

Bringing Democratic Policing to Rural India

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The need for holistic, systemic reform of the police is acutely apparent in India today, though this issue has been simmering in policy circles and as a matter of concern for the public for years. Repeated, violent clashes between the public and police – from Gurgaon Haryana, to Kalinga Nagar Orissa to Udham Singh Nagar, Uttaranchal in the last six months alone – points to the severe public dissatisfaction with policing and the signal to government to finally implement change. In September 2005, the Government of India formed the Police Act Drafting Committee to draft a new Police Act. Policing continues to be governed by the antiquated Police Act of 1861, which falls exceedingly short as a legislative basis to establish the kind of policing system the people of India are entitled to. As the world's largest democracy, India deserves "democratic policing". The concept of democratic policing implies an approach based on norms and values derived from democratic principles. A Police Act that is shaped by democratic norms and human rights standards can lay a firm foundation for democratic policing.

Throughout its deliberations, the Committee will no doubt remain alive to the differences in policing in rural and urban areas and the special needs of each. The areas of crime that prevail, geographical distances, cultural traditions, and education and legal awareness levels are just a handful of factors that sharply differentiate urban and rural life, and thereby carry implications for policing in these contexts. In fact, there are special provisions for policing in rural areas in several state Police Manuals, and localised policing systems have been in existence since the days of British occupation particularly in remote areas. Policing in the new Police Act will have to be geared to meet both urban and rural India's demands.

In India, there has always been a distinct mode of policing in rural areas. The British did not take direct responsibility of ensuring "law and order" - a local landowner was appointed as the village headman and along with a village *chowkidar* entrusted to keep order. These headmen were expected to function as servants of the community, and though theoretically they were made accountable to subordinate officers of the empire, this oversight was not effectively practised. While after 1947, the functions and powers of these headmen were diluted to a large extent, this system continues to function today. In many villages, a village *chowkidar*, appointed from among the community, is the sole representative of the state police.

In the post-independence era, some states have tried to replace this system with better practices though even the new systems have not proved effective. For instance, in 1963, the practice of appointing beat constables to maintain liaison with villages was started in Orissa, however due to financial constraints, only 1,500 constables were appointed to monitor 50,000 villages.¹ Soon after in 1965, a new system of appointing gram rakhis was introduced who were to discharge the same functions as those of a *chowkidar*. Gram rakhis were essentially civilian volunteers appointed to carry out policing tasks. They were generally better educated and better paid than the *chowkidars*, but administratively they fell under the revenue department of the district. This meant they were not trained in basic policing techniques, such as scientific reporting and investigation and the scheme did not prove beneficial. The state of Karnataka also tried to revamp its rural policing system, and the state government passed special legislation in 1964 called the Village Defence Parties Act 1964. Under the new law, defence parties are appointed by the Superintendent Of Police in every village or group of villages. The Act is comprehensive and provides selection criterion, duties and powers of such defence parties in detail. However, in its 3rd Report, the National Police Commission quoted a sample survey that indicates this system is

¹ National Police Commission (1980) *Third Report of the National Police Commission*, Government of India, page 13.

not functioning adequately.² Rural communities have not been properly oriented to the community policing elements of this scheme, and they regard the defence parties as an extension of the coercive arm of the state. The appointment criteria laid down in law is casually ignored, and appointments have assumed political colours.

