

**A Workshop Report on  
M.P. Police Vidheyak, 2001**

*Madhya Pradesh*

**Venue:**

**M.P. Academy of Administration  
[May 3 & 4, 2002]**



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### **Annexures**

## Introduction

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Continuing our efforts to increase the level of debate and discussion in M.P on the draft M.P. Police Bill, CHRI organised a 2-day workshop in Bhopal on 3-4 May 2002. This was held after the Chief Minister of the Madhya Pradesh had consented to address the participants of the workshop and to take suggestions from different stakeholders regarding the draft Police Bill. CHRI had scheduled a workshop in early March 2002 in Gwalior but this had to be cancelled in the eleventh hour in view of the developments in Gujarat.

As is known, CHRI has already started a debate across the State on the subject through its workshops and meetings in 2001. It has submitted the proceedings and recommendations to the Government of Madhya Pradesh. Since several important suggestions have already been placed on board, it was apt to now take this opportunity to particularly include experts and important stakeholders in the State who were familiar with the subject and who could directly influence policy change in their different capacities of association with the governance of Madhya Pradesh.

CHRI invited serving senior bureaucrats, senior police officials, political representatives, heads of the State Human Rights Commission, State Women's Commission, State Minority Commission, State SC/ST Commission, senior media persons from across the State, experts from the legal and academic fraternity, eminent retired police officials and bureaucrats from all over the country including several who served in Madhya Pradesh and important donor agencies which have been working in the State.

As the workshop<sup>1</sup> was likely to cover the same ground as previous workshops, it was redesigned to sharpen its focus on the central issues of superintendence & control over police and the need to ensure police accountability, particularly in the wake of the communal carnage in Gujarat and the failure of the police to handle it.

The Home Minister of Madhya Pradesh inaugurated the workshop. The Chief Minister of Madhya Pradesh was scheduled to preside over the valedictory function on the second day and accept suggestions but could not attend due to the sudden visit of the Prime Minister to Gwalior on those dates.

## Recommendations

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### The Process of Public Consultation

There was a unanimous demand that any proposed new Bill to reform police should be placed before the public to elicit their suggestions before it is presented in the Assembly. The Home Minister informed the participants on the first day that presently the Bill was being studied by legal experts and was yet to undergo a few stages of consultations and revisions within the administration. He further assured that once the Bill was finalised, the Madhya Pradesh Government would definitely make it a public document and have wide public consultations before presenting it in the assembly. It was suggested that an informed debate could be ensured in the Assembly if the copies of the Bill were given to the elected representatives some weeks in advance and meetings could be arranged amongst different groups to discuss it.<sup>2</sup> Those eager to have some reform were anxious that consultation should not become an excuse for delay.<sup>3</sup>

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<sup>1</sup> Refer to Agenda – Annexure 1

<sup>2</sup> S.Gupta

<sup>3</sup> K.S.Dhillon and Others

In order to counter those who believe that wide consultation is not possible or practicable CHRI devoted a whole session to discuss the strategies and methods of beginning a practical process of public consultation. The process of the Constitution making exercise undertaken in South Africa in the recent past was provided as an inspiring illustration of an entire society (including the political masters and the administration) coming together to first devise and then participate in the creation of the South African Constitution.<sup>4</sup> Unique to this is the idea that the state is proactive in leading the consultative process. The entire state machinery with the support of several non-state actors came together to plan and implement the widest possible consultation process. These ideas need to be adapted to the Indian context. It was urged that the state take on the responsibility of carrying out the consultation process.<sup>5</sup> Others felt that state ownership of the process would not only dilute the exercise but also inevitably create a bias.<sup>6</sup> An independent nodal agency with several sub-agencies could be made responsible for this process. Financial support for this could be taken from the state.<sup>7</sup>

Problems and suggestions should be drawn from the widest number of groups in the state through different strategies. Target groups could include gram sabhas, panchayats, talukas and districts, mahila mandals, yuva mandals, self-help groups, members of the criminal justice system, media, trade unions, political parties, religious groups, professional associations like the medical associations, architects, industrialists, etc., the civil society

groups, academics, the criminals and the victims, the silent majority including the deprived, marginalized and minorities and the institutions of the State responsible for protecting their rights. Lastly ideas and suggestions could be taken from the experiences of several experts and government officials on this subject that is available in the form of reports.<sup>8</sup>

