Need for Police reforms in India

Part of: GS-II- Governance POLICE REFORMS (PT-MAINS-PERSONALITY TEST)

Context: The Police system in India and its sorry state once again came to the fore recently when a father-Son duo, namely P Jeyaraj (58) and Fenix (31) respectively, died in Police custody in Tamil Nadu. The relatives and protestors fear this to be a case of police brutality. The reason for their arrest was that they kept their shop open beyond permitted time (restrictions placed in the light of COVID-19).

Historical Background

- The Police System is a colonial legacy. The first Police commission was set up in 1857 soon after the mutiny. First Indian Police Act was enacted in 1861-(PT)
- Post – independence, we are still governed majorly by Indian Police Act (IPA) of 1861 which was drafted as a direct consequence of the Revolt of 1857.
- Sir A H L Curzon commission was established in 1902-03 for Police Reforms and to look into issues arising because of Indian police Act 1861. It recommended the appointment of local people at officer level in the police system.
- National Police Committee, 1978 was the first commission at the national level after independence.
- It had a broad term of reference covering the police organization, its role, functionality, accountability, relations with the public etc.
- It produced eight reports including Model Police Act, between 1979-81. But the majority of recommendations of NCP have remained unimplemented.

Major issues with Police in India

- **Risk to life:** The risk to life in Police is very high. Policemen are killed in India in the performance of duties than in any other country of the world. There’s no indication that in future the risk element would be less.
- **Police Infrastructure:** The weaponry, vehicles etc. used by police force at lower level is obsolete and is unmatched with the modern weaponry used by the criminals and anti-social elements.
- **Qualifications and training of police personnels:** Police training methods have been out dated and aspects of human rights are largely ignored in
training modules.

- Training of police officials is heavily biased in favour of higher level officials. 94% of the total training expenditure is on IPS officers’ training.

- **Unscientific criminal investigation techniques** and lack of training in Human rights lead to inhuman techniques of investigation like the third degree which consists of hammering iron nails in the body, beating the soles of the feet, stretching apart the legs in opposite direction, hitting private part and other draconian acts.

- **Huge vacancies**: With the phenomenal expansion of the geographic area to be policed and the increase in the number of lives to be guarded, the Indian police, more than in many western democracies, have been stretched and outnumbered. There are only about 140 policemen per 100,000 people, a very poor ratio when compared to other modern democracies.

- **Over-burden**: Police force is over-burdened especially at lower levels where constabulary is forced to work continuously for 14-16 hours, 7 days a week. It adversely impacts their performance.

- **Arduous nature of duties and working conditions**: The nature of the duties is very uncertain and the police itself say that policemen are on duty all the time – it’s a violation of Human Rights.

- **Politization of Police**: Politicization of a police force is a major problem as it affects the autonomy of police force making them to subserve the interests of political executive at the cost of ordinary citizens.

- **CID at the state level has failed to perform because of political cases led by the ruling parties against their opponents and because of excessive political interference by political executive.**

- **Lack of coordination between centre and states** is a matter related to maintenance of law & order results in ineffective functioning of police force. The dual command at district and state levels have resulted in the problem of co-ordination between the civil servants and police officials because of ego clashes and inconceivable personal differences.

- **Ineffectiveness against new forms of crimes**: Police force is not in the position to tackle present days’ problems of cyber-crimes, global terrorism, naxalism because of its structural weaknesses. Aversion towards usage of technology among police personnel

- **Underutilisation of funds for modernisation**: Both centre and states allocate funds for modernisation of state police forces. These funds are typically used for strengthening police infrastructure, by way of construction of police stations, purchase of weaponry, communication equipment and vehicles. However, there has been a persistent problem of underutilisation of modernisation funds.

- **Prevailing Corruption**: The pay scales of police personnel especially at the lower levels are very low and they are forced to adopt corrupt means to earn their livelihood. Prevalence of Rank system within the police force results in
abuse of power by top level executive over lower level personnel.

