Police Reforms in India

Police, People, Politics & Public Order

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Policing - a Sovereign State Function

Democracy means…
- Liberty
- Self-Governance
- Rule of Law
- Citizen’s Empowerment
- Self-Correcting Institutions

‘Purpose is to…make it easy for people to do good and difficult to do evil.’

- Sir William Gladstone
Need for a comprehensive approach…

The Police Setup crisis...

…based on first principles
Evolution of Indian Police

Police before Independence

- An oppressive force
- Agent of colonial rulers

Suppression of people's will
Not representative of society

Police Today

Agency of the government
Operates within framework of law

Law Enforcement Authority
More representative of society

Indian Police Act, 1861
IPC, 1860
Indian Evidence Act, 1872
CrPC, 1898 & 1973

Based on 2nd ARC's Fifth Report
The Crisis & The Causes

Incidences of Crime and Violence

Drop in Conviction Rates – IPC Cases
1961  64.8%
2005  42.4%

(where trials are completed; 66% are ‘admission cases’;
if charge is contested and tried, conviction < 10%)

Investigative case load up - 6.96 lakh to 23.65 lakh
Charge sheeted cases up – 54% to 81%

Low Conviction Rates
(2005, NCRB)

Murder
Attempt to Murder
Culpable Homicide
Burglary
Molestation
Rape
Cruelty

Crime Check
(2005, NCRB)

1 molestation every 15 min.
1 rape case every 29 min.
1 dowry death every 77 min.
1 sexual harassment every 53 min.
1 cruelty by husbands and relatives every 9 min.

Yes, I'm reading a cheap murder thriller. I prefer it to morning paper these days.
(Courtesy: RK Laxman)
The Crisis & The Causes

Bribery, Corruption, Abuse of Office

Public Experiences & Perceptions:

- 80% of citizens paid bribes for services
- 87% perceive that police dept. is corrupt
- Petty corruption in Police (Traffic, Crime) - Rs. 3899 crores.

Source: India Corruption Study, 2005 by TI-CMS

- 79% dissatisfied with their police
- 5% satisfied ‘only to some extent’

Source: 2nd ARC’s Fifth Report Survey, 2006-07
The Crisis & The Causes

Inefficiency, general incompetence

Insensitivity towards citizenry; demonstrated arrogance

Patronage

Behind technology, latest developments

Use of brute force, intimidation, harassment – investigations & custodial deaths, crowd management, etc.
The Crisis & The Causes

Unequal Application of Rule of Law

More of an agent of the well-connected, powerful few elites.

Jessica Lall, Priyadarshini Mattoo, etc. cases – ‘shoddy/slow/tardy investigation’, etc.

Whither ordinary, poor, disadvantaged citizen?

USA: Barbara Bush
UK: Euan Blair
The Crisis & the Causes – *The other side*

**Our Police overburdened with disparate duties:**

- Traffic control
- Routine Law & Order, Petty Crimes
- Crime Investigation
- VIP Security ‘Bandobast’
- Riot Control
- Protecting material assets
- Serving court summons, bringing witnesses & accused, etc.
- Tackling organized crime, extremism, insurgency, etc.

**Poor resource allocation – low prioritization**

Less than 0.2% of GDP on criminal justice/judicial system (UK 4.3%, USA 1.4%, Singapore 1.2%)
The Crisis & the Causes – The other side

Severe Human Resources crunch

Low Police- Population Ratio:

- Thailand: 1:228
- UK: 1:290
- USA: 1:334
- New Zealand: 1:416
- Japan: 1:563
- India: 1:694

Unfilled, Sanctioned Posts – 1,01,898
(NCRB, 2005)

Low manpower planning; little autonomy in hiring

Investigative Case Load on Officers too high
(need for a 96% reduction, based on Malimath Committee Recommendations)

Severe Stress & Demoralization
The Crisis & the Causes – The other side

Cutting-edge functionaries not empowered:

88% of the police force – constabulary – no investigative powers
12% only have statutory investigative powers

No environment to take initiative

Poor career prospects - Low morale:

Much of police force to follow orders blindly – orderly system
Even superiors do not feel empowered – constant political interference

Poor relationship between authority & accountability - lack of sense of ownership
The Crisis & the Causes – *The other side*

**Lack of Modern, Professional Training & Specialization**

*Inadequate Forensic Science Labs* – specialized Sci. & Tech. not being put to use
(only 5-6% of criminal cases referred to FSLs)

*Police & Detective Training Schools* – not in pace with requirements

*Outdated Training – Not citizen-centric:* Entrenched attitudes – insensitivity, arrogance & patronage, crowd management, conflict management, intelligence gathering issues

*Believe it or Not!*
- World’s first anthropometric system in Bengal (1892)
- World’s first Finger Print Bureau in Calcutta (1897)
Want Justice?

Start here

Crime Investigation

Crime

Political Interference

Inadequate Resources

Corruption

Disparate Duties

Inefficiency

Sorry! Miss a Turn

Finish!
The Crisis & the Causes – *The other side*

- General administrative failures – Authority- Accountability fracture

- Pervasive corruption in public services

- Problems related to Prosecution – inadequate coordination

- Judiciary/Criminal Justice process – huge pendency of cases, low conviction rates, etc.
Commissions & More Commissions

- Kerala Police Commission (1959)
- Uttar Pradesh Police Commission (1960)
- Bihar Police Commission (1961)
- West Bengal Police Commission (1960-61)
- British India Police Commissions (1860 & 1902) – Madras Police Act
- National Police Commission (NPC, 1977-81)
- Law Commission Reports
- All India Committee on Jail Reforms (1980-83)
- National Human Rights Commission (NHRC) recommendations
- Julio Ribeiro Committee (1988)
- Padmanabhaiah Committee on Police Reforms (2000)
- Malimath Committee on Reforms of Criminal Justice System (2003)
- Administrative Reforms Commission (ARC, 2005- )

Communal Riots - Commissions

- Supreme Court’s judgment in *Prakash Singh & ors vs. Union of India* (2006) - WP(C) 310 of 1996
- Police Act Drafting Committee (PADC, 2005) – Model Police Bill (2006)
Still, Why no Police Reforms?

The strangle-hold of present culture of politics
Still, Why no Police Reforms?

**Shift in the nature of corruption**
From license-quota-permit issues, petty corruption to grand corruption (contracts & tenders, transfers & postings)

**Root cause is present electoral politics** - Inexhaustible demand for illegitimate money

**Criminalization of Politics** – ‘Robin Hood’ syndrome, settlements, etc.

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**Vicious Cycle:**
Corruption + Criminalization → Electoral Politics → Police System

No wonder, States have not fully implemented SC’s verdict!

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How to bell the cat?
Change in the Political Culture
Achieving Police Reforms – The Supply Side

Key Principles:

- Responsibility of the elected government
- Dis-aggregation and Decentralization – local policing
- Independence of Crime Investigation from unwarranted political influence
- Authority, Autonomy & Accountability
- Empowerment of functionaries, Professionalization & Specialization & Infrastructure
- Criminal Law and Judicial Reforms

Urgent need for a New Culture of Politics
Achieving Police Reforms – The Supply Side

Key Roles of

- Concerned citizens & Civil Society
- Media

Police before Independence

- An oppressive force
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Police Today

- Agency of the government
- Operates within framework of law
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Police of the Future

- Citizen centric service
- Autonomous within legal framework
- Efficient, professional and people friendly, upholding rule of law
- Representative of all sections of society
Citizen-centric Police System

Thank You!