

# POLICE REFORMS

**&**

**YOU**



Commonwealth Human Rights Initiative

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By  
*Dr. Doel Mukerjee*

Editors  
*GP Joshi, Deepti Kapoor*

Design  
*Chenthilkumar Paramasivam, CHRI*

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# The Gap

Every time you see a khaki uniform, how do you feel? Apprehensive? Frightened? Or even alarmed? Most citizens feel the way you do. But then, he is also the man most of us seek when in trouble and when we need help. Is he then the necessary evil, to be avoided as long as possible but to be turned to when unavoidably needed?

This attitude does not help the police. Your trust in your police force affects the quality of their work. The success of their operations depends upon the cooperation and support you provide to them. This attitude does not help you either, because you do not get the policing you deserve. Your lack of cooperation makes them take recourse to short cuts and wrong methods.

The question that needs to be answered is- Why this distrust? After all, the policeman is one of you- a citizen in uniform.

Does this feeling of distrust have historical roots? To some extent, yes! The police organisation in India was established after the Indian mutiny in 1857 to curb dissent and serve the interests of our foreign rulers. This engendered a pro-ruler/anti-people attitude among the police force. Even though we have been independent for more than fifty-five years, the feeling of distrust has not disappeared. In fact, it appears to have been hardened, mainly because the police in their performance and behaviour have not shown the professionalism and ethics that democratic policing required from them. They continued to defend establishment, maintain status quo and favour the rich and powerful, committing atrocities and indulging in misconduct against the masses.

*The police, in fact, are seen by the public as:*

Corrupt  
Partisan  
Brutal



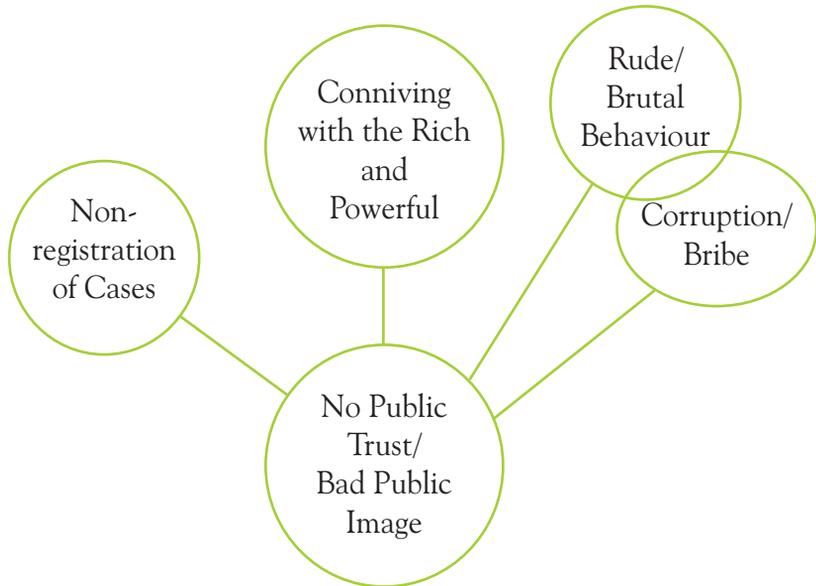
Inefficient  
Politicised

*This image of the police is not just based on hearsay but on hard evidence:*

- In 1999 alone, over 74322 complaints were received from the public against police personnel in the country. (*Crime in India 1999*)
- In 1999-2000 the National Human Rights Commission received reports of 177 deaths in police custody, 1157 'illegal detention and arrest', 1647 'false implication' and 5783 'other police excesses'. (*NHRC Annual Report 2000*)

In addition, there are the recent incidents of what happened in Gujarat. There is strong evidence to show that the police force not only failed to handle the disturbances efficiently but showed partiality in dealing with the rioters. They were not merely indifferent but complicity involved in several incidents of violence targeted against the minority community in the state. Besides the loss of lives and property of the riot victims, the state has suffered an economic loss of over Rs. 3,000 crores.

*There are four major factors that contribute to poor police image:*



## A Few Good Men!

Despite the police force being seen as largely corrupt and inefficient, there are more than "a few good men" in our country's law enforcement agencies, who on a daily basis are trying to do the right thing and in the right manner to serve the public. These are the people who need your support and encouragement.

In addition, the entire police force is working under tremendous pressures and struggling against various odds to maintain internal security. While doing so, they have also made many sacrifices, including the supreme sacrifice of losing their lives. A large number of police personnel have been killed in line of duty.

"The supreme sacrifice they  
made for us":  
Police Memorial at Hot Springs,  
Ladakh  
Source:  
[www.tribuneindia.com/2001/20010729/spectrum/travel.htm](http://www.tribuneindia.com/2001/20010729/spectrum/travel.htm)



**DO YOU KNOW?** During a nine-year period i.e. 1991-92 to 1999-2000, as many as 9389 police personnel died in the line of duty, which is an average of more than 1043 lives per year. This is a very heavy toll. No police force anywhere else in the world has paid such a heavy price!

