

## Chapter IV

### Direction, Self-Sustainability Aspects of the Police Reform Process and Conclusions

Sir Robert Peel's first principle of policing stated: "The basic mission for which the police exist is to prevent crime and disorder". But if we look at the contemporary scenario in the United Kingdom as well as in India this may appear to be an understatement as the Police today literally have a stake in almost every socio – economic activity and is perhaps the only arm of Government which has such a wide and forceful reach.

The survival of modern society is not possible without a competent, efficient, motivated and transparent Policing System. White collar criminals, Cyber-criminals, Terrorists, Insurgents and a host of other dysfunctional elements will destroy the fruits of socio-economic growth in no time and will put the wheel of progress and development in a reverse motion if the Police were not to stand as reliable guarantors of Peace, Stability, Order and a fearless civic life.

In short, Police being such an important wing of governance it needs to be accorded the importance it deserves. Unfortunately, this is precisely what has not happened in our country. A militaristic policing model (Police Act 1861) which we have inherited from our colonial masters lays all emphasis on maintenance of order but does not show any commitment to the citizenry, further, it establishes a system of dual supervision if not control over police and above all by practice, it has also left ample scope for unscrupulous politicians to meddle in operational and administrative functioning of police.

It is a fact that police, neither have the resources, nor training or motivation to effectively deal with threats to national security. Arbitrary interference in day-to-day functioning has virtually demolished its organization and morale. The command and control in this uniformed disciplined force has been rudely disturbed. The ruling parties are directly interfering in Police recruitment, postings, transfers and promotions. Loyal to their political masters, the policemen now take less interest in the onerous task of enforcing the rule of law and more in serving their benefactors. The concept of a neutral administration treating every citizen irrespective of caste or creed has almost been forgotten. The officers consider themselves accountable only to the person who has posted them and not to any other authority, in fact, they have become completely oblivious of the requirements of the people whom they are expected to serve.

Further, politicians have successfully destroyed the autonomy of senior civil servants by creating a large number of cadre posts with little substantive authority. The basic assumption behind the IAS and the IPS cadre rules, that all posts in a given scale are roughly of equal importance and job content and all the officers in that scale get the same salary and perquisites, is no longer valid. By a simple transfer today, a minister can effectively give promotion or demotion. Though technically, a transfer is not a punishment, in actual practice it can be more than a punishment for the officer concerned.

It is for this reason that each time a new government takes office in the states or at the Centre, officers holding key posts in the administration, especially in the police, are transferred. New officers appointed to these posts are considered more loyal and pliable. Loyalty to the ruling party often plays a major role in selection to key posts.

The system of punishment through departmental or judicial proceedings is virtually non-functional due to the complicated procedures laid down by many court judgments. The problem gets further compounded by dilatory tactics of the offending officers, frequent transfers of enquiry officers and excessive workload of routine policing to be handled by the enquiry officers. Here too if some favourite officer of the regime is punished he can always find political masters who will bail him out against an understanding of some prospective *quid pro quo*.

The politicians today are interfering even in the investigation of crimes. In important cases, it is they who decide who should be arrested and who not. They decide which complaint should be registered and investigated. Even after a charge-sheet in a case is submitted in the court, it is not free from political interference. There is pressure not only in the appointment of the senior prosecuting lawyer, but undue interest in how the case is presented in the court. Persons with political influence and money have little difficulty in manipulating the police for their own selfish ends. Fear of legal punishment for these persons has virtually disappeared. It is not a coincidence that almost all political parties resist police reforms on one pretext or the other<sup>27</sup>.

The government has appointed one commission after another, but their reports have only gathered dust in the government files for the past sixty years. The National Police Commission (NPC) submitted its last report in 1981, but till date no central government has been willing to implement any of its major recommendations. Even the Supreme Court directives contained in the order on CWP no.310 of 2006, based primarily on the NPC's recommendations, have not been fully acted upon. The Supreme Court had given 6 directions to the state governments and one to the

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<sup>27</sup> Ved Marwah, Police Reforms on [www.india-seminar.com/2009/594/594\\_ved\\_marwah.htm](http://www.india-seminar.com/2009/594/594_ved_marwah.htm)

Union government. These directives relate to important facets of the problems faced by the police: insulating it from undue political interference and giving functional autonomy, making it accountable, separating investigation from law and order duties in the metropolitan areas, introducing transparency in the selection of the police chiefs, and giving fixed tenure to officers posted in the field. The central government was also directed to constitute a National Security Commission to upgrade the effectiveness of the police forces and to improve their working conditions. However, there is no tangible action taken by the States so far which may inspire confidence.

