

BILING A BETTER FUTURE OF WOMEN IN POLICE SYSTEM WITH A LEGAL SOLUTION

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In India, police department has traditionally been considered a male dominating profession. However, in tandem with a changing socio-cultural environment and an increase in educational opportunities, women have started recognizing their inherent potential and strength. Now a days increasing number of women are joining the police department. However, in the existing familial and societal setup, police women are overtaxed and find it difficult to balance their work and life roles. The demand for more women in police forces has been growing since the gang rape of a 23-year-old girl in Delhi on December 16. Besides, there are just 499 all-women police stations in the country out of a total 15,000 stations. In 2001, the share of women in the police was only 1.83 per cent, increasing to merely 4.59 per cent in 2010. Out of the 1,34,696 police personnel in Maharashtra only 14.89% are women. Though such is a statistics, less than 1% of policewomen in India occupy senior ranks and almost 90% of them serve as constables. Hence, this research project aims to explore the reason behind such a low representation of policewomen as a marginalized group in the Indian Police Society. The researcher has adopted non doctrinaire method of research and after interviewing 20 policewomen of various cadres and 10 policemen has found that the basic reason behind such a low representation is inadequate laws governing policewomen due to which they face various problems like improper patrolling schedule, lack of basic facilities, working hours, disturbed social and professional life etc. Despite of legal framework the problem has reached monstrous proportions. The reason behind such a menace is inadequacy of laws governing women in police system. Thus, this research project aims to draft new legislation for women in Indian police system, looking back into representation in the past, assessing the hidden barriers of present times, legal framework in India, finding out the loopholes in the present framework and proposing a legal solution in form of a separate legislation as a legal Avishkar to systematically deal with these legal barriers and secure various rights and facilities for women in police system and to penalize the violation of the same so that they can enjoy their fundamental rights guaranteed by Constitution to the fullest extent.

Key Words: Women in police system, Legal framework, Legal solution, Hidden barriers

INTRODUCTION

In India, police department has traditionally been considered a male dominating profession. However, in tandem with a changing socio-cultural environment and an increase in educational opportunities, women have started recognizing their inherent potential and strength[1]. Women in police plays an important role in gender related and juvenile offences which constitute more than 50% of crimes in Maharashtra[2]. However, these women police in Maharashtra constitute only 10.48% out of police force[3]. Hence to know the reason behind such low representation researcher interviewed 50 policewomen and 20 policemen and came to know that 90% of these women are not receiving basic facilities like separate washrooms at each police station, ladies room to change clothes, first aid etc Moreover, during pregnancy they are to work physically for hours which many times causes miscarriage. Though the duty hours are 12 hours but due to unavailability of women police they have to work after duty hours and thus are not able to up bring their children in better ways and thus women are not willing to join police force as women has to maintain her family as well. In spite of some laws enacted by centre as well as state there is no law providing facilities and protecting the rights of women in police system as in private sector. And that is the reason women are attracted to join private sector. Thus, this review article aims to shed some light on the importance of women in police system, assessing the shocking barriers of our present times, and proposing prospects in form of a separate legislation to systematically deal with this menace and bile a better future for these police women so that they can work efficiently.

REVIEW OF LITERATURE

A number of literatures were studied in order to understand the level of research done on the importance of women in the police, on the discrimination and problems faced by them, a wide range of development, growth, training of the police personal, on the laws which are enacted for them.

A number of foreign journals like Police Journal, Journal of Police Science and Administration, Criminal Law, Criminology gave an insight into the laws enacted for these policewomen at international, national and state level. The Indian Police Journal, Maharashtra Police Journal and the Sardar Vallabhbbhai Patel National Police Journal discuss the Indian Police. Besides these there are various reports like the Fifth Report of the National Police Commission which lays down certain guidelines for improving the condition of women police.

In addition to this, Magazines published by International Association of Women Police were also referred by the researcher in order to know the status of women police in different countries. You tube videos of Mr Sanjay

Kokil a police inspector who raised his voice for the rights of women police were taken into account by the researcher while doing research.

