

PREFACE

The Indian Police finds itself on the throes of two major dilemmas emanating from its poor and confusing identity first, and a directionlessness arising out of a malefic tug of war between all the powers and interests that be for establishing their influence over this powerful arm of Governance and in the event of their not succeeding, at least to ensure that it remains weak and ineffective so that it does not harm their vested interests. Secondly, aforesaid dysfunctionality has been further accentuated by the haphazard development of Law Enforcement ideology in India which is quite symptomatic of a polity at once traversing the monarchical then colonial and thereafter a liberal-democratic path. The expectations of a quality service delivery by Police of the people have witnessed a 360 degree shift but the functional superstructure both executive as well as legal – procedural has hardly kept pace with this dynamic scenario. The gap between performance and expectations has widened so much that the entire policing system seems to be falling apart and service delivery aspect has taken a severe beating.

The Indian Policing System - procedures and practices are tangibly anchored on 5 main pillars viz. The Penal Law (Indian Penal Code 1860), the Special Law (Police Act 1861), the Evidentiary Law (Indian Evidence Act 1872), The Fundamental Law (Indian Constitution) and the Procedural Law (Criminal Procedure Code, 1973). Their vintage profile amply demonstrates the mismatch under this study.

Police Reforms therefore have emerged as a *sine qua non* for harmonising the Enforcement and Service related expectations with the delivery capabilities and the tools available to aid them. Police being the strong arm of governance, it is not easy that certain unscrupulous politicians will let go of their vice-like grip over it for obvious reasons. In this sense the present scenario appears to be a continuation of the classic colonial misuse of Police with the difference that only the masters have changed not the ethos.

Resultantly, over 60 years of independence have not seen much forward movement in this domain due to interplay of vested interests and bureaucratic lethargy. The deterioration thus reached its nadir around the turn of the millennium when the Supreme Court felt constrained to take note of the clamour seeking arrest of and remedial action against further downward slide towards anarchy and complete decimation of morale of law enforcement officials and perceived surge in lawlessness and corruption.

The year 1996 saw filing of a Civil Writ Petition No. 310 by two senior I.P.S. officers and a public service oriented organisation before the Supreme Court on 17.04.1996 seeking *inter alia* directions to the Government to professionalise the Policing System of the country by enacting a new Police Act and establishing a National / State Security Commissions etc.

The official lethargy and disinterest in this area of prime national importance has been palpable from the fact that Supreme Court was made to take 10 years between filing of the petition and issuance of directives to the

government to act and act decisively. The Supreme Court delivered its verdict on 22.09. 2006 in this Civil Writ Petition, which till date remains to be satisfactorily complied with. The Political-Bureaucratic class has again got into the semantics of the orders and is raising one issue after the other to somehow delay the contemplated reform process.

Five years is a long time which has been sacrificed so far without much tangible forward movement. Further, we will also notice that the Reform scheme envisaged by the court itself is more of an institutional nature and does not deal directly about the crucial issues of job-motivation, professional competence, integrity, service conditions, state-of-the-art infrastructural support and financing of Police.