

Police Reforms in India

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Introduction

- The demand for police reforms is not a new one
- People have demanded reforms in police even before our independence
- Colonial police structure was based on mistrust, and the image associated with it was tough



Some Basic questions.....

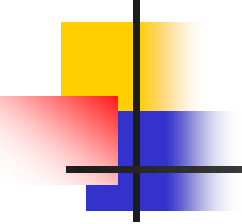
- Did the image of police change after independence?
- Do we see police as a sign of relief or trouble?
- Can we go to a police station and register a complaint without fear or money?
- When faced with danger do we call police or friends?



General Perception.....

- The police force throughout the country is far from efficient
- It is defective in training and organization; it is inadequately supervised
- It is generally regarded as corrupt and oppressive; and hence unable to win the confidence of the people...
- After over 70 years of independence, we are still governed majorly by Indian Police Act (IPA) of 1861.
- It is in this context radical reforms are urgently necessary

Prime Minister Narendra Modi -SMART Police

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- S - Sensitive
 - M - Mobile
 - A - Alert
 - R - Reliable and
 - Techno-savvy

How SMART is our police force?

How to achieve functional autonomy and enhance police accountability?



Background

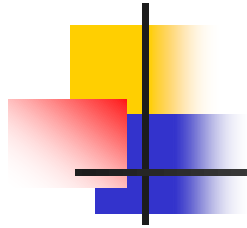
Way back in 1979 the National Police Commission (NPC) was set up to report on policing and give recommendations for reform

- The Commission produced eight reports, dozens of topic specific recommendations and also a Model Police Act.
- None of the major recommendations were adopted by any government



Noteworthy Initiatives....

- In 1996 -two retired DGPs, Prakash Singh and N K Singh, filed a PIL in the Supreme Court in 1996
- In 1998 the Court set up the Ribeiro Committee which submitted its reports in 1999.
- This was followed by the Padmanabhaiah Committee report in 2000 and eventually the Police Act Drafting Committee (PADC or Soli Sorabjee Committee) that drafted a new model police bill to replace the colonial 1861 Police Act.
- However, very little was ever done on the ground to improve policing or implement recommendations put forth by any of these committees or commissions.



- On 22 Sep, 2006 - Supreme Court delivered judgment in Prakash Singh Vs Union of India requiring state and Central Governments to implement its seven directives
- The states and union territories were directed to comply with seven binding directives that would kick start reform.



Seven Directives

1. **State Security Commission(SSC)** to insulate police - to ensure that the state government does not exercise unwarranted influence or pressure on the police. SSC will also lay down broad policy guideline and evaluate the performance of the state police
2. **Police Establishment Board** to give autonomy in police matters - to decide on transfers, postings, promotions and other service related matters of police officers
3. Set up **Police Complaints Authority** at state and district level to look into the complaints of serious misconduct against police

Contd....

4. Transparent procedure for appointment of DGP, giving him fixed tenure – 2years

5. Police officers on operational duties (Including Superintendents of Police in-charge of Districts and Station House Officer in-charge of a police station) should be provided **minimum tenure of 2 years.**

6. Separation of investigative and law and order functions of police

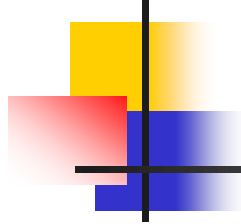
7. Government of India should set up a **National Security Commission** to prepare a panel for selection and placement of Chiefs of the Central Police Organizations with a minimum tenure of two years



Significance of Directives

- The seven directives make up a scheme which if implemented holistically will correct the common ills that create poor police performance and unaccountable law enforcement.

Intent of the Directives



- The police have functional responsibility while remaining under the supervision of the political executive
- Political control of police by the political executive is conditioned and kept within its legitimate bounds
- Internal management systems are fair and transparent
- Policing is made efficient in terms of their core functions and most importantly public complaints are addressed and police accountability enhanced.

