

64% IPC Cases Pending for Investigation in Mumbai at the End of 2019: Praja

Foundation

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Mumbai police has been at the forefront of maintaining law and order in the metro city, not just during the pandemic and the ensuing lock-down but also before that. However, due to manpower shortage, there were as many as 64% cases filed under the Indian Penal Code (IPC) were pending as on December 2019, says a report released by Praja Foundation.

The report titled "State of Policing and Law & Order in Mumbai" highlights the need for improvements in various aspects such as human resources, monitoring and accountability, sensitisation and improvements in police-citizen relations.

It points out that while the Mumbai police has performed many more functions during the pandemic, it has been working under severe pressure and has been overburdened well before the pandemic.

“In 2019-20 for example, there was an 18% shortage of police personnel in Mumbai compared to sanctioned posts. This in turn has an impact on the existing workforce, including extended work hours and working conditions that affect the overall health of police, reducing their ability to perform their duties effectively”, said Nitai Mehta, founder and managing trustee of Praja Foundation.

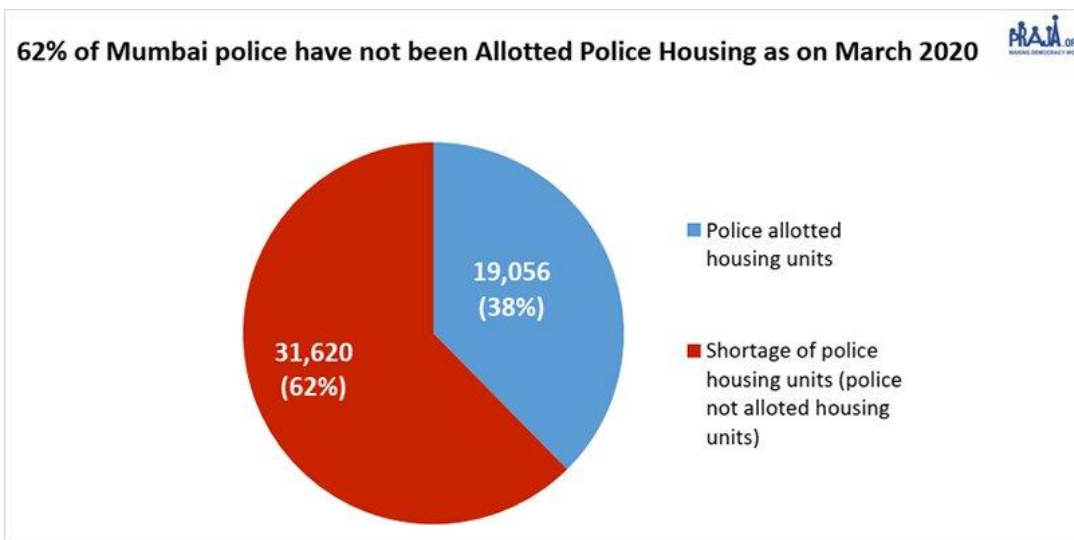
Shortage in Personnel Impacts the Performance and Functioning of the Policing and Law and Order System

Personnel	2019			2020		
	Sanctioned	Working	%	Sanctioned	Working	%
Police	50,488	41,115	-19%	51,068	41,788	-18%
Forensic Laboratory	426	249	-42%	426	249	-42%
Sessions Court Prosecutors	50	36	-28%	50	36	-28%
Sessions Court Judges	82	70	-15%	86	74	-14%

Note: Prosecutors and forensic data is as on March of that year, Judges data is as on April of that year, and Police data is as on July of that year as received through RTI.

According to the report, shortage of police personnel and quality of working and living conditions of police, in turn, affects the overall performance such as in the investigation of cases.

Milind Mhaske, director of Praja Foundation, says, “Over the years, a large number of police persons have succumbed to lifestyle related diseases directly linked to exposure in work and working conditions- for example from April 2017 to October 2020, the highest cause of death of police personnel was heart attacks (113 deaths). About 16 deaths by suicide were also reported in the same period. In terms of living conditions as well, we have been unable to provide adequate housing for the police force- as on March 2020, only 38% of the police force was allotted police housing.”



According to Mr Mehta, vacancy in sanctioned posts also has a direct impact on performance in case of the judiciary, where there was a 28% shortage in public prosecutors and 14% shortage of sessions court judges. He says, “In 2019, there were about 2.50 lakh cases to be tried in courts for IPC in Mumbai in 2019 out of which judgement was given in just 6% of the cases.”

“A lifecycle study conducted for Sessions court cases from 2013 to 2017, shows that it took, on an average, 11.1 months from first information report (FIR) to charge sheet, while the same

should be done within 90 days. Further, it took, on an average, 2.4 years from first hearing to judgement,” Mr Mhaske adds.