Let us look at the plight of the Constabulary which as per Padmanabhaiah Committee Report constitute 87 % of the strength of Police. A constable is the cutting edge of the Police set up and yet his working and living conditions are simply awful. They have no satisfactory housing and very poor medical and transport facilities. A constable lives away from his family because he has no living accommodation available near the place of work. He is expected to reach a crime scene in minutes, even if he is not provided with transport facilities. Even in metropolitan areas like Delhi and Mumbai, many of them live in 'jhuggis' and their living conditions are no better than of the poorest in the society. They are expected to be on duty twenty-four hours without holidays, but are deprived of even the most basic facilities. To improve the human resource of the police force especially at this crucial level, it is important that constables are reclassified as skilled workers and compensated adequately. It will be foolhardy to pay for a cheap police force and expect performance equalling global standards.

The police force is also grossly inadequate in numbers to discharge its onerous duties. The police to population ratio in India is 1:694 as compared to 1:336 in the USA and 1:294 in UK. In fact, this ratio is much poorer if we take into account



the wastage of force on so-called VIP protection and other duties prioritized by the political rulers that have little to do with their primary task. Moreover, there are large numbers of vacancies in most states. These vacancies have little to do with paucity of funds and more with corruption and nepotism. There are demands for recruitment on the basis of caste and other considerations. If someone joins the police by paying a bribe or using political links, it can hardly be expected of him to perform his duties in an impartial manner. Therefore, while analysing the direction Police in this country is taking, it is worthwhile to get alarmed at the callous apathy shown to it. The aspects of poor training and numbers, the resource crunch, the legal handicaps and worst of all the political interference are recipes for disaster which has already happened. The much needed reforms in the police and criminal justice system can no longer be postponed. Putting police reforms on fast-track alone can be a fitting reply to the ever-increasing number of policemen who have lost their lives fighting criminals and terrorists. There is a danger of the whole system collapsing completely unless immediate steps are taken to bring back credibility to the system in the eyes of the people.

### Self-Sustainability Aspects of the Police Reform Process

Reforms occasioned out of crisis situations in knee-jerk fashion besides being temporary do not sustain themselves in the long run. Therefore, keeping the near permanence of police as an institution in mind, its institutional reforms should be envisioned in a continuum, or in other words the reform process has to be a self-sustaining and continuous process. In the humble opinion of this practicing police officer the road map to self sustained reforms should be drawn with following key principles and operational areas in mind:

## **1. CIVILISE:**

The present day police structure is too much force oriented with grass root functionaries being recruited with low academic qualifications. The physical training is based on military style training and in the belief of generating robustness in the trainees it actually brutalises them. With corruption and rough nature of training the relationship between recruit and trainer becomes exploitative and this grievance is carried forth by the trainee against the general public with whom he deals in later career. There is therefore a need to develop civility, courtesy, and sensitivity at the stage of training itself if people-friendly and polite policing ideals are to be attained. These qualities need to be essential part of even the refresher courses for all ranks with improved inputs from time to time.

## **2. INCENTIVISE:**

The nature of policing is extremely complex and performance can have wide variations depending upon motivation and integrity. Due to the bureaucratic approach to personnel related issues quite a few sharp and capable officers prefer to take easy path in their careers as they know that daring and good work will invariably not translate into any tangible benefit or reward. It is in this light, therefore, that a system of incentives which are substantial in nature be put in place for areas which are considered 'non-lucrative' like intelligence, training and staff related assignments. Even for extraordinary field work, immediate controlling officers should have powers to reward and offer incentives to deserving cases. In broader terms, keeping the arduous nature of police job, benefits in housing, education, transportation, medical as well as recreational areas need to be offered as incentives to prospective and existing functionaries of the department. Although some small incentives exist in

India in terms of out of turn promotions and extra increments for good work or achievements in sports but they need to be made more broad based and institutionalised so that they do not remain dependent on whims and fancies of either police bureaucracy or their political masters.

### **3. MODERNISE:**

Government of India has taken up an extensive and ambitious police modernisation project for last couple of years and hundreds of crores of rupees are being spent on purchase of equipment, housing and other items like vehicles etc. This modernisation process needs to continue even at a larger scale and with much more imagination and perspective planning. Certain important aspects concerning modernisation which have hitherto not been addressed need to be taken up. A few of them are being listed here below:

**National Policy on Crime Prevention:** Global Police literature and experience shows that consistent with the present and prospective challenges, several nations (South Africa, Canada, Australia etc.) have come up with National Policy on Crime Prevention, with roles and responsibilities clearly defined for different organs of the State and different stakeholders of the society. The following steps can be considered:

**Setting up Police University:** Policing is too complex an issue to be left to the Cops (alone). A visionary, multidisciplinary and sustained approach is necessary through an institutionalised mechanism for Police Studies, which encompasses Police Science. Setting up Police University with multi-disciplinary faculty, could serve this purpose. Japan and Australia already have such academic institutions in existence.

