

Chapter II

Analysis of attitudes of primary stake holders and initiatives on the part of State Governments.

As the National Police Commission in its 3rd Report (Chapter XXIV) rightly mentions "Law Enforcement in a developing democratic society presents several complex problems which cannot be met adequately by a mere quantitative increase in police personnel. Increasing sophistication and finesse that attend crimes in a free society, extended operations of fast moving criminals and organized gangs with ramifications over large areas, transcending the borders of districts, states even the country. Increasing expectations of public regarding prompt and effective police response to any situation of violence or distress and the necessity to secure scientific evidence that will stand scrutiny in the legal system require the police to harness Science and Technology to aid efficient police performance." This statement rightly sets the tone for the imperatives of specialization in the modern day policing in India.

A host of Committees and Commissions have been set up since independence to suggest Police Reforms which inter alia include the Working Group on Police set up by Administrative Reforms Commission (1966), Gore Committee on Police Training (1971), Ribeiro Committee on Police Reforms (1988) followed Padamnabhaiah Committee in the year 2000 and Sorabjee Committee in 2005 who have directly and clearly hinted at the need for reforms in policing systems in almost all the reports. In this backdrop it is necessary to discuss Police Reforms from a practitioner's point of view, which is being attempted.

The question relating to identifying the stake holders in the Policing reforms is a relatively simple one. It can be safely said that the police men themselves are the

prime stake holders in this regard, Society including the segments from empowered ones to deprived, professionals from all sectors and all shades even the marginal people naturally are the next, The Administrative machinery or Government and the Political Class could come as third and fourth.

However needless to say that except a majority of policemen and the vocal sections of civil society perhaps no other stakeholder appears to be ready to give any serious thought to this vital domain of governance which is so very crucial if we want to sustain the developmental momentum which high economic growth rates have initiated. To better appreciate this point let us undertake a brief analysis of stakeholder's perceptions.

I. THE POLICE:

For Police as an organisation, the collapsing criminal justice system, the social chaos with repercussions on law and order, rising crime, poor performance, demoralisation of rank and file, the issues of organisational credibility and eroding confidence of citizens in Police have created a very challenging situation which is jeopardising its survival in its present form. The Change of ethos from an exploitative, brutal and repressive machine working against the people of colonial India the oraganisation has come a full circle as a friend in need, a helpful service a system that serves and delivers safety ,security and works as guarantor of day to day rights of the ordinary citizens. It has no choice but to adapt and improve upon its image of the past besides it has to also face the challenges of modern social developments and also those posed by the present day criminals. The primary challenges for this class of stakeholders can be summarised as follows:

i) Urban Migration and Social Complexity

The increasing industrialization in the post-independence phase in India saw

massive transfer of populace from rural/agrarian side to urban/industrial labour side which primarily led to huge chunks of poor/lower middle class rural populations to migrate and congest urban agglomerations. This rural migration carried with it inherited caste, creed and land related antagonisms to the urban areas where these dys-functionalities along with problems of survival led to a unique social complexity emerging within this migrated group which had serious implications for Policing and Law and Order mechanism. The Police strategy for handling its fallout calls for a good degree of specialization by law enforcement officials at least in the urban areas. This calls for immediate training and strategic reforms in police.

ii) **Problem of Numbers**

The rise in population especially in urban areas due to migration has completely over turned the traditional concepts of manpower-based policing, the number of vehicles on the roads as well as number of people moving in a city have gone up so dramatically that innovative planning of the strategy alone holds promise and mere numerical arrangements are bound to fail. This challenge therefore can only be met with a police organisation which has professional, functional autonomy and a proper say in municipal legislative processes. This new dimension calls for Reforms vis-à-vis police functions.

iii) **Poor Police to People Ratios**

India has one of the poorest police to people ratio (about 1.2 policemen per thousand). In as much as deterrent role of police is concerned, this needs to be not only bettered but also buttressed with competent and specialized functionaries who can handle and come up innovatively to the expectations of educated and demanding citizenry. Even Malaysia & Thailand have ratios above 3.5 per thousand. Besides good numbers, morale and high standards of professional training are needed which too is inevitably a part of reform agenda.