Besides this, S K Ghosh's 'Women in Policing' uses a lot of Data from the Bureau of Police Research and Development and also the International Council of Police Officers. Being a police officer himself(former Inspector General of Police), Mr Ghosh has an insight into the police department. He highlights the functioning of police women around the world as a background and talks about women police in India, their recruitment, training and service conditions .He also talks in length about the position of women in society. Even though he did do an extensive research on the past, present and future state of women in police force in India, there are some aspects which are not discussed. The main one out of them is legal framework dealing with these women police in India. Also, this book has a lot of factual information. What is missing in the interpretation and understanding of the reasons behind the low representation.

Dr Shamin Aleem's Book 'Women Police and Social Change; Om Raj Singh Bishnoy's "Women in Policing" published in May 2002, Aruna Bharadwaj's "Women in Uniform", Arvind Verma's ' Understanding the Police in India" etc are some books referred by researcher.

Moreover, study of different researchers like Adnan Jamil on "General Problems Faced By The Women Police"[4], Dr Poonam Advani on the topic 'Gender Sensitization in Women Police[5]', Suvarna Joshi[6] on The State of Women in Police in India and the Discrimination Faced By Them, Guidelines issued by Director General of Maharashtra Police to secure Human Conditions of work etc were also taken into account.

Judicial Pronouncement in Prakash Singh v. Union of India[7] which dealt with some guidelines to implement the fifth report of National Police Commission.

Amongst above studies some shedded* light on psychological stress amongst women police, some focused on policies for their betterment but none of it explored the laws and lacunas in those laws which plays an important role in curbing the problems faced by these women police.

OBJECTIVES OF THE STUDY

- To explore the reason behind the decreasing percentage of women as a marginalized group of Maharashtra Police.

- To find out a legal solution to increase the percentage.

BASIC HYPOTHESIS

1. The women in police are facing certain barriers.
2. The law to combat the above problem is inadequate and hence comprehensive special legislation is needed

RESEARCH METHODOLOGY

The researcher has chosen doctrinaire as well as non doctrinaire method for study. The researcher has referred to primary as well as secondary sources. Amongst primary sources Bare Acts, various judgments of the Judiciary, various commission reports and amongst secondary sources reference books, research articles from various journals, News paper Clippings and information available on various websites is referred for the study and the conclusion.

As the researcher has opted non doctrinaire research method, the researcher has interviewed 50 policewomen and 20 policemen of different cadres from different rural and urban parts of Maharashtra. The researcher prepared structured and unstructured questionnaires for data collection for this study.

WOMEN IN POLICE SYSTEM

'We visualize that in the years to come, women police would form an integral part of the police force especially in the cities, town and other thickly populated areas' (Fifty Report of the National Police Commission, Government of India)[8]

Women Police have now become an integral part of the police reforms in almost all countries of the world. However, the possibility of women functioning as full members of a police force and playing a role for achieving its objectives was not well perceived in the early years of evolution of the police system.

The need for women police was first recognized in the United States, during the first half of the nineteenth century, when 'Police Matrons' were appointed in New York City in 1845, for handling of women and girls held in police custody. 'In India , early history of policing by women is available in the Ramayana, Mahabharata, 'Arthashastra' of Kautilya and the Ashokan edicts. The Ramayana gives a vivid description of how Sita was put under surveillance of the police women who carried all around vigil. Likewise, the Ashokan edicts frequently speak about the 'Prativedikas' who protected the Royal Chamber from

intruders and kept the king informed about day to day happenings (Roy,1990).

In India, the need for women police was first felt during the labour strike, which took place in Kanpur, in the year 1938. The State of Travancore also experimented the appointment of women as Special Police Constables in the year 1933, where one woman head constable and twelve women police constables were appointed. Due to the partition and all the after effects of it, a number of women organizations cropped up which needed women police. Due to riots, atrocities on women, kidnapping, abduction and other sex offenses, it was thought to increase the number of women in police. The Delhi Police force was the first to recruit police women on a regular basis in 1948' [9].

