

# I

## **INTRODUCTION**

Police is an organization of government functionaries who are empowered by the state to enforce the law, protect property, and maintain civil order; tasked with maintaining peace, authority of the state and various functions in the execution of this responsibility. Their powers include the legitimized use of force.

Throughout recorded history, there has always been a body of people charged with maintaining the peace of the realm. In ancient Rome, the prefectures were charged with keeping the streets safe and also deter crime by patrols and locking and delinquents. In Britain, the reeves and the sheriffs were responsible for the night watch and the day patrol in the countryside.

In ancient India, the chaurodhikaras of the Gupta era were effective control against dacoits and robbers, helping keep the long trade routes open throughout the empire. The ancient Vijayanagara Empire traditionally had the Reddy chieftains who were charged with tax collection as well as maintaining law and order through policing and patrol.

Modern Police System owes its formation and existence to the London Metropolitan Police, which was set up Lord Peele in the 1820s. Lord Peele did not want the citizenry to be threatened by the presence of military to safeguard the city and therefore, made a concerted effort in making the police a civil force, instead of a heavily armed formation. To this effect, he revolutionized the principle of policing, which became deterrence rather than imparting justice. This model of policing has been adopted world over and is till date the corner stone of law and order enforcement in nation states.

Historically the Police have been varyingly successful in their ability/intention to maintain the peace of realm. They have also, in many instances, been used as instrument of state control to repress genuine social upheaval and maintain domination of government by the ruling class. This has been the case with the Indian Police during the British Raj, when the primary responsibility was to subvert nationalist agenda. Modern Indian Police was set up largely in the Raj era, with most of the structure set up with the back ground of a foreign power trying to hold on to its rule over a restive population.

In the Indian police system, each State and Union Territory has its own separate police force governed by rules and regulations codified by the state government and contained in the police manuals of each state force. The head of the police force in each state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in each state, and for advising the government on police matters.

The hierarchical structure of the police in India follows a vertical alignment consisting of senior officers drawn, by and large, from the Indian Police Service (IPS) who do the supervisory work, the "upper

subordinates" (inspectors, sub-inspectors, and asst. sub-inspectors) who work generally at the police station level, and the police constabulary who are delegated the patrolling, surveillance, guard duties, and law and order work. The constabulary accounts for almost 88% of total police strength.

The Police Act of 1861 remains the central piece of legislation that governs all aspects of policing in India. Much of police work is also administered by the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act 1872. The 1861 Act was established directly after the Indian Mutiny of 1857. The experience of such firm resistance led the colonial rulers to impose a regime police force upon their subjects, which could be used solely to consolidate and perpetuate their rule in the country. In fact, the 1861 Act instituted a police system designed to be absolutely subservient to the executive and highly authoritarian. The managerial philosophy of the police hierarchy was based on distrust of the lower ranks.

Indian independence transformed the political system, but the police system retained its colonial underpinnings. The ensuing years witnessed the enactment of new legislation in several states of the country. Unfortunately, these new Acts were patterned almost exactly on the model of the 1861 Act, resulting in no significant improvement in the performance or behaviour of the police force. Political control over the police remained intact. Implanting mechanisms to assure accountability of the police to the public it serves did not become a priority, as it should have. The managerial philosophy, value system, and ethos of the police remained militaristic in design, and suppressive in practice. To this day, the police system in India can be characterized as a regime force, which places the needs of politicians or powerful individuals over the demands of the rule of law and the needs of citizens.

It is not that efforts were not made to reform the system. Before independence and in the last 65 years since independence, a number of Commissions have been appointed by various Governments to study the existing situation and suggest measures for police reforms leading to peoples' faith in Police and ready cooperation with them. **Chapter 2** addresses this and details these efforts. The chapter familiarizes the readers with fine points of the ***History of Police Reforms in India***. The chapter also examines the extant literature on the various reform measures undertaken.

Despite these Commissions and Committees, there is no large scale impact in the performance and perception of police in India. The failure of these initiatives to usher in reforms has been blamed on the lack of action by the government in implementation. However, there has been no study to find out the causes as to why these recommendations have failed so far in bringing about the desired results. It is only if we identify the disease properly can we hope to treat it. Hence the ***Need and Importance*** of this research work. **Chapter 3** examines this aspect in detail.

The ***Objective*** of this Research work is to accurately and authentically find out, on the basis of collected field data, the impediments or obstacles to Police Reforms in India. **Chapter 4** throws light on this.

"There are three kinds of lies: lies, damned lies, and statistics". In **Chapter 5**, the ***Research Design*** of the study, an effort is made to falsify the above statement. It gives details of how I went about collection, analysis, interpretation, presentation, and organization of data. It also gives information about the statistical tests and procedures used in this study.

The ***Findings*** of the study are discussed in **Chapter 6**. An attempt is made to present the facts in their original unadulterated form.

The above mentioned data is analysed in **Chapter 7**. The opinions and understanding of officers who have served the Police for long have been brought in. Each of the replies to the questionnaire are analysed thread bare based on the quantitative assessment of the data. Then a holistic picture is woven.

Based on the understanding of impediments, an action plan for focused and well directed efforts to achieve intended Police Reforms is proposed. These ***Recommendations***, contained in **Chapter 8**, indicate and highlight Reforms directed towards a police for a modern democratic and developing society.

# 2

## HISTORY

OF

## POLICE REFORMS IN INDIA

The history of Police reforms in India is over 100 years old. From the colonial period to post-independence to the present day, many commissions, as tabulated below, have been set up to recommend changes on a wide range of issues related to policing and police reform.

<b>British Era</b>		
1	Madras Torture Commission Report	1855
2	Police Commission	1860
3	Police Act	1861
4	Frazer Commission	1902
<b>Independent India</b>		
1	Constitution	1950
2	State Police Commissions	1958-1971

3	Santhanam Committee	1964
4	1st Administrative Reforms Commission	1967
5	Gore Committee	1971
6	National Police Commission	1977-81
7	National Human Rights Commission	1993
8	Prakash Singh's Petition	1996
8	Central Vigilance Commission- Writ Petitions	1996
9	Ribeiro Committee	1998-99
10	Padmanabhaiah Committee	2000
11	GoM on National Security	2000-01
12	Maliyath Committee	2001-03
13	National Police Mission	2005
14	2 <sup>nd</sup> Administrative Reforms Commission	2005-08
15	Soli Sorabjee Committee	2006
16	Supreme Court Guidelines	2006
17	KT Thomas Committee	2008
18	JS Verma Committee	2013

For getting a complete feel of the planned reforms spanning over more than 150 years, these are discussed briefly hereunder.

### **Madras Torture Commission Report: 1855**

In 1854, the House of Commons in United Kingdom was rocked by allegations of torture by the East India Company. Accordingly, on September 9, 1854, a three-member Commission was appointed to enquire into the "use of torture by the native servants of the state, for the purpose of realizing the Government revenue". However, the scope of the

enquiry was soon enlarged to include "the alleged use of torture in extracting confessions in police cases".