iv) **Reversing a Rather Hostile Public Image of Police**

The colonial legacy of exploitation and brutality by police has still not gone away completely. This calls for a massive effort at image-building by the Police. Image Building cannot be a cosmetic exercise hence there is need for functional specialization emanating out of extensive reforms which will then lead to enhanced performance of police in India and of putting in place an elaborate and specialized publicity/image building mechanism guided by Police Managers to project a people friendly Police image.

v) **Technological advances by criminals**

By far the greatest need for reform and specialization in policing arises due to criminals becoming highly tech-savvy with more and frequent use of computers, mobile phones and other communication devices by them. Business transactions have also graduated to cyber channels and cyber criminals derailing e-commerce have emerged as veritable challenges calling for higher specialization. Further, the internet - a useful information tool, has also been misused by criminals who can have access to any amount of disruptive information which is freely available. This could be ranging from how to fabricate I.E.Ds to how to kill smartly and so on.

vi) **Challenges posed by Extremists/Terrorists**

These have also made it imperative for the Police to specialize to maintain their one-upmanship for these highly organized motivated criminals. The lethality of IEDs, new high explosives has been exhibited time and again by so called Kashmiri, Punjab militants as well as Naxals recently. The technology transfer in criminal world is far faster than in the civilized world, hence only by using specialized skills and better training strategies flowing out of reforms the police can overcome these challenges.

vii) **From Force to a Service Organization ethos**

It is well known that use of brute force to impose the will of state requires the least specialization and generates the maximum animosity. Using brute force against Civilians is an anathema to a healthy democratic life style. Serving and Enforcing through persuasion and community involvement requires high levels of credibility which can come only through sustained good performance and good behaviour. It is fairly obvious that Specialization and professional expertise are a *sine-qua-non* for good performance and resultant credibility.

Further, since Police is emerging as the front ranking Relief and Disaster Management Agency for the Society, as was seen during 9/11 carnage in the USA as well as Tsunami-related disaster in Southern India, there is increasing need for specialization and reforms in various police functions as a generalist approach is bound fail in such situations.

II. **THE SOCIETY**

The Society is like a tree out of which the Police sprouts and their relationship is one of inter-dependence. In every domain of Social life an aspect of regulation and enforcement is always palpable. Society can progress only when there exists a climate of safety, security, order, peace, fair play and justice and in their absence it is chaos which reigns supreme and it is the society that decays.

Foremost objective of the police is to protect the society and more specifically its constituent- the individual, by preventing crime, maintaining order and booking the criminals. The other police functions such as preservation of the nation's unity and integrity, traffic regulation and implementation of social laws flow from this main objective. All these functions involve the protection of life, liberty, dignity and property of the people and hence the role of the police emerges in the performance of these functions. One of the basic objectives of the State is to maintain order in the society.

For smooth continuation of any Social or State activity and for peaceful living in the society, orderliness is the foremost condition. If there is continuous disorder, the State machinery finds it difficult to discharge its normal functions and Society and Social fabric get disturbed

The socio-economic and political changes in the post-independence period have made law and order issues very complex and a commonplace thing for the police. Caste, religious and communal tensions, rising number of educated unemployed youth, agrarian conflicts, industrial unrest have increased the frequency of law and order problems. Unplanned and unabated urbanization, growing slums, and shortage of basic amenities have further aggravated the problem. Various social, economical and political sections of the society have formed pressure groups to demand relief and other benefits from the State authorities. Whether there is an increase in prices, shortage of electricity or water supply or any other such issue, the affected people organize mass demonstrations to attract the attention of the concerned quarters and the Government. These activities necessarily require the police to keep watch and maintain order. This constitutes an example of negative and restrictive role of police in the interests of the society.