Coming to Maharashtra State the offences against women in Maharashtra are more than 50% and hence to curb these offences the demand of women in Maharashtra police force is increasing day by day. However, the representation of women in police system is very low when compared to the increasing offences. Bureau of police research and development, ministry of Home Affairs releases following statistical data of the representation of women in police [10] -

Number and Percentage of Women Police over the years

SR NO	YEAR	PERCENTAGE
1.	2008	3.90%
2.	2009	6%
3.	2010	4.20%
4.	2011	4.60%
5.	2012	5.30%
6.	2013	5.87%
7.	2014	6.11%

Percentage of Women Police in Top 10 states

SR NO	STATE	PERCENTAGE
1.	Chandigarh	14.12
2.	Tamil Nadu	12.42
3.	A & N Island	11.27
4.	Himachal Pradesh	11.07
5.	Maharashtra	10.48
6.	D & N Haveli	9.96
7.	Daman and Diu	9.12
8.	Odissa	8.52
9.	Uttarakhand	8.4
10.	Manipur	8.22

To increase the representation of women in police system the centre as well as Maharashtra state enacted various laws as under –

Laws Enacted by Central Government

1. The Constitution of India
2. Police Act, 1851
3. Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act (2013)
4. Maternity Benefit Act
5. National Commission For Women Act (1990)
6. The Indian Police Service (Cadre) Rules, 1954
7. The Indian Police Service (Uniform) Rules, 1954
8. Reports of National Police Commission

Laws Enacted by State Government of Maharashtra

1. The Bombay Police Act, 1951
2. Mumbai Police Rules, 1956
3. The Bombay Police Manual, 1959
4. Maharashtra Police Manual, 1999
5. Maharashtra Police (Amendment And Continuance) Act, 2014

DATA ANALYSIS AND FINDINGS

Table one shows that amongst 50 interviews 5 were taken of officers belonging to Grade I, 24 were of Grade II and 25 were of Grade III. 35 of the women work in urban police stations and 15 work in rural parts of Maharashtra. Table two shows that most of the police station don't have the required number of women police and the reason given by most of them is absence of basic facilities like Ladies room, separate washroom for women, crèches etc and duty hours. Many of them had undergone miscarriage and many of them were not able to conceive the baby because of the physical work which they are doing during their pregnancy. Most of them were not able to balance their professional and social life because of working hours. According to 48 police officers there is no law providing for the same.

Table 1

Demographic Profile

OPTIONS	FREQUENC Y	PERCENTAG E
DESIGNATIO N		
1. GRADE I	4	8
2. GRADE II	21	42
3. GRADE III	25	50
PLACE OF WORK		
1. URBAN	35	70
2. RURAL	15	30

Table 2

Data Analysis of Structured Questionnaires

OPTIONS	YES	NO
REQUIRED NUMBER OF WOMEN POLICE	2	48
REASON OF LESS REPRESENTATION		
1. BASIC FACILITIES	46	4
2. DUTY HOURS	49	1
3. SEXUAL HARASSMENT	3	47
4. UPBRINGING OF CHILDREN	45	5
5. OTHER	3	47
BASIC FACILITIES		
1. SEPARATE WASHROOM	30	20
2. FIRST AID KIT	35	15
3. CRÈCHES	4	46
4. LADIES ROOM	5	45
5. OTHER	40	10
PREGNANCY		
	36	14

MISCARRIAGE DUE TO PHYSICAL WORK DURING PREGNANCY		
	15	35
UNABLE TO CONCEIVE BABY DUE TO UNPLANNED SCHEDULE ANY LAW PROVIDING THE SAME	2	48

The unstructured questions included the importance of women in police system, other problems of women in police system and ways to overcome the problems of women.

- **Reasons Behind Low Representation**

Though these are the initiatives taken by government, the representation of women is not increased in Maharashtra state. To know the reasons behind the same the researcher interviewed the policewomen and policemen of different cadres and explored the following reasons of low representation –

1. ***Absence of Basic facilities***

After interviewing the policewomen researcher came to know that the basic reason of women not willing to join the police system is absence of basic facilities like separate washrooms for women at police station, ladies room, crèches, first aid kits etc.