*Even otherwise the police personnel live and work under very difficult and arduous conditions. Are you aware that:*

- *one police person serves 746 people.*
- *each investigating officer handles more than 45 IPC cases at a time.*
- *the constabulary which constitutes 88% of the police force are treated as unskilled labour.*
- *they get low salaries and have a poor social status.*
- *only 37% of the forces are provided with family accommodation and the majority have to live either in slum like conditions or are away from their families for most part of their career.*

- they lack proper promotion avenues and stagnate in the same ranks for umpteen number of years.
- they experience long working hours and do not always get leave or holidays. When you are enjoying festivals with your family and friends, the police personnel are on law and order duty to ensure your safety.
- our police personnel are working in several hostile climatic conditions such as the deserts of Rajasthan which is being manned by the BSF; the forests of the North-East; the terrorist hit states of Jammu Kashmir; extremist areas of Andhra Pradesh, Orissa, Jharkhand, Bihar, Madhya Pradesh and Chhattisgarh - where they routinely face an ongoing political turmoil. The physical and mental stress causes health problems.
- they are under constant pressure to produce results. There is only one policeman per 746 of population and 41.8 personnel per 100 sq.kms.

- the police personnel lack adequate scientific equipment for investigation and training for investigation and forensic tests.

*Despite all the difficulties:*

- *544 medals were given to police personnel for meritorious service and distinguished service by the President in 2002.*
- *Police personnel all over the country have rendered diverse services to the nation which have been beyond the call of duty. They have provided service during natural calamities, organized blood donation camps, distributed medicines in malaria-infested areas, run juvenile aid homes. They also provide education to the children of insurgents and take up many other social duties.*

*Source: Crime In India, MHA 1999 and MHA official website.*

It is thus seen that there is an urgent need for police reforms. It is important for you to understand what police reforms are all about and who will benefit from them.

*Police Reform:*

*Is about:*

Removing illegitimate political and executive control over the police:

- Making the police accountable to law.
- Raising standards of recruitment, training and leadership in the police.
- Improving the terms and conditions of work and service for the police.

*Its not about:*

- Creating a powerful police force.
- Allowing the police to function without control and restraint.

*How will it change the lives of the men in khaki?*

- No arbitrary transfers and postings.
- Transparency in recruitment which means that the best will join the service.
- Time bound promotions for the honest and efficient.
- Independent decisions in investigations and other police work.
- Closer and better rapport with public, making police tasks easier.
- Working under less stress and pressures.
- Work to serve the nation and people and not for vested interests.

# As a citizen how will you benefit if there is police reform?

## *A reformed police force will:*

- be more accessible and sensitive to your problems.
- be courteous and polite and not use short cuts or third degree methods.
- help you in accessing justice.
- provide you with a feeling of security.
- establish an environment where you can pursue your economic and other activities without fear and enjoy your rights without hindrance.

The police is a huge reservoir of human resource, which if utilised properly can do enormous good to the society.

The police force in states/UT's is presently 13.2 lakh in strength with an annual expenditure of Rs.15538.47 crores, which is taken care of by the taxpayers.

## The Initiatives

Some initiatives to bring about police reform, have been taken. The setting up of the National Police Commission (NPC), 1979-81 was one such important initiative.

Even though the recommendations of the National Police Commission are today over two decades old, the central issues they focus on remain valid and highly significant.

## Some Important Recommendations of the NPC

- A State Security Commission should be established statutorily in each State to help the government discharge its responsibility to exercise superintendence over the police in an open manner under the framework of law. The State Security Commission should:
  1. Lay down broad policy guidelines for the functioning of the police.
  2. Function as a forum of appeal for promotions.
  3. Review the functioning of the police.
  4. Conduct yearly evaluation of the police.
- The Chief of the Police should be assured of a fixed tenure of office. The removal of the Chief of Police from his post before the expiry of the tenure should require approval of the State Security Commission. The Chief of the State Police Force should be selected by an expert panel.

- The Police Act of 1861 should be replaced by a new Police Act, which will not only change the system of administration and control over the police but also promote the rule of law in the country.

Another initiative was taken by two retired police officers when they filed a Civil Writ Petition No. 316 of 1996 in the Supreme Court, asking it to issue directions to the Government to implement the recommendations of the NPC. The Court gave orders to the Government to get the issues examined by an expert committee. The Government set up the *Rebeiro Committee*, whose report is pending with the Court.

In 2000, the Government of India set up another expert committee under the former Union Home Secretary known as the Padmanabhaiah Committee on Police Reforms. Its report is pending with the Government.

In 1997, Mr. Indrajit Gupta, the then Union Home Minister, took a very important initiative when he wrote a letter to all the Chief

Ministers of all states, exhorting them to rise above narrow partisan or political considerations and introduce police reforms on the lines recommended by the NPC. However, this endeavour failed to produce any positive results.

The National Human Rights Commission since its inception in 1993 has emphasized on the need for police reforms. It has stated that police reforms are central to issues of good governance that creates a culture which respects human rights. Besides issuing instructions to the state governments on different issues concerning police reforms, it has also impleaded itself to the Civil Writ Petition of Mr. Prakash Singh/Mr. N.K. Singh vs Union of India and others before the Supreme Court for implementation of the NPC recommendations.

## Your Involvement

Police reform, however, will remain illusive unless you as a citizen get involved and clamour for reforms that are so badly needed. There is a strong resistance to the idea of reforms and this resistance can be broken only through pressure created by an informed public opinion. This is therefore a plea for you to join this endeavour and make a conscious and committed effort to mount pressures on the government to force change.



## About CHRI

The **Commonwealth Human Rights Initiative** (CHRI) is an international, independent non-profit organisation headquartered in New Delhi, 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

The CHRI has been working on issues concerning police reform since 1998 through awareness of citizens' rights, workshops, seminars, conferences and by conducting research studies and media scans on the police.

We would welcome any suggestions you may like to make. Please write to us on the following address:

**Commonwealth Human Rights Initiative**

N-8 Second Floor Green Park

New Delhi - 110016

Tel: 91-11-26528152/26850523

Email: [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in)

Website: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)