The concept of 'people's participation in policing', which found expression in Sir Robert Peel's often quoted words '*the Police are the Public, and the Public are the Police*', has been accepted all over the world. This concept, also known as community policing, propounds that the police and the private citizens should join together in a creative way to prevent and detect crime and maintain order in the society. In other words, the concept of community policing calls upon the citizens to be not merely 'law abiding citizens' but also 'law enforcing citizens'.¹⁵ Under the

¹⁵ Bharti D. *Police and People : Role and Responsibilities* APH Publishing Corpn. New Delhi, 2006, p. 91

scheme of community policing, members of the society voluntarily come forward and share certain responsibilities of the police such as keeping watch over the neighbourhoods, patrolling the area, guarding the streets and helping the people in distress. This saves the time and energy of the police as they do not require to discharge such functions, which the community takes over. The police can divert the saved time and energy towards more important functions and vital areas of policing to improve their overall efficiency and effectiveness. Community policing is nothing but normal policing of a society in consultation, cooperation and partnership with the community at large. The essence of community policing is to minimise the gap between policemen and citizens to such an extent that the policemen become an integrated part of the community they serve. They earn the acceptance and trust of the community which in turn leads to spontaneous cooperation from the people in crime prevention and security in the local area.

Although it may not be possible to highlight all the stakes that Society has in Police or its reforms but we can definitely speak about a few in forthcoming paragraphs.

Fairs, Festivals and Carnivals are great rejuvenators of cultural life of society, they by their very nature involve mass mobilisation of individuals which create problems of overcrowding, circulation and crime to name a few, if police do not competently manage such congregations the cultural life in a society is under threat. Police therefore should have expertise which comes from professional training to deliver to the Society. A Reforms process has to ensure updation of skills and styles of Police.

Communal riots, violent agitations, insurgency, terrorism are all subversive to normal social life and it is only the agency of police which can check and control this

dysfunctionality but then Police ought to have manpower, resources and skills to live up to the challenge. An unreformed and stagnating set-up cannot save the society from these unwanted threats, hence Society has a vital stake in reform process.

Further, by prevention and detection of crime and enforcement work the police afford the society a convenient and safe living which is essential for progress of individual, economy as well as society. However, crime and enforcement work has a dynamic nature and needs to be nurtured for excellence which does not emerge in static and stagnant environments. Constant reform is a sine qua non and society ultimately benefits from it and therefore has a stake in it.

Last but not the least, certain new type of functions are also being given to the police now which are strictly speaking not in its charter these are helping the senior citizens live safely and helping them fight their predicament, pro-actively associating in family crisis situations where divorces etc could be on the anvil, taking up accident relief work as a front line agency, helping in conduct of Examinations and elections and also acting as a front ranking disaster relief body. Police obviously need resources, manpower, skills, motivation to come up to the expectations of society and these cannot flow from antiquated systems and regulations. Therefore, since these tasks are important for society and are being performed by the police the Society, logically speaking, has a stake in it.

III. THE GOVERNMENT:

Police being a State subject under the Constitutional scheme of things there are any number of views of State Govts. on police reforms. Even the Central Govt. till it indirectly accepted the Sorabji Committee drafted Police Act showed a

vacillating stand to this vexed issue. In view of this enormous variation in views it has been decided to take the parts of fifth Report of II ARC as the base of discussions.

Police constitute the key element of the power of the State to enforce compliance with the laws of the land and a vital continuing institution to safeguard citizens and public property. Therefore, police reforms must ensure minimal dislocation. Reform must meet the growing challenges of urbanization and emerging threats to constitutional order, even as a humane, effective, citizen-friendly police is institutionalised¹⁶.

When a police force is believed to be unresponsive to common citizens and pliant to politicians, the innocent victims of crime are forced to seek the help of politicians and middlemen even for the registration of an FIR, or pursuing an investigation it appears to be the right stage to seriously contemplate Reforms on a top most priority.

Many honest and hard-working policemen and officers do their best to serve society, but they are powerless to reverse the decline in standards of crime investigation. As a result, enforcement of rule of law and prosecuting and punishing the guilty have become major challenges in our governance. The lack of professionalism in an overburdened, under-funded and poorly-skilled police force, coupled with undue interference has led to lower level of trust in law enforcement.