These consultations could be done through different techniques – random surveys, focussed group discussions, using the visual and print media, arranging sponsorship programmes etc. Once the decision to undertake this process is taken, the task identification and task sharing would be a matter of detail.<sup>9</sup>

## Suggestions on the M.P. Police Bill

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### The Preamble

- ▶ The Preamble to the draft M.P. Police Bill does not spell out that the police need to function in accordance with the provisions of the Constitution and the rule of law. The first two clauses from the preamble of the National Police Commission (NPC) Model Bill should be incorporated.<sup>10</sup> The clauses are: “Whereas the Nation’s founding faith is the primacy of the rule of law and the police must be organised to promote the dynamic rule of law and render impartial service to people; and whereas the police has a paramount obligation and duty to

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<sup>4</sup> Aubrey McCutcheon

<sup>5</sup> Maja Daruwala

<sup>6</sup> S.C.Behar

<sup>7</sup> Ibid

<sup>8</sup> S.C.Behar, Maja Daruwala and others

<sup>9</sup> S.C.Behar

<sup>10</sup> M.C. Trikha

function according to the requirements of the Constitution, law and the democratic aspirations of the people”

- ▶ There should be a mission statement for the police. This statement should prescribe standards regarding the personal conduct, attitude, work culture, image etc.

## On Supervision and Control

- ▶ The recommendations made by the NPC to establish the State Security Commission (SSC) should be considered for implementation after changes, if necessary.
- ▶ The NPC Model Bill suggests a fixed tenure for the DGP. This draft Bill should lay down fixed tenures for the Station House Officer (SHO) and the Superintendent of Police (SP) too.
- ▶ There should be a provision in the Bill to protect the police from arbitrary transfers
- ▶ The draft Bill should provide for decentralised mechanisms of civilian supervision over police, assigning responsibilities to local bodies like the Panchayats and Zila Parishads at each level.

## Accountability

- ▶ The Bill must have a provision, making it the responsibility of the state government to set up an efficient and effective system of policing in the state.
- ▶ No impunity should be given to the police under any law. Effective mechanisms of accountability should be laid down in the Bill. Sections that protect police such as

section 197 of the Criminal Procedure Code should no longer apply.

- ▶ The Bill should provide for a civilian oversight agency at the local level to check police lock-ups and also to provide for redressal of complaints against the police.

## Community Participation in Policing

The Bill must provide for the establishment of police-community liaison groups at police station, panchayat, taluka, district and state levels to reduce the distance between the public and police and to assist the police in crime prevention and law and order tasks.

## Others

- ▶ The Bill should be drafted in a precise and simple manner and made available in all local languages to enable everyone to read and follow it.
- ▶ The Bill should be futuristic in vision and address the present loopholes also ensuring that it is followed by thorough rules and procedures that are easy to realise in terms of time and requirements.
- ▶ The Bill should be referred to a Select Committee before it is introduced in the Assembly. It should be circulated simultaneously to elicit wide public opinion through the government machinery. Time should be ensured for such public debate as assured by the Home Minister.<sup>11</sup>

## General Suggestions

- ▶ Since several other states are also coming up with draft police Bills, it would be a

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<sup>11</sup> Refer to page 1 – third paragraph

good exercise to do a comparative analysis of different Bills particularly in the light of the directive from the Ministry of Home Affairs that has asked all the States to come up with State legislations by 2003.

- ▶ There should be greater transparency regarding police functioning at the police station level. Information on details of crimes registered, number of people in custody and the status of investigation of the case should be displayed visibly in the Station. Availability of information is the first safeguard against misuse of powers. People have a right to such information.
- ▶ The recruitment methods and standards should be revamped. The process should be redesigned and made more rigorous to ensure that the new ranks do not have a communal orientation.
- ▶ Training should be upgraded to equip the police not merely with the skill to meet the present day policing requirements, but also the attitudes that help them to internalise rule of law, 'human rights' standards and an understanding of what governance means.

## Main Themes

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CHRI is presenting here a brief report of the proceedings, as the earlier report of the workshops hosted in the year 2001 goes exhaustively into the details of the debate surrounding the central concerns and issues in the new Police Bill.<sup>12</sup> The report will highlight the salient points of the deliberations over the 2 days in thematic order.