This report primarily served to discursively "manage" the issue of torture, by erasing the complicity of the colonial state in its practice. The objective of the Commission was thus to enable the government to deny all allegations. The recurring theme throughout the Report is an anxious attempt at denying any complicity on the part of the British authorities in the practice of torture.

The Commission recommended reorganization of the Madras Police in a manner that institutionalized complete European supervision of the native police at every level and sought to minimize their discretion. Police reform was put forward as the solution to the problem of greater surveillance and control within the police force, the need for which was produced by the construction of the native police as 'fundamentally unreliable'.

There were three interlocking parts to this new system of supervision and control: first, control over the police department by the civil administration; second, supervision of subordinate Indian police officials by their European superiors; and third, "a rigid hierarchy of rank and function between the superintendency at the top, the inspectorate in the middle and the constabulary proper at the bottom".

### **Police Commission: 1860 and Police Act: 1861**

A five-member commission under the leadership of Esq. M.H. Court was set up in August 1860 with the objective to:

- Collect and collate information regarding all the existing Police Establishments.
- Suggest reforms and improvements.

Based on the recommendations of this commission, The Police Act, 1861 was legislated. It is pertinent to mention that this was in the aftermath of the Mutiny of 1857 also referred to as the First War of Independence. The British, at that time wanted to establish a police force that would suit the purpose of controlling dissent and any movement for self government.

This Act vests the superintendence of the police directly in the hands of the political executive i.e the state government.

The Police Act, 1861 was enacted with a limited purpose. Its preamble mentions that "it is expedient to reorganize the police and to make it a more efficient instrument for the prevention and detection of crime". *This has led to frequent assertion by the police that they have no other societal role to play, given their duties under the Act.*

### **Fraser Commission: 1902**

The fact that the Police Act of 1861 had failed to produce an efficient and a professional police force was realized soon by the British.

An effort to improve the system was made in 1902, when the Government appointed a Commission under the chairmanship of Sir A.H.L. Fraser to examine the system and suggest changes. The Commission states "It (Police Act 1861) has failed for these among other reasons:

- Extent to which the village police must co-operate with the regular police has been lost sight of, and an attempt has almost everywhere been made to do all the police work through the officers of the department;
- Importance of police work has been under-estimated, and responsible duties have ordinarily been entrusted to untrained and ill-educated officers recruited in the lowest ranks from the lower Strata of society;

- Supervision has been defective owing to the failure to appoint even the staff contemplated by the law and to increase that staff with the growing necessities of administration;
- Superior officers of the department have been insufficiently trained and have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their own subordinates; and that their sense of responsibility has been weakened by a degree of interference never contemplated by the authors of the system”.

The Commission made 127 recommendations varying in nature from Powers, Discipline , Superintendence et al. Yet, it did not make any significant change, because by the commission’s own admission “The proposals for reform submitted by the Commission are not, however, of a revolutionary character. The Commission is not sanguine enough to believe that their proposals, even if fully adopted, will result in the immediate removal of all cause of complaint”.

The Commission conveniently ignored the fact that most of the ills afflicting the organization could be ascribed to the system established by the Police Act of 1861 and the philosophy of policing that was prescribed. Rameshwar Singh, Maharaja of Darbhanga, a member of this commission, in his dissenting note, however, did make a minor attempt to point towards the need for a more People-oriented police.

## **Independent India**

### **Indian Constitution: 1950**

The advent of Independence changed the political system, but the police system remained more or less unaltered. The tangible reform was in the form of guarantee of Fundamental Rights to all.

## State Police Commissions: 1958-1971

Mainly during the 1960s, numerous state governments showed interest in getting police problems examined by expert groups and appointed Police Commissions with fairly wide terms of reference.

State	Appointed	Report	Head	Members
Bihar	Oct 1958	May 1961	B.P. Jamuar, retired High Court Judge	6
UP, 1 <sup>st</sup> Commission	Jan 1960	Aug 1961	Ajit Prasad Jain, MP	13
WB	Mar 1960	Dec 1961	K.C. Sen, retired ICS Officer	2
Punjab	May 1961	Apr 1962	Mehr Chand Mahajan, a former Chief Justice of the Supreme Court	13
Maharashtra	May 1962	May 1964	Mr Y.V. Dixit, a retired High Court Judge	6
Delhi	Nov 1966	Apr 1968	G.D. Khosla, a retired judge of the High Court	2
Assam	May 1969	N/A	Shanti Prasad, retired Indian Police officer	4
TN	Dec 1969	Jan 1971	R.A. Gopalswamy, I.C.S	3
UP, 2 <sup>nd</sup> Commission	May 1970	Aug 1971	Gangeshwar Prasad, a retired High Court Judge	4

The terms of reference, though different for different commissions, covered some common ground. Generally, the focus of each commission was on the need to examine the adequacy of strength, equipment and other resources of the police; recruitment, training and disciplinary standards; the working of the police; separation of investigation and law

and order functions of the police; powers and duties of the police; maintenance of records; morale and efficiency of the police; corruption in the police and measures to deal with it; and police community relations.

*It is to be noted that none of these commissions was required to recommend measures and institutional arrangements to prevent misuse of powers by the police, and/or misuse of the police by politicians or other pressure groups.*

### **Santhanam Committee on Prevention of Corruption: 1962-64**

In response to mounting public criticism and demands within parliament, the government in 1962 set up a committee under K. Santhanam to look into the twin problems of corruption and administrative reform.

Of the many recommendations of this committee, three follow-up measures deserve special mention:

(1) A one-man Central Vigilance Commission (CVC), independent of ministerial control, was set up as an apex body in 1964. The CVC was given a fairly extensive charter including powers to

- Inquire into any transaction in which a public servant under the Government of India was suspected of having acted for an improper purpose or in a corrupt manner;
- Cause inquiry or investigation into any complaint that a public servant had exercised or refrained from exercising his powers, for improper or corrupt purposes;
- Call for reports, returns and statements from all central ministries/departments/ undertakings and thereafter take or initiate suitable actions thereon.

On the pattern of the CVC, the state governments were advised to set up state-level vigilance commissions in respect of their employees. Some states did so while others simply set up anti-corruption bureaux as

separate entities and not as part of the vigilance commission.

(2) The *Prevention of Corruption Act, 1947* was amended to extend the definition of corruption (criminal misconduct) to include possession of assets (movable and/or immovable) disproportionate to the known sources of legitimate income of a public servant.

(3) The Delhi Special Police Establishment, originally set up in 1941, was converted into the Central Bureau of Investigation (CBI) in 1963, with more extensive powers and responsibilities, as the apex anti-corruption investigation agency at the central level.

### **Administrative Reforms Commission: 1967**

The ARC was established on January 5, 1966 by the Government of India for giving recommendations for reviewing the public administration system. It was initially chaired by Morarji Desai MP, and later on by K Hanumanthiah, MP after Morarji Desai became the Deputy Prime Minister of India.

The Commission was mandated to give consideration to the need for ensuring the highest standards of efficiency and integrity in the public services, and for making public administration a fit instrument for carrying out the social and economic policies of the Government and achieving social and economic goals of development, as also one which is responsive to the people.

