sikkim	8.07
23	Tamil Nadu	18.5
24	Telangana	5.11
25	Tripura	5.13
26	Uttarakhand	12.21
27	Uttar Pradesh	9.59
28	West Bengal	9.71
29	Andaman and Nicobar Islands	12.58
30	Chandigarh	18.78
31	Dadar & Nagar Haveli	6.12
32	NCT of Delhi	12.3
33	Jammu & Kashmir	3.31
34	Lakshadweep	Data Unavailable
35	Pondicherry	7.58



Source: BPRD data on Police Organization, 2020

Fig 3

As it is evident from the above data that most of the states, like Andhra Pradesh, Assam, Chhattisgarh, Madhya Pradesh, Meghalaya, Sikkim etc., are far below the average of the total women workforce in India. The State of Bihar has the highest 25.3% of women police personnel in their police system, while Jammu and Kashmir have the lowest 3.31% of female personnel in their policing system. Kerala being at the top in literacy rate constitutes only 7.23 % which is again below the average national representation.

It's a biological fact that men and women cannot be treated equally in terms of physical strength. Article 14 requires equality among equals and not equality among un-equals; therefore treating men and woman equally would lead to injustice. In order to bring parity in public service, several steps are now being taken by different states, like providing 33% horizontal reservation to women and the working conditions being moulded to fit the fragile nature of women. Different states have different sets of rules and regulations regarding recruitment in police service; also, the society of different states have their own notion of the Police system, creating a diversity of representation of women in different states. Looking into Policy consideration and the Socio-Cultural status of each state is beyond the scope of this paper, but for the purpose of bringing forth the concrete reason for the inadequate representation of women in Policing, an attempt is made to decipher the actual cause and look into policy consideration and Socio-demographic status of 5 states viz; Union Territory of Delhi, Maharashtra, Bihar, Uttar Pradesh and Kerala.

Union Territory of Delhi

The Union Territory of Delhi has a total population of 11,034,555, according to the 2011 census. Out of the total population male population is 5,882,117, while the woman population is 5,152,438. Out of the total population, 8,580,694 are literate forming 86.21% literacy rate. According to a report published by NCRB, total 13,892 cases were reported in the year 2021 relating to crime against women, which shows a surge of 40% as compared to the previous year. ^[10] Further, according to report published by NCRB total 7118 cases of crime against children (IPC+ SLL) were registered in Delhi, which also shows a hike of 32% as compared to the previous year. ^[11] According to data published in 2022 by the ministry of home affairs total strength of police in Delhi is 78,108, out of which only 10,205 police personnel are women constituting a representation of 13.06%. ^[12] In the year 2015, the government of India approved 33% of horizontal reservation to women in all Union territories, including Delhi. Though there is an increment of 1.51% in the representation of woman cops as compared to the previous year's representation of 11.55% yet, there is short of 20% if we take into consideration the 33% of reservation to women cops i.e. the minimum representation of woman in police service in Delhi.

Bihar

According to the 2011 census, the approximate population residing in the state of Bihar is 104,099,452. Out of this population, Male constitutes 54,278,157 while female makes a contribution of 49,821,295. ^[13] Out of the total population, 52,504,553 are literate forming 61.80% literacy rate. ^[14] According to a report published by NCRB, total 17950 cases were reported in the year 2021 relating to crime

against women, which shows a surge of 16.8% as compared to the previous year. ^[15] Further, according to report published by NCRB total of 6894 cases of crime against children (IPC+ SLL) were registered in Bihar, which also shows a hike of 4.5% as compared to the previous year. According to data published in 2020, the total strength of police in Bihar is 91,862, out of which only 23,245 police personnel are women constituting a representation of 25.30%. ^[16] The government of Bihar has approved 33% of horizontal reservation to women in all services under the state. For the last few years, there has been a consistent growth in the representation of women in police service in Bihar. Bihar has the highest percentage of woman cops in India, yet the percentage is 7.7% less than the minimum 33% intake.

Maharashtra

Maharashtra has a total population of 112,374,333, according to the 2011 census. Out of the total population male population is 58,243,056, while the woman population is 54,131,277. Out of the total population, 81,554,290 are literate forming 82.34% literacy rate ^[17]. According to a report published by NCRB, total 39526 cases were reported in the year 2021 relating to crime against women, which shows a surge of 23.69 % as compared to the previous year. ^[18] Further, according to a report published by NCRB total 17261 cases of crime against children (IPC+ SLL) were registered in Maharashtra, which also shows a hike of 20.1% as compared to the previous year. According to data published in 2022 by the ministry of home affairs total strength of police in Maharashtra is 1,95,000, out of which only 15,000 police personnel are women constituting a representation of 13.06%. ^[19] Recently, the Government of Maharashtra has given approval for giving 30% reservation to women in policing institutions.