Committee related to police reforms

- **Gore committee on police training in 1971-73**: The main thrust of the Committee’s recommendations was towards enlarging the content of police training from law and order and crime prevention to a greater sensitivity and understanding of human behaviour.
- **National police commission 1977**: Major recommendations were centered on the problem of insulating the police from illegitimate political and bureaucratic interference.
- **In 2000, the Padmanabhaiah Committee**: on Police Reforms was constituted to study, inter alia, recruitment procedures for the police force, training, duties and responsibilities, police officers’ behaviour, police investigations and prosecution.
- The Police Act Drafting Committee (PADC or Soli Sorabjee Committee) that drafted a new model police bill to replace the colonial 1861 Police Act.

Supreme Court Judgments:

- The 2006 verdict of the Supreme Court in the **Prakash Singh vs Union of India** case was the landmark in the fight for police reforms in India. The Court provide following directives to kick-start reforms:
  - Constitute a **State Security Commission (SSC)** to ensure that state government does not exercise unwarranted influence or pressure on the police. The main functions of the SSC were supposed to include drafting broad policy guidelines, evaluating the performance of the police and preparing an annual report to be placed before the legislature.
  - Ensure that the DGP is appointed through the merit-based transparent process and secure a minimum tenure of two years.
  - Police officers on operational duties (including SP and SHO) are also provided a minimum tenure of two year.
  - Separate the investigation and law and order functions of the police.
  - Set up a **Police Establishment Board (PEB)** to decide transfers, postings, promotions and other service related matters of police.
  - Set up a **Police Complaints Authority (PCA)** at state level to inquire into public complaints against police officers above the rank of Deputy Superintendent of Police.
  - Set up a **National Security Commission (NSC)** at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organizations (CPO) with a minimum tenure of two years.

NITI Aayog suggested the following reforms:

State level legislative reforms:
• States should be encouraged, with fiscal incentives, to introduce ‘The Model Police Act of 2015’ as it modernizes the mandate of the police.

Administrative and operational reform

• A Task Force must be created under the MHA to identify non-core functions that can be outsourced to save on manpower and help in reducing the workload of the police.
• Functions such as serving court summons and antecedents and addresses verification for passport applications or job verifications can be outsourced to private agents or government departments.
• The states should be encouraged to ensure that the representation of women in the police force is increased.
• India should launch a common nation-wide contact for attending to urgent security needs of the citizens.
• NITI Aayog also suggests moving police as well as public order to the Concurrent List to tackle increasing inter-state crime and terrorism under a unified framework.

Best Practices: Janamaithri Suraksha in Kerala: This project is an initiative of the Kerala Police to facilitate greater accessibility, close interaction and better understanding between the police and local communities. For example, Beat Constables are required to know at least one family member of every family living in his beat area, and allocate some time to meet with people outside the police station every week. Janamaithri Suraksha Committees are also formed with municipal councillors, representatives of residents’ associations, local media, high schools and colleges, retired police officers, etc. to facilitate the process.

Meira Paibi (Torch-bearers) in Assam: The women of the Manipuri Basti in Guwahati help with improving the law and order problem in their area, by tackling drug abuse among the youth. They light their torches and go around the basti guarding the entry and exit points, to prevent the youth of the area from going out after sunset.

Solutions:

• Need to strengthen Criminal Justice System and grassroots level policing institutions.
• More investment is needed in the recruitment procedure.
• Better training, better pay and allowances and creating a system that rewards initiatives need to be incorporated.
• Increase budget expenditure on police. Improving police infrastructure.
• Independent Complaints Authority. Need to adopt latest IT- enabled services.
• Improve Citizen police participation like bhagidari in delhi and janamaitri
suraksha in kerala

- Strengthen its investigative capabilities and emergency response infrastructure.
- Police should be made more gender sensitive. **33% women reservation in police should be implemented**
- There is need for broader political awareness about the need for police reform. Some states like Kerala and Telangana have tried to take the process forward.
- PM Modi, at the Guwahati Conference of the Directors of General Police in 2014, enunciated the concept of **SMART Police**-a police which should be sensitive, mobile, alert, reliable and techno-savvy.