Justice K.T. Thomas Committee

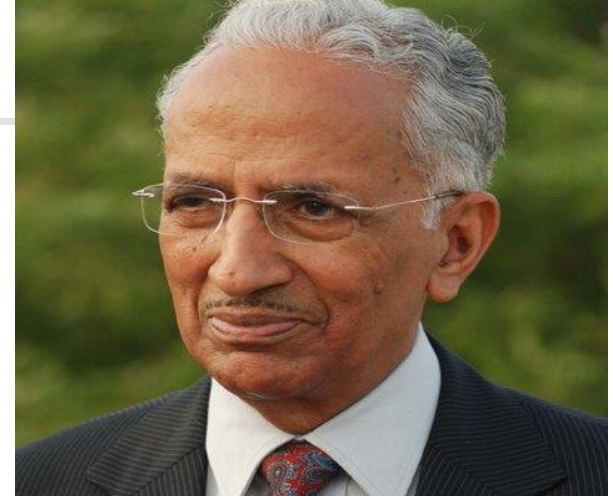


- On May 17th , 2008 the Supreme Court constituted a monitoring committee headed by Justice K.T. Thomas to oversee the implementation of its directives.
- The committee in its report submitted in 2010 said: “practically no state has fully complied with those directives so far, in letter and spirit.” It also expressed its “dismay over the total indifference to the issue of reforms in the functioning of police being exhibited by the states”.

Progress in Reforms

- In many states, the composition of State Security Commission is not independent of the political influence of ruling party.
- Most states have avoided having the opposition leader in the commission, and independent members were kept away.
- Independence of DGP is of paramount importance which is not given due consideration
- Many states have refused to give more than one-year fixed tenure to DGP. Even reasons for his removal have been kept vague with grounds ranging from public interest, administrative exigencies and incapacitation.

Remarks of former Uttar Pradesh DG - Chief Architect of Police Reforms in India



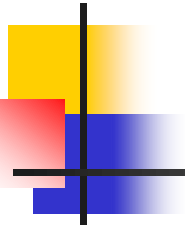
- “When the supreme court order came in 2006, the states quickly latched on to the part of it which said the order must be followed until new acts are passed. Thus states quickly passed new acts in order to not to follow SC directions on police reforms”- Prakash Singh fought for 10 years to get SC pass the orders.

How to instil faith of Common man in police? – Humane approach addressing equity concerns



- Police must extend appropriate legal protection to weaker sections of society, especially SCs/STs, women and the minorities
- Police behaviour towards common man should be marked by empathy and respect for human rights
- Registration of cases must improve
- Assessment of crime situation should be based on ground realities and not just on statistical figures
- Upholding rule of law should be the supreme objective of the police

Need to Address Genuine Concerns of Police.....



- Police man should not be on duty for more than 12 hours which may in due course be brought to 8 hours
- Police officer irrespective of the level should be able to earn at least 3 promotions in his/her service career
- Police infrastructure – manpower, transport, communication, forensic support must improve substantially. Housing of subordinate ranks must receive special attention
- Independence from political influence is a must for police to perform their job professionally. They should not fear frequent transfers and “punishment postings”

Justice Verma Committee (2012)



“We believe that if the Supreme Court’s directions in *Prakash Singh* case are implemented, there will be a crucial modernization of the police to be service oriented for the citizenry in a manner which is efficient, scientific, and consistent with human dignity.”



Movement for 'Peoples' Police'

- Inviting public and civil society participation in drafting committees
- Encouraging public submissions on the type of police service communities would want
- Need for input from police at all levels about the type of service they want to be part of
- Transform 'Rulers Police' into 'Peoples' Police'



Quiz...

(1) When was National Police Commission set up?

(a) 1969

(b) 1979

(c) 1989

(d) 1999



Cont...

(2) When was Prakash Singh Vs. Union of India judgment delivered?

(a) 1996

(b) 2004

(c) 2006

(d) 2010



Cont...

- (3) Who headed the committee to oversee the implementation of directives delivered in the judgment of *Prakash Singh Vs. Union of India*?
- (a) Soli Sorabjee
 - (b) N. K. Singh
 - (c) Padmnabhaiah
 - (d) K. T. Thomas



References

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- (3) Police Reforms in India, PRS Legislative Research
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Video Links

- https://www.youtube.com/watch?v=60G_hrlzA4M
- <https://www.youtube.com/watch?v=5Fnwqy7yYZ4>



THANK YOU