One of the police women was of view that the women are attracted to private sector because these facilities are provided in factories as it is mandatory for them to provide. But there are no such provisions applicable to police system and hence these women prefer private sector.

2. ***Non acceptance***

Major obstacle for policewomen is society's traditional attitudes regarding women's role in society; an attitude which becomes more problematic as these women work in a male-dominated field. During the interviews the researcher found that women police also suffer family problems as they are required to go to police station at mid night in some emergency cases which is not tolerated by the family members and many a times disturbs the atmosphere of family, few have suffered violence and even divorce. According to some female respondents no one is ready to marry them because of the duty which they are forced to do.

Moreover, many a times people in society behave rudely when these women come from night duty as shared by one of the female respondent.

3. *Working Hours*

The working hours of women police is 12 hours per day. But most of time they have to work after 12 hours because of the increasing offences against women and decreasing number of women in police. The burden of work thus is increasing. However, it is highly impossible for a women to work for hours without a break. Moreover, they do not get any remuneration for this overtime.

However, this is not the case of male police. As the number of male officers is adequate they work in shifts and do not face these issues of overtime.

4. *Miscarriage and inability to conceive baby*

The pregnant policewomen are compelled to perform the outdoor duties as per the fixed schedule without any relaxation endangering their lives, while they perform their duties under the open sun in scorching heat without any shelter that also affects their health and many a times also causes miscarriage. While talking to the respondents, they mentioned that the PI was kind enough and was taking care of the pregnant women, but within her official limits and provide maximum relief for them but at organization level there was no relaxation for them.

The staff of the women police station shared the problem of menstruation with the researcher, so that even during that specific period they are bound to perform their internal and external duties without any break, while taking of leave was also not permissible, because the policewomen feel uncomfortable for performing their hectic outdoor duties especially during the training and parade which disturbs the natural cycle of the body thus making the women unable to conceive a baby.

5. *Improper Patrolling Schedule*

There is no pre-planned patrolling schedule adopted by the women police station authorities. Many a times specially in rural areas the women police have to travel for 70 kms in midnight due to shortage of staff. Most of the times these women have to travel alone.

6. *Disturbed Personal and social life*

The dual responsibility of work and family affect both men and women, But it is the women who are mainly responsible for the house chores. It affects women more

since they do most of the work associated with the household activities, apart from taking care of children, older family members, and other dependents.

The staff at the women's police station is leading a disturbed life, as it was complained by most of the sub-inspectors and constables that they were not enjoying a proper social life due to hectic 24 hours duty, dealing with criminals. It is obvious that they could not spare time for their families. According to the female police respondents, they could avail four days leave after every two months, but due to the burden of work, their right to avail leave has also been denied, whilst the maternity leave was not easy to avail.

Due to personal and social disturbance many police women face symptoms of depression. Most of the staff members told the researcher that they become psychologically depressed, when they counter household and societal disturbances.

7. *Violation of Fundamental Rights*

Thus non provision of basic facilities, miscarriage etc is violating the fundamental rights of these police women. Article 19[11], Article 14, Article 21 which right to human conditions at work, Article 15(3) which empowers state to make different provisions is also violated as there is no law governing these police women. According to Article 39(e), Article 42 it is the duty of the state to ensure that the health and strength of women workers are not abused and to make provisions for securing just and humane conditions of work and maternity relief and as it is not provided no women is willing to join the police system thus decreasing the representation of women in police system.

8. *No Law*

This violation is due to the absence of special law protecting rights of these police women. Though some guidelines are being issued by Director General of Maharashtra Police to provide some facilities to these women but as they are not enforceable these guidelines are only followed by some police stations of Mumbai but not by other police stations of Maharashtra.

If a special law protecting rights and providing facilities is enacted the present situation can be changed.

