

# POLICE REFORMS IN INDIA: - EXISTING INITIATIVES AND ROAD AHEAD

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## ABSTRACT: -

As per the Black's law dictionary, police are "the function of that branch of administrative machinery of government which is charged with the preservation of public order and tranquility, the protection of public health, safety, morals and prevention, detection and punishment of crimes". But Police administration in India is still in shackles of the colonial past as police act 1861 is still there as rulebook for police. A lot of activism and public concern has been showed by activists and honorable courts in India but still no effective implementation of reforms is in effect yet, major lack is from legislative corridors of state but is blame game is going to do any good? Well, no because even after more than fifteen years of Prakash Singh's judgment, very few changes are evident there. As India has a noble system of cooperative federalism, problems come when union comes up with bills regarding police reforms as police are state subject as per part seven of Indian constitution. Reforms are the need of the hour as both police personnel and citizens are becoming victims of flaws existing within the system. An effective and targeted academic study on police reforms is needed to address this issue because this is essential and will go parallel with the goal of India to become a developed state by 2047.

Keywords: - Police definition, administrative machinery, police act 1861, Prakash Singh's judgment, cooperative federalism,

## INTRODUCTION: -

Police reforms in India are a must to keep up with the idea of good governance and democratic set up. Police reforms are pending in India ever since independence. Unfortunately, police reforms have remained a neglected area. Whenever the term police reforms come into light a detailed picture of police atrocities come up in the conscience of an average layman but is police atrocities are all about regarding police reforms? The answer is no because police personnel are themselves a victim of colonial set up and some technical issues like irregular hours, pay issues et cetera. Police reforms that are needed in India should be like two different side of a same coin so that on the one front it can address the issue of police atrocities and on the other one it can assure welfare and benefit of police personnel in order to increase their productivity in their respective working sphere. It is not justice to say that no reforms are being made yet since transfer of power back in 1947 but the reforms introduced are mostly white elephant in nature and remained on paper.

**ORGANIZATION OF PAPER: -**

This paper is bifurcated into four pieces. The first part deals with requirement for police reforms, the second part goes with existing attempts that have been taken so far, third part goes with hindrances in police reforms and the fourth part goes with recommendations and conclusion regarding police reforms in India.

**1. THE REQUIREMENT: -**

Police force of India needs to be converted into a people's police force from ruler's police force as interference of ruling elite has creating a negative image of police administration in the conscience of masses. As David H. Bayley's remarks, the rule of law in modern India, the frame upon which justice hangs, has been undermined by the rule of politics', efficiency in police force has been compromised with time due to infiltration by external forces and increasing pressure that is a product of loopholes of colonial Police Act of 1861 that still exists in the system. The chain of command in the police force has become weak and control mechanisms are dysfunctional. Society has undergone many changes since 1861, that is the year of enactment of police act, and it is high time to go for police reforms now.

During Rajya Sabha proceedings of 2021, unstarred question number 3266 regarding strength of police personnel with respect to per lakh population in India and United Nations recommendations for it by Rajya Sabha member named Dr. Fauzia Khan, was answered by The Minister of State in the Ministry of Home Affairs named Shri G Kishan Reddy as the sanctioned strength is 195.39 and actual strength is 155.78 as per the data on police organizations compiled by Bureau of Police Research and Development. Above given data is not sufficient because as per United Nations recommendations- there should be 222 police personnel per one lakh population and India is running short about 20%. The recruitment process needs to be refurbished. Below mentioned graph shows the budgetary allocation for police force in India and its use, it shows that out of total operating expenditure 80% goes to pay roll leaving very little space for research, training, modernization et cetera. 0.3 or 0.5% of the union budget is for research and training purposes which is not up to the satisfaction level.

Indian police personnel face the workload and long duty hours on a fix pay scale that leads to lack of efficiency and alertness among them. As per Status of Policing in India Report 2019, came put on August 27, 2019, said a workday is on an average is fourteen hours long. A survey taken by capital based non-profit organizations named Common Cause and Lokniti – Centre for the study of developing societies says that 78% of police personnel reported that long duty hours are taking a toll on their mental and physical health and 84% say that they have no time for private life.

