

Police Reforms in India: General Perspective

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ABSTRACT

Policing in democratic society is not an easy task as the citizens are ruled by rule of law. History has been unkind to Indians because of foreign rule, so were the policemen who were required to obey their colonial superiors with lack of autonomy, resources and professional training which are gist of modern day democratic organizations. Though it's long since we gained independence, there has not been much improvement in the police department. Further there are strong concerns of deteriorating standards, lawlessness and complacent attitude within the police force. Rising crime, increasing population, growth of urban slums, agrarian unrest, economic downturn, political demonstrations, disaster and accidents, cyber crime, etc have made the policing multi faced and increased the public dealing. Outdated policy especially Police Act 1861 and external influence has led the police performance short on the public expectations. To make the police organisation efficient, impartial and motivated, reforms are must. The present research paper is based on secondary data. The data has been collected using various sources such as books, journals, newspaper, internet services. The paper covers a basic overview of police related problems, various commissions, their recommendations and suggestions.

Keywords: Police Reforms, Recommendations, Police Acts,

INTRODUCTION

21st century public administration deals with good governance whose important functions include transparency, accountability, responsiveness, participation and inclusiveness. Modern day police organization are among the core of public administration institutions, hence they ought to have these requisites abilities to meet the need of citizens. The Police has a wider role in society rather than just maintenance of law & order as was the case in pre-independence India. Protection of civil rights of the citizens and respect of human rights should be the watch words for police organizations. Administrative reforms cover a wide gamut of issues. They can be related to policy, institutional, structural and behavioral aspect of administrative working. Not only they have administrative meaning but they too have a philosophical and ideological setting including

the value system and belief. Reform refers to change or transformation with reference to structure and behaviour. Etymology of reform means 'to give a new shape of form', it also signifies 'to bring a better way of life'. Though various central governments have made various committees and commission for reforms in police but their implementation was poor. Prominent reason among them is that 'Public Order' and 'Police' are state subjects where centre has little power so the onus lies with the state governments to implement the Police reforms for their respective state police organizations. Not only reforms require physical and monetary resources but a positive behavioural change. Police reforms are complex and require holistic approach which include reforms from government side, change of public perception towards police, reforms within police, etc.

HISTORICAL BACKGROUND

The Indian police system is considered to have its origin from British India, but historical studies indicate that police was present since Vedic period. During the Maurya period where Kautilya described layers of bureaucracy, elaborate system of policing was present. Police department became even more elaborate during Mughal period where different departments such as revenue, military and police were separated. After the decisive battle of Buxar and taking of 'Diwani' by the British, Warren Hastings undertook few initiatives to organize Police in India. The pattern of Police system he adopted was based on Mughal era. But the experiments by Hastings and later by Cornwallis weren't successful. Sir Charles Napier was the first Englishmen to organise a Police system in Sind province based on the pattern of Royal Irish constabulary. The important feature of this new organisation was that it was a separate 'Police Force' with independent officers. Soon this system was adopted in Madras, Bombay and UP (United Province).

POLICE ACT-1861

Police act of 1861 was the result of police commission of 1860. It recommended abolition of military police as a separate organization. It recommended for a single force on police constabulary. The Police in each district was to be headed by Superintendent of Police. The subordinate force constituted of Inspectors, Head Constables, Sergeants and Constables. The District Superintendent and Assistant Superintendent of the district were to be Europeans. The district Police organization is subordinate to District Magistrate. These recommendations were authorized by Police Act-1861. The motto of Police Act was repressive and to serve the colonial

masters. The Act didn't underscore the importance of service to the people and accountability. The fault lines of the Act can be seen later in 1919 especially on 13th April when Jalliahwala Bagh massacre took place in Amritsar. The incident was Black Day in Indian history because of severe police atrocity. Even after a century and half the same Act prevails today and governs the Indian Police System. A new Police Act based on public expectations in a democratic society is due for a long time.

NEED OF REFORMS

Every public organization has to face the test of public opinion. So do the Police organisation. There is a popular sense of dissatisfaction regarding the police among the general public. The following points exist among the police system which calls for immediate police reforms.