CONCLUSION AND RECCOMENDATIONS

It is a fact that women is an integral part of police system but her representation in the police system is not adequate. Thus, the overall objective of this paper is to explore the reasons of such low representation of women

in police system and to provide a legal solution to bile a better future for these women so that they can work efficiently. To that end, this paper offers a stylized framework for thinking through the underlying drivers representation of women in Maharashtra Police, focuses on present legal framework, and discusses broad strategies for increasing the representation. In an effort to provide guidance to policymakers and other agents of change addressing the representation challenge, the researcher concludes by highlighting some suggestions that would guide future reform efforts.

1. A Special Law

A special Law titled “Maharashtra Police Women Bill, 2017” shall be introduced in legislative assembly with an aim to provide basic facilities and protect rights of the police women in Maharashtra state. It shall be applicable to all the women police defined under Police Act 1961 in Maharashtra State.

2. Rights

The following rights shall be protected under this Bill-

1. Wash Rooms – Every police station where a women police is working shall have a separate washroom for ladies which shall be properly maintained and shall consist of water supply.
2. Working Hours- No women police shall be required or allowed to work for more than ten hours a day.

Exception- in case of emergency or court hearing or any other reasonable purpose they can be called to work for more than 10 hrs.

1. Lunch rooms- In every police station wherein more than 15 police are ordinarily working suitable lunch room, with provision for drinking water, where police officers can eat meals brought by them, shall be provided and maintained for the use of the officers which shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition . Provided that any canteen maintained in accordance with the provisions of section shall be regarded as part of the requirements of this sub-section. The State Government may make rules prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;
2. Maternity Work – (A) Avoid assignments that include:

1. likelihood of encountering toxic chemicals,
2. intensive traffic enforcement,

- high likelihood of suffering trauma

(B) Maternity duty may consist of, but is not limited to, the following:

- Non-hazardous assignment
- Writing police reports
- Operating a police radio
- Interviewing persons
- Clerical functions

(C) Recommend avoiding the following:

- Alternating shift work
- Defensive tactics
- Firearms training, except stimulated training
- Patrol duties
- Extensive exposure to automobile exhaust fumes
- Standing for more than 30 minute intervals
- Lifting of more than 25 pounds

(D) Maternity duty or pregnancy leave “shall not affect an officer’s opportunities” for:

- Transfers, promotions
- Court overtime
- Longevity pay
- “Banking” leave time

1. Ladies Room – In every police station where more than 10 police women are working a room should be provided where these women police can sit or change the uniform. This room to be called as ladies room.
2. Facilities
3. Creches - In every police station wherein more than 20 [twenty women police] are ordinarily working there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women which shall provide adequate accommodation and shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants. The State Government may make rules- prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;

4. First Aid Boxes – Every police station shall consist a first aid box which shall contain the medicines and equipments prescribed by state govt from time to time. Every police station where more than 5 police women are working shall consist of sanitary napkin wending machine.
5. Constitution of Committee –Four regional authorities at four different regions i.e. Marathwada, Vidharbha, Khandesh and West Maharashtra shall be established in order to keep surveillance on the police station. The committee shall consist of
 6. Commissioner of police as chairman
 7. Deputy commissioner as a vice chairman
 8. 2 Women head constables
 9. 1 constable

They will be empowered to visit each police station under their jurisdiction and have to ensure whether these facilities are provided or not. If any police women feels that her rights are being violated she will have a right to lodge a complaint against the authority to these regional authorities. These regional authorities shall submit the annual report of the working of police stations and complains to Maharashtra State security Corporation established under Maharashtra State security Corporation Act, 2010 whose head office is at Mumbai.

5. Penalties - Whoever fraudulently avails or attempts to avail any benefit meant for women police shall be punishable with imprisonment for a term which may extend to two years with fine which may extend to Ten thousand rupees or both.
6. Powers of State Government - The State Government may, by a general or special order, call upon the Authority or Committee to furnish, periodically or as and when required any information concerning the activities carried on by the Authority or the Committee as the case may be, in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

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