As per Comptroller and Auditor General of India audit, Delhi police is starved of in terms of infrastructure, facilities and manpower.

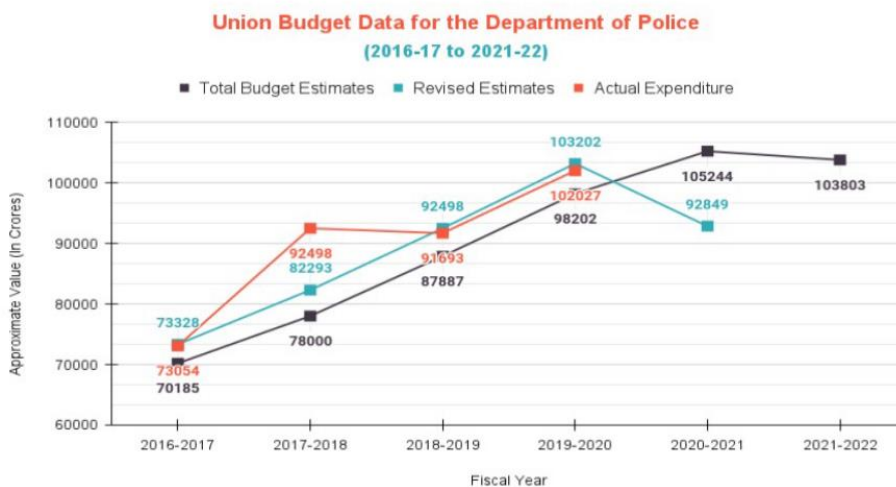
Both police personnel and commo citizen of India has been victim of flaws in police administration. There are many examples of police atrocities and fake encounter cases that rise up from time to time, In Hyderabad rape and murder case, questions were raised on encounter of

accused as alleged crime was not completely investigated nor proved. Accountability of police personnel in such cases should be ensured.

Another wing of police force that is Central Armed Police Force are subject to union government but there is no law for targeted administration of members of Central Armed Police Force organizations like Border Security force, Indo Tibet Border Police, Central Armed Police Force, Sashastra Seema Bal and Central Industrial Security Force. Members of these armed organizations usually serve in challenging situations under not-up-to-mark facilities.

The Shah Commission in its interim report on emergency 1975-77 had stated- “employing the police to the advantage of any political party is a sure source of subverting the rule of law”.

Below mentioned diagram shows the need and requirements of police reforms in India: -



## 2. Earlier attempts in the direction of police reforms: -

Police Act of 1861 was enacted in the aftermath of mutiny of 1857 by Police Commission of 1860 with an objective to reduce the number of native personnel in force so that there will be no threat to Raj. There was no place for welfare and accountability. In 1947, transfer of power took place and steps were taken in this direction. Those steps with respect to their timeline are as follows: -

- National Police Commission 1977: - This committee reported total eight reports in time period of 1979 to 1981, some major recommendations are- establishment, duty and functions of police, police and public relations, ruling elite sponsored obstacles in police work, mala fide use of police powers, police liability and performance assessment. Its salient recommendation was setting up a State Security Commission in every State.
- Ribeiro Committee 1988: - This committee was constituted in order to comply with the order of Honorable Supreme Court of India came out in reaction to Public Interest Litigation filed with an objective of implementation of recommendations given by National Police Commission, it examined the relevancy of recommendations of NPC, Vohra Committee and National Human Rights Commission. This committee also suggested the establishment of Police Establishment boards, Police Performance and Accountability Commission et cetera.