The Commission submitted 20 reports relating to a wide plethora of fields. All the reports put together contained 537 major recommendations.

With relation to Police Reforms, it set up a Working Group on Police Administration which submitted its report in 1967. *The significant recommendation of this group pertained to Police being an agent of law and not the executive. It recommended 'functional independence' to the Police.*

## **Gore Committee On Police Training: 1971**

The Government of India constituted a Committee on Police Training in November 1971 with Prof. M.S. Gore, a Social Scientist and former Director of the Tata Institute of Social Sciences, as its chairman. Mr. M.M.L. Hooja, retd. Director, Intelligence Bureau, was Vice Chairman, along with nine members, including eminent police officers, academicians and bureaucrats. Its Member Secretary was Dr. A. Gupta, the first Director, Bureau of Police Research and Development.

The terms of reference of the Committee required it to suggest the objectives that should govern all arrangements for training of police officers; as well as the basic shortcomings in the arrangements, and finally measures to be taken to bring about the desired improvements.

The recommendations made by the Committee covered a broad range of issues involving the need to:

- impart necessary knowledge and skills
- create the right attitudes
- generate effective decision making ability
- stimulate critical and innovative thinking

The main thrust of the Committee's recommendations was towards enlarging the content of police training from law and order and crime prevention to a greater sensitivity and understanding of human behaviour, and imbibing of communication skills and development of attitudes that promote service oriented activities.

## **National Police Commission: 1977-81**

The Government of India appointed the NPC on November 15, 1977 with Sri Dharam Vira as Chairman; N.K. Reddy (retired Judge, Madras HC), K.F. Rustamjee (ex DG, BSF), Mr. N.S. Saxena (ex DG, CRPF), Mr. M.S

Gore (Professor, TISS) as members, and Mr C.V Narasimhan (Director, CBI) as Member Secretary. Though the Commission was set up on November 15, 1977, it started functioning effectively only in April 1978.

The NPC had fairly wide and comprehensive terms of reference, involving a fresh examination of the role and performance of the police, both as a law enforcement agency and as an institution to protect the rights of the citizens enshrined in the Constitution. One of its most important terms of reference required it to recommend measures and institutional arrangements to "prevent misuse of powers by the police" and "misuse of police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law".

The NPC produced eight reports between February 1979 and May 1981. It needs to be pointed out that the Commission had finished the first two reports, when the Government changed at the Centre. The first report came out in February 1979 and was made public by the Janata Government. The remaining seven reports (second-eighth) were released to the public only in March 1983.

#### First Report:

Complaints against the police: The Commission suggested arrangements, which would include inquiries conducted by departmental authorities and those conducted by an independent authority outside the police. The Commission however recommended that a judicial inquiry should be made mandatory in the following categories of complaints against the police:

- alleged rape of a woman in police custody;
- death or grievous hurt caused while in police custody; and
- death of two or more persons resulting from police firing in the dispersal of unlawful assemblies.

#### Second Report:

- Appointment of the Criminal Justice Commission (CJS) as a body which would comprehensively monitor the performance of all agencies in the CJS and apply corrective measures from time to time.
- Role of Police is to function as a law enforcement agency and render impartial service to law.
- Political Interference in Police Work: The Commission recommended that the superintendence of the state government over the police should be limited to ensure that police performance is in strict accordance with law. The government should lay down broad policies for adoption in different situations. There should however be no instructions in regard to actual operations in the field. To help the state government discharge their superintending responsibility, a State Secretary Commission should be setup.
- Statutory Tenure of Service: The chief of police should be assured of a fixed tenure of office.
- Selection of Chief of Police: The head of the police force should be selected from a panel of three IPS officers of that state cadre. The panel should be prepared by a committee headed by the Chairman of the Union Public Service Commission.
- Transfer/Suspension Orders: Police officers should be effectively protected against whimsical and mala fide transfer/suspension orders.

#### Third Report:

- Police and the Weaker Sections:
  - Establishment of special investigation cell in the police department at the State level to monitor the progress of investigation of cases under the Protection of Civil Rights Act or other atrocities against Scheduled Castes and Tribes.

- Section 155 of the Code of Criminal Procedure should be suitably amended to facilitate appropriate and effective police response to non-cognisable complaints to protect a member of the weaker sections from exploitation and injustice, or to prevent a possible breach of public peace.
- A comprehensive legislation should be enacted setting out the procedure for the allotment of land to landless poor.
- Postings of Officers: The postings of officers in charge of police stations should be the exclusive responsibility of the district Superintendent of Police.
- Guidelines for Avoidance of Vexatious Arrests: It recommended very strict guidelines for making arrests by the police, which should be strictly observed in day-to-day administration by the senior supervisory ranks.
- Strict guidelines regarding use of Handcuffs.
- Provision of Imprest Money to Police Station to meet the contingent expenditure in day-to-day work.

#### Fourth Report:

- Registration of FIR: The NPC recommended an important amendment to Section 154 Cr.P.C. which would make it incumbent on a police station to register an FIR whether or not the crime has taken place in its jurisdiction and then transfer the FIR to the concerned police station, if necessary.
- Examination of Witnesses as far as practicable near the scene of offence or at the residence of witnesses concerned at some convenient place nearby.
- Statement of Witnesses: Investigating officer can record the facts as ascertained by him on examination of a witness. This statement of

facts can be in third person in the language of the investigating officer himself and a copy of the statement should be handed over to the witness under acknowledgement.

- Restoration of Stolen Property to Victims of Crimes: A change in the existing provisions in law to facilitate early return of the recovered property to the victims concerned even at the stage of investigation, protected by appropriate bonds for their safe retention and later production in court.
- Compounding Offences: The police may be empowered in law to compound offences in simple cases even at the stage of police investigation.
- Intimation about Arrest: The NPC recommended a new section 50-A in Chapter V of Cr.P.C. requiring the police to give intimation about the arrest of a person to anyone who may reasonably be named by him.
- To reduce use of Third Degree Methods.
- Inspections of courts: A scheme of inspections at the level of High Court as well as Sessions Courts to ensure proper functioning of the subordinate courts.
- Attendance of Witnesses: The allowances payable to witnesses for their attendance in court should be fixed on a realistic basis and their payment should be effected through a simple procedure, which should avoid delay and inconvenience.

#### Fifth Report:

- Recruitment to the Police at two levels only- Constables and Indian Police Service.
- Psychological Tests should form an important part of the selection procedure.
- Evaluation during Training of the performance, attitudes and

behaviour of all recruits.

- Control of the District Magistrate: The NPC has prescribed the areas where the District Magistrate can play his role as the coordinating authority.
- Police Public Relations
- Every policeman must develop an attitude of courtesy and consideration towards members of the public who come to him for help. There is a simultaneous need for reform in behaviour and conduct of police officers towards one another.
- Victims of Crime: The legislation of a Criminal Injuries Compensation Act is recommended.
- Need for Transparency: All police activities, to the extent possible, should be open, except in four specific areas, which are (i) operations, (ii) intelligence on the basis of which operations are planned and conducted (iii) privacy of the individual citizen and (iv) judicial requirements.
- Women Police: Women police should be strengthened and assigned investigation work in much greater measure.