Fifth report submitted by the second Administrative Reforms Commission related to public order in which the questions of police reforms have been dealt with at length, eight core principles of Police Reforms have been highlighted viz.

¹⁶ V Report of II ARC Chap. 4, (June, 2007) p.61

A. Responsibility of the Elected Government

The ARC felt that government is accountable to the legislature and to the people in our system. Hence it must exercise real authority once elected to office. The imperatives of impartial investigation and fair trial demand autonomous functioning of the investigative and prosecution wings. But the overall accountability to the elected legislature and broad direction and supervision of the duly constituted government should be diluted. Further, several other functions of police including protection of public property, fight against terrorism, riot control and maintenance of law and order and intelligence gathering to anticipate threats need to be monitored and supervised by the political executive.

They are of the view that a police free from political direction can easily degenerate into an unaccountable force with the potential to undermine the foundations of democracy. The coercive power of the police can easily extinguish liberty unless it is tempered by responsible political direction. This perhaps is the most controversial premise of this report.

B. Authority, Autonomy and accountability

It was held that various wings of police should have the authority and resources to fulfil their responsibilities. Each such wing should have functional and professional autonomy commensurate with its requirements. For instance, intelligence wing needs to have the flexibility to recruit personnel at short notice through summary procedures and the authority to procure sensitive intelligence-gathering technology without having to go through normal procurement processes. Traffic Police need the resources to deal with the increasingly complex urban transport challenges, the quasi-judicial authority to impose fines on offenders when facts are incontrovertible or uncontested and flexible funding mechanisms without tortuous financial clearances. Police for riot control need a clear and unambiguous

framework in which to operate and the confidence that *bonafide* use of force will not lead to victimisation. For each arm of the police, these requirements of authority and autonomy need to be spelt out clearly and codified. Any reform will yield dividends only when the efficacy of the system is enhanced while ensuring that the propensity for abuse of authority is curbed.

There is a school of thought that the police should be accountable only to the law of the land and the people. It is argued that this would give the police the required autonomy to function in a fair and impartial manner and would totally insulate them from political and bureaucratic interference. This argument is based on Lord Denning's historical observations:¹⁷

"I have no hesitation in holding that, like every constable in the land, he [the Police Commissioner] should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act, 1964, the Secretary of State can call upon him to give a report, or to retire in the interests of efficiency.

I hold it to be the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought. But in all these things he is not the servant of anyone, save the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police

¹⁷ Extracts from Lord Denning's judgement in *R V Metropolitan Police Commissioner; ex parte Blackburn* [1968] 2 QB 118 cited in ARC report p.63

authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and the law alone.(1968)”

The Patten Commission¹⁸, however, on the contrary, had just the opposite view:

“Lord Scarman noted that the constitutional control of accountability meant that, while the police should exercise independent judgment, they were also the servants of the community and could not effectively enforce their judgment without the support of that community. We strongly agree with this, and we disagree with Lord Denning’s view that the police officer “is not a servant of anyone, save of the law itself”, accountability to the law is vital but accountability is a much wider concept than that. It raises questions both of structure – the institutional relationship between the police and government both at central and local levels – and the style and purpose of policing. It involves partnerships – “constructive and inclusive partnerships with the community at all levels”, in the words of the Agreement. And it involves transparency – the police being open and informative about their work and amenable to scrutiny”

On the question of Independence or subservience of the police to political executive the Commission felt that in our sovereign democratic republic the citizen is the focus of all public service and it is therefore imperative that all government functionaries have citizen centered accountability laid down in sufficient detail in the laws of the land. This is all the more necessary in a scenario where all public services are best executed in a participative mode. The Commission, therefore, recommended that apart from being accountable to law, public servants including Policemen are also accountable to the public and public institutions established by

¹⁸ The Independent Commission for Policing in Northern Ireland, 1998-99. 118 cited in ARC report p.63

law. Needless to say that this is a very debatable proposition and this view is not acceptable to most experts of Policing issues.