- Padmanabhaiah Committee 2000: - The committee suggested establishment of a Federal Law Enforcement Agency, among all the suggestions the most remarkable one was separation of investigation work from law-and-order work as this system still lacks in India causing a burden on police force.
- Police Act Drafting Committee 2005: - This committee was set up under the Chairmanship of Sh. Soli Sorabjee and this committee submitted a model police act to union government in 2006 that was drafted by keeping in mind all the changing dynamics of police administration.
- Prakash Singh and Others Vs Union of India & Anr 2006, writ petition civil 310 of 1996: - This remarkable case acts as a milestone and an area of study in the context of police reforms.

### **3. Hindrances in Police reforms: -**

Despite settling of many commissions, reports and court orders there are many hurdles in the way of Police Reforms and the major impediments have been deliberated below:

1. Political negligence in police reform
2. Change of Guards
3. Centre-State Relations: A Sensitive Issue
4. Low on Government's Priority scale and High on Financial Involvements
5. Training as an Ignored Aspect
6. Resistance

#### **Political negligence in police reform**

Lack of political will and too much politicization of police has been one of the major impediments in the pathway of police reform. It is a well gone conclusion that political will is an indispensable requirement for bringing about reforms. For a reform to be carried out successfully sound and unambiguous political backing is a must as without political backing it is not possible to give life to such reforms. Wherever reforms in administration have been successfully carried out, it has happened because of political willingness. The progressive legislations pursued after Independence stands testimony to that. Unfortunately, it has been observed that to reform the Police in India, there has been lack of political will for so many reasons. The political section in India to a great extent is comfortable with misusing Police to meet its own ends. The Executive use or abuse of the police has generally been manifested in the form of frequent postings and transfers; recruitment procedure vitiated through political recommendations; influenced promotions; tampered investigations; unlawful directions to the police; and Intelligence apparatus exploited for political gains. There is extreme selfishness of the political class, no political will to

show the need for police reforms and as such there is hardly any urgency or need for the political class to go in for police reforms. Governments over the years have manipulated the police force for self-gain and have left no other possible way for further exploitation. Police have been used to putting down opposition, to cover up negligence of the ruling party and safeguard its interests. The political leadership is just not prepared to give functional autonomy to the police because it was long established that this wing of the administration served as a convenient tool to further its partisan objectives. Control over the police is an intoxicant that the bureaucracy has become addicted to and they are just not willing to give that up. Administration and political class both lacked visionary approach towards police reform and have altogether used police for personal gains and allowed it to languish in wilderness.

### **Change of Guards**

In a Democratic Republic set up like ours whenever polity turned around and thought of reforming police another upsetting aspect of our democracy came to the forefront and that was failure of political parties to rise above their partisan stands to make personal gains. We saw National Police Commission under the stewardship of Sh. Dharam Vira appointed in the aftermath of the 'emergency excesses in the mid-seventies, when the police force as a whole ended up sharing the blame, the wide-spread police unrest at the level of the Centre and in many States around the time lent it greater urgency, coming out with excellent eight reports, but, these reports were seen from the politically tinted glasses and were mostly ignored.. When Congress came back to power, it made no significant attempt at its implementation and the major reason for ignoring the recommendations of the Commission was that it was appointed by the Janta Government in the post-emergency highly charged era. Thus, NPC reports became a sufferer of politics with the change of Government at the Centre in 1980.

### **Centre-State Relations: A Sensitive Issue**

Centre-State relations has always been a sensitive issue in a federal democratic republic like India as not necessarily the same party governs the state and the union. The Seventh Schedule to the Constitution of India defines and specifies allocation of powers and functions between Union & States. It contains three lists; i.e., 1) Union list, 2) State list and 3) Concurrent list.

The Police as a subject finds place in the Entry 2 of the List II - State List of the Seventh Schedule of the Constitution of India. The subject Public Order has been mentioned in the same List at Entry number 1. As Police is a state subject, it has led to the belief that the Union forbears from interfering in the domain of States lest it may upset the sensitive Centre-State relations. This assertion seems erroneous because there have been numerous cases of dismissal of legitimately elected State Governments and imposition of President's rule at the drop of the hat by the Union. Even a layman with a decent intellect in respect of government and politics may draw this conclusion that if Union would have willed, police reforms even if it is a state subject would not have been that onerous. The political scenario of the time and the prevailing one-party dominant system, it was achievable for the Union Government to undertake a leader's role in paving way and coordinating police reforms.