#### Sixth Report:

- Examinations for Promotion of Officers: Before promotion to the ranks of Superintendent of Police, DIG and IG, all IPS officers should be required to undergo specifically designed pre-promotion courses followed by an examination and an objective selection process.
- Creation of Central IPS Cadres: One for the paramilitary organisations and the other for such organisations as IB, CBI, RAW etc.
- Police Commissionerate System for Major Cities with a population of 5 lakhs and above; the system would provide more effective policing and should be introduced.

- Communal Riots: During communal riots, special investigating squads under the State CID should be set up comprising officers of proven integrity and impartiality.
- Reservation in the Force: The Commission expressed its view against reservation of vacancies in the police for minorities and other weaker sections.

#### Seventh Report:

- Norms for Police Stations in terms of area, population and number of cases registered.
- Restructuring of Civil Police Hierarchy: Increase in the strength at middle levels of ASI/SI/Inspector. Increase in the strength of these ranks should be offset by reducing numbers at the lower levels of constabulary. This will provide large number of investigating officers and improve promotional opportunities for the lower ranks.
- Management of the Police Force: The internal management of the police force in the state should be entirely under the purview of the Chief of police.
- Central Law for Armed Police Forces to ensure uniformity in composition, officering pattern, training, discipline and efficiency of the state armed police battalions.
- Establishment of a Central Police Committee to look after the functions of consultancy and by the Central Government and the State Security Commissions.
- Establishment of an All India Police Institute on the lines of similar professional institutions existing for Engineers, Chartered Accountants and other professionals.

#### Eighth Report:

- Police Accountability: Continuous monitoring of the performance of the police force. The police functionaries individually as well as in

groups should be sensitised to the idea of accountability to the people.

- Withdrawal of Protection granted to various categories of public servants U/sections 132 and 197 of the Cr. P.C.
- Enactment of a Model Police Act.

*The recommendations of the NPC centered on the problem of insulating the police from illegitimate political and bureaucratic interference. These recommendations perturbed the entrenched elite at the prospect of losing control over an organisation that they had been misusing for so long.*

*As a result, the major recommendations of the NPC have remained unimplemented.*

### **National Human Rights Commission: 1993**

The National Human Rights Commission is an autonomous public body constituted on October 12, 1993 and given a statutory basis by the Protection of Human Rights Act, 1993. The NHRC is the National Human Rights Institution, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

Reform of the police is of critical importance to the protection and promotion of human rights in the country. Reforms remain absolutely essential if the quality of policing is to be improved and human rights better protected. Failure to do so is diminishing faith in the impartiality and integrity of the police.

### **Prakash Singh's Petition Vs UoI: 1996**

In 1996, Mr Prakash Singh, a retired IPS officer and 2 others petitioned the Supreme Court vide Writ Petition (civil) 310 of 1996, urging for the

issue of directions to the Government of India for Police Reforms.

It was averred in the petition that the violation of fundamental and human rights of the citizens are generally in the nature of non-enforcement and discriminatory application of the laws so that those having clout are not held accountable even for blatant violations of laws and, in any case, not brought to justice for the direct violations of the rights of citizens in the form of unauthorized detentions, torture, harassment, fabrication of evidence, malicious prosecutions etc. The petition set out certain glaring examples of police inaction.

According to the petition, the distortions and aberrations in the functioning of the police had their roots in the Police Act of 1861, structure and organization of police having basically remained unchanged all these years. The petition sets out the historical background giving reasons why the police functioning has caused so much disenchantment and dissatisfaction. It also sets out recommendations of various Committees which were never implemented. Since the misuse and abuse of police has reduced it to the status of a mere tool in the hands of unscrupulous masters and in the process, it has caused serious violations of the rights of the people, it is contended that there is immediate need to re-define the scope and functions of police, and provide for its accountability to the law of the land, and implement the core recommendations of the National Police Commission.

The petition referred to a research paper 'Political and Administrative Manipulation of the Police' published in 1979 by Bureau of Police Research and Development, warning that excessive control of the political executive and its principal advisers over the police has the inherent danger of making the police a tool for subverting the process of law, promoting the growth of authoritarianism, and shaking the very foundations of democracy. The commitment, devotion and accountability of the police

has to be only to the Rule of Law. The supervision and control has to be such that it ensures that the police serves the people without any regard, whatsoever, to the status and position of any person while investigating a crime or taking preventive measures. Its approach has to be service oriented, its role has to be defined so that in appropriate cases, where on account of acts of omission and commission of police, the Rule of Law becomes a casualty, the guilty Police Officers are brought to book and appropriate action taken without any delay.

The petitioners sought that Union of India be directed to re-define the role and functions of the police and frame a new Police Act on the lines of the model Act drafted by the National Police Commission in order to ensure that the police is made accountable essentially and primarily to the law of the land and the people. Directions were also sought against the Union of India and State Governments to constitute various Commissions and Boards laying down the policies and ensuring that police perform their duties and functions free from any pressure and also for separation of investigation work from that of law and order.

### **Writ Petitions –CVC: 1997**

An important initiative was in the form of Writ Petition Nos. 340-343 of 1996, filed in what is commonly known as the Havala Case. The Supreme Court's judgment, delivered in this case on December 18, 1997, raised issues of considerable significance, the most important of which was about the type of superintendence and control that should be exercised over the Central Bureau of Investigation (CBI) so that it may function efficiently and impartially to serve the rule of law. The directions contained in this judgment included:

- giving statutory status to the Central Vigilance Commission (CVC)
- the CVC to exercise superintendence over the functioning of the CBI

- selection for the post of the Central Vigilance Commissioner to be done from outstanding civil servants and others of impeccable integrity
- selection for the posts of Director CBI and Director Enforcement, each with a minimum tenure of two years, to be done by a Committee headed by the CVC
- declaring the Single Directive, which required the CBI to seek permission from the Government before undertaking any inquiry or investigation against senior civil servants of the rank of Joint Secretary and above, null and void.

*Ever since the judgment was delivered, consistent and deliberate attempts have been made to see that it was not implemented fully or to defeat in its basic purpose.*

### **Letter Of UHM: 1997**

The government's inaction in police reform is highlighted in the case of a letter written in April 1997 by the then Union Home Minister Mr Indrajit Gupta to all of the state chief ministers on the subject of police reforms.

This letter exhorted the CMs to "rise above any narrow and partisan considerations to insulate the police from the growing tendency of partisan or political interference in the discharge of its lawful functions..." He also warned them that if they failed to initiate action to introduce police reforms, the day was not far off "when the judiciary would intervene decisively to force such socially desirable changes down the throat of the political executives".

During a workshop on Police Reforms, Mr. Gupta informed the participants that he never received any response to his letter, not even from the Government of West Bengal, which was being ruled by a party to which he belonged.