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<sup>12</sup> See the "Report of the Workshops/Meetings on M.P.Police Vidheyak" circulated by CHRI to all the participants of this workshop and also sent to the participants of the earlier workshops.

<sup>13</sup> Gagan Sethi

<sup>14</sup> Ibid

<sup>15</sup> T.Anantachari

<sup>16</sup> Ibid

## Control & Superintendence Over Police

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The question of the nature of control and superintendence over the police has never been more relevant than in the present context of Gujarat. The communal carnage stretched over several weeks resulting in a huge loss of lives and property. A clear pattern of deliberate pre-planned violence and absence of effective action by the police to control it point to a complete failure of the systems of governance. There is even enough evidence of complicity of police personnel in incidents of violence.<sup>13</sup> The partisan role of the State is also evidenced by the manner in which sincere proactive police officers were promptly transferred for being effective in preventing and controlling violence.<sup>14</sup> Gujarat is not an isolated event. The partisan role played by the police in the 1984 anti-Sikh riots, demolition of the Babri Masjid in 1982 or the more recent arrest of a former Chief Minister in Tamil Nadu are but a few instances among many recorded in history.<sup>15</sup> If an institution responsible for ensuring peace and security becomes an instrument to perpetrate violence or is reduced to a mute spectator at the behest of the political powers, how can it ever instil faith in the citizenry in the rule of law?

Gujarat reminds us yet again that the need for police reform is imperative and cannot be delayed. If Gujarat has proved anything, it is that the political authority should have nothing to do with law and order and that the police should not be allowed to continue as the hand-maiden of the political regime.<sup>16</sup> Only a non-partisan, apolitical, functionally independent, law-abiding police organization can have the confidence to provide security.

A rapid survey of 2797 persons staying in camps in Gujarat after the recent communal violence was conducted by Citizens' Initiative in March 2002. It was done with a view to understand the nature and extent of violence, the role of State in abetting inaction, the active involvement etc. and present this information to the government and other committees as well as help file complaints. A segment of the research dealt with the role of the police.

*The respondents were asked if the police were present at the scene of offence?*

1479 respondents said police were present at the scene of offence.

916 respondents said police were not present at the scene of offence.

*Number of people who sought the help of the police who were present on the scene of offence:*

485 respondents sought police help.

982 respondents did not seek police help.

12 respondents did not reply.

*Number of people who **informed police** on instances **when the police were not present**:*

387 respondents had informed the police

446 respondents had not informed the police.

83 respondents did not reply.

*Details regarding the action taken by police:*

870 respondents said that the **police** were passive and **did not take any action**

673 respondents said that the **police acted against the victims.**

125 respondents said that the police

fired in the air and released tear gas  
80 respondents said that the **police were supportive to the victims.**  
**1049 respondents either did not respond or gave other reasons.**

\* Gagan Sethi presented the statistics of a study that was being finalised at the time of the workshop. However the figures have been corrected here and represent the complete findings from the study report titled "Hard Facts"

The National Police Commission realized the threat posed by such control to the quality of policing as early as 1981 and thus made numerous recommendations to insulate the police from external illegitimate control.<sup>17</sup> It suggested the creation of an autonomous statutory body through which the state would exercise its control – the State Security Commission, streamlined the process of selection of the Police Chief, recommended a fixed tenure for such Chief, emphasized the need to insulate the investigative wing from political and external interferences, and laid down the procedure relating to the appointments, postings and transfers of police officers.<sup>18</sup> In the discussion that followed it was suggested that it was equally important to have fixed tenures for the Superintendent and Station House Officers along with that of the DGP.

Though the need to depoliticise the police has been asserted repeatedly by various commissions and committees, including the recent 88<sup>th</sup> parliamentary standing committee on Home Affairs, they have fallen on deaf ears.<sup>19</sup> The reluctance of the successive governments since the NPC to implement these recommendations is evident from the manner they have appointed committee after committee to re-examine police problems.

<sup>17</sup> D.Ramachandran

<sup>18</sup> T.Anantachari, Also refer to our background note

<sup>19</sup> K.S.Dhillon



This has been done deliberately to stall police reform.<sup>20</sup> The Rebeiro Committee and the Padmanabhaiah Committee on Police Reforms have also diluted the NPC recommendations on the reasoning that political control over police will never be given up and it would be prudent and practical to suggest possibilities that would be acceptable to the political masters.<sup>21</sup>

This is evident from the M.P. Police Bill too, which not only duplicates the relevant section from the 1861 Act, but goes beyond to include a clause that tightens governments' control over police matters. It states that, "*any control, direction or supervision exercisable by any officer over any member of the police force shall be exercisable subject to such superintendence*".<sup>22</sup> In this regard, the government of M.P, other states as well as the Centre need to learn how this problem has been dealt with by law in other jurisdictions.

