

## **In search of lost credibility**

### **The carnage in Gujarat underlines the need for police reform**

Ind.Exp 05.04.02

It is obvious there was an enormous failure of law enforcement machinery during the recent communal riots in Gujarat. The police failed to prevent damage to life and property and to provide a feeling of security to a large chunk of population. There are allegations that the police took sides and owed bias against members of the minority community.

This is not the first time this has happened. It happened in Nov 1984, when Sikhs were massacred and property worth crores was looted by rampaging mobs. There was the Bhagalpur carnage in October 1989 when the Bihar Police allegedly joined the marauders in acts of arson, looting and butchering innocent persons from the minority community. The 1992-93 communal riots of Bombay brought in shocking incidents of police acting in a blatantly partisan manner against members of the minority community.

But the scale on which the state has lost its credibility this time is unprecedented. Once the state loses its credibility on such a mass scale, the feelings of insecurity amongst the minority community members give rise to faith in vigilantism, the tendency to congregate leading to ghettoisation with all the attendant evils, and militancy.

If there is one lesson that emerges clearly from what happened in Gujarat, it is this: the country cannot do any more without police reforms. The need for police reforms is too urgent to be delayed.

Police reforms must be pursued simultaneously in two directions. One, to establish statutory institutional arrangements to ensure that the superintendence of the state governments over their police forces is limited to guarantee that police performance is in strict accordance with law. To ensure the police function to establish rule of law, not rule of politics.

The other direction is to think in terms of strengthening policing under the existing set up. Besides improvements in recruitment, training and leadership, the condition of the constabulary needs immediate improvement. It is also necessary to set up statutory mechanisms to ensure effective monitoring and accountability of the police.

The most effective way of bringing about reforms in the police is by amending the Police Act. The relationship between the police, the government and the community is defined and regulated by the provisions laid down in Police Acts of different countries.

The Police Acts in other countries, unlike our Police Act of 1861, talk less of control and more of responsibility of the government to set up an efficient and effective system of policing. For instance, the main function of the Secretary of State in the U.K., according to Section 36 of the Police Act of 1996 of that country, is to exercise his powers “in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the policy.”

It is this statutory obligation, which makes the governments accountable for their failures in policing and forces them to take steps to monitor police performance and take concerted action to improve the police system. The overall responsibility of providing the community with an efficient and effective force remains with the political executive and yet functional autonomy remains with the head of police. There is a statutory public process for arriving at a careful demarcation of roles between the politician, the police and the community.

We need to go back to the recommendations made by the National Police Commission more than two decades ago. The central as well as the state governments in this country turned a deaf ear to those recommendations. It is time we learnt the lessons from Gujarat.