## **Ribeiro Committee: 1998**

The Government of India, in May 1998, set up a Committee in pursuance of the Supreme Court's directions issued in the context of Writ Petition (Civil) No. 310 of 1996. The Committee was headed by Mr. J.F. Ribeiro, IPS (Retd.) with Ms. Nirmala Buch, IAS (Retd.) Shri. Arun Bhagat, IPS (Retd.) and Ms. Prabha Shankarnarayanan, Advocate as members.

The terms of reference of the Committee were:

- To review action taken to implement the recommendations of the National Police Commission, National Human Rights Commission and the Vohra Committee.
- To suggest ways and means to implement the pending recommendations of the above Commissions/Committee.

The Committee was asked to submit its report within a period of six months.

The Supreme Court asked the Committee to review action taken to implement the recommendations of the NPC, particularly focusing on the need, relevance and practicability of:

- Setting up a Security Commission or Police Authority in each State and at the Centre.
- Prescribing a procedure for the appointment of Police Chiefs.
- Insulating the investigative wing of the police from its law and order functions.

The Committee was asked to deal with these issues first.

The Committee dealt with them in its first report, which was submitted in October 1998. The Committee submitted its second report in March 1999.

First Report: October 1998

- Setting up of a Security Commission in each State

- Composition
  - Name- "The Police Performance and Accountability Commission." (PPAC).
  - The four non-political members of this Commission excluding the Chief Secretary, should hold office for three years after which they will be replaced by persons of equal merit chosen in the same manner.
  - The Commission to have advisory and recommendatory powers for the present. The State's DGP will be its Secretary and Convenor.
  - Function- The Commission will oversee the performance of the Police and ensure that it is accountable to the law of the land.
- District Police Complaints Authority to be set up in each Police District as a non statutory body to examine complaints from the public of police excesses, arbitrary arrests and detention, false implications in criminal cases, custodial violence, etc. The Principal District and Sessions Judge, the Collector of the district and the SP should constitute this authority.
  - In every State, a Police Establishment Board should be constituted to monitor all transfers, promotions, rewards and punishments as well as other service related issues. The Board should be given the legal authority to discharge its duties by amending the relevant Rules.
  - Rules should be framed by the Government on transfers, tenures, promotions, rewards and punishments and the police authorities designated to administer these rules.
  - The DG of Police will be selected by the Chief Minister of the State from a panel of three names prepared by a Committee headed by

the Chairman of the UPSC and consisting of the Union Home Secretary, the Director of Intelligence Bureau, the State's Chief Secretary and the State's incumbent DGP.

#### Second Report: March 1999

- The NPC had recommended that there should be a State Security Commission at the Centre. There is no need for such an institution at the central level.
- The Central Police Committee as recommended by the NPC in its Seventh Report should be constituted.
- The old Police Act of 1861 needs to be replaced by a new Police Act.
- The Vohra Committee had recommended the establishment of a Nodal Cell in the Ministry of Home Affairs to deal with the problem of nexus between crime syndicates, political leaders, government functionaries and others. It is learnt that such a cell is already operative.
- The recommendations of the Law Commission about insulating the investigative functions of the police from its law and order work should be implemented urgently.
- The recommendations of the NPC about recruitment, training and welfare of the constabulary should be implemented.
- The minimum educational qualifications for recruitment to the level of Constable should be Higher Secondary.
- Endorse the NPC recommendation regarding the reorganisation of the hierarchy of the police , with an increase in the strength at middle levels of ASI/SI/Inspector to be offset by reducing numbers at the lower levels of constabulary.
- Every State should establish an independent Police Recruitment Board and entrust to it the task of recruitment of all non-gazetted

ranks.

- A qualitative change in the training being imparted in police training institutions is imperative to improve performance and behaviour of the police.

### **Padmanabhaiah Committee: 2000**

In January 2000, the Government of India set up a Committee on Police Reforms with Shri. K. Padmanabhaiah, Ex-Union Home Secretary as Chairman and Retired IPS officers Vijay Karan, M. D Sharma & Amitabh Gupta, IPS as members. Shri. B. B Nanda, IPS was the Member-Secretary. The Committee was given three months to complete its work. Its recommendations were:

- Greater recruitment of Sub-Inspectors instead of Constables.
- Constables should be recruited young- below 19 years.
- The existing constabulary should be re-trained.
- Police Training Advisory Council should be set up at the centre and in each state to advise the Home Ministers on police training matters.
- The eligibility criteria for recruitment to the level of Sub-Inspectors should be 12th class pass and an upper age limit of 21 years.
- Constable should be classified as a 'skilled worker'.
- All promotions should be subject to completing the mandatory training programmes and passing of promotional examinations.
- The Indian Police should adopt the philosophy of community policing.
- Lack of a proper tenure policy for posting of officers at different

levels and arbitrary transfers have been used by politicians to control and abuse the police for their own ends. To deal with this problem, following action is required:

- A body headed by the Chief Justice of the State High court as Chairman, State Chief Secretary and an eminent public person as members should be constituted to recommend a panel of two names for appointment to the post of the Director General of Police.
- A Police Establishment Board, consisting of DGP and three other members of the police force selected by him, should be constituted to decide transfers of all officers of the rank of Deputy Superintendent of Police and above.
- The minimum tenure of all officers should be 2 years
- Another Committee under the Chief Secretary, with Home Secretary and the DGP as members, should be constituted to hear representations from police officers of the rank of Superintendent of Police and above alleging violation of rules in the matter of postings and transfers.
- To deal with the problem of corruption, a serious enforcement of the code of conduct and simpler but more effective procedures for removing corrupt officers.
- Since police work cannot be organised on an 8-hour shift basis, police personnel should be given a weekly off and compulsorily required to go on earned leave every year.
- Investigation should be separated from law and order work.
- Sections 25 and 26 of the Indian Evidence Act should be deleted and

confessions made to police officers of the rank of Superintendent of Police and above should be made admissible in evidence.

- Every police station should be equipped with 'investigation kits' and every sub-division should have a mobile forensic science laboratory.
- The police leadership, through proper manpower and career planning, improved training, effective supervision and by inculcating a sense of values amongst the members of the force, can play an important role in encouraging specialisation, promoting professionalism and increasing morale in the force.
- There is an urgent need to encourage specialisation in various aspects of policing.
- In each district, there should be a crime prevention cell manned by officers who have specialised in crime prevention work.
- To deal with cyber crime effectively, police capabilities in various areas need to be developed.
- The Law Commission of India should review the classification of offences into cognizable and non-cognizable and the powers of the police to investigate.
- The concept of VIP security needs a careful review and dismantling.
- Certain offences having inter-state, national and inter-national repercussions should be declared 'federal offences' to be investigated by the Special Crimes Division of the CBI.
- There have to be different norms regarding the burden of proof, degree of proof and the legal procedures in regard to trial of terrorist cases. There is a need for a special and a comprehensive

law to fight terrorism.