The U.K Police Act, 1996 is undergoing yet another revision because there is public discontentment about the performance of the police. Several committees like the McPherson Committee have made recommendations to revamp the police organization. U.K draft Police Bill, 2002 is presently under consideration. Recently the Government of Pakistan promulgated a Police Ordinance, 2001 with the objective of providing an "*independently controlled, politically neutral, non authoritarian, people friendly and professionally efficient police system*".<sup>23</sup> The Ordinance has adopted from the NPC report.<sup>24</sup> Is it not ironical that the

recommendations made by the NPC and ignored by the successive central governments in our own country over the years have found favour in a military dictatorship?

In the models of policing cited above and other models including South Africa and British Columbia, responsibility is placed on the government to give good policing to the citizens. It is for the government to devise a system, re-organise and ensure that the citizens get the police they deserve. In some of these countries the change is sought by the public themselves. In our country there has never been a strong public demand for reform largely because they are ignorant about the problems and partially because it is easier to blame the police for all ills.<sup>25</sup> However, the situation appears to be improving in recent years, with more people addressing the issue in media, through educative programmes conducted by organizations like CHRI and the recent Gujarat riots bringing the issue to the forefront.<sup>26</sup> But the pace of change is too slow and the consequences of having an unreformed police are proving very costly.

It was once again unanimously accepted by all the participants that the police must be insulated from illegitimate political control. A note of caution was however added that good intentions and good law would be useless if there was no change in the attitude and no will to implement it.<sup>27</sup> We will then be faced with the enduring malaise of excellent law and poor execution.<sup>28</sup>

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<sup>20</sup> T.Anantachari

<sup>21</sup> Ibid

<sup>22</sup> M.P. Police Bill

<sup>23</sup> Pakistan Police Ordinance, 2001

<sup>24</sup> G.P.Joshi

<sup>25</sup> K.S.Dhillon

<sup>26</sup> Ibid

<sup>27</sup> Rajendra Shekhar

<sup>28</sup> Ibid

## Dual Control-Policing in the Districts

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Policing in districts under the Police Act of 1861 has a two-tier control system. The Superintendent of Police is responsible for the administration of police in the district, but subject to the general control and direction of the District Magistrate (DM). Under this system, he has been exercising the authority and responsibility of regulating and directing the criminal administration in the district.<sup>29</sup> However even in pre-Independence days it was assumed that the District Magistrate would intervene only in matters of grave importance under critical circumstances.<sup>30</sup> With the separation of the judiciary from the executive he is now vested with executive powers, and mainly the magisterial power to control law and order situations.

What began as an overseeing role translated in practice over time to frequent and regular intervention in command and control of police administration. Even the Police Commission of 1902 recognised this development.<sup>31</sup> After independence this practice continued resulting in several governments issuing orders to make the DM Controlling Officer of the SP at the district level. This often led the DM to write the annual confidential report of the SP, transfer officers at police station, order enquiries, and sanction even casual leave.<sup>32</sup>

Considering the relative simplicity of the district administration in earlier times, perhaps the situation was manageable. But today, the role of the DM has been greatly enlarged with

numerous responsibilities and keeping a tab over routine policing is not feasible. The police force has also grown tremendously since then and the nature of policing has become very complex, demanding often that the police take instant decisions to avert grave disruptions of law and order. Though the DM exercises overall control, when things go wrong, it is the SP who is held responsible for the failure. It is only fair then that the police be vested with the authority to take decisions for the responsibilities they shoulder.<sup>33</sup> Realising the impracticality of this system in large urban areas, the British government during the last century had introduced police commissionerates in Madras, Bombay and Calcutta.<sup>34</sup>

In Madhya Pradesh this issue appears to have become the centre of controversy resulting largely from the rivalry between the IAS and the IPS officers.<sup>35</sup> Unfortunately the media highlighted this feature as the core theme of the Bill. At the heart of this controversy, was the attempt of the State government to introduce Commissionerate system of policing in Indore and rid the Superintendent of Police of the control of the District Magistrate. Under the draft Bill, the DM has no control over the police even in the districts.