C. Disaggregation and Deconcentration

The third major core issue of impeding police reforms stems from the traditional approach of clubbing a variety of disparate functions in a single police force and concentrating all authority at one level. A monolithic force presently discharges several functions: maintaining law and order, riot control, crime investigation, protection of State assets, VIP protection, traffic control, ceremonial and guard duties, service of summons, anti-terrorist and anti-extremist operations, intelligence gathering, arrangements during elections, crowd control and several other miscellaneous duties. Often, even fire protection and rescue and relief are treated as police functions. In addition, giving support to state functionaries in removal of encroachments, demolition of unauthorised structures, even collection of revenue, bank dues and such other regulatory activities are also treated as police responsibilities.

Relegation of all these functions to police organisation is unjust and dysfunctional for four reasons: First, the core functions are often neglected when one agency is burdened with several functions. Second, accountability is vastly diluted when duties are not clearly and unambiguously stated and performance cannot be measured and tracked properly. Third, the skills and resources required for each function are unique and a combination of often unrelated functions undermines both morale and professional efficiency. Fourth, each function requires a different system of control and level of accountability. When a single agency is entrusted with all functions, the natural propensity is to control all functions by virtue of the need to

control one function. Therefore over-concentration of the police force is as detrimental to public good as excessive fragmentation.

The Administrative Reforms Commission therefore was of the view that three broad categories of functions can be clearly identified and the police force can be structured on those lines, while setting up mechanisms for effective coordination to prevent water-tight compartmentalisation; no agency of state can be an island it said, and each must support and draw strength from others. The three categories were:

1. *Crime investigation* – this function would, in particular deal with serious offences. Crime investigation can be treated as a quasi-judicial function and an elite agency can be created to discharge this crucial function.
2. *Law and Order* – maintenance of law and Order is another important function of police. This function includes intelligence gathering, preventive measures and riot control. Performance of this function requires close interaction with other government agencies, especially the Executive Magistrates. This function should be with the 'law and order' police. Besides, all crimes not investigated by the Crime Investigation Agency could also be handled by this police agency. These functions and other service functions can be combined under the control of the Chief of Law and Order police in the state. Other peripheral services like protection of State assets, ceremonial duties, service of summons etc. can be progressively outsourced.
3. *Local policing* - Many functions like enforcement of civic laws, traffic control, investigation of petty crime, patrolling and management of minor law and order problems can be effectively supervised by local governments. Apart from these local functions, other functions

performed by law and order police can be progressively transferred to elected local governments over a period of time, but with adequate institutional checks and safeguards to prevent abuse of office.

D. Independence of Crime Investigation

Commission held the view that a separate, elite crime investigation agency of police should be created in each state and it must be completely insulated from undue political and partisan influences. While separating crime investigation from other functions, care needs to be taken to ensure that the crime investigation agency is not overburdened with petty offences, unable to apportion sufficient time for the investigation of serious crimes. It was therefore advisable to entrust only specified cases to the separately created elite crime investigation agency. Such an investigative agency was to be well-trained and supported by adequate infrastructure including a network of forensic laboratories. This would in effect mean that the existing set-up for special investigation of crimes (crime branch/CID/COD etc) would be replaced by an autonomous crime investigation agency with statutory jurisdiction. The crime investigation agency will need to be made impervious to political and partisan influences only when the recruitment, placements and supervision are professionally managed in a transparent and efficient manner the deliverables will be achieved. However here too oddly enough the Commission felt that the political executive must have the opportunity to give broad guidelines.

E. Self-esteem of Policemen

It will be worthwhile to initiate this discussion with a very apt tribute paid to the Policemen by the celebrated former Chief of Police of Berkeley, California, August Vollmer¹⁹

¹⁹ The Prevention and Detection of Crime as Viewed by a Police Officer, August Vollmer *The ANNALS of the*

“The policeman is denounced by the public, criticized by the preacher, ridiculed by movies, berated by newspapers and unsupported by the prosecuting officers and judges. He is shunned by respectable, hated by criminals, deceived by everyone, kicked around like a football by brainless or cooked politicians, he is exposed to countless dangers and temptations, condemned when he enforces the law and dismissed if he does not. His home life is made unhappy by long hours of duty; he is forced to endure every conceivable form of hardship. He is supposed to possess the qualifications of a soldier, doctor, lawyer, diplomat and educator with remuneration less than that of the daily labourer. But, despite these obstacles, he has achieved a fair measure of success in protecting the lives and property of citizens and preserving the integrity of this nation.