- There should be a national counter-terrorism coordinator to prepare a comprehensive counter-terrorism plan and budget.
- A statutory independent Inspectorate of Police should be set up to carry out annual as well as thematic inspections of the police force and to report to the state government whether the police force is functioning efficiently and effectively.
- A non statutory District Police Complaints Authority (DPCA) should be set up with the District Magistrate as the Chairman and a senior Additional Sessions Judge, the District Superintendent of Police and an eminent citizen nominated by the DM as members. Investigations into public complaints against the police should in the first instance be done by the police department itself. Those who are not satisfied can approach the DPCA.
- There should be a mandatory judicial inquiry into all cases of alleged rape of a woman or death of any person in police custody.
- The Government of India should establish a permanent National Commission for Policing Standards to lay down norms and standards for all police forces on matters of common concern and to see that that the State Governments set up mechanisms to enforce such standards.
- The release of central grants for modernisation or upgradation funds should be dependent upon compliance by state governments with certain basic issues, like each state having a manpower and career planning system, a transparent recruitment, promotion and transfer policy and meeting certain minimum standards for training.

- The Police Act of 1861 should be replaced by a new Act.
- The State Government must give high priority to the allocation of resources to the police.
- There should be a permanent National Commission for Police Standards and NCPs to set standards and to see that State Governments set up mechanisms to enforce such standards.

### **GoM on National Security: 2000-01**

A Group of Ministers (GoM) under the Chairmanship of Shri L.K. Advani was set up in April 2000 to review the national security system in its entirety and in particular to consider the recommendations of the Kargil Review Committee (KRC). The GOM also included the Defence Minister, External Affairs Minister and Finance Minister.

In order to facilitate its work, it had set up 4 Task Forces one each on Intelligence Apparatus, Internal Security, Border Management and Management of Defence. These Task Forces were multi-disciplinary in character and were made up of acknowledged experts.

A comprehensive systemic overhaul of the country's security and intelligence apparatus, in keeping with the technological revolution and the need for integrated management structures, was unfolded by the report submitted on February 26, 2001.

In view of its comparatively more limited remit, the KRC naturally did not address matters concerning internal security. The GoM, however, considered it necessary to do so in the light of the problems posed by insurgencies, narco-terrorism, collapse of law and order machinery in certain states, violence by left wing extremists, degradation of the efficacy of the Central Para Military Forces (CPMFs) and the State police forces etc. Accordingly, the GoM set up a separate Task Force for issues concerning

Internal Security. Two of its major recommendations are:

- The establishment of an Intelligence Coordination Group (ICG) and Technology Coordination Group (TCG), working in close tandem with National Technical Facility Organisation (NTFO).
- Border Management to be re-fashioned on a one-border-one-force principle so as to obviate problems of conflict in command and control and lack of accountability arising from a multiplicity of forces on the same border.

### **Maliath Committee On Reforms: 2001-03**

A Committee on Reforms of Criminal Justice System headed by Justice V.S. Malimath, former Chief Justice of the Karnataka and Kerala High Courts was constituted by the Home Ministry. The six-member Committee included S. Varadachary, former Adviser to the Planning Commission of India, Amitabh Gupta, former Director-General of Police, Rajasthan, Durgadas Gupta, Joint Secretary in the Ministry of Home Affairs, D.V. Subba Rao, Chairman of the Bar Council of India, and N.R. Madhava Menon, Vice-Chancellor of the West Bengal National University of Judicial Sciences. It began its work in November 2000 and submitted its report on April 21, 2003. The Report consists of 6 parts:

PART I: Fundamental Principles:- Need for Reform of the Criminal Justice System; Adversarial System; Right to Silence; Rights of the Accused; Presumption of Innocence and Burden of Proof; Justice to Victims

PART II: Investigation & Prosecution

PART III: Judiciary:-Courts and Judges; Trial Procedure; Witness and Perjury; Arrears Eradication Scheme

PART IV: Crime & Punishment: Offences, Sentences, Sentencing &

Compounding; Reclassification of Offences; Offences against Women; Organised Crime; Federal Law and Crimes; Terrorism; Economic Crimes

PART V: Looking Ahead: Emerging Role of the Legal Profession; Training: a Strategy for Reform; Vision for Better Criminal Justice System

PART VI: Recommendations

The bulk of the Malimath Committee recommendations revolve around the idea that whittling down the rights of the accused and increasing the rate of convictions will help tackle crime.

The 158 recommendations of the committee, arrived at after examining several national systems of criminal law, especially the continental European systems; essentially proposes a shift from an adversarial criminal justice system, where the respective versions of the facts are presented by the prosecution and the defence before a neutral judge, to an inquisitorial system, where the objective is the "quest for truth" and the judicial officer controls the investigation of offences.

While speedy trials, fast-track courts, the huge undertrial population, and access to courts have been part of the debate on the reforms relating to the criminal justice system, the Malimath Committee concentrated on the rights of the victim. It mentions the need to formulate a witness protection programme, reclassify offences, and involve the victim in all stages of the trial, but these concerns are driven by the threat of terrorists, organised and white-collar criminals, and what it claims is pressure from civil society to convict more people.

### **National Police Mission: 2005**

The National Police Mission was announced by the Prime Minister in his address to the DGsP/IGsP Conference on October 6, 2005 to transform the

Police Forces in the country into effective instruments for maintenance of internal security and challenges of the next century, by equipping them with the necessary material, intellectual and organisational resources and to create a "New Vision" for the Indian police.

The objective is to prepare the police forces for emerging challenges, to bring about specialization in areas like counter terrorism, counter insurgency, cyber and economic crimes, strengthen the metropolitan and rural policing, to bring in attitudinal changes in police by transforming the 'force psychology' into 'service psychology,' harness technology in aid of policing and to adopt community policing and ensure effective delivery of services to the citizens.

The Mission continued to work under the aegis of MHA till December, 2008 and was subsequently anchored in BPR&D, in order to coordinate the activities of the Micro Missions and monitor the implementation of various projects in States/UTs.

Seven Micro Missions have been created to develop projects on various subjects of Policing and Internal Security. These projects deal with Human Resource Development, Community Policing, Communication and Technology, Infrastructure, New Processes (Process Engineering), Proactive Policing, Visualizing Future Challenges and Gender Crimes and Gender Related Issues.

### **Police Act Drafting Committee, Soli Sorabjee: 2005-06**

In October 2005, the Govt. of India set up a Police Act Drafting Committee, headed by Sri Soli Sorabjee Committee, and tasked it to draft a new model bill to guide state government's adoption of new police laws. The PADC was required to take into account the changing roles, responsibilities and challenges of policing.

The PADC submitted its Model Police Act to the Home Ministry on 30

October 2006.

## **2nd Administrative Reforms Commission: 2005-08**

The second Administrative Reforms Commission (ARC) was constituted on October 31, 2005 under the chairmanship of Shri Veerappa Moily to prepare a detailed blueprint for revamping the public administration system.

The Commission was asked to suggest measures to create a proactive, responsive, accountable, sustainable and efficient administration for the country. The Second ARC submitted its reports in the year 2008. The gist of recommendations made in the 50 reports of 'Public Order' relevant to the police reforms, are as below:

- Need to upgrade the existing state police forces quantitatively as well as qualitatively with adequate infrastructure, specialized training and sound intelligence support.
- Effective coordination among the affected states and an overarching national Left Wing Extremism (LWE) strategy are critical in combating left wing extremism.
- Various wings of police should have the authority and resources to fulfill their responsibilities. Each such wing should have functional and professional autonomy commensurate with its requirements.
- A separate, elite Crime investigation agency of police should be created in each state and it must be completely insulated from undue political and partisan influences.
- There should be separate crime police, local police and law & order police.
- A clear separation of investigation from law and order duties is

required.

