

*Police Reforms, Too Important to Neglect,
Too Urgent to Delay*

Chhattisgarh



A Workshop Report
on Police Reforms

Commonwealth Human Rights Initiative

CHRI workshop stresses holistic approach to understand police

CHP

Police Reforms Too Important to Neglect Too Urgent to Delay

Workshop moots changes in Police Act

कानूनों व प्रशिक्षण में बदलाव पुलिस अधिनियम में

कैपिटल ज़ोन

काननों व प्रशिक्षण में बदल

● **पुलिस-पुजारी पर कार्यवाही**
● **पुलिस-पुजारी पर कार्यवाही**

पुराने हो गए पुलिस कानून को बदलने पर जोर

[illegible]

This document is a part of the literature specially written for the state of Chhattisgarh.
We would like to acknowledge the support of the **Embassy of Switzerland**.

Rapporteurs:

Mrs. Maja Daruwala

Ms. Aravinda Kosaraju

Editors:

Dr. Doel Mukerjee

Ms. Deepti Kapoor

Logistical Support:

Mr. Prasad Nair

Design:

Mr. Chenthilkumar Paramasivam

Printed by:

© Commonwealth Human Rights Initiative

Proceedings of the Workshop on Police Reforms

On June 10, 2002 Commonwealth Human Rights Initiative (CHRI) organized a workshop in collaboration with the State Human Rights Commission of Chhattisgarh (SHRC), at Raipur on ***“Police reforms too important to neglect, too urgent to delay”***. This first workshop was essentially a strategy meeting meant to initiate and introduce a series of such workshops/meetings in the newly formed state.

The workshop was a part of CHRI’s expanding program on police reforms in India, aimed at creating a greater public demand for better policing and increasing awareness of best practices in policing. This initiative of CHRI serves its larger mandate of ensuring the *practical* realisation of human rights in the Commonwealth.

The Objectives

The objectives of the workshop at the outset were to:

- Stress the urgent need for police reform.
- Understand the constraints of policing a new state.
- Network with the civil society, the government departments and encourage them to further the message of reform.
- Catalyse and promote a debate on important issues concerning police, with a view to creating an impetus for police reform.

The Participants

The participants included members of the judiciary, members of the Bar Association, media persons, academicians, senior bureaucrats, advisors to the government, serving and retired police personnel of different ranks, members of civil society, mass based organizations and the SHRC of Chhattisgarh.

Hon’ble Justice K.M. Agarwal¹ delivered the inaugural address. The panel of speakers included Mr. Lalit Surjan², Dr. R.L.S. Yadav IPS (Retd)³, Mr. V.K. Das IPS⁴, Mr. A.K. Vijayvargy IAS⁵, Mr. K.A. Jacob⁶ IPS (Retd), Mr. B. Dubey⁷ IPS and the staff of CHRI. The details of the participants are given in *Annexure II*.

Setting the Stage



Hon’ble Justice K.M. Agarwal

This was essentially a strategy meeting to address the urgent need to implement reforms, especially in the light of recent violations committed by the police in the State of Gujarat. There is also a greater need to educate the people on the recent initiatives in police reforms in India and the reasons behind the deep resistance to change. The focus should be on the need to insulate the police from illegitimate political control through such mechanisms as the State Security Commission as already recommended by the National Police Commission.

¹ Hon’ble Justice K.M. Agarwal, Chairperson, State Human Rights Commission

² Mr. Lalit Surjan, Chairman and Chief Editor of Deshbandhu Group.

³ Dr. R.L.S. Yadav, retired as Director General of Police, Chhattisgarh and is presently the Advisor to the Chief Minister of the State.

⁴ Mr. V.K. Das is presently the Director General of Police of the State of Chhattisgarh.

⁵ Mr. A.K. Vijayvargy is the Principal Secretary Home, Chhattisgarh.

⁶ Mr. K.A. Jacob retired as the Director General of Police of Bihar and is presently the Member of the State Human Rights Commission.

⁷ Mr. B. Dubey is Additional Director General of Police, at Police Headquarters, Chhattisgarh.

The police today are governed by the archaic Police Act of 1861, which does not conform to the democratic norms of policing such as accountability to the people, transparency in actions, consultation with the community, legitimate control and superintendence etc. The 1861 Police Act is silent on all these issues and thus makes the police subservient to the ruling classes.

Recently, the Governments of Madhya Pradesh has taken the initiative to replace the Police Act of 1861 and the Madhya Pradesh Police Vidheyak, 2001 was drafted. The Police Departments in some other states like Andhra Pradesh, Assam, Rajasthan and Himachal Pradesh have put up draft bills to their governments. Subsequently, other state governments may also draft their own legislations. This is an opportune moment to start the process of educating all sections of society on the need to draft a new Police Act, which will not only be people friendly but also help in upholding the rule of law in the country. Since Chhattisgarh is a new State, it is an ideal place to introduce and implement people friendly laws.

The discussions at the workshop, culminated in the following suggestions in terms of **strategy** and **reform**. These suggestions can be categorized into three broad central areas:

- ◆ To enhance informed and intelligent participation of people in the process of reforming the police.
- ◆ Mechanisms that can be adopted for information dissemination to bring in greater levels of awareness and education.
- ◆ Changes that need to be brought to ensure reforms.