The wearing of uniform does not change the man. Policemen are human and respond as do other individuals when honest efforts are ridiculed; untiring labours unrewarded by kind words; zeal, enthusiasm, self-esteem, initiative and ambitions crushed, integrity, moral courage and loyalty everlastingly questioned; small frailties glaringly exposed to the world and virtues never recognised, it would be a miracle if Police morale was not affected. “

Nearly 87% of all police personnel are constables²⁰. A constable devoid of dignity, lacking opportunities for vertical mobility, constantly ticked by superiors and politicians, often derided by the public and habituated to easy recourse to violence and force cannot generally be expected to sustain his/her self-esteem or acquire the professional skills to serve the citizens.

American Academy of Political and Social Science (May 1926) p. 148

²⁰ The Padmanabhaiah Committee Report, 2000, cited in ARC report p.68

Apart from the constabulary, the police force is also top heavy. There is no real strength at middle-management executive levels. Recruitment in most states is at several levels-Constabulary, Sub-inspector, Deputy Superintendent of Police, and the Indian Police Service at central level. Several tiers of recruitment diminish opportunities for promotion and the level of recruitment by the accident of an examination often determines career progression, not competence, professionalism, integrity and commitment to the job.

In this backdrop, it is felt the police recruitment needs to be restructured significantly in order to enhance motivation and morale, professionalism and competence of the personnel. This would require empowerment of the cutting edge functionaries and commensurate up gradation of their calibre and skills.

F. Professionalization, Expertise and Infrastructure

Effective crime investigation, competent law and order management and useful intelligence gathering demand high standards of professionalism and adequate infrastructural and training support. Specialised training facilities are vital to hone skills and constantly upgrade them. Forensic laboratories need to be established for every district or a group of districts – at least one per 3 to 4 million population. Only such well-endowed forensic facilities will help police agencies to meet the growing challenge of combating crime in a rapidly urbanising society. Strong communications support, state-of-the-art weapons, non-lethal, modern tools for riot control and a high degree of mobility are prerequisites for modern policing. Adequate resources, technology and manpower need to be deployed on a continuing basis to meet these requirements.

G. Criminal Law Reform

It is very important to understand that police reforms by themselves, though necessary, are not sufficient. There is a growing perception in the minds of citizens that getting a criminal punished is a difficult proposition. The low conviction rates and the delays in disposal of cases reaffirm this belief. It is therefore necessary that other parts of the criminal justice system are also made effective and efficient.

The number of courts in India is inadequate to meet the requirements of justice. It is well-known that judge-population ratio in India is of the order of 11 to 1 million,²¹ whereas in many developed democracies it is of the order of 100 to 1 million, or nearly ten times that of the strength of the Indian judiciary. The resultant inaccessibility, coupled with archaic and complex procedures has made our justice system slow, inaccessible and in reality unaffordable. The pendency of over 25 million cases is a testimony to this. It is therefore not surprising that people, particularly the poor and vulnerable, have little faith in the system's capacity to deliver justice or enforce their rights²². Consequently, they hesitate to approach courts and are often forced to accept injustice and suffer silently. Some even resort to extra-legal methods to obtain rough and ready justice through musclemen and organised gangs. This is leading to a culture of lawlessness in society and is a serious threat to public order in the broader sense of the term. In addition, there is need to amend procedural aspects of law in keeping with the times.

Once the police act independently but with accountability, there would be need to trust them and amend the provisions of law to restore this trust, such as by making statements recorded by the police, admissible. Given the propensity of

²¹ The sanctioned strength of subordinate judges was 14582 and the working strength was 11723 on 30th April, 2006. (Extracted from the speech of Justice Y K Sabharwal, Chief Justice of India, 25th July 2006.) cited in ARC Report, June 2007

²² V Report of II ARC Chap. 4, (June, 2007) p.69

witnesses to perjure themselves in the courts, we need to strengthen the law against perjury, and make truthful evidence the norm in courts. The challenge posed by terrorists and armed groups to national unity and integrity must be countered by appropriate and stern legal provisions.