Uttar Pradesh

Uttar Pradesh has a total population of 199,812,341. Out of the total population male population is 104,480,510, while the woman population is 95,331,831. Out of the total population, 114,397,555 are literate forming 67.68% literacy rate. ^[20] According to a report published by NCRB, total 56083 cases were reported in the year 2021 relating to crime against women, which shows a surge of 13.5 % as compared to the previous year. ^[21] Further, according to a report published by NCRB total 16838 cases of crime against children (IPC+ SLL) were registered in Uttar Pradesh which also shows a hike of 10.26% as compared to the previous year. According to data published in 2022 by the ministry of home affairs total strength of police in Uttar Pradesh is 232,812, out of which only 10,205 police personnel are women constituting a representation of 13.06 % . ^[22] The government provides 20% horizontal reservation to women in services under police institutions.

Kerala

The State of Kerala has a total population of 33,406,061, according to the 2011 census. Out of the total population male population is 16,027,412 while the woman population is 17,378,649. Out of the total population, 28,135,824 are literate forming 91.8% literacy rate. ^[23] According to a report published by NCRB, total 13539 cases were reported in the year 2021 relating to crime against women, which shows a surge of 25.8% as compared to the previous year.

[24] Further, according to a report published by NCRB total of 4539 cases of crime against children (IPC+ SLL) were registered in Kerala, which also shows a hike of 15.17% compared to the previous year. According to data published in 2015, BPRD total strength of police in Kerala is 49,437, out of which only 3574 police personnel are women constituting a representation of 7.23%. [25] The state does not provide any reservations to the woman in policing service.

Conclusion

It is evident from the above discussion that nearly fifty percent of the Indian population consists of women. But when it comes to the representation of women in almost every service under the state is, the data shows that women are lagging far below their average population. Though several government agencies and non-governmental organizations are working day and night to bridge this gap between men and women in offices under the state but policing service is still left untouched. The data in the Indian context shows an ironic figure wherein the most literate state has only 7.23% of representation of women, while a state with a very low literacy rate has the highest fraction of female cops. This shows that, apart from imparting education to eradicate gender disparity, the government must work on providing reservations and a work-friendly environment in police service.

Today in the era of globalization, women are proving themselves in almost every avenue of life, be it education, Social work, sports, defence or technology. Recently, in the year 2021, Sindhutati Sapkal was given the Padma Shri award as a social activist in raising orphaned children. Tulsi Gowada was awarded Padma Shri in the field of environmental protection. P V Sindhu became the first woman from India to win two Olympic medals. Avani Chaturvedi became the first woman to fly the Solo aircraft fighter. There are innumerable instances where a woman has proved herself to be nonetheless than a man and has shown that they can stand at par with a man.

Since this year we are celebrating “Azadi ka Amrit Mahotsav” being the 75th year of independence, there is an urgent need that we should endeavour to bring absolute equality for women. The gender disparity existing even after 75 years of independence shows that there is a need for collaborative effort both from the side of government and society. Societal norms must be liberalized by the society and must give equal opportunity to women so that they also may come out of the four walls and must make this ‘Azadi ka Amrit Mahotsav’ the real freedom.

Suggestions

- Unified Model for recruitment of Police officers- The Policing service comes under entry number 2 of List- II (State List) of the Seventh Schedule of the Indian Constitution. It means that every state has independence in terms of policing service leading to variations in percentage and working conditions for women in different states. In order to mitigate the regional variations in the representation of women in police service, there is an urgent need for the government of India must come up with a draft recommendatory policy for every state, which must be followed by the latter. The policy must lay down unified working conditions for the women in Policing services

throughout India. The draft policy must also provide a minimum 33% horizontal reservation to women in police service.

- All Police stations must be made women-friendly with separate washrooms and sanitation facilities.
- Every Police Station must have an internal childcare support system to encourage married women to work with full efficiency.
- The state governments must work to increase the number of all woman police stations in every district.
- There must be a model policy to challenge the deep-rooted patriarchy in the women system
- The state must endeavour to create an enabling work environment so that women may serve in fieldwork apart from official work.
- There must be a complaint committee in every district headquarter to look into matters relating to discrimination and sexual harassment with a female cop.
- The department must run recruitment drives at remote locations to make this service inclusive.
- Educational institutions must create awareness among female students regarding opportunities in police service.
- The government must increase the quota for women in higher rank jobs in policing as the percentage of women in higher ranks is much lower than in lower ranks.
- There must be maximum 8 hours of duty for women.
- There should not be frequent transfers of female cops so that she may work efficiently in the city in which her family resides.
- Some of these suggestions have already been made by the National Conference of Women in Police. However, Central and state governments have not yet developed or adopted a comprehensive framework towards achieving substantive gender equality.

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3. Section 15, The police Act, 1861- Quartering of additional police in disturbed or dangerous districts.- (1) It shall be lawful for the State Government, by proclamation to be notified in the Official Gazette, and in such other manner as the State Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.
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- inconvenience, annoyance, risk, danger or damage of the residents or passengers] shall, on conviction before a Magistrate, be liable to fine not exceeding fifty rupees, or to imprisonment with or without hard labour] not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:- First.- Slaughtering cattle, furious riding, etc.- Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle.
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