◆ *To enhance informed and intelligent participation of people in the process of reforming the police:*

- ☞ *Mass awareness* is crucial to initiate police reforms.⁸ It is the duty of the State as well as the civil society to create public awareness and ensure the continuous link in communications between the people and the police at the local level, which in turn will enhance the levels of interface between the police and the public.⁹ However, the onus of developing a mechanism for communication more effectively and frequently with the community lies with the police.¹⁰
- ☞ Motivate the Police department and the leadership to accept change.
- ☞ Change is possible only when policy reforms are brought about through legislation. Reforms can become a reality only when both political parties and legislators adopt the agenda of reforms. Hence, the legislators and policy makers must be sensitized to the recent initiatives in police reforms, the issues addressed in the Police Acts of other countries and finally the need to bring in urgent and necessary changes in the police in this country.¹¹
- ☞ An advisory group can be formed to educate the people and act as a coordinating agency in an attempt to bring about police reforms. These groups should be formed at different levels so that they can catalyze reforms.¹²

⁸ Mr. B. Dubey

⁹ Mr. Giridhari Nayak, Inspector General (Armed Police, Training).

¹⁰ Mr. Niranjan Mahawar, Chairman, Chhattisgarh Art Foundation

¹¹ Mr. Jayant Verma, President, M. P. Working Journalists Association.

¹² Dr. A.R. Dalla.

- ☞ The major recommendations made by the National Police Commission such as the formation of a State Security Commission which will act as a mechanism for accountability, should form a part of wider discussions on the issue.¹³

◆ *Mechanisms that can be adopted for information dissemination to bring in greater levels of awareness and education:*

The awareness campaign can be carried forward by adopting the following processes:

- ☞ Introduce legal literacy in the school curriculum.¹⁴
- ☞ The role of the SHRC can be more proactive and attempts can be made to educate citizens on their rights even in remote areas¹⁵ of the State by using traditional art forms and local means of communication and bring people into the fold of participation in police reforms through a democratic process.
- ☞ The education of rights of citizens must be through the local dialect of Chhattisgarhi.¹⁶
- ☞ The State has several mass-based organizations that can be urged to take up this issue and take it forward as a movement. At the district level, the *Vana Suraksha Samitis* can be linked to reach out to the people effectively.¹⁷
- ☞ Apart from the role non-governmental organizations can play, business associations, Rotary club of Chhattisgarh, Lions club, doctors associations etc may educate the locals about the functioning of the police.¹⁸ The views of the lower rungs of police, middle rung bureaucrats, media persons are all equally important for a state level debate on the issue of police reforms.
- ☞ The newspaper is a strong and highly effective means of reaching out to the people. Publishing a series of articles on police organisation in a cross-section of the media would be a powerful mechanism of communication. The 'Deshbandhu' group took on the responsibility to take this initiative in printing literature concerning police reforms and civil rights, and thus disseminate it to the people living in the remote areas.

◆ *Changes that need to be brought to ensure reforms:*

- ☞ A Preamble to the new police legislation embracing the philosophy and mission statement for the police must be drafted.
- ☞ The functions of the police force can be divided into different specialized areas namely law and order, VIP security and investigation. This will improve the overall quality of policing.¹⁹

¹³ Mr. Lalit Surjan

¹⁴ Mrs. Kiranmayee Nayak, Advocate.

¹⁵ Mr. Alok Jha, Joint Secretary, Chhattisgarh Human Rights Commission, Raipur

¹⁶ Prof. Surender Parihar.

¹⁷ Dr. A.R. Dalla

¹⁸ Mr. Sanat K. Jain, Representative of Rotary club and Member of PUCL, Raipur.

¹⁹ Hon'ble Justice K.M. Agarwal

- ☞ Change in the attitude and functioning of the police can be brought about through extensive basic and in-service training. Recruitment and training practices must change drastically if there is to be any change in the police sub-culture. This does not require any changes in laws, but only an initiative on the part of the police leadership to meet the training needs in the force.²⁰
- ☞ Women and minorities must have adequate representation in the police force, to change the sub-culture in the police.²¹
- ☞ The State Government must review all legislations and repeal those, which have become archaic.²²
- ☞ It is also necessary to review the criminal laws of India like the Indian Evidence Act, the Criminal Procedure Code, and the Indian Penal Code.²³
- ☞ Police officers are transferred often, which hampers investigation work and thus, the logical conclusion of the case. A Station House Officer must have a minimum tenure of three years.²⁴
- ☞ The problems and the challenges faced by the police force need to be addressed. Just as the popular belief puts it 'take care of the judges, you have taken care of justice', addressing the problems of police would surely enhance their performance and quality of policing.²⁵
- ☞ One major constraint of policing in India is the 1861 legislation that treats the police as subservient to the political class and not as an agency using its own discretion. Hence efforts should be made to replace such an archaic legislation with a new legislation that allows the police to act in a free environment for upholding democracy and rule of law.²⁶
- ☞ The police regulations governing the State of Chhattisgarh today have become obsolete. Efforts must be made to review the existing police regulations.²⁷ Police public interface in India is extremely poor. Few initiatives have been taken at different places from time to time, to improve levels of community participation. However, there is a need to institutionalize these scattered and peace-meal experiments. The Police Act must have adequate provisions aimed at improving police community relations.
- ☞ Experiments on community policing must be reviewed and evaluated independently by an outside agency.
- ☞ There is also an urgent need to set up intermediary bodies which will bridge the gap between the police and public as seen in countries like the United Kingdom, South Africa and Pakistan.
- ☞ Police Reform cannot be seen in isolation, but must embrace the entire Criminal Justice System (CJS). The process of reform must be facilitated in such a way so as to bring in the concept of peoples' right to information regarding policing. Only then will the police be seen as a service oriented wing of the government.²⁸

²⁰ Mr. Girdhari Nayak IPS

²¹ Mr. Niranjana Mahavar

²² Mr. Jayant Verma

²³ Mr. V.K. Das IPS

²⁴ Mr. V.S. Choubey IPS

²⁵ Mr. Dilip Deshmukh, Legal Advisor to the Governor, State of Chhattisgarh.

