

The Kerala Police- Two Recent Developments

G.P.Joshi

By setting up the Police Performance and Accountability Commission, Kerala is the only state government in the country that has attempted to implement two major recommendations of the National Police Commission:

1. providing functional autonomy to the police; and
2. establishing an institution that will periodically assess police performance and suggest improvements.

It has been clear for a long time that the way that the police force for India was set up by the British in 1861 is completely unsuitable for present day requirements. However the change from a regime police that protects the interests of rulers to a democratic police service that is accountable to law alone has been steadfastly resisted by police, politicians and bureaucrats.. Major recommendations made by the National Police Commission to improve the policing across the country that were made two and a half decades ago have remained unimplemented.

No Political Interference: Fortunately, some winds of change appear to have started blowing from the extreme southern tip of this country. Over the last couple of years, two significant developments are reported to have occurred in policing in Kerala as a result of great foresight shown by the present Chief Minister, Mr. A.K Anthony. One has been by way of providing 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. The police are not brooking any interference from politicians in their day-to-day work and as a result the leadership has more authority over its men and this has helped in improving discipline in the force.

The new arrangements have evoked sharp adverse reactions. Politicians, of course, have not welcomed the developments. In a workshop organised by the Commonwealth Human Rights Initiative (CHRI) in Thiruvananthapuram on June 26-27, 2003, two major criticisms of the developments were voiced. One mentioned that “faceless middlemen” have taken the place of politicians in exercising illegitimate control over the police. The argument is that politicians were at least known faces and could be called to account for their misdeeds, but the new middlemen, being faceless, get away with influence peddling and sins of commission and omission. More importantly, the curbing of political interference has not made any dent on the biggest scourge of the police- their corruption. According to some, corruption in the police, in fact, has increased. Reform requires not only that illegitimate political interference come to a stop but that the police take responsibility for providing honest, unbiased and efficient service to the public. . It is therefore necessary to have institutional arrangements, that would constantly monitor police performance and recommend corrective measures to bring about the desired improvement.

Performance Monitoring: In response, the Government of Kerala, by an order dated November 18, 2003 set up a Police Performance and Accountability Commission. It is headed by Justice K.T.Thomas, a retired Supreme Court judge and has two retired officers – one from the IPS (Shri Rajagopalan Nair,) and the other from the IAS (Shri T.N.Jayachandran) as members. The Commission has only two terms of reference. Besides evaluating the general performance of the police during the last two years and making periodic recommendations to improve the functioning of the police, the Commission is asked to “ 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.” The Commission does not supervise the investigation of individual cases or entertain individual complaints, though it can suggest measures for improving investigation in general. The term of the Commission is only one year from the date of its constitution and it is headquartered at Kottayam. The composition of the Commission could be considered inadequate, its charter narrow and its tenure limited. However, the fact remains that it is for the first time that any state government has taken significant initiative, however tentative, to introduce reforms in the police system on the lines recommended by the National Police Commission.

No statutory backing: The fact that none of the two developments has been given any statutory backing is significant. In the CHRI’s workshop, an apprehension was expressed that these might ultimately prove to be the initiatives of an individual politician, which last only as long as he remains at the helm of affairs. The Chief Minister was asked why he had not considered it necessary to institutionalize these developments through statutory reforms. Mr Anthony’s reply was that of an astute politician. He said that it is for the Kerala Police to prove their mettle and come up to the expectations of the public before changes could be institutionalized by law. “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. The police have always blamed interference from their ‘political masters’ as a major justification for poor performance. With this curbed, it is for them to show that they will not ally with other influence peddlers and vested interests in the performance of their duty but stay steadfast to their mandated duty to protect the public interest and uphold the law. They cannot let this opportunity be wasted. On their performance depends not only their survival as an autonomous force but also the growth of accountable 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 the opportunity to take the lead, but 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.

GOVERNMENT OF KERALA

Abstract

Police Department-Constitution of Police Performance and Accountability Commission-Orders issued.

HOME (E) DEPARTMENT

G.O. (MS) No. 246/2003/Home

Dated, Thiruvananthapuram 18 -11-03.

Read:- Minutes of the meeting held on 17.11.2003 by Chief Minister.

ORDER

Government are pleased to constitute a Police Performance and Accountability Commission, headed by Justice K.T. Thomas (Retired Supreme Court Judge) as Chairman, Shri K.V.Rajagopalan Nair IPS, Director General of Police(Retired) and Shri. T.N. Jayachandran IAS (Former Vice Chancellor, Calicut University and Additional Chief Secretary(Retired) as members.

2. The terms of reference of the Commission would be:

(a). To evaluate the general performance of the police during the years 2002 and 2003 and make periodic recommendations on improving the functioning of the police.

(b). To 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.

The Commission would not supervise the investigation of individual cases or entertain individual complaints. The Commission can suggest measures for improving investigation in general. The Commission would devise its own procedures for working.

3. The term of the Commission would be one year from the date of its constitution. The Headquarters of Commission would be at Kottayam. Appointment of the required staff would be on contract basis by the Commission and their remuneration would be as decided by the Commission.

4. Hon'ble Mr. Justice K.T. Thomas has intimated that he does not propose to draw any remuneration. The Members shall also not be entitled for remuneration. The Chairman and the Members shall be eligible for sitting fee for the meeting of the Committees, on such rates as may be decided by the Committee. They shall also be

eligible for travelling allowances for journeys in connection with the work of the Committee.

5. The expenditure on this account would be debited to a new head of account in the state budget (Home Department) to be opened for the purpose.

6. Principal Secretary (Home) would make the administrative arrangements for the smooth functioning of the Commission.

By Order of the Governor,

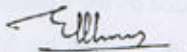
N.RAMAKRISHNAN

Principal Secretary to Government.

To

1. Hon'ble Mr. Justice K.T. Thomas (Retired) Muttambalam, Kottayam.
2. Shri. T.N. Jayachandran IAS Additional Chief Secretary, (Retired).
Anuranjanam, D-21 Pillai Veedu Nagar,
Kesavadasapuram,
Thiruvananthapuram - 6950004.
3. Shri. K.V. Rajagopalan Nair, IPS (Retired)
Sai Nidhi , Bhagavathy Lane,
Jawahar Nagar, Thiruvananthapuram.
4. The Director General of Police, Thiruvananthapuram.
5. The Director of Public Relations Department.
6. Finance Department.
7. Law Department.
8. SF/OC.

FORWARDED/BY ORDER


SECTION OFFICER.

Copy to:-

- P.A to Principal Secretary (Home & Vigilance) Department.
- ✓ Joint Secretary, O/o the Principal secretary to Chief Minister.
- P.A to Secretary, Law.

