

Chennai Report, 7 November 2008, Launch of CHRI - Catalyst Trust Book on Police Reform in Tamil Nadu

A meeting of the civil society groups comprising Catalyst Trust, PUCL, People's Watch and Human Rights Foundation was held at MRC Nagar Chennai. The agenda was release of book containing extracts of Model Police Act, Supreme Court judgment on police reform and a commentary on new police bill of Tamil Nadu. About 100 people participated in the meeting including a dozen representatives from media. Following are the extracts from the deliberations.

Justice (Retired) Shiv Subramaniam

When police was sought to be established as an institution in England in 1829, there was general furor that it would curtail the rights and liberties of the citizen. But now the police is considered an essential service. We need it and we need a good policing system. I request the government to view the discussion on policing in a constructive manner. The object of reason of new state police bill states that it is being drafted to implement the Supreme Court directives, but as one reads it one finds that it is not so. This apparently can be attributed to the bureaucratic inefficiency or oversight. Political parties are guided or misguided by the bureaucracy. Unless it is provided in law there could not be any other mechanism through which police can be made responsive. I have the privilege to be member of a fact finding that looked into clash between police and public. I was surprised to know that there are not adequate provisions of regular training for the police men. They should be trained in all round skill development including sense and capacity to distinguish between hardcore criminals and ordinary citizens. In countries like England there is a constant review of police act. It should become norm here too.

Habibullah Basha, former Advocate General of Tamil Nadu

The two main political parties are not inclined to police reforms. This should be highlighted through press. There is nothing wrong in political superintendence. The problem is with the political interference. Politician saying do this or that or I will transfer you is unacceptable. Investigations are interfered. The result is that every one says that we do not have faith in local police, we want CBI inquiry. Why is this lack of faith? It is due to political interference, lack of proper training and not choosing proper people.

The new institutions that are being set up in different parts of the country because of Prakash Singh case are welcome. These institutions will certainly make the courts less burdened as major part of complaints before the court is against the police.

Besides many others the proposed police Act fails on the count that it does not provide for complaints redressal mechanism for the lower level police officials within the service. It does not provide for identifying performance indicators too, for example victim satisfaction. There should be a request from us to set up a committee to study this bill. This is true that police are really ill equipped to face situation where they need to use other means than force. For example our police only know to use *lathi*, tear gas and guns

in a situation of riot. While it should be working through the local community groups to reduce tension and bring peace in the effected area.

C V Narsimhan, former director CBI

The discussions in Ac room should not remain at the theoretical level. It should receive attention at the ground level and not remain on paper. Politics by nature is divisive, but if the nation has to remain united it is police that will ensure that. Police should be under an over sight mechanism that makes them conform to truth justice and law. It is no one's case that police should be out of political control. It is not like judiciary but it should be controlled by the government in the manner that is transparent.

It is not only one part of the political establishment that interferes in policing work but the entire political body is permitted by the system to interfere in it. The system is making it difficult for honest officer to practice its honesty. However it facilities dishonest police officer to practice his dishonesty.

II Session

Pushkar Raj, CHRI

The Supreme court directives have not emerged suddenly and this should not be seen as a court initiative that is seeking to interfere in domain of executive. The directives draw their inspiration from National Police Commission reports, Ribbero committee and Padmanabhaiah committee besides Police Act Drafting Committee. These commissions and committees have been set up by different governments pointing to a consensus that existence at political level that there is a need for police reform.

It should be noted that the Tamil Nadu police bill's statement of objects and reasons states that bill seeks to give effect to the Supreme Court directives on police reform. If one studies the bill closely one finds that the bill fails to give effect to functional autonomy and accountability in police and also does not address question of political interference that were the essence of the Supreme Court ruling.

The way ahead in the present scenario is to carry forward more vigorously the present debate on need for police reform in the state. This could be done with focus group discussions with various sections of civil society, e.g., lawyers, academics, NGOs, political parties and media and giving it greater publicity. As the bill has already been introduced in the state assembly we must press for refereeing it to the select committee of the house. We must impress upon the state government that policing is an integral part of good governance and people must be consulted on an important issue of kind of police that they want. The government must learn from the example of Kerala where the new police draft Act has been put on the state police website and submissions have been called from the public. SMS campaign is a good strategy to spread the word amongst people and political leaders and must be initiated immediately. If every one of us sends five SMS each to five persons requesting in turn the recipient to do the same it would go a long way in informing people about the new police Act and people might begin to ask questions on it.

Henry Tiphagne, People's Watch, spoke mostly in Tamil

Impunity of police officials is a big problem while bringing them to justice. Section 197 should be advocated to be scrapped. While IAS and IPS officers have associations, why cant lower rank officials too should have right to form associations. This is a weak and diluted version of the bill and next week we should organize a big public demonstration against it.

D Raja, Secretary, Catalyst Trust

This is a golden opportunity to lobby and influence the new police bill that might not come again. There are several loopholes in the present bill and must be referred to select committee. The committee could be approached and inputs submitted to it.

Mr. Ambros, Trustee, Catalyst Trust

Consensus is that bill should be referred to the select committee. For this purpose the Chief Minister should be met with. We should also meet with the MLAs and educate them on the bill as most of them are ignorant about it.

A large number of other people also expressed their view including V. Suresh of PUCL but primarily in Tamil

Action points:

- Pamphlet hand outs to all 239 members on 10 November 2008.
 - Press meet on the new police bill on 11 November 2008
 - Lobby with the MLAs of different political Parties.
 - Meet the Chief Minister to demand that bill be referred to the select committee of the legislature.
 - Demonstration demanding people's consultation on the police bill in different District headquarters.
 - SMS campaign to continue.
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