²⁶ Dr. R.L.S. Yadav IPS (Retd).

²⁷ Mr.V.K.Das, IPS

²⁸ Mr. Tapesh Jain, Representative from the Media.

In addition to the above, the subject of police reforms was widely discussed by the participants. The central issues that emerged from the discussions are discussed under the following broad heads:

The Urgent Need for Police Reforms



Womens' Voice - Making a Difference.....

For good and effective policing it is necessary to have a people friendly police force, which has a democratic style of functioning.²⁹ Unfortunately this is not the case. The police are legislated by an Act enacted by the British, which came into place after the 1857 mutiny to consolidate British rule in India. The legislation has limited purpose. It lost its utility and became obsolete in the current socio-political environment. The behavior of the police towards the public and the resultant public perception of the police is very poor. Most

participants felt that the common belief of the citizens' is that the police are corrupt and they frequently use third degree methods for extorting confessions and information. As long as the police remain subservient to the executive, they can always be misused to further the interests of the ruling classes. This is one of the biggest shortcomings of the Police Act, as it does not address the issues of accountability to the community, although there is a provision for superintendence and control over the police force. For an honest and effective police force, it is necessary to have a legislation, which will address the twin issues of accountability to the people and transparency in actions. Hence there is a need to draft a new Police Act.

Civil Society Perceptions and Expectations

Members of civil society and the media expressed their displeasure on the functioning of the police. There are several instances of misuse of power by the police and police high handedness in the tribal, under-developed and poverty-stricken areas, where people are completely ignorant of their rights vis-à-vis the police. However, we cannot ignore the fact that the objectives of policing and the aspirations of civil society meet on the common grounds of creating a society that is secure and safe to live in.³⁰ If both groups can find a certain commonality, this collective approach would yield positive results. Unfortunately both are suspicious of each other and see their work spheres as exclusive.



Building bridges together.....

It is in this context that the problem of corruption in the police department was discussed in the workshop. Corruption gets institutionalized from the moment a person gives a bribe to get a job in the police department. The participants of the workshop expressed their concern at the discretionary powers of the police (such as the power to arrest and use force), which they exercise frequently. Even the National Police Commission mentioned that a large number of arrests made by the police are unnecessary and cause considerable harassment to the arrested person and his family, besides being a source of corruption.

The police is essentially a service organization but not perceived to be so, due, in most part to the attitude projected by several police personnel. Attitudinal change from the time of induction of a person into police service was emphasized.

²⁹ Hon'ble Justice K.M. Agrawal, Chairperson, State Human Rights Commission, Chhattisgarh.

³⁰ Mr. Lalit Surjan, Chief Editor, Deshbandhu.

Police – Problems & Constraints



From Left: Dr. RLS Yadav [IPS Rtd.],
Mr. VK Das [IPS], Mr. AK
Vijayavargy [IAS]

The police personnel who expressed their views at the meeting felt that the police was never accepted as a part of society as there was a constant feeling amongst the citizens since its inception as an organization, that they are outsiders to the system and are rulers.³¹ This is linked with the fear of and consequent alienation of the public from the law enforcement agency.

The major problems faced by the police personnel are directly linked with the interference of the political class. One of the major constraints is the 1861 legislation that treats the Police as subservient to the political class and not as an agency using its own discretion.

At the time of bifurcation of the State of Chhattisgarh, the new State inherited the additional problem of Naxalism³² at the southern and northern frontiers, thus requiring a different kind of policing. Amongst the extremist groups, breaking the law was not only a routine act but was perceived to be an act of bravery. This movement often has the support of the poor and ignorant farmers and landless laborers. This attitude itself makes functioning difficult for police personnel. On the other hand, members of civil society felt that the close nexus between the politicians, business community and bureaucracy often led to exploitation of the poor and the under privileged and gave rise to delinquents and outlaws.

Due to these special problems in policing a new state, it is necessary to have a new legislation, which will help to bridge the gap between the police and public. Besides a new Police Act, other major criminal laws such as the Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act must be reviewed, as these are as old and archaic as the Police Act of 1861.³³

However, the above should not mean that there has been no improvement in the status of the police force. A budget of 40 to 50 crores was allotted for the modernization of the Chhattisgarh police alone. A major amount is being spent on the housing facilities for police; provisions are being made for the purchase of modern equipment; plans are being made for developing a training academy; and allowing for more promotions in the police. It is hoped that these measures will boost the morale of police personnel.³⁴

Recent Initiatives in Police Reforms³⁵

In spite of the above benefits that are being given to the personnel of the new state, not enough attention is being paid to ensure reforms in the functioning, control, accountability and community consultation in policing³⁶.