From the citizen's point of view, duality in control over the local police or the lack of it is not very relevant. Whatever be the system of policing, it is important that the grievances of the public be redressed. Whichever system responds to citizens' complaints speedily and provides an effective police cover to them should be accepted. A few studies conducted on this subject have concluded that the

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<sup>29</sup> K.P.Medhekar

<sup>30</sup> K.K.Kashyap

<sup>31</sup> Ibid

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> G.P.Joshi, K.K.Kashyap and others

<sup>35</sup> Dr.Sunnilam

commissionerate system is more advantageous than the district system.<sup>36</sup> This could be due to the fact that there is no duality in the chain of command and the police if independent of other agencies can respond to situations quickly.

This system is peculiar only to India and Pakistan. It does not exist anywhere else in the world. The Pakistan Ordinance, 2001 has now done away with this system.

## **Police Accountability**

Policing actually is coercive compliance of norms that a society sets for itself.<sup>37</sup> To enforce this coercive compliance, the police are vested with exhaustive powers. Enforced strictly, these powers act as a shield to protect the individual citizen from any violent encroachment into his space, ensuring at the same time enjoyment of his fundamental rights and freedoms. The coerciveness comes into play when the police exercise their powers to curtail the rights of certain individuals upon reasonable suspicion of their having broken some law.

Such vast powers can easily be misused. It is absolutely essential to build in checks to ensure that the police exercise their powers in a judicious and responsible manner. The Police Act of 1861 speaks only of the control and is silent about accountability.<sup>38</sup> The present M.P Police Bill is equally reticent in this regard. The NPC model Bill presumes that the SSC is sufficient to ensure that the police function strictly according to law. The NPC and M.P Bills have laid down an extensive charter of duties, but these need

to be enforced properly by setting up effective accountability mechanisms.<sup>39</sup>

Robert Marc, one of the distinguished police officers of the London metropolitan police observed that the police in Great Britain is answerable to law and this makes them the least powerful, the most accountable and the most acceptable police in the world -  
*Rajendar Shekhar*

Rules and regulations governing police procedures and functioning provide for identifying aberrations. Mechanisms of supervision and some degree of disciplinary action are also built in the rules regulating police behaviour.<sup>40</sup> But in implementation, these procedures are often tampered and manipulated at the instance of political executives. The norms of departmental checks have become ineffective due to political patronage of individual officers.<sup>41</sup>

The procedures are also not widely known to the public. Departmental checks are often minor disciplinary actions that are treated as confidential.<sup>42</sup> It is inevitable therefore to seek redressal for complaints against police outside the police structure. In the existing framework, the options available are to either knock the door of the courts or the human rights commissions.

## **Courts – an instrument of accountability**

Judiciary steps in as a mechanism of control in two ways – (i) in the exercise of its extraordinary powers of hearing writs and

<sup>36</sup> M.C.Trikha &K.K.Kashyap cited studies undertaken by Indian Institute of Public Administration

<sup>37</sup> Nitya Ramachandran

<sup>38</sup> Refer to CHRI's background note and the earlier workshop report

<sup>39</sup> Nitya Ramachandran

<sup>40</sup> P.C.Dogra

<sup>41</sup> Ibid

<sup>42</sup> Maja Daruwala

directives to correct wrongs and (ii) in the execution of their powers under the Criminal Procedure Code.<sup>43</sup> The courts have tried to make the police more effective and accountable on their own initiative through their judgements. For instance, they have issued comprehensive instructions and procedures regarding the custodial rights of the arrested persons.<sup>44</sup> They have also held that the superior officers should be made responsible for any misbehaviour of the junior ranks, and laid down that the police cannot curtail the rights of the public through preventive measures in the name of maintaining public order. On the contrary, it is the job of the police to ensure that citizens can assert their just rights by preventing breakdown of public peace.<sup>45</sup>

The problem however lies in the fact that the police themselves are the executors of such court directives and it is difficult to ensure implementation in the absence of any overseeing mechanism. The ignorance of law, of court orders, the costly and cumbersome process of law and the enormous power of the police at the ground level result in depriving the complainant, victim or accused the benefit of exercising his rights and privileges. In the circumstances, the only solution would be to institute independent effective mechanisms to look into the omissions and commissions of the police.