## Low on Government's Priority Scale and High on Financial

### Involvements

The need for modernization of police is grave in a developing nation like ours. It has also been proposed that India being a developing country, there are so many vital issues competing for the scarce resources as far as is concerned and as such Police or Policing can't occupy high level on the priority scale. The argument is again flawed because many of the problems visible to us are because of poor, insensitive and corrupt policing hence not providing correct and immediate aid to the issue will worsen it. Another big problem related to police reforms is the financial crunch. Police reforms would also mean police modernization and that would have huge financial distress on the budget. Police arms and technology has failed to match those of the criminals - one does not see that happening in many developing or developed countries. Obsolete Police arms and equipments of our country are not even in the run to match the sophisticated rifles of AK series used by the criminals/terrorists these days. There is a dire need to overhaul and modernize the arms and armory as well as communication gadgets of Police force as per latest techniques and technology to maintain law and order of the nation while safeguarding their lives as well.

### Training as an Ignored Aspect

The training required to the police personnel for dealing with the psyche of those who are involved in any nuisance is inadequate. Police is essentially a combat force, not necessarily involving arms, but combating with the psyche of those who are involved or are affected by any untoward situation. Therefore, the force needs training on a regular basis with a better understanding of the need. However, it has been seen that the training imparted to the police personnel is more stereotype in nature, not emphasizing much on the practicality but on the theoretical aspect. In short; training has not been able to produce dedicated, mission-oriented policemen on a sustained basis: It seems either Training is seen as a punishment and even if it is not then it is found that the training programmes lack focus, contents, purpose and the various methods of training and more importantly the trainers who conducts these programmes themselves needed updating and grooming.

### RESISTANCE

There is a deep-seated and strong resistance to the idea of police reforms. Indicative of the deeply long-established resistance to police reform is the fact that NCP is recommendations have remained unimplemented these 26 years.

A letter written on the subject in April 1997 by Shri. Indrajit Gupta, the then Union Home Minister to the Chief Ministers of all States, urging them to rise above narrow partisan or political considerations and introduce police reforms on the lines recommended by the NPC failed to produce even a single response as hardly anyone was willing to cease the misuse of the political interference in police reform.

Resistance to police reform comes from many quarters. Despite international commitments to good governance, assurances in political party manifestos, clear statements in opposition, the exhortations of human rights commissions within the country and international condemnation

outside, and the evidence of damage to a political party's own image wrought by police misbehavior, politicians in power have steadfastly refused to take forward the agenda of reform. Politicians of course resist letting go of this powerful force, which is at their beck and call but within the police establishment also, there are an increasing number of personnel at all levels that are content to retain the status quo. Closely associated with powerful interests, they bend to sectarian interests, acquiesce in wrongdoing and allow the system to continue and make police reform stagnant.

#### **4. Recommendations and conclusion regarding police reforms in India.**

Police Reforms are too important to neglect and too urgent to delay.

In the era of cooperative federalism, it is crucial to have good relations between the Centre and States. The control freak nature of political class towards the police personnel has restrained their growth. Vote banks and short-sightedness would worsen the situation. The needs for a growing economy like India for safe environment particularly considering the complex security threats in present times are imminent.

In a democratic society, the quality of life enjoyed by the citizens, inclusive of individual's safety and security of property, are directly proportional to the ability of the police to discharge their duties skilfully. Though the main function of the police is prevention and detection of crime, the police have also to deal with a wide range of issues, which are not criminal in nature makes it's a complex and difficult endeavor's role of police in society is broader than mere enforcement of criminal law. The police must be inclined towards solving the problems rather than responding to the consequences of the problem.