The workshop also highlighted the initiatives taken by various committees on police reforms, the Ministry of Home Affairs, the Supreme Court of India and National Human Rights Commission.

³¹ Dr. R.L.S. Yadav IPS (Retd).

³² Naxalism is an extremist movement addressing the issues of equal distribution of resources.

³³ Mr. V.K. Das, IPS

³⁴ Mr. A.K. Vijayavargy, IAS

³⁵ Presentation by Mr.G.P.Joshi, Programme Coordinator, CHRI

³⁶ Mr. G.P.Joshi

One of the important recommendations is on the issue of control and mechanisms of exercising such control. The NPC recommended the establishment of a statutory body called the *State Security Commission* (SSC) with its charter laying the broad policy guidelines. It is mandated to exercise control over the police, evaluate the functioning of the state police force, function as a forum of appeal and review the functioning of the police. Other recommendations to insulate the police from external illegitimate control are:

- Fixed tenure of office for the chiefs of state police forces;
- The Chief of Police to be selected from a panel of three IPS officers prepared by a committee headed by the Chairman of the Union Public Service Commission (UPSC), the senior most officer from the Central Police Organisations, Union Home Secretary, Chief Secretary of State and the existing Chief of Police in the state;



Mrs. Maja Daruwala [Director, CHRI],
Mr. KA Jacob [IPS Retd.], Member
SHRC, Chhattisgarh

However, it was observed that the recommendations made by the National Police Commission should be adopted with a bit of caution as the fixed minimum tenure for a DGP may demotivate the officers who are qualified to be promoted to the highest rank in police.³⁷

In 1996, a Civil Writ petition (number 310) filed in the Supreme Court, pleaded for the court's intervention to issue orders to the government to frame a new Police Act, to establish a SSC, to separate investigative functions of the police from law and order functions and provide a fixed minimum tenure for the chiefs of police. Subsequent to the

writ petition, the Supreme Court directed the Government of India to examine the issues that were raised. Accordingly, the Government of India appointed the Riberio Committee on Police Reforms.

Amongst other recommendations, the Riberio committee agreed with the NPC on the issue of SSC, but held that it should be a non-statutory body, diluting the recommendations of the NPC. In due course, CHRI made an application to be impleaded to the petition, which is pending before the court.

Another important initiative was taken by the then Union Home Minister Mr. Indrajit Gupta in 1997 where he wrote to all state governments to take necessary steps to improve the quality of policing. The Home Minister expressed that poor performance among police was mainly due to the kind of political control exercised over police. The letter also emphasized on poor police- public relations, ineffective police leadership and the absence of public grievances redressal mechanisms. Mr. Gupta asked the state governments to implement the major recommendations of the NPC. However, none of the state governments even acknowledged the letter of Mr. Indrajit Gupta³⁸.

The Padmanabhaiah Committee on Police Reforms recommended the establishment of a district complaints authority and the need to replace the Police Act of 1861. However the report also diluted the recommendations of the NPC.

All the recommendations proposed by various committees have remained unimplemented. No political executive would like to change the existing system, that allows them to keep the police as a handmaiden of the ruling power.³⁹

³⁷ Mr. K.A. Jacob, IPS (Retd)

³⁸ Report of CHRI's workshop at New Delhi on Police Reforms (1998).

³⁹ Mr. K.A. Jacob, IPS (Retd)

The NHRC has taken several initiatives regularly, especially on the issue of custodial deaths, custodial violence and encounter deaths. A number of guidelines and directives have been issued from time to time. The NHRC recommended the constitution of Human Rights Cells, visits to the police stations by NHRC and establishment of a District Complaints Authority to improve police public relations.

Lastly, CHRI has taken initiatives since 1998 for creating awareness on police reforms. One such major initiative by CHRI is its campaign in the State of Madhya Pradesh for amendments in the Madhya Pradesh Police Vidheyak, 2001. The presentation⁴⁰ focused on the progress of CHRI's work in the State of Madhya Pradesh, beginning of the campaign, stake holders involved, the constraints and the outcome of the same. The debate in Madhya Pradesh has focused on the duties and responsibilities of police, control and superintendence over police, accountability of the police and community participation in policing.

Control and Accountability Mechanisms - International Experiments⁴¹

There were discussions on international models of control and accountability mechanisms and a few experiments on community policing. Police is a public service organization. It is an indispensable and vital part of society. However the police is different from other public service organizations by virtue of the unique role and functions they are mandated to perform. The police have enormous power and control over the lives of the people. One of the major reasons for poor policing in India is attributed to the kind of political control exercised over the police and the lack of accountability mechanisms prescribed in the legislations.

In the Indian context control exercised over the police is two-pronged: the State Governments' control and the dual control existing at the district level. Time and again a number of commissions on Police Reforms have reiterated that the kind of control exercised by the State Government has resulted in gross abuse of police powers and the National Police Commission has suggested that a statutory body called the *State Security Commission* be set up to ensure that the State Government exercises its superintending responsibility over the police in an open manner under the framework of law.

United Kingdom

The British model of the police system provides for a tripartite structure of policing with the Secretary of State as a political executive, the Chief of Police as a representative of the police department and the Police Authority as a representative of the community. It is the duty of the Secretary of State to promote the effectiveness and efficiency of the police. S/he has to prepare a National Policing Plan setting out strategic priorities for the police service for the coming 3 - year period. S/he can get, the Her Majesty's Inspectorate of Constabulary (HMIC) to inspect any police force, and intervene to require a Police Authority or even the Chief of Police to take remedial action on problems identified in the report of the HMIC. A statutorily constituted Police Complaints Authority exists, to deal with citizens' complaints against police personnel.

