

## Discussing the Police Reforms in India

The debate over police reforms continues to rage. Sleeves have been folded and swords have been pulled for a one-to-one duel on either side of the fence and there are some straight on the fence, still undecided as to which side they should join. While it is no one's case that there should not be any reforms of the police organisation at all, crucial as it is to the internal security of the country as well as to the administration of the criminal justice system, as also acknowledged by the various police commissions (both national and state ones), the National Human Rights Commission (NHRC), and Justice Malimath Committee on Criminal Justice Reform.

So, it is more in the fitness of things that the ongoing debate on police reforms, as presently pitched, should not only be well informed but should also be sensitive to the various concerns and issues as have been raised by the various parties involved. While we have all felt all along the need for a strong, independent and sensitised police force for better enforcement of the law of the land and for protection of the hoi polloi's common civil rights, all this remained pious thoughts only, just nostrums from the rostrums.

Notwithstanding the fact that we became independent almost sixty years back, we have left our police and policing to be governed by the colonial Indian Police Act of 1861. Even though a lot of incremental changes have been introduced in this Act from time to time, but they have been more in the nature of a patch-work and our police organisation definitely deserves a better deal, more so in view of the multiple threats posed to our internal security. Today, with the structure of our society and state becoming more complex, we need to have a police organisation which is accordingly geared to stand up to all the challenges to our security and sovereignty.

The dimension of the non-state actors becoming a distinct security threat with serious implications for our security preparations and needs has also to be adequately factored into our overall security planning. The Police Act Drafting Committee headed by Soli Sorabjee put out for debate the rough draft for a new law to replace the antiquated Indian Police Act of 1861. The draft Police Act, *inter alia*, has provisions to check pressure on subordinate officers from their superiors and other quarters.

While hearing a public interest litigation, the three-judge bench headed by no less than the Chief Justice of India issued instructions to the requisite authorities to take necessary action in this regard as per detailed directives given by the court. The court directive recommended sweeping reforms, from restructuring of the entire force to its modernisation and various qualitative changes.

As per recommendations, all states were to constitute a State Security Commission (SSC), a Police Establishment Board and a Police Complaints Authority. States are expected to ensure that all officers, from the rank of an SP to DGP, hold office, wherever they are posted, for, at least, two years. The UPSC was supposed to recommend three DGPs for each state out of which one would be selected by the SSC. Similarly, there was to be a National Security Commission to pick the heads of the BSF, CISF, CRPF and the ITBP.

It is felt that if the whimsical and motivated transfers of senior police officers can be checked, then it would do a world of good for the morale of the officers and with that, for the efficiency and effectiveness of the entire administration. But here questions have also been raised about advisability of such a move. The power to transfer officers, if used effectively, can become a potent tool to penalise or reward officials. It is feared that if such a power is taken from an elected people's representative, then it would only result in strengthening of one institution at the expense of the other. But one feels that such a fear is unfounded as there can be made provisions to allay such fears in the reformed structure but it shall not be fair not to do something about the reckless transfer industry as flourishing now.

The Bench also ordered the setting up of a Commission to decide on selections and appointments to cushion the police force including officers from undue interference from various quarters in matters as important as the selection, posting and transfer of the officers. The two other striking aspects were the creation of a state security commission to supervise the entire police force and a complaints authority to probe complaints of misconduct against the police officials. All in all, the directive ought to streamline the functioning of the police in an effective and non-partisan manner.

As of now, the supervision over the police and redressal of complaints against it has been ad hoc and informed with dilettantism. Creation of a State Security Commission was supposed to infuse an adequate amount of seriousness into our policing and such a systematic and coordinated supervision should also make our policing a lot more professional in keeping with the changing times. Even though rise of an activist media and a conscientised civil society have succeeded to a good extent in highlighting various acts of omission and commission by the police, but having a separate and independent Complaints Authority specifically for this purpose should make the public grievances redressal a lot more systematic and easier. It shall also have a salutary effect on our police organisation as already visible in more responsible conduct of the police since activism by the judiciary and various human rights body went up.

At the same time, another special committee, constituted in December 2004, has identified 49 recommendations from the numerous reports of different police commissions to bring about drastic changes in the police and policing. It has confined itself to drawing

up recommendations that are crucial for improvement in police functioning and the implementation of which would make an immediate impact on the reform process.

Among the short listed recommendations are those on which the Supreme Court has issued directives. The other recommendations include the creation of a Federal Police for internal security (already created in the form of National Investigation Agency or NIA), modernisation of police forces, improvement in forensic science and infrastructure, tackling organised crime, tackling economic offences, amending the Identification of Prisoners Act and measures to improve accountability and efficiency at all levels of the police hierarchy.

While it is true that many of the proposed reforms have already been implemented but most of them are yet to see light of the day. Even those which have been implemented, they have only been implemented half-heartedly with no real qualitative impact on the quality of police or policing in the country. All the necessary committees and boards, even though in place in most of the states in keeping with court instructions, have only been an eye-wash with no real improvement in the police organisation. One just hopes that all the stake-holders shall once again give due seriousness to the proposed police reforms if we are really serious about good governance in this country.

## Salient Points

- Debate on police reforms should not only be well informed but should also be sensitive to the various concerns and issues.
- Despite becoming Independent almost seventy years back, we have left our police and policing to be governed by the colonial Indian Police Act of 1861.
- The court directive recommended sweeping reforms from restructuring of the entire force to its modernisation and various qualitative changes.
- Needed the creation of a state security commission to supervise the entire police force and a complaints authority to probe complaints of misconduct against the police officials.
- More responsible conduct of the police needed since activism by the judiciary and various human rights body went up.
- Needed the measures to improve accountability and efficiency at all levels of the police hierarchy.

## Glossary

**Duel:** any contest between two persons

**Hoi polloi:** the common people

**Nostrums:** a medicine sold with false claims

**Rostrums:** any platform for public speaking