Despite problems, the courts have not despaired. Recently, the Supreme Court took the initiative to monitor if the D.K.Basu judgement guidelines on arrest are being followed or not.<sup>46</sup> It asked all the states to

report regarding the implementation of the guidelines. While the states have responded that all the orders are being obeyed, the incidents of custodial violence and unlawful practices continue at the police stations. The Supreme Court then asked the State Human Rights Commissions (SHRCs) to constitute a committee to visit the police stations without prior intimation and report the status of implementation of the guidelines.<sup>47</sup> It was reported that the Supreme Court along with the SHRCs intends to take measures to improve police functioning in this regard.<sup>48</sup>

### **National Human Rights Commission - an instrument of accountability**

The NHRC was set up because of an international accusation of impunity enjoyed by the police and paramilitary forces in this country, particularly in respect of acts of extra-judicial killings, rape, death and violence in police custody.<sup>49</sup> It is meant to be an independent forum for redressal of human rights violations by the public authorities. The NHRC has the powers to investigate complaints brought to it, take suo moto cognisance of violations and issue recommendations to the government or other concerned authorities for payment of compensation and interim relief. It may also recommend that criminal prosecution be lodged against the officials responsible for human rights violation or that disciplinary action be taken.

However, the decisions of NHRC are only recommendatory in nature and are not binding on the government. Moreover, the

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<sup>43</sup> Nitya Ramachandran

<sup>44</sup> D.K.Basu Vs State of West Bengal

<sup>45</sup> S.Rangarajan Vs. P. Jagjivan Ram

<sup>46</sup> Justice Gulab Gupta

<sup>47</sup> Ibid

<sup>48</sup> Ibid

<sup>49</sup> Maja Daruwala

Commission functions under severe constraints of resources, infrastructure, a huge backlog and is in an unenviable position vis-à-vis the government. Yet it has been successful in pursuing difficult cases, bringing to light the misconduct of police and other functionaries as well as in ensuring to some extent that victims are duly compensated.

In the present system, compensation is paid by the state. The NHRC along with the courts is of the strong opinion that the compensation should be recovered from the officials found guilty and where they happen to be officials of junior ranks (example policemen), vicarious liability should be attached to the senior officers also.<sup>50</sup> The most important contribution from NHRC has been the directives issued by it from time to time to ensure the protection of human rights of the accused and suspects. The directives regarding conduct of surprise visits to police lock-ups in various states, reporting of custodial death or custodial rape within 24 hours of the incident, video recording of all post mortem examinations of persons who die in custody have had a salutary effect even though they are not always obeyed.<sup>51</sup>

While the courts and the HRCs offer a ray of hope against the otherwise bleak scenario, they are by no means capable of becoming the sole agents of ensuring police accountability because (i) the courts do not have a follow-up mechanism to ensure enforcement of their directives, (ii) they can only suggest methods and enlarge the interpretation of rights, duties and responsibilities within the existing framework of law, (iii) the HRCs are helpless in enforcing

their directives as they have only recommendatory powers and (iv) the HRCs are not considered to be truly independent due to their limited powers and their reliance on the government for budgetary and manpower resources. Despite these constraints, the HRCs continue their efforts to bring change by persistently highlighting problems and issuing directives and recommendations.<sup>52</sup>

It is imperative to put in place independent external mechanisms to build anew the culture of accountability among the different ranks of the organisation.<sup>53</sup> Police legislations of different countries analysed by CHRI<sup>54</sup> offer several models of accountability mechanisms. Common to all of them are some basic features that are considered absolutely essential to be effective.<sup>55</sup> They must be independent statutory bodies established exclusively to receive complaints against police, consisting of apolitical and non-partisan eminent persons, with powers and resources to undertake independent investigation of complaints. **The M.P Government's initiative of instituting a City Police Authority in its Indore Police Ayukt Act, 2002**<sup>56</sup>, even though weak is definitely a step in the right direction.<sup>57</sup> The Government of Madhya Pradesh also needs to provide for an independent Police Complaints Authority in its Police Bill, which can work through out the State.