It is interesting to know that United Kingdom has drafted a new Police Bill of 2002 to amend the existing Police Act of 1996. The Police Reforms Bill, 2002 proposes to replace the Police Complaints Authority with a new agency called the Independent Police Complaints Commission (IPCC). The Bill increases public access to the complaints system.

⁴⁰ Presentation by Ms. K.V.Anuradha, CHRI

⁴¹ Presentation by Ms. Aravinda Kosaraju, CHRI

Japan

The police are divided into different prefectural police organizations. Two national level bodies, namely the National Public Safety Commission and the National Police Agency, supervise them. These bodies have been established to:

- ✧ supervise and direct all the national and prefectural police organisations;
- ✧ bring about political neutrality of the police through out the country;
- ✧ co-ordinate and liaise between all the prefectural organisations.

National Public Safety Commission (NPSC) is under the jurisdiction of the Prime Minister. It controls the National Police Agency with respect to all operations and activities of the police pertaining to administration and public order. The Commissioner General, who directs and supervises the prefectural police in matters of control and co-ordination, heads the National Police Agency (NPA).

South Africa

The constitutional provisions in **South Africa** make the minister in charge of the police politically responsible to determine the national policing policy after consulting the provincial governments and taking into account the policing needs and priorities of the provinces.

A National Commissioner of the Police Service is appointed, to exercise control over the police force as stated in the National Policing Policy.⁴² The Police Act of South Africa provides for the establishment of an Independent Complaints Directorate at both the national and provincial levels to investigate police misconduct.⁴³

Pakistan

Until 2001 the Police Act of 1861 governed the Pakistan Police. The new Police Ordinance 2001 states that the objective of the promulgation is to organise a police system, which is “independently controlled, politically neutral, non-authoritarian, people friendly and professionally efficient.” The superintendence of the Pakistan police force is vested in the Government under Sec 6 (1) and is *limited to the extent of ensuring police performance in strict accordance with law*. A Public Safety Commission is proposed to be established at the federal, provincial and district levels to ensure that superintendence is carried out in accordance with law.

British Columbia

The Police Act provides for the appointment of a Police Complaint Commissioner.⁴⁴ He is appointed on the unanimous recommendation of a Special Committee of the Legislative Assembly.⁴⁵ The Police Complaint Commissioner is an officer of the Legislature holding office for a term of six years.

⁴² Art.207(1) of the Constitution of South Africa.

⁴³ Section 50(1)(1) of the South African Police Service Act, 1995

⁴⁴ Section 47(1) of Royal Canadian Mounted Police Act.

⁴⁵ Ibid.

United States of America

The accountability mechanism prevalent in the city of **New York (NYC)** provides for a Civilian Complaints Review Board, created in 1993. The Board has 13 members of the public appointed by the Mayor. The Board has the power to receive, investigate, hear and recommend disciplinary action on public complaints against NYC police officers of all ranks involving force, abuse of authority, discourtesy and offensive language.

Community Participation – A Few Experiments⁴⁶

The workshop discussed a few noteworthy experiments in community policing undertaken in different parts of India. These are:

1. The Neighbourhood Watch Scheme in a few pockets of North West Delhi; a juvenile aid home that was set up at Jahangirpuri at the behest of the Delhi Police is today a full fledged organisation and functions under the name of Prayas.
2. Friends of the Police in Chennai : where the beat constables are on round-the-clock duty and where the complainants can approach a police booth to register complaints .
3. Mohalla Committees of Maharashtra: noteworthy is the Bhiwandi experiment or better known as the Khopade plan, which is named after the person who initiated this project; there is also the citizen's initiative in Mumbai.
4. Women and child help line in Bangalore.
5. Nagarik Samitis in Guwahati and more recently the Aashwas project for working with children of violence of insurgency.
6. Madhya Pradesh's Gram Raksha Samitis.
7. Trichy experiment again is an amalgamated system of beat officers system, complaint boxes, help-line for women, slum adoption scheme etc.



Men in uniform - Changing perspectives

However, all these experiments are at the behest of young dynamic officers who have an interest in involving the community. Sadly many of these experiments, even if successful, have been lost with the transfer of the concerned person. Such efforts are piecemeal and sporadic. It is necessary to institutionalise these experiments.

The Police Act of 1861 has limited scope in involving the community in policing. The Act states, that any additional costs borne by the State Government to maintain law and order in disturbed areas will be borne by residents of the area (Section 13- 15 Police Act 1861). The National Police Commission recommendations emphasized and authorized the Superintendent of Police or the Commissioner of Police to constitute voluntary bodies called Defense Societies for the protection of persons, security of property and overall public safety. A few foreign experiments were also discussed.

United Kingdom

Community participation in policing has been built into the system through a piece of legislation, which has given legitimacy to the police-public interaction. The Police Act specifies that the views of the people are necessary and should be incorporated into police activity. It is also important to garner the support of the community in preventing crime.⁴⁷

⁴⁶ Presentation by Dr. Doel Mukerjee, CHRI

⁴⁷ Section 96 (1), U.K Police Act, 1996

There is also a provision to appoint Community Support Officers and a Community Safety Accreditation Scheme, under the New Reforms Bill of 2002 to facilitate greater safety for the community.

