

"Police reform is possible, but the political executive has failed to do so"

The present government has initiated several initiatives in diverse areas, which would raise the standard of living of the common man and convert India into a clean, healthier and resurgent nation. Swachh Bharat is gradually becoming a reality. Ayushman Bharat aims to provide healthcare to nearly 50 crore people. Electricity has almost reached every corner of the country. Ujjwala and Sukanya Yojana will help in improving the plight of women, etc. Various departments have come up with the list of their achievements and these initiatives are commendable and their progress is very effective.

However, it is disappointing that there is an area where even whatever was possible has not been achieved—it is about positive transformation in police with the view to change this as a means of service to the public. The Supreme Court, in a historic judgment in 2006, clearly stated that "the commitment, devotion and accountability of the police are only for the rule of law" and "supervision and control" should be done in such manner so that it ensure that the police should serve the public during crime investigation or preventive measures without worrying about the position and status of individuals. Court has issued many directions to insulate the police force from external influences which is a measure of autonomy in the matter of police personnel and make it more accountable. It has been a matter of great regret that even after 12 years, there has been only partial and in few states, farcical compliance of the directions.

The state is mainly guilty. However, the centre can not escape from responsibility for its indifference and inaction in this matter. Under the chairmanship of Soli Sorabjee, the Police Act Drafting Committee prepared a model police act in 2006. The hope was that the Centre would pass an act on this pattern for Delhi and Union Territories and at least those states would be adopted in the same model where the same party (the centre and the state) was in the government. Apart from this, Article 252 of the Constitution gives power to Parliament to legislate for two or more states by consent, and such an act will be applicable to the consenting states "and to any other by which it is adopted through a resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the legislature of that State"

Unfortunately, till this day, the Indian government has not taken any definite action on Sorabjee's Model Police Act. In the absence of any initiative taken by Centre, 17 states remain with their separate police act. It is ironic that during British India there was a single police act for the entire country, but today we are facing a situation where every state has a separate act and there is a great difference in their basic characteristics.

Justice KT Thomas, who was appointed by the Supreme Court to oversee the implementation of its directives in 2008, expressed disappointment over the total apathy of the states towards the issue of reform in the functioning of the police. Justice JS Verma, who presented a comprehensive report on amendment in Criminal Law in 2012, "urged the states to follow all six directions of the Supreme Court to deal with systemic problems in the police." It is possible to a large extent, but the executive is unfortunately unwilling to release his landlordship over the police.

When the Prime Minister was addressing the police chiefs of the country in Guwahati in 2014, hope raised when he talked about making a SMART Police - a police, which would be sensitive, mobile,

accountable, responsive and techno-savvy. Hardly any follow-up action has been taken, and some steps have been taken only to increase the strength of manpower and infrastructure. It is indeed a tragedy that where the country is moving forward in different areas to build a new India, its police is still bound in the colonial structure.

The total number of state police forces is 2.46 million and there are around 25,000 police stations and outposts in the country. It is a formidable power. Imagine a situation where a common man does not feel inhibited in entering the police station, he has enough confidence that his report will be recorded and investigated! This will be an important change. But is the political class anxious to make such a change? And, are the police officers serious about starting necessary internal reforms for themselves, which they can start without any political clearance or legislative support?

The stable law and order provides the foundation for continuous economic development. Haryana offers the most recent example of a state suffering from serious economic setback when law and order collapsed in the wake of an agitation over reservation. For a healthy democracy, a healthy police force is also needed. In fact, if the police is not able to enforce the rule of law and in the governance, if police is constrained to take direction from persons of questionable antecedents, then it will be the beginning of the end of democracy.

GS World Team...

Police reform

- Under the Constitution, the police is the subject of the state lists and the primary responsibility of maintaining internal security is to the police.

Why the need?

- Increasing complexity, modernization, and democratisation in the Indian society demands police reform.
- Modernization of the police is essential with the changing nature of crime and the increasing role of social media in society. Strong law and order system is also helpful in economic development.

Supreme Court directives:

- Constitution of State Security Commission for reducing political interference.
- Appointment of DGP through merit based transparent process and ensuring minimum 2 year tenure.
- To ensure 2 years' term for other police officers.
- Establishment of Police Complaint Authority in each state.
- Set up a Police Establishment Board for job related issues, including appointment, transfer and promotion.
- Separation of police work-criminal investigation and maintenance of law and order.

Some important expert committee on police reform:

- National Police Commission (1977-1981), Ribeiro Committee (1998), Padmanabhaiah Samiti (2000), Malimath Samiti (2001-03), Police Act Drafting Committee (2005-06).

Government's efforts:

- Mega City Policing Scheme.
- Establishment of Forensic Science Laboratory in Amravati.
- Approval of 25,060 crore between 2017-18 to 2019-20 under the umbrella scheme for modernization of police force.

Issues:

- Lack of police force staff.
- Political executive control over the police.
- Lack of trust between police and public
- Lack of adequate training in low-level staff.
- Lack of infrastructure.
- Therefore, the directions of the Supreme Court should be implemented as soon as possible and emphasis should be given on the modernization of the police with reducing the political interference, so that they can serve the people in the form of smart (SMART) police with changing times.

Expected Questions (Prelims Exams)

1. Consider the following statements :-

1. Police is the subject of concurrent list.
2. Article 252 of constitution gives the power to Parliament to legislate in the subject of state list with the consent of two or more states.

Which of the above statements is/are correct?

- (a) Only 1 (b) Only 2
(c) Both 1 and 2 (d) Neither 1 nor 2

Expected Questions (Mains Exams)

Q. "Police reform is the need of changing society, but there are obstacles also in it". Discuss, in the context of India. (250 Words)

Note: Answer of Prelims Expected Question given on 27 Mar. is 1(c)

