

## Reforming the Police and Policing

While we have 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. But many police reforms commissions and committees later, the issue of police reforms finally caught the attention of our celebrated judiciary and with that of our government—and rightly so.

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.

Ironically, the court's order came after 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.

So if the Supreme Court of India has had its way and if the proposed legislation on police reforms could see the light of the day, the police could be in for a meaningful makeover in not so distant future. 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 were 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 will be selected by the SSC. Similarly, there was to be a National Security Commission to pick the heads of the BSF, CISE, CRPF and the ITBP.

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 have streamlined the functioning of the police in an effective and non-partisan manner.

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 shortlisted 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 in office in the form 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 we all acknowledge that there, indeed, should be police reforms because of the way it has been functioning so far, the fact remains that the popular perception of the police is very negative. The police, the way they function now, are perceived as unresponsive, obtrusive, callous, corrupt, inefficient and ineffective notwithstanding the multifarious constraints and odds against which our police are pitted, namely a rickety infrastructure, shortage of manpower, lack of necessary financial and other resources, lack of adequate training, unremunerative compensation and, most importantly, excessive political interference. So, there definitely is more than a case for not only reforming the police organisation to cushion it against various ominous and insidious influences of the political power play, but also to make its functioning more transparent, responsive, sensitised, effective and independent, simultaneously equipping it with all the requisite infrastructure, resources and manpower.

But even though accepting the need for the police reforms, there have been clear voices of dissent from those corners which are liable to lose power and control over the police as a result of the proposed reforms. These voices have been those of the political and permanent executive. They feel that the reforms, as proposed, need more threadbare discussion and debate than plunging headlong into its implementation without minding the implications thereof but the judiciary has dug its heels in terming such suggestions and arguments as dilatory tactics.

While there are provisions of a Complaints Board, such a structure has always been found to be too formal in its operation. Ergo, there is definitely a need to revive the supervisory powers of the Executive Magistrate over the police, as also envisaged in the Police Rules but fallen in disuse. The Executive Magistrate in the field is the grass-root officer who is more easily accessible to the people and has a much more people-friendly face than the police. So,

such age old practices as *thana* inspection and some say in performance evaluation by the Magistrate should be revived and further strengthened.

While one appreciates the fears expressed by all the sides, one also feels that one should, indeed, not rush through something as vital as police reforms and all related aspects ought to be thoroughly discussed before being implemented. Most of these police reforms, as proposed, have been implemented in most of the states but only superficially. The police continue to suffer erratic postings and transfers with no reference to performance. The political interference with the functioning of police continues unabated, hence the need to further streamline and institutionalise the police reforms in the true spirit of the recommendations from the Apex Court. The police reforms are definitely something that require more than dilettantism and amateurish attention.

Even though this judicial activism has raised some hackles and ruffled some feathers, the ball for the police reforms has been set rolling. While the implementation of the proposed legislation may take time owing to fierce opposition from certain quarters, at least, a beginning has been made in transforming our police force into a more people-friendly and modern force. And with the Prime Minister and the Home Minister eager about implementing the far-reaching reforms, one is tempted to believe that this time police reforms shall receive their due share of attention and something positive shall come about. So, one should be more positive and optimistic because of the fact that this time judicial activism is matched by the government's enthusiasm to reform the police organisation.

### Salient Points

- Our police are governed by the colonial Indian Police Act of 1861.
- The police continue to suffer erratic postings and transfers with no reference to performance. The political interference with the functioning of police continues.
- 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 Chief Justice of India issued instructions to the requisite authorities to initiate police reforms.
- All states were to constitute a State Security Commission (SSC), a Police Establishment Board and a Police Complaints Authority.
- The other recommendations include the creation of NIA, modernisation of police forces, tackling organised crime, tackling economic offences, etc.
- The police are perceived as unresponsive and ineffective despite multifarious constraints and odds against which our police are pitted.
- Supervisory powers of the Executive Magistrate over the police should be revived.
- This time judicial activism is matched by the government's enthusiasm to reform the police.

### Glossary

**Dilettante:** a person who takes up an art, activity, or subject merely for amusement

**Hackles:** one of the long, slender feathers on the neck or saddle of certain birds

**Ruffle:** to destroy the smoothness