South Africa

South Africa is perhaps the only country in the world where community policing has been mentioned in the Constitution. The Constitution states, “it is the political responsibility” of each province to promote “good relations between the police and the community”, Article 207 (5). The Constitution emphasizes that there must be a commission of inquiry if there is a break down in the relationship between the police and public. The South African Police Act also prescribes the setting up of police community forums at different levels such as the area and provincial levels. These forums are to be used to maintain partnership, promote communication between the two groups and help the community to access the police.

Pakistan

The Government of Sind in Pakistan has set up committees known as the Citizen and Police Liaison Committees (CPLC) by amending their Police Rules, 1934. The functions of the CPLC are to ensure that First Information Reports (FIRs) are registered; collect statistics; see that all registers at the police stations are maintained properly; find out if any person is unlawfully detained; help the police in preventing crime; detecting crime; and report negligence of duty of the personnel.

Japan

Japan’s system of community integration and policing has been ingrained into the general system of policing since the early part of this century. The ‘Koban’ means police boxes, which are open 24 hours, where the police personnel work in shifts. In the rural areas the police personnel live with their families. There are 8145 such outposts.

Police duties include maintenance of safety, taking care of people who have had too much to drink, helping lost children, giving street directions, visiting the homes of elderly citizens etc. Twice a year, they visit all residences in their community and gather details and information regarding the residents and also garner information on any suspicious activities. In areas where kobans cannot be built, there are mobile police car boxes.

Summing-up

For an organization like CHRI it has been a constant uphill task to reach out to a wide public especially at the grassroots or the Panchayat level. This is primarily due to lack of staff; problem of accessibility; inability to respond to the requests of the people from time to time, to work in their respective areas; insensitivity of certain sections of society; and inability of the local Non-Governmental Organizations that are working in different jurisdictions to take time and resources off from their existing work and devote the same towards bringing in police reforms.⁴⁸ The discussions concluded with a note that the State of Chhattisgarh with its vision of ‘Good Governance’ and enthusiasm to bring about reforms at a faster pace is open to experimentation and change. It is for like-minded organizations, individuals and stakeholders to catalyze such reforms towards attaining an efficient, effective and people friendly police force, which will uphold the rule of law and bring in good governance.

⁴⁸ Mrs. Maja Daruwala, Director, CHRI.

Enhance the levels of interface between the police and the public

-Mr. Giridhari Nayak *Inspector General of Police (Armed)*

An advisory group at different levels to catalyze reforms

-Dr.A.R.Dalla (*Surgeon*)

Separate and specialize the police into law and order, VIP security and investigation, to improve quality

-Hon'ble Justice
K.M.Agarwal Chairperson,
Chhattisgarh Human Rights
Commission

Reforms in the functioning, control, accountability and police public relations is the need of the hour

- Mr.G.P.Joshi
(CHRI)

**Voices
Heard**

Review the criminal major acts

- Mr.V.K.Das (DGP)

More representation of women and minority in police

- Mr.Niranjan Mahavar

Tell the people about the NPC at length

Mr.Lalit Surjan (*Chief Editor, Deshbandhu*)

Objectives of policing and the aspirations of the civil society are both to build up a society that is secure and safe to live

Constant review of old legislations a necessity

- Mr.Jayant Verma (President M.P.Working Journalists Association)

Discussion
“Police Reform Too Important To Neglect, Too Urgent To Delay”
Tentative Agenda
June 10, 2002

Chief Guest: Hon’ble Justice K.M. Agarwal (*Chair, SHRC, Chhattisgarh*)

Programme/Subject	Time	Speaker
Welcome Address	1000-1010	Mrs. Maja Daruwala
Inaugural Address	1010-1030	Hon’ble Justice K.M. Agarwal
CHRI’s Police Reforms Programme	1030-1045	Mrs. Maja Daruwala
Tea	1045-1115	

Session I
Policing a New State

Chair: Mr. A.K. Vijayvargy IAS (*Principal Home Secretary*)

Civil Society- Expectations and Perceptions	1115-1130	Mr. Lalit Surjan Editor, Deshbandhu
Police- Problems and Constraints	1130-1145	Dr. R.L.S. Yadav IPS (Retd)
	1145-1200	Mr. V.K. Das IPS
Discussions	1200-1245	
Summing-Up	1245-1300	Chairperson
Lunch	1300-1330	

Session II

Police: Need for Reforms

Chair: Mr. K.A. Jacob IPS (Retd) (*Member, SHRC, Chhattisgarh*)

Recent Initiatives in Police Reform	1330-1400	Mr. G.P. Joshi
Madhya Pradesh Police Bill 2001	1400-1415	Ms. K.V. Anuradha
Discussions	1415-1515	
Summing up	1515-1530	Chairperson
Tea	1530	

Session III

Towards Democratic Policing: Some Lessons

Chairperson: Mr. V.K. Das IPS (*DG, Chhattisgarh*)

Control & Accountability Mechanisms:	1530-1550	Ms. Aravinda Kosaraju
International Experiments		
Community Participation:		
A Few Experiments	1550-1605	Dr. Doel Mukerjee
Discussions	1605-1635	
Summing -up	1635-1650	Chairperson

