

Police reforms in doldrums

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THE Ruchika Girhotra case has once again put the spotlight on police reforms. After 19 years, SPS Rathore, a retired Director-General of Police, (DGP) in Haryana, got off with a light sentence of just six months on charges of molesting 14-year-old Ruchika in 1990.

Rathore allegedly got Ruchika thrown out of school and had her brother, then a minor, arrested on false charges of stealing cars. The boy was handcuffed and tortured while illegally kept in detention. Ruchika finally committed suicide unable to cope with the stress that she and her family were subjected to.

Ruchika's case is unfortunately not uncommon. The highest number of complaints made to human rights commissions in India are of human rights violations at the hands of the police, according to a report by the Commonwealth Human Rights Initiative (CHRI), one of the few NGOs which studies policing and prison reforms.

The Indian police, it is acknowledged, are known for rights abuse, corruption and lack of efficiency. It is also known that the police are poorly paid, badly trained and 'kicked around like footballs' by politicians.

Successive governments have not taken measures to improve the police force which has been governed by an archaic law passed in 1861. To recap, in 1997, the Union government set up a National Police Commission (NPC) to improve the functioning of the police. It produced eight reports and several recommendations which just gathered dust.

In 1996 two former Directors-General of Police filed a Public Interest Litigation (PIL) in the Supreme Court, asking the court to direct the Union and state governments to address the poor quality of policing in India.

The court asked the Union government to set up a committee to study the recommendations of the NPC. Accordingly, the JF Rebeiro committee and the K Padamanabhaiah studied the recommendations. In 2005, the Soli Sorabjee committee drafted a Model Police Act and submitted it to the Union government.

To set police reforms in motion, the Supreme Court in September 2006, in the historic Prakash Singh vs Union of India case, issued orders to the Union and state governments to comply with seven directives for police reform. The court's objectives were to increase police autonomy and accountability.

But things are murky on the ground. State governments don't want to give up control of the police or modernise the force. In fact, activists monitoring police reforms are wondering whether states are merely creating another dysfunctional bureaucracy.

"Its business as usual and the Supreme Court does not seem very interested," says Nawaz Kotwal, coordinator at CHRI and editor of a study on police accountability in action.

In 2008, the court appointed a monitoring committee consisting of Justice KT Thomas, Kamal Kumar, retired DGP and Dharminder Sharma, Additional Home Secretary to look at state compliance of the court's directives. CHRI is an informal member of the committee.

Most state compliance is merely on paper. Around 12 states have new Police Acts which are a mish mash culled from all three committees – the JF Rebeiro committee, the K Padamanabhaiah committee and the Soli Sorabjee committee.

The states with new Police Acts are Assam, Bihar, Chhattisgarh, Uttarakhand, Himachal Pradesh, Tripura, Rajasthan, Kerala, Haryana, Tamil Nadu and Gujarat. Bihar was the first but its new law is supposedly worse than the 1861 Act. Not one is a model Police Act.

To ensure the police are insulated from political interference, every state is supposed to set up a State Security Commission headed by the chief minister or home minister with the DGP as secretary. Haryana does not have any such commission and neither does Rajasthan though both have passed a new Police Act.

A Police Establishment Board, headed by the DGP and four senior officers is to decide transfers, postings, promotions etc. Such boards function only in name. Using the right to information (RTI) law, CHRI found out that transfer of police officers blithely carries on.

To look into complaints of serious misconduct against police officers, Police Complaints Authorities (PCAs) are supposed to be set up at state and district level. According to CHRI, such PCAs are functional in just five states, Kerala, Uttarakhand, Goa, Assam and Tripura. The only state to have district level Police Complaints Authority is Kerala.

The job of the PCA at state level is to examine cases of death, grievous hurt or rape by officers above the rank of Superintendent of Police. The district level complaints committee is to also look into cases of extortion, land-grabbing and other abuse of authority by police officers below the rank of Deputy Superintendent of Police.

PCAs are supposed to be independent bodies headed by a retired judge of the High Court or Supreme Court out of a panel of names chosen by the Chief Justice. But all members of these PCAs are being appointed directly by the state government. In Gujarat, sitting MLAs have been appointed. In Kerala, serving police officers have been appointed.

“People will naturally be fearful of approaching a police officer with a complaint against another police officer,” says Kotwal.

No state has earmarked funds from its budget for the PCAs. Everywhere PCAs lack permanent offices and facilities. In Goa, the chairman of the PCA kept it functioning with money from his own pocket for nearly a year.

The PCAs have been vested with the powers of a civil court. They can file an FIR, summon witnesses, receive evidence. But they don't have any investigating staff. Except for Assam, Himachal, Goa and Kerala, the PCAs recommendations are not binding. Neither do PCAs have any rules of procedure till date.

So now we have one more toothless body to handle serious complaints against the police. CHRI is going to different states to find out through RTI how these various commissions are doing. “They don't even keep minutes of their meetings,” says Kotwal.

As for modernisation of the police force, a key concern of the middle class, the Union government sets aside a budget every year. The states are supposed to come up with a plan and a budget. By the time they get around to doing this, the year is almost over. They can't spend the money appropriately and use it to pretty up the police headquarters, buy some vehicles or wireless sets.

Police training has remained static. The sub inspector undergoes just a sixweek course before being put on the job. Serving officers who are sent to police academies for training see it as a punishment posting, though they may be good officers. As for awareness of human rights abuse, there are hurried lectures covering the entire gamut of issues delivered breathlessly in two or three days non- stop.