

## **Recent Developments in Kerala Police**

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The Police as an organised institution in this country was established by the British with the Police Act of 1861. It was established, controlled and groomed to function as a regime police, totally subservient to the political executive and considerably distant from the community and it continued to remain so even after Independence. The transition from the colonial regime police force to a democratic police service never occurred in this country even after Independence. That is why it has been so easy for the politicians to manipulate the organisation for their narrow selfish ends. The concern expressed by various expert bodies, including the National Police Commission, about the deleterious effects of exercising illegitimate control over the police by politicians on the rule of law, was overlooked and politicians almost all over the country continued to abuse and misuse the police for their partisan interests.

The politicians always put up very strong resistance to the idea of police reforms whenever it was mooted. That is why the recommendations of the National Police Commission remained unimplemented. The only exception to this was the former Union Home Minister, Mr Indrajit Gupta, who, on April 3, 1997, wrote a letter to all the Chief Ministers, exhorting them to “rise above any narrow and partisan considerations to insulate the police from the growing tendency of partisan or political interference in the discharge of its lawful functions...” He also warned them that if they failed to initiate action to introduce police reforms, the day was not far off “when the judiciary would intervene decisively to force such socially desirable changes down the throat of the political executives.” Mr. Gupta never received any response to his letter, not even from the Government of West Bengal, which was being ruled by a party to which Mr Gupta belonged. Later, during a workshop on Police Reforms, he informed the participants that he did not receive even an acknowledgment from any state government.

Fortunately, some winds of change appear to have started flowing from the extreme southern tip of this country. Over the last couple of years, some remarkable developments are reported to have occurred in policing in Kerala as a result of great foresight and initiatives shown by the present Chief Minister, Mr A.K Anthony. One has been by way of providing a good deal of functional autonomy to the police force. The authority of the police leadership to take their own decisions regarding appointments, transfers, postings, promotions, rewards and punishments has been restored. There are also reports that the police are not brooking any interference from the politicians in their day-to-day work. According to the police, the changes, by restoring authority to the police leadership, have helped in improving discipline in the police force.

The new arrangements appear to have evoked sharp reactions from some quarters. Politicians, of course, have not welcomed the developments. In a workshop organised by the Commonwealth Human Rights Initiative (CHRI) in Trivandrum on June 26-27 this year, two major criticisms of the developments were voiced. One, it was mentioned that “faceless middlemen” have taken the place of politicians in exercising illegitimate control over the police. The politicians were at least known faces and could be called to account for their misdeeds, but the middlemen being faceless could get away with their sins of commission

and omission. Two, it was widely mentioned that these changes have not made any dent at all on the biggest scourge of the police- their corruption. According to some, corruption in the police has increased. The biggest reform in the eyes of some is the reform that will provide to the public an efficient and honest police cover.

Recently, the Government of Kerala took another great initiative in the field of police reforms. A Government of Kerala's Order dated November 18, 2003 sets up a Police Performance and Accountability Commission headed by Justice K.T.Thomas, a retired Supreme Court judge. Besides evaluating the general performance of the police during the last two years and make periodic recommendations to improve the functioning and accountability of the police, the Commission will "examine the effectiveness of the autonomy given to the police in recent times, its merits and demerits and to suggest measures for further improving the functioning and accountability of the police." By setting up this Commission, Kerala's happens to be the only state government in the country that has implemented two major recommendations of the National Police Commission- one of providing functional autonomy to the police and the other of establishing an institution that will periodically assess police performance and ensure their accountability.

Unfortunately, these may prove to be the initiatives of an individual politician, which last only as long as he remains at the helm of affairs. This apprehension was expressed in the CHRI's workshop too when the Chief Minister was asked as to why he had not considered it necessary to institutionalize these developments through statutory reforms. Mr Anthony's reply was that of an astute politician. According to him, it is for the Kerala Police to prove their mettle and come up to the expectations of the public. "Everything depends upon the satisfaction of the people," he said. "After a reasonable period of time, if the police can convince the people that this set up is better for the people, better for the state, no government, no political party can attempt to change it." This puts a tremendous responsibility on the shoulders of police leadership at different levels in that state. They cannot let this opportunity be wasted. On their performance depends not only their survival as an autonomous and accountable police force but also of the growth of democratic policing in other states. If the transition from the regime police force to a democratic police service has to occur in other parts of the country, Kerala has to take the lead and the police there have to show that they are mature and competent enough to set an example for other states in the country to follow.