Some state police manuals, which contain all the minute rules and regulations that govern each state police force, contain provisions that provide a role for local communities in policing. In a nutshell, locally appointed “police” are to be the eyes and ears of the formal policing apparatus. As one way to guard against communal violence, the Gujarat Police Manual establishes the system of Gram Rakshak Dal and Mohalla Committees – local bodies mandated to maintain communal harmony in their areas. They are given the important responsibility to prevent communal violence and promptly report any occurrence with communal overtones to the district headquarters. These Committees are to be appointed in every village and its members are chosen from local communities. The law provides that their composition must be representative of the communities they serve, and diverse members from different communities must be taken on board. Questions regarding the functioning and efficiency of these bodies have been raised, since communal violence claimed hundreds of lives in rural Gujarat in the 2002 riots. The Police Manual of Madhya Pradesh requires state police officers to visit and organize camps in deserted villages with a view to prevent crime. The Bihar Police Manual makes it the responsibility of the chowkidar to provide information to the police concerning epidemics, fires, the state of crops, cattle disease, the arrival of foreigners, or criminal gangs. Various other elaborate directions exist on a number of duties to be carried out by this small (non-formal) entity of government.

If given proper legal standing and direction, community police in rural areas can complement the formal state police in many ways, and importantly forge public trust in the police. Fortunately, in some states, community policing initiatives are evolving in this direction. In Chhattisgarh for instance, gram raksha samitis, or local policing groups made up of local residents, have been formed at the village level. These groups are bestowed with policing-related responsibilities, including overseeing individuals’ security, safeguarding public and private property, and assisting the police in crime prevention. To help the police, the village rakshaks are to be given whistles and torches by the village sarpanchs. In order to mobilize public participation in policing, a community policing scheme was introduced in Himachal Pradesh in November 2000. Under this scheme, police stations are divided into sectors that correspond to the wards of panchayats. Each sector has a core group made up of 6 respectable persons of each locality, as well as 1 home guard, 1 chowkidar, and 1 police constable or head constable as the Secretary. Notably, the District Superintendent Of Police visits each village regularly and discusses policing related problems with the communities. After careful deliberation, these practices will need sound legal support if they are to be replicated successfully throughout the country. In 1980, after detailed research, field visits and surveys, the National Police Commission concluded that rural policing systems need overhauling. It put forward several important recommendations in this regard - setting minimum and maximum age limits, adequate remuneration, and better accountability to be exercised over members of the community police. The NPC also suggested that panchayats and sub divisional police offices must maintain close liaisons and ensure effective policing in villages. Better working conditions and improved facilities to enable and encourage better performance were also recommended.

Many of the larger problems in India’s policing system, which impact the quality of policing in rural areas to a great extent, stem from the fact that colonial legacies continue to shape the policing philosophy. Despite Independence and decades of change, the approach to policing remains fundamentally unaltered. Very often, this has meant that police accountability – where it exists – has been to the government, to a political party, or to the bureaucracy, and not to the people. At the same time, the militaristic policing style adopted to maintain colonial rule is still used to “police” a democracy. These factors have allowed a colonial approach to policing to persist. India’s 1861 Act, pre-dating the Universal Declaration of Human Rights and the end of

² *Ibid*, page 14.

imperialism, makes no reference to the protection of human rights and civil liberties but focuses on the functions of the police related to colonial-style “maintenance of law and order”. In rural areas, where education and legal awareness levels are generally lower than in cities, policing probably remains the most feudal though this varies in extent in different regions of the country. Far away from the reach of democratic norms and external accountability mechanisms such as the courts and human rights commissions, the police in rural areas tend to be more authoritarian, more opaque and more overtly biased than their urban counterparts. In most probability, police officers in rural districts also probably enjoy higher levels of impunity for acts of misconduct as there are less channels available for the public to take their grievances.

The Police Act Drafting Committee must attend to the issues surrounding rural policing. It is vital that the police be required by the new Act to understand and respond to the special needs and particular crime concerns of rural communities. As a first step, the new Police Act can provide for compulsory community participation in policing – through the police and community cooperating to frame a local policing plan for instance - to enable sustained dialogue between the police and communities. In addition, to ensure strengthened and accessible accountability of the police, the Committee can create, in the new Act, public complaints authorities at the district level which would essentially be civilian dominated bodies to accept and investigate public complaints against police officers. The Committee has an opportunity to make good on the present national government’s stated commitment to police reform, and it is hoped reform will come about in the interests of both urban and rural India.