Development of Police Science: Police Science is a multi-disciplinary, result oriented, applied science. Researches in Police Science could be carried out in academic circles, as also in Police Training Institutions, and in the proposed Police University. The current literature in the country is far below the requirements, in absolute terms, far below international standards, in relative terms.

Development of Specialized area of Criminal Preventology: This rather unfamiliar looking name in police lexicon has, however, a mention in criminal Jurisprudence of Slovak Republic. There is need to define, develop it with all the seriousness and urgency. For prevention and control of deviance and disorder it is essential to bring this dynamic preventive discipline in use and to develop it further as an instrument of understanding crime.

National Crime Prevention Centre: It is essential to institute a central authority, say, National Crime Prevention Centre, as is done in some of the countries, to figure out, to guide, to monitor and to measure effectiveness of crime prevention strategies, of different stakeholders. Such information on roles and responsibilities of different stakeholders, in Private and Public Arena, as also their actual performance needs to be put in public domain transparently.

Review of Laws: While the new statute could have a built-in mechanism of periodical review, the existing ones, in a phased and prioritised manner, also need to undergo review process to remain relevant, and also helpful to the objectives of Criminal Justice system. As it may require longitudinal research work, this task could be best handled by the proposed Police University.

Global Interaction in Policing: It is desirable to learn from international experience in the area of policing, or preferably, whole of Criminal Justice



Administration. In place of patchwork efforts, Institutionalised mechanism of global interaction needs to be developed and the gains so obtained need to be incorporated at Policy/administration/operational level.<sup>28</sup>

#### **4. PROFESSIONALISE:**

The need of the hour is to make Indian police a professional organisation. This may not be construed that Indian police is unprofessional but that the skill levels of functionaries be such that they remain second to none and that their deliverables are innovative and world class. It is not so much a question of providing state-of-the-art equipment to police as to inculcate a culture of excellence and developing the human potential to its highest and best levels. Needless to say that current systems broadly are archaic and needs to be restructured completely, this applies to both the product as well as the processes. However, restructuring does not mean only the induction of modern equipment and changes in training and organizational structure, it includes optimization of doctrine and concepts, upgrading human resources, streamlining logistics and modernizing the training methodology and reducing the 'tail and teeth' ratio, which at present is too high.

There is need for establishing a countrywide hi-tech crime information network to link all the 14,000 police stations in the country. The Crime and Criminal Tracking Network and Systems (CCTNS) should aim at providing the investigating officers with technology, tools and information to facilitate investigation of crime and arrest of criminals. Besides covering all the police stations in the country, it should establish a direct link between the 6,000 senior police officers. Such a system would improve the functioning of police force in the maintenance of law and order, traffic

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<sup>28</sup> S.P. Mathur, Policing for Global Fund of Happiness, *The Indian Police Journal* Vol. LVI-No. 4, October-December, (2009) 7 p.8-25

management and prevention of crime, besides keeping track of the progress of cases. The introduction of such a system would also result in the reduction of manual and redundant records-keeping related work.

## **5. SANITISE:**

As has been mentioned earlier, there is too much of political and bureaucratic interference in the police work. Various commissions including The Kerala Police Commission as well as The National Police Commission have adversely commented on this aspect of interference to name a few. The focus of police work due to interference gets partisan and unprofessional hence there is a need to sanitise the police department and rid it of all extraneous interference. The loyalty of the police should be exclusively to the law of the land and the citizen and it needs full functional autonomy subject to professional control by superior departmental officers to churn out their optimal performance. Therefore, it is of essence that mechanisms to sanitise police organisation from extraneous interference be institutionalised and given statutory protection as well.

## **6. SENSITISE:**

The policing system emanating from The Police Act of 1861 appears to be preoccupied with the notion of maintaining order and complete obedience to orders of lawful authority. However it does not speak of any responsibilities towards the people whom it is meant to help. This norm suited colonial interests best but is somewhat out of date in post independence era. India chose a socialist, secular, democratic polity after independence where the focal point was the citizen of the land who was the actual master. Colonial rule had created huge disparities leading to various classes of citizens falling into conditions of neglect, incapacity and inequality.

These were, to name a few, the weaker sections like women and children, the scheduled castes and scheduled tribes, the minorities etc. These segments need the protection and encouragement of the republic to come up and occupy their rightful and equal place in the polity.

For police it implied a huge change in the mindset, something which it has perhaps still not reconciled with. The reform process therefore, to be worthwhile, needs to include sensitising of police force through training and all other means to the needs of these deprived sections of society. Without support and goodwill of these and all other sections of society, police organisation will never be able to gain confidence, trust and acceptability of the citizenry.

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