- A State Police Establishment Committee should be constituted.
- Confessions made before the police should be admissible.
- Federal Crimes: There is need to re-examine certain offences which have inter-state or national ramification and include them in a new law.

Many of the recommendations of the ARC are useful. A detailed reading of the fifth report, however creates an impression that the ARC was torn between its natural inclination to subjugate the police and the SC directive (*Prakash Singh vs. Union of India* given on 22 Sep. 2006) to make the police autonomous and free from political influence. In the eyes of ARC autonomy and accountability seem to be inversely proportionate to each other.

### **Supreme Court Intervention: 2006**

On September 22, 2006, a three-judge bench of the Supreme Court, comprising Y.K. Sabharwal, C.K. Thakker & P.K. Balasubramanyan, delivered its landmark judgment in *Prakash Singh v/s. UOI*. The judgement was essentially a directive to consolidate 'best practices' in the police. The Supreme Court intended the judgement as a primer on police reforms until the Centre and the States emerged with a new Police Act. The court expressed this as 'given the gravity of the problem' and the 'total uncertainty as to when police reforms would be introduced' it felt compelled to issue 'appropriate directions for immediate compliance'.

These directions were directed towards the Central Government, State Governments and Union Territories for execution on the following points, until the requisite legislation was framed:

1. State Security Commission: The Indian Police Act 1861 was a colonial instrument that is outdated and insufficient to meet modern challenges. Subjecting the district Police to the control and direction of the district magistrate reminds of colonial 'revenue policing,' and bureaucrats will not give up their powers so easily. "The old Act is also silent on Police accountability."

To prevent the abuse of police powers, the court wants functional autonomy to be tempered with accountability, police must be responsible not only for the services that they are expected to provide and to be answerable for each and every action that affects the lives of citizens, but also for the public money that they spend. The Supreme Court has now directed the new State Security Commissions to evaluate the performances of the Police in their respective states.

The State Security Boards, originally recommended by the National Police Commission should logically acquire the superintendence of Police on behalf of the state. This body is to be headed by the Chief Minister or Home Minister as Chairman and have the DGP of the State as its ex-officio Secretary. The other members of the Commission shall be chosen in such a manner that it is able to function independent of Government control. With the Opposition's representative on the Board, it may seem incapable of forming a unanimous view of any police action but such bodies generally function by consensus and not unanimity.

2. Appointment of the DGP: The SC directive presupposes that the fixed tenure will enable DGP to direct the police impartially. The CBI was the first organization to which the Supreme Court applied this method.

Empanelment by the UPSC as a precondition for appointment as head of the Police is a new proposition. It does not overrule the CM's power to choose the DGP but only restricts the choice to deserving and capable

officers.

3. Minimum tenure of IG of Police & other officers: As per SC directive, Police Officers on operational duties in the field like the Inspector General of Police or Deputy Inspector General of Police in-charge of a range, Superintendent of Police in-charge of district and Station House Officer in-charge of a Police Station shall also normally have a prescribed minimum tenure of two years. This measure will not dilute the operational control of the superiors but remove the servility prevalent in junior ranks.

4. Separation of Investigation: Even now some form of separation of investigation from law and order exists in the urban areas and at the state level. In some cities like Nagpur, this innovation has been tried and tested but it will require a thorough cadre review to ensure reasonably equal career prospects in both the arms. Can there be inter-wing transfers, at some stage, is another vital consideration. Investigation wing will emerge as the preferred option, for the obvious reasons. In the case of Maharashtra, it will resurrect the old distinction between Armed and Unarmed constabulary that had been discontinued in the nineties.

5. Police Establishment Board: Police Establishment Boards will be superfluous if the fixed tenure of the DGP ensures his independence. Under the Police Act, 1861 even now, the internal police administration vests with the DGP, helped by selected officers from the police hierarchy. However, in a uniformed service, having a chain of command, boards with disparate members may cause delay and undermine discipline.

6. Police Complaints Authority: As the state agency legally empowered to use force against public, it is essential to probe any police excess or misconduct. Non-transparent departmental disciplinary systems do not inspire popular confidence. The judgment now directs the state governments to put in place Police Complaint Authorities at both the state

and district levels, to inquire into complaints against the police.

7. National Security Commission: The directive to establish NSC is the responsibility of the Union Government, but may involve consultation with the states over its composition and modalities of functioning as well as its mandate.

#### Reaction from the States

The deadline imposed for such implementation was December 31, 2006. Several states felt obliged to move the apex court before the deadline. The plinth of their argument was that since police is a state subject, the Supreme Court had no *locus standi* to adjudicate upon its management.

The Supreme Court Directive was followed by a meeting of Chief Secretaries and DGPs held in December 2006. The general opinion expressed was against the division of policing into law and order on one side and investigation on another. The states further hinted that they would file a revision petition before the Supreme Court.

Subsequent Orders: On January 11, 2008, the Supreme Court rejected the request for review of its directive on police reforms or even grant of more time for implementation of certain directions. After listening to all pleadings for delays and difficulties, the Supreme Court ruled out any dilution or review of the directions given in the September 22, 2006 judgment. All States and the Union Government were bound by it.

The bench headed by Chief Justice YK Sabharwal said that, the above three directions were "self-executory" and there was "no question of further grant of time, implement it forthwith."

The bench said "Considering that everyone concerned realizes the need for expeditious introduction of police reforms, we were hopeful that three

months were sufficient to comply with directions issued in September, last year. But we wish to make it clear, for whatever is stated in the affidavit or applications, we cannot entertain them.”

Refusing any relief to the Union or the States, the court said “Accountability and responsibility of police is to be towards rule of law”. It indicated, “...none disputed the need to bring in police reforms... Today, the need is to introduce the police reforms and they have to be implemented very expeditiously now.”

### **KT Thomas Monitoring Committee: 2008**

The Supreme Court, in May 2008, instructed the setting up a Monitoring Committee in the Prakash Singh case to look into compliance by the States and Union Territories with former Supreme Court Judge K.T. Thomas as the chairperson of the three-member Monitoring Committee.

The Monitoring Committee was mandated to examine the affidavits filed by the States and Union Territories, taking into account reported difficulties in implementation and unnecessary objections.

The Committee was allocated infrastructure and financial assistance by the Ministry of Home Affairs and the Bureau of Police Research and Development (BPRD). The committee filed 4 interim reports and a final report. The final report, consists of 5 parts:

- Background
- Methodology
- Approach
- States’ stated difficulties
- Findings

*In its findings, the committee expresses "dismay at the total indifference to the issue of reforms of functioning of Police being exhibited by the*

*states”.*

### **JS Verma Committee: 2013**

On December 23, 2012 a three member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India.