The public should be educated about the difficulties of the Police in doing their legitimate work, they can become trigger points to bring about Police Reforms in a society. Public has to become vocal about these issues and should make a firm demand of police reform as it affects the society in general. The deafening silence of masses on these issues has led to the deterioration of the police personnel. Persistent demand for a time-bound programme for legislative, systemic and structural reforms relating to the police aimed at upholding the rule of law and inculcating the primary requirements of public accountability, transparency and moral values in what is perceived by a common person as an exploitative arm and ugly face of the government. It is astonishing that something as basic as this has remained unwatched so far. Mechanisms which are devised to safeguard the police from becoming a tool in the hands of untrustworthy politicians or oblige it to protect criminals. Accountability of Police to the people of the country and the law of the land should be ensured statutorily. The role of police in our society should be of a protagonist rather than of an antagonist as police are assumed to be our saviors' life, liberty and wellbeing of large masses of Indian population are linked with reforms in the police.

In the light of the observations made as above, the following suggestions have been put forth to bring reforms in Police Structure and Functions:

### 1. Segregation of Police from Political class:

There is a dire need to insulate Police from the political interference. Availability of police at the beck and call of the political class needs to be changed by segregating both these classes. This can be done by setting up an independent agency to look after the personnel administration matters of Police and which would be free from external and internal pressures.

### 2. Working Towards Larger Cause

The need of the hour is that political parties must understand and agree that Police

Reforms are a larger cause and for it all their narrow considerations must be subsided, and a broader mindset must be brought to work for the betterment of the police and society in general. The partisan approach has already done enough damage to the police growth now there needs an end to it to this vital aspect of democracy would be unpardonable. All the political parties should unite and strive together in ushering in much needed reforms in police for an efficient and effective system.

### 3. Democratic and Accountable Policing

India being a democratically governed nation needs a police department which can be held accountable not just to the government but also to many other organizations which will ultimately make it work efficiently and effectively.

Police personnels are looking forward to working on behalf of the interests of the people, within a human rights framework. Police at times lose track by considering themselves the law hence it shall be made accountable to the law and It should also be accountable to democratic government structures and the community. At times political class to save itself misuses the police by making their activities opaque hence activities of the police has to be transparent and they should be answerable for their moves. They should be the protectors of human rights and not the infringers. It's big time for the reformers to change the picture of the police in society by re-defining their functions, powers and duties as police is the representative of the community it serves. The object of police reform should be seen in their actions.

### 4. Far-reaching Reforms

The reforms in police should be comprehensive and should inculcate all the ingredients be it particularly structural, procedural and most importantly Attitudinal/Behavioral. It is evident that structural and procedural reforms are easier to ushered in and the most difficult aspect is to bring about attitudinal or behavioral reforms. Police personnels needs to be counselled about the changes they need to bring within them to benefit themselves. Attitude towards duty and working methodology needs to be changed in order to elicit cooperation of the modern democratic community.



## 5. Taking sustainable Initiatives

No reform can actually be carried without being implementing full heartedly and for this to happen political will is an essential ingredient. A shilly-shally approach towards police reforms can cause more harm than any benefit to Indian police personnel. Announcing a reform has never been difficult but sustaining and implementing it is perhaps more difficult. Half-baked and half-hearted solutions would do more harm than good to Indian Police and thereby to the Indian citizens. People have to be understood that reforms are not an overnight process only its sustenance over a longer period of time would bring about benefits to the society. A positive mindset has to be used when dealing in police reform.

## 6. Encouraging Technology Savvy Police and limiting luddites

Science and technology have touched new heights and in this era of science and technology, Police must be equipped with modern technology to deal with modern problems. It is the technology that assists in constructing, assembling and utilizing the knowledge for a better result. Technology has abetted almost every sector of society so now it's time to empower the long-ignored police department with the latest technologies for better service. Gathering scattered information regarding the criminals and crimes for analysis and forming a database will lend a helping hand to the police and ultimately reducing their workloads. The increment in the rate of white-collar crimes has necessitated the dire need to introduce the police to technology and its use.

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