Session IV

An Action Plan

Chairperson: Mrs. Maja Daruwala, Director CHRI

Discussions	1650-1720	
Summing up	1720-1740	Mrs. Maja Daruwala
Vote of Thanks	1740-1750	Mr. K.A. Jacob IPS (Retd)

Commonwealth Human Rights Initiative
Workshop on Police Reforms at Raipur on 10th June 2002

LIST OF PARTICIPANTS

Members of the Civil Society

Dr. Dinesh Mishra

President
Andha Shraddha Nirmulan Samiti
Nyapara Chawla
Tel: 234911/ R 536911

Mr. Shailesh Shukla

Coordinator
Ekta Parishad
PO Tilda-Nera
Raipur
Te: 07721-34129

Mr. Arun Kumar

Office in-charge
Ekta Parishad
PO Tilda-Nera
Raipur
Te: 07721-34129

Mr. Sanat K Jain

16 Virdi Colony
Raipur-492010
Tel: 253100
Fax: 524193

Mr. Niranjan Mahavar.

Chairman
Chattisgarh Art Foundation
26 Central Avenue
Choubey Colony
Raipur
Tel: 253676/660054

Prof. Surender Parihar

Anthropology Dept
Ravishankar University
Raipur
Tel: 262687

Mr. Pradhan

President
Raipur Horticulture Society
Raipur
Chattisgarh

Mr. Jayant Verma

SAMVAD Advocacy Centre
Seva Sadan, PoliPathar
Narmada Road,
Jabalpur – 482 008
Tel: 0761-668472/517189

Mr. G. S. Rathore

20 College Road
Choubey Colony
Raipur
Tel: 255372

Mr. Ashok Trivedi

Advocate
25/197 Nayapara
Raipur
Tel: 234005/631599/539106/537329

Mrs. Kiranmoyee Nayak

Advocate
Tatyapara, G.I. Road
Raipur
Tel: 225282/09827167398

Mrs. Uma Mehrotra

Shanti Vihar Colony
Dangania
Raipur
Tel: 0771-331700

Mrs. Maya Surjan

C/o Mr. Lalit Sargan
Deshbandhu
Raipur, Chattisgarh
Tel: 0771-633116/9827141800

Mr. Rajesh Ranjan

Coordinator
Samarthan
M1/132, Kavita Nagar
Post. Shamkur Nagar
Raipur
Tel: 657826

Media

Ms. Divya Tiwari
Reporter
Dainik Bhaskar
Rajbandha Maidan
In front of Raj Talkir
Raipur
Tel: 9827157610

Mr. T. K Jain
Journalists
Dainik Agradoot,
Malviya Road
Raipur
Tel: 234852

Mr. Lalit Surjan
Editor
Deshbandhu
Raipur, Chattisgarh
Tel: 0771-633116/9827141800

Baba Maya Ram
Reporter-Deshbandu
Raipur
Tel: 534911

Mr. Madhu Sudan S
Journalist
Dainik Agradoot
Malviya Road
Raipur
Tel: 234852-Off/225883-Resi

Mr. Sanjay Sharma
Reporter
Dainik Haribhumi
Raipur
Tel: 536658

Mr. D.D Purohit,
Hitwada
Raipur
Tel: 632977

Mr. Joseph John
Journalist
UNI
Raipur
Tel: 9827194302

Surabhi
Press-Hitavada
Rajbandha Maidan
Raipur
Tel: 224447

Dibannita
Press-Hitavada
Rajbandha Maidan
Raipur
Tel: 224447

SHRC

Hon. Justice K.M. Agarwal
Chairperson, SHRC
Mahadev Ghat Road
Raipur
Chattisgarh
Tel: (O) 0771- 244923/Fax: 242240
Tel: 242240/244484/244925(R)

Mr. K.A. Jacob IPS (Retd)
Member, SHRC
Mahadev Ghat Road
Raipur
Chattisgarh
Tel: (O) 0771- 244923/Fax: 242240
Tel: 652265/9827196533

Mr. Abhishek Agarwal
C/o Chairperson, SHRC
Mahadev Ghat Road
Raipur
Chattisgarh

Mrs. Anita Jha
Dy. Secretary
State Human Rights Commission
Mahadev Ghat Road, Raipur
Chattisgarh
Tel: 0771242240

Mr. Alok Jha
Joint Secretary
State Human Rights Commission
Mahadev Ghat Road
Raipur-Chattisgarh
Tel: 0771-242240

Mrs. K Janaswamy
Member (constituted committee)
Human Rights Commission-Chattisgarh
Civil Lines
Raipur
Tel: 427718/427715

Dr. A.R Dalla

Member (constituted committee)
Human Rights Commission-Chattisgarh
Civil Lines
Raipur
Tel: 427718/427715

Dr. R. K Choube

Member (constituted committee)
Human Rights Commission
Civil Lines, Raipur
Tel: 423824

Government

Mr. Dilip Rao Deshmukh

Legal Adviser to Governor
Raj Bhawan
Raipur
Tel: 0771-666400-O/66401-R

Dr. R.L.S. Yadav IPS (Retd)

Advisor to Chief Minister
Government of Chattisgarh
Raipur, Chattisgarh.
Tel: 0771-331206/9826145645

Dr. G.P. Chandra

Vice Chancellor
Ravi Shankar University
Raipur
Tel/Fax: 0771-262857

Mr. V.K. Das, IPS

Director General of Police
Government of Chattisgarh
Raipur
Tel: 0771-331201/331202
Fax: 331203