## **Police Problems**

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It is an acknowledged fact that the police have a very poor image among the public. Approaching the police is almost never a

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<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> Justice Gulab Gupta

<sup>53</sup> P.C.Dogra, Nitya Ramachandran & Uday Pratap Singh

<sup>54</sup> CHRI presentation and Background Note

<sup>55</sup> Police Complaints Commission of U.K, Complaints Directorate in South Africa and the Police Complaints Authority in Pakistan.

<sup>56</sup> Legislation enforced to introduce commissionerate system in the city of Indore

<sup>57</sup> G.P.Joshi

favourite option of the citizen. People who have come into contact with the police list out numerous problems they face with the police. The police of course function under severe constraints – of resources, manpower, infrastructure, inadequate training, poor living and working conditions, limitations under the law, lack of public support, politically motivated postings, promotions and transfers, political interference in registration and investigation of offences and time consuming additional tasks like VIP duty and court duty.<sup>58</sup> In the absence of leadership and effective disciplinary mechanisms, these factors inevitably lead to rude and partisan behaviour and corrupt practices which alienate the police from the community. The reasons for poor image also lie in their attitudes, recruitment and training practices but most particularly in the sub-culture that the leadership permits to continue.<sup>59</sup>

We need to look beyond the Act for solutions to some of these problems. The entire Criminal Justice System needs to be revamped in order to overcome the legal handicaps and to have better coordination between the police, prosecution and the judiciary.<sup>60</sup> Above all the resource crunch has to be addressed. The best of laws have failed repeatedly due to abysmally inadequate budgetary allocations.<sup>61</sup>

## Community Participation in Policing

The notion of enlisting the support of the public in policing tasks has wide acceptance. The M.P government has already made an

effort with ‘Nagar Thatha Gram Suraksha Act, 1996’ according to which defence committees (Suraksha Samities) are set up in urban and rural areas to assist the police in maintaining internal security and public order and prevention of crime.<sup>62</sup> The Madhya Pradesh Police have also taken other community policing initiatives, like opening family counselling centres, child line to help children, helping the visually impaired, running de-addiction camps and organising problem sharing and assistance meetings with local communities.<sup>63</sup>

But it was pointed out that the Gram Suraksha Samities were not very effective in realising the wide charter of duties assigned to them because they often consist of members who were either politicised or had criminal records.<sup>64</sup> There are no detailed criteria and parameters laid down in the Act for eligibility of a Samiti volunteer except to state that a member should be willing, capable, physically fit resident of the locality. The Superintendent of the district is responsible for enrolment and in the absence of a strict procedure, it is not possible for him to check the antecedents of each volunteer.<sup>65</sup>

The success of police is when they are not needed at all. The success of a police station is that there is no crime at all in its area. But this can happen when the individual citizen also becomes a responsible citizen.- *Subba Rao*

However, several countries including the U.S have institutionalised models of community involvement in policing and interactive task

<sup>58</sup> S.C.Tripathi & K.S.Dhillon

<sup>59</sup> L.S.Herdenia

<sup>60</sup> S.C.Tripathi

<sup>61</sup> Ibid

<sup>62</sup> The Madhya Pradesh Gram Thatha Nagar Raksha Samiti Abhiniyam

<sup>63</sup> Swaraj Puri

<sup>64</sup> Dr. Sunnilam

<sup>65</sup> Ibid

sharing methods and given them the shape of laws. The range of activities that the communities are involved in vary from acting as a mechanism of ensuring accountability at the ground level<sup>66</sup> to preventive tasks like combating crime, public nuisance and anti-social behaviour.<sup>67</sup> The Citizen and Police Liaison Committees provided under the amended Pakistan Police Ordinance is one of the extensive models of people oriented policing.<sup>68</sup> It includes a wide charter of duties to the committees, which if implemented in the spirit of the law will ensure greater transparency, result in crime control, enhanced community responsibility and greater bonding between the community and the police.

## Summing Up

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The workshop focussed on the key issues of police accountability and political control over police. Most of the recommendations made in earlier workshops were reiterated reaffirming the urgency for reform. Though the need to have public consultation was endorsed on every occasion, we moved a step closer to the possibility this time by actually discussing the feasibility and modalities of realising it. The workshop ended with the hope that different stakeholders would come forward to take this ahead along with CHRI.



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<sup>66</sup> Pakistan Police Ordinance, 2001

<sup>67</sup> The U.K. Police Act, 1996

<sup>68</sup> Pakistan Police Ordinance, 2001