High Pendency in Investigation and Trials in Mumbai in 2019



Investigation/Trial	IPC Crimes	SLL Crimes	Crime Against Women	Crime Against Children	Crimes Under POCSO
Police Investigation					
Total cases for investigation	1,19,926	40,831	15,654	11,268	3,039
% of cases pending for investigation at year end	64%	55%	67%	73%	61%
Trial By Courts					
Total cases for trial	2,49,922	88,736	23,791	8,126	4,250
% of Convicted cases	57%	81%	31%	38%	46%
% of Acquitted/Discharged cases	43%	19%	69%	62%	54%
Number of cases pending for trial at year end	2,33,935	76,899	22,368	7,496	3,802
% of cases pending for trial at year end	94%	87%	94%	92%	89%

- There was a **high pendency of investigation** in cases of crime against women (67%) and children (73%) in 2019.
- The percentage of cases examined for forensic investigation **fell drastically from 88% in 2018 to 55% in 2019**. 17,749 cases were pending for forensic investigation at the end of 2019.
- A total of 2,49,922 cases were to be tried in courts for IPC in Mumbai in 2019 out of which **judgement was given in just 6% cases**.

IPC: Indian Penal Code; SLL: Special and Local Laws

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As per the report, in Mumbai, the highest time taken to pass judgements from FIR (first information reports) was in cases of dacoity at 5.8 years. In spite of more time taken for investigation and trial, this has not led to improved conviction rates – only 24% of cases from 2013 to 2017 were convicted in Mumbai’s sessions court.

Highlights of the Praja Foundation Report

- A total of 2,49,922 IPC cases were pending for trial in Mumbai’s courts in 2019 out of which judgement was given in just 6% of the cases at the end of the year.
- The conviction rate of IPC crimes in the last 10 years has not improved- only 24% of cases from 2013 to 2017 and 23% cases from 2008 to 2012 were convicted in Mumbai’s Sessions court.
- Months taken to solve IPC Sessions Court cases- FIR to decision date has almost doubled from 25.8 months in 2008 to 2012 to 40.4 months in 2013 to 2017.
- The reporting of rape and molestation cases increased by 24% (from 728 to 904) and 25% (2,145 to 2,677) respectively from 2015-16 to 2019-20.
- From 2013-17, Conviction rate in rape cases was a mere 18% while it took on an average 42 hearings and 3.2 years to arrive at a judgement.
- There was an 18% shortage in police personnel in 2019-20, while 64% IPC cases were pending for investigation at the end of 2019.
- As on March 2020, only 38% of the police force in Mumbai were allotted police housing.

It says, “One of the ways adopted to reduce high pendency of cases was passing of special laws with clear provisions for timely completion of cases through special courts- however these too have not been successful. One such example is the Protection of Children from Sexual Offences (POCSO) Act, 2012 which, recognising the need for controlling and providing speedy justice in the case of sexual crimes against children, provided for these cases to be completed within one year from the date of cognisance while being tried in a special POCSO court.”

“However, in 2019, while 1,319 cases of POCSO were registered, just 448 cases were tried in courts, of which only half (222) were tried in the special POCSO court. Moreover, only 20% of these judgements in POCSO courts were pronounced within one year (as required by the Act),” Mr Mehta says.

Reasons for Acquittal
On an Average, 80% of IPC Cases were Acquitted Because of Failure to Prove Guilt Due to Lack of Evidence/Witness



Major Crimes	Reasons (% of cases)				Total Acquitted Cases
	Witness/ Victim Hostile	Complainant withdrew case	Benefit of doubt	Failure to prove guilt charge(lack of evidence/witness)	
Rape	9%	3%	12%	77%	388
Kidnapping	10%	5%	7%	78%	59
Murder	9%	0%	13%	78%	232
Attempt to Murder	19%	0%	12%	68%	219
Grievous Hurt	14%	0%	9%	77%	44
Dacoity	0%	0%	12%	88%	50
Other IPC	5%	0%	11%	84%	872

Data of Mumbai's Sessions Courts from 2013 to 2017 <http://court.mah.nic.in/courtweb/index.php>

To improve the policing and judicial system, Praja Foundation says, it is first important to fill vacant posts and look at reforms that reduce the burden on the existing personnel and ensure better working conditions for them so that they can perform their duties effectively. This will in turn also lead to improved quality of investigation and timely justice.

It says, “A second bigger, and more challenging aspect, is to sensitize and train the people operating within the system. What any victim first needs, is an unbiased, co-operative and sensitive police and judiciary. Also like any other system or governance structure, monitoring is key to ensuring accountability in the system. In line with this, implementation of reforms such as the Police Complaints Authority at the divisional level to take complaints against the police (rank of Senior Police Inspector and below) needs to be done and the body needs to be given considerable and independent authority to make decisions.”

“We need people to be partners in policing through a police-public relationship of trust and collaboration, to not just effectively report and investigate crimes or maintain law and order, but to address and tackle the inherent and underlying causes of crime”, Mr Mehta from Praja Foundation concludes

Link:- <https://www.moneylife.in/article/64-percentage-ipc-cases-pending-for-investigation-in-mumbai-at-the-end-of-2019-praja-foundation/62199.html>