H. Police to be a Service

The ethos of Policing needs a complete revamp. The preamble of the United Nations Basic Principles on the use of Force and Firearms recognises that “the work of law enforcement officials is a social service”. The European code of Police Ethics states that the police shall be organised with a view to earning public respect²³.

During the colonial era the police was primarily used as a ‘force’ in the hands of the government of the day to suppress any uprisings by the locals. Even today the police are not totally free from this stigma. In a democracy, the police have to function as any other public service, which renders services to the community and not as ‘force’. In this connection it has been stated:

“Every member of the force must remember his (sic) duty is to protect and help members of the public, no less than to apprehend the guilty persons. Consequently, whilst prompt to prevent crime and arrest criminals, he must look upon himself as the servant and guardian of the general public and treat all law abiding citizens, irrespective of their position, with unfailing patience, courtesy and good humour”²⁴.

Somewhat in the same tenor Prime Minister Dr. Manmohan Singh in his address to the Annual Conference of DGPs / IGP of States and UTs; October 6, 2005 also observed:

²³ Ibid. p.70

²⁴ Patten Commission Report, quoting the very first Metropolitan Commissioners, Charles Rowan and Richard Mayne cited by II ARC in its V report at page 70.

*"Today, police forces have to serve the interests of the people, not rulers. In a democratic framework as we are in today, there is a need to have in the police forces a managerial philosophy, a value system and an ethos in tune with the times. I had emphasized the need to ensure that police forces at all levels change from a feudal force to a democratic service. The spirit of public service, of respect for the rights of individuals, of being just and humane in one's actions must permeate the entire police force"*²⁵.

The Police Act Drafting Committee also suggested that "There shall be a Police Service for each State". It is undisputed that this transformation is an urgent necessity. But this would require both legal and structural changes that would bring people closer to the police, involve citizens in it and give citizens some say in policing. Besides, a total change in the mindset of the police as well as the citizenry would be essential. The concept of police as a 'Service' instead of a 'Force' encompasses the ideas of effective accountability, citizen centricity and respect for human rights and the dignity of the individual, These values should permeate all aspects of policing. Arguably the inordinate emphasis on police as the coercive apparatus of the State and its undeniable role in crime investigation contributes to an impression that the cherished rights of individuals are somewhat subsidiary to the classical concept of police duties. It must be recognised that the power of the State to use force is not an absolute power. It is tempered with the Fundamental Rights incorporated in Part III of our Constitution. A balance needs to be struck between the imperative to use force, to uphold the law and respect the human rights of all concerned – the victim, the accused and the Society at large.

²⁵ Cited by II ARC in its V report at page 70.

IV. THE POLITICAL CLASS

The last but the most crucial stakeholder in the domain of police reforms is the political class. It will be worthwhile to explain what is meant by this group for the purposes of these studies before proceeding further. Political class signifies existing legislators, senior party functionaries, ministers in their political role and political ideologues.

To give effect to any legislative process the concurrence and active backing of this class is essential. This class is the interface point of law making with the citizen. Successive Commissions appointed to suggest police reforms have spoken no too kindly about this class which is accused of wanton interference in proper functioning of the law enforcement machinery, misusing and misdirecting its resources and not letting it function optimally due to its own vested political interests.

Political class over the recent decades has been badly infiltrated by criminal elements who too have a vested interest in not letting the police function professionally, independently and impartially. If we take a bird's eye view of policing reforms we find a disturbing inertness on part of this class all over the country in proactively pushing for change. The dysfunctional influence from the political class on police working was adversely commented upon by Kerala Police Reorganisation Committee in 1959 when they said ²⁶ :

"The greatest obstacle to efficient police administration flows from the domination of party politics under the State administration. Pressure is applied in varying degrees and so often affects different branches of administration. The result of partisan interference is often reflected in lawless enforcement of laws, inferior service and in general decline of police prestige followed by irresponsible criticism

²⁶ Cited in II ARC's 5th Report p.79

and consequent widening of the cleavage between the police and the public affecting the confidence of the public in the integrity and objectives of the police force.”