Mr. Ashok Darbari, IPS

DGP Prisons
Chattisgarh
Tel/Fax: 0771-331702/331700

Mr. M.W. Ansari, IPS

IGP
Police Headquarters
Raipur
Tel: 0771-331227

Mr. B. Dubey, IPS

Addl. DGP
Police Head Quarters
Raipur
Tel: 0771-331210

Mr. Girthari Lal Nayak, IPS

IGP-Armed Force
Bhilai
Chattisgarh
Tel: 0788-334959

Mr. L S. Sengar

S.P
HRC RPR
HIG 4, Lalivi Nagar
Raipur
Tel 244925-Resi/326282-Office

Mr. R.C Patel, IPS

S.P. Raipur
Raipur
Tel: 0771-331226

Mr. P. N Tiwari, IPS

Superintendent of Police -Railway
SP Office
Raipur
Tel: 0771-331220

Mr. S. P Gupta, IPS

IGP/ C& SCRB
16/32 Bungalow, Bhilai
Durg
Tel: 0771-331213-off/0788242211-resi

Mr. A. M Navaney

IGP
Bilaspur
Chattisgarh
Tel: 23636

Mr. Ram Niwas

IGP
Raipur
Tel: 0771-331239-resi/

Mr. R. C Palid

SPRPR
Raipur
Tel: 423032-Resi/636540-Office

Mr. B K Dutta

DSP (Crime)
Raipur
Tel: 427687

Mr. B. S Jayant

Human Rights Cell
PHQ, Raipur

Mr. Y. S Jharia

1/C Photo Division
Police Head Quarter
Raipur
Tel: 9827179199

Mr. Ajay Chaturvedi

1/C SCRB
State Crime Records Bureau
Police Head Quarters
Raipur

Mr. Sanjay Pillai

DIG
Police Head Quarters
Raipur
Tel: 331214

Dr. M.S Tomor

AIG
Police Head Quarters
Raipur
Tel: 331270

Mr. Ravindra Bhendra

AIG
Police Head Quarters
Raipur

CHRI Staff

Mrs. Maja Daruwala

Director
Commonwealth Human Rights Initiative (CHRI)
N-8, Second Floor, Green Park Main
New Delhi-110016
Tel: 011-6864678/6850523/6528152
E-mail: chriall@nda.vsnl.net.in

Mr. G.P. Joshi

Programme Coordinator

Ms. K.V. Anuradha

Project Officer

Dr. Doel Mukerjee

Project officer

Ms. Aravinda Kosaraju

Research Assistant

Our Work

The early phase of CHRI's work was to emphasize on public education, research and policy level advocacy based on the recommendations made by the **National Police Commission of 1977-1981**. CHRI in the meantime was looking for an opportune time to broaden its area of work and reach out to the people at the grassroots level as it strongly believes that for policy level advocacy to gain momentum, it is imperative to bring in pressure from below.

CHRI has worked both at the national level and is presently concentrating on a single geographical area, as police is a state subject. CHRI feels that concentrated efforts can bring in more awareness amongst the different stakeholders and is in the hope of breaking resistance to change from both within the police as well as those outside. The organisation does not adopt a confrontational stance but believes that any legislation for the people must be prepared by wide public consultation and participation.

In May 2001 CHRI gained access to a draft copy of the Madhya Pradesh Police Bill 2001 which was drafted by the Madhya Pradesh Government to replace the age old Police Act of 1861. CHRI found several inadequacies in the bill and wrote its critique regarding the deficiencies in specific areas of superintendence and control in the police; the absence of proper accountability mechanisms; the silence regarding community policing; and lack of mention of any specific standards regarding the conduct and behaviour expected of police officers.

Chhattisgarh is a little over one and a half years old with a government which has emphasized on the need for good governance as one of the critical areas of its "*Chhattisgarh 2010 - State Vision Document*" policy. The State Government has also recently constituted an expert committee to redraft the Police Manual in the State. Another positive development is the newly constituted State Human Rights Commission. The setting is conducive and has scope to bring in the much-needed changes incorporating the best practices of policing in the country.

About CHRI

Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organisation headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards.

Presently it is working in the following areas:

- Police Reform
- Prison Reform
- Human Rights Commissions
- Right to Information
- Human Rights Advocacy
- Constitutionalism
- Report to the Commonwealth Heads of Government Meeting (CHOGM)

The CHRI has been working on issues concerning police reforms since 1998 through awareness of citizens' rights, workshops, seminars, conferences and by conducting research studies and media scans on the police both in India as well as in different parts of the Commonwealth. Presently, CHRI is undertaking a research study on the East African police.

In India as in numerous Commonwealth countries police reforms is urgently needed. A common colonial legacy and slow reforms ensure that the police often act as an oppressive instrument in the hands of the ruling elite, rather than as protectors committed to the rule of law. Criminalisation, no accountability, subversion of structures of control and supervision all lead to human rights violations.

CHRI is working to catalyze reform and ensure accountability within a modernized police.



Commonwealth Human Rights Initiative

N-8, Second Floor, Green Park, New Delhi - 110 016

Tel: +91-11-686 4678, 652 8152, 685 0523

Fax: +91-11-686 4688

Email: chriall@nda.vsnl.net.in

Website: <http://www.humanrightsinitiative.org>