- Police are major violators of law and they get away with impunity.
- Politicization and criminalization of police. Corruption is considered root cause for both politicization and criminality. Some policemen are indulged with anti social elements. Rule of law is applied for only few citizens.
- Political control over Police organization: that police are under the control of state governments. It has been found that Police organization are highly misused by politicians and bureaucrats for vested interests.
- Police Accountability: The NHRC (National human rights commission) has pointed in its annual report that they received majority of cases of police atrocities by the citizens. The police organization lack transparency and credibility. There is belief in the citizens that the Police is incapable of conducting enquiries in fair and transparent manner.
- The police indulge in rude behavior, corruption, abusive language and no respect for human rights.
- Based on their own social, caste, religion, economic status the Police give preferential treatment to few and harsh attitude towards others.
- The police are poorly equipped to meet the new types of crime, example cyber crime. They are less professional and technologically outdated. Neither do they desire to improve their skills of their perception.
- The police behave rudely to the victims of severe violent crimes. They are utterly insensitive towards the need of public.

- The police organization is under represented by few sections of society such as women, scheduled caste and tribes, etc.

The present structure and behavior of Police resembles to British regime. It appears that police implements the functions of government and politicians rather than will and rights of the citizen. Therefore reforms become eminent for Police to regain its respect among citizens.

MAJOR REFORMS COMMISSIONS

To make the police responsive, efficient and participative various commission were formed to analyse problems related to Police, identification of key areas, and gave recommendations. The prominent among them are as follows:

1. The Committee on Central police Training College (Kohli), 1966
2. The Committee on Police Training (Gore), 1974
3. The National Police Commission, 1977
4. Ribeiro Committee on Police Reforms, 1998
5. Padmanabhaiah Committee on Police Reforms, 2000
6. Police Act Drafting Committee (PADC), Dr. Soli J. Sorabjee, 2005
7. Reforms ordered by Supreme Court, 1996-2006.

IMPORTANT RECOMMENDATIONS

Though various committees have recommended important recommendations related to various aspects of Policing, the prominent references among them are as follows:

(A) State Security Commission

Every state shall constitute State Security Commission on the model of NHRC (National Human Rights Commission). It will ensure that the state police will not be unwarrantedly influenced by state government. The commission shall be headed by Chief Minister as Chairman and DGP of state as ex-officio Secretary. The other members can be chosen as to keep the state police an independent body. The commission shall lay the broad policies, service performance and evaluation report and present it to state legislature.

(B) Police Complaints Authority

There shall be a police complaints authority at state and district level. The District level authority shall be headed by retired District judge while the State level authority to be headed by retired

high Court judge. These authorities can be assisted by retired civil servants and police officers. They should also be given power to vigilance and field visits. The state level complaints authority will take cognizance of serious crime and misconduct by police personnel. The district level authority may enquire upon issues of land grabbing, corruption, extortion, etc. the recommendations of Complaints Authority shall be binding on concerned authority.

(C) Police Establishment Board

There shall be a Police Establishment Board in each State which shall decide all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. The Establishment Board shall be a departmental body comprising the Director General of Police and four other senior officers of the Department. The State Government may interfere with decision of the Board in exceptional cases only after recording its reasons for doing so. The Board shall also be authorized to make appropriate recommendations to the State Government regarding the posting and transfers of officers of and above the rank of Superintendent of Police. Police establishment board will go a long way to check corruption & favoritism in appointments, transfer and promotion and to check political influence.

(D) Selection and minimum tenure of DGP

The Director General of Police shall be selected by the state Govt. from amongst the three senior most officers of the Dept. who have been empanelled from promotion to that rank by Union Public Service Commission on the basis of their length of service, very good record and range of experience for heading the police force. And, once he has been selected for the job, he should have a minimum tenure of two years irrespective of his date of superannuation.

(E) Miscellaneous

Miscellaneous reforms for the police organisation include training of police personnel. Critical analysis of training programmes of IPS and emphasis on law, police science, use of weapons, drill and public management, use of modern concept of criminology and penology. Personality development programmes such as sports and hobbies. Other small points include citizen charter, human rights principles during registration of FIR, witnesses and during arrests. Fair and merit based recruitment for constabulary is of supreme importance. A new Police Act based on Dr. Soli Sorabjee recommendation which will reflect expectation of people in a democratic setup.

CONCLUSION

The major onus of the police reforms lies with the state government. The centre government can be a facilitator but state government can only implement these reforms. The union government has recently incentivized the state government to implement police reforms as suggested by Supreme Court orders on Police reforms by providing incentive funds. Recently 10 states were rewarded which have shown tremendous progress in fulfilling vacant posts, use of emerging mobile and IT applications, GIS based computer-aided dispatch, online complaints system, electronic record keeping among others. The needs for a fast growing economy like India for safe environment particularly in light of the complex security threats in present times are imminent. Terrorism, Left Wing Extremism, crimes including cyber-crimes, law and order issues threats which call for a strong and efficient police for internal security. A review of the police governance framework, the legal setup, the issues ailing the police force –all call from making police reforms one of the greatest priority for the country.

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