The National Police Commission also noted in its report that police got progressively nearer to the political party in power and correspondingly farther from the uncommitted general public of the country. Since most of the law and order situations had political overtones, the political party got habituated to interfering and influencing police action in such situations. This gap undoubtedly led to considerable abuse of police set up at the behest of individuals and groups in political class. The Commission therefore concluded that :

i. Political interference is seen by the public as a major factor contributing to the poor image of the police and manifests itself in the misuse and abuse of police powers and disregard of the law by police;

ii. People consider political interference with police as a greater evil than even corruption; and

iii. Political interference appears more pronounced in rural than in urban areas.

It is therefore evident from the above discussion that political class in its entirety needs to appreciate the fact that police Reform process which will inevitably enhance police performance and credibility will ultimately prove beneficial to them in terms of earning good will of the electorate due to improved security and public order situation.

STATE GOVERNMENT INITIATIVES ON POLICE REFORMS:

In the post independence period the police reforms have been subject matter of numerous commissions and committees which were appointed by various State Governments police being a state subject. Although detailed reference to

commissions/committees appointed by the Central Government has been already made in Chapters 1 and 3 we may analyse the action taken at the level of few States as well.

It will be evident that this issue of vital importance had not escaped the attention of Provincial Governments who have come out with impressive detailed reports on the subject. Here below a review of some of these reports

i. **The Bihar Police Commission, 1961**, made wide ranging recommendations ranging from registration of FIRs to the welfare of police personnel. It observed that the general impression seemed to be that the incidence of corruption was considerable in all ranks up to the Inspector of Police; it was rare in the rank of Deputy Superintendent of Police and insignificant in the rank of Superintendent of Police and the administrative ranks of the police force were free from blemish. It emphasised the importance of public cooperation and concluded that principal support to the police should come from the society itself.

ii. **The Tamil Nadu Police Commission** was appointed in 1969 to go into the conditions of service, duties and responsibilities, modernisation etc. of the police force. It made recommendations for reconstitution of the Service Cadres, improvement of service conditions, reorganisation of police establishments, modernisation and improvement of operational efficiency and the relationship between police, public and politics. It came to the conclusion that the constables were heavily overworked (some of them had to work for over 14 hours a day on an average). The Report concluded by stating – *“... the strains and stresses in the functioning of the Police Force, which have arisen almost entirely as a result of politics are indeed cause for serious concern; but not yet for alarm”*.

iii. The UP Police Commission, headed by Shri Ajit Prasad Jain, M.P., was appointed in 1960. The Commission came to the conclusion that crimes were increasing but the official statistics for the period 1950 to 1959 showed a decline of 10% in the incidence of crime. It observed that concealment and minimisation of recorded crimes is a natural corollary of a system where the work of the Station House Officer is judged by the number of crimes committed in his jurisdiction. Some of the reasons identified by it for the increase in crime are decline in respect for law, *breakdown of the old village police system*, ineffectiveness of police, poor quality of investigation and prosecution, political interference, factionalism in the ruling party and association of criminals with political parties. The Commission opposed the proposal to transfer some police functions to local bodies. It further observed that – *“There is little doubt that corruption is rampant in the non-gazetted ranks of the police force. Imputations of corruption against gazetted ranks are not wanting, but they are not so pervading in their character”*.

iv. The West Bengal Police Commission constituted in 1960 recommended that the work of investigation should be separated from other work in the thanas at the district headquarters in heavily industrialised urban areas and in other towns. It also recommended that the Calcutta Police and West Bengal Police should remain separate forces. It observed that the practice of not recording crimes or reducing their gravity arise from a belief among subordinate officers that credit could only be gained by maintaining a low return of crime. They suggested strengthening of the forensic science laboratory and also made a number of concrete suggestions to reduce corruption.