The Committee submitted its report on January 23, 2013. It made recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms.

With respect to Police reforms, the Committee has recommended certain steps. These include establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police acts according to the law. A Police Establishment Board should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

*The committee, in its Chapter XII, expresses regret over the tardy implementation of SC Guidelines in the Prakash Singh judgment.*

# 3

## NEED

Police perform crucial role in maintaining peace in the society and integrity of the nation. Their service delivery has to be of a high standard in the interest of its citizens and progress of the country. Policing affects all walks of life and almost all activities in the Society.

It is a matter of concern that the negative perception about police has continued for decades. Police cannot perform their duties effectively and efficiently unless they get public support and cooperation and unless they are professionally competent. Public support and cooperation is not likely to be available unless people have trust in Police particularly about their impartiality, integrity and professional competence. The causes of failure of police reforms and / or ineffectiveness of the police reforms have to be found out.

There have been a number of Commissions and Committees recommending measures for improvement in policing in the country. However, there has been no study to find out the causes as to why these recommendations have failed so far in bringing about the desired results. It is only if we can identify the disease properly, that we can hope to treat it.

Hence, the need of this study.

# 4

## OBJECTIVES

There have been a number of commissions, committees that have made recommendations to reform the functioning of Police in India. Many individuals too have submitted views, reports and recommendations.

Sadly, the desired results of the efforts have not been felt so far.

Most of the recommendations have either not been acted upon or not implemented? Why? Were the proposals flawed or inadequate?

If yes, what should be done?

If not i.e. the recommendations are good, then why are they not being put into practice?

It is the need of the hour to understand and elicit the Internal and External impediments to Police Reform in India.... to conduct an authentic, accurate and impartial research to pin point the causes of failure of police reforms in a substantive form so far.

An accurate and authentic study to identify the causes that impede Police reforms will help in chalking out a plan of action and strategies for

its implementation. Only if causes can be identified accurately, can we hope to take up advocacy for effective remedial measures. Such a study is likely to suggest necessary changes in laws, procedures, attitudes, budgeting, man power, training, infrastructure, internal work culture etc..

Armed with authentic and accurate information, it may be easier to convince the powers that be for the next positive step.

There is another major benefit likely to accrue: If the results of the study are sufficiently publicized, other organizations, pressure groups and individuals can also take up the cause of police reforms. A credible study will also help in forging partnerships with them for pressing for police reforms in public interest.

This is the objective of the study.

# 5

## RESEARCH DESIGN

In this chapter on the research design, methodology of data collection, measurement, and analysis of data is discussed in addition to the way different components of the study were integrated in a coherent and logical way.

Specifying the research question was the first and most important step while undertaking this research as it identified the specific objectives the study was to address.

The biggest task was the Research design itself: This study uses a combination of "fixed" and "flexible" or, synonymously, "quantitative" and "qualitative" research designs. The research was directed at determining the What, Why and How of the 'Police Reforms in India'.

### **Quantitative Component**

#### **Questionnaire**

The questionnaire was prepared by Dr. Ajai Kumar Singh in consultation with Prof S. Japhet.

The salient aspects of the questionnaire are:

- It consists of a series of 34 questions that flow logically from one to the next.
- It is a mixed one with both open-ended and closed-ended questions. The open-ended questions ask the respondent to formulate his own answer, whereas in the closed-ended questions, the respondent has to pick an answer or prioritize a given number of options. Care was taken to ensure that the response options for closed-ended questions were exhaustive and mutually exclusive.
- Simple language was used for easy understanding of the questions.
- The questionnaire was initially prepared in English and subsequently translated into Hindi, Kannada, Malayalam & Telugu.

*A major problem with questionnaires is that often the people that do return the questionnaire are those that have a really positive or negative viewpoint and want their opinion heard. The people that are most likely unbiased either way typically don't respond because it is not worth their time. An effort was made to try and reduce this by equi distribution of the questionnaires.*

**Administering the Questionnaire:** The following methods were used:

- The DGsP of different State Police forces were requested, by the NPA, to circulate the questionnaire to different unit heads. In some cases, District SsP were addressed directly.
- IPS Officer trainees of 65 & 66 RR, during their District Practical Training, were requested to get the questionnaire filled up by a few sub ordinate Police functionaries. This formed a big chunk of the responses as a large number of these 290 OTs sent 2 or 3 replies each.

- Members of Topcop mail group were requested to contribute. This was done by addressing a common mail to all and following up with individual mails to the members.
- Efforts were made to gather responses from different course participants who were at NPA to be a part of seminars or courses.

## **Date size**

About 10000 questionnaires were printed and distributed. In addition, about 1000 e-mails were sent. However, the questionnaires elicited a rather low return rate. The data collected was 3719, that too because of the dedication of OTs of 65 & 66 RR.

### Why such a large data?

This data-base of 3,700 plus was considered to be too high by many Senior Police officers and statisticians, who questioned such a large size. In our defence, it can be stated that the Indian Police is 8 million strong. Thus 3719 responses are a small drop in the ocean.

*It needs to be mentioned that not everyone who filled up the questionnaire answered all 34 queries. Thus, there are discrepancies / variations of number of replies from 1 question to another.*

## **Analysis**

This data was analyzed using two statistical tools:

- Cumulated Ratings for Open ended questions: It involves the sequencing of data into replies which were most frequently reported and arrange them in a descending order based on number of repetitions.
- Pearson's Chi-Squared Test: It is a statistical test applied to sets

of categorical data which is unpaired. It tests a null-hypothesis stating that the frequency distribution of certain events observed in a sample is consistent with a particular theoretical distribution. The events considered must be mutually exclusive and have total probability. This test is used to assess two types of comparison: tests of goodness of fit and tests of independence.

- ❖ A test of goodness of fit establishes whether or not an observed frequency distribution differs from a theoretical distribution.
- ❖ A test of independence assesses whether paired observations on two variables, expressed in a contingency table, are independent of each other.

The procedure of the test includes the following steps:

1. Calculate the chi-squared test statistic,  $\chi^2$ .
2. Determine the degrees of freedom,  $df$ , of that statistic, which is essentially the number of frequencies reduced by the number of parameters of the fitted distribution.
3. Compare  $\chi^2$  to the critical value from the chi-squared distribution with  $df$  degrees of freedom, which in many cases gives a good approximation of the distribution of  $\chi^2$ .

## **Qualitative Component**

### **Interviews**

Interviewing is a method for conducting qualitative research to understand the experiences of others. Personal interviews were conducted with 50 persons, well known in their spheres of work. These included Police

Officers, Administrators, Members of Judiciary, esteemed people from Civil Society, Sociologists and Psychologists. The advantages offered by this method in the current study have been:

- Interviews provided an opportunity of face to face interaction
- They provided depth of detail.
- It provided an opportunity to probe or ask follow up questions.
- It enabled to gain insight into people's experiences.

The difficulties and the troubles faced were:

- Interviews were time consuming and resource intensive.
- Planning of the interview was difficult in terms of timing and logistics
- Immense multitasking was involved

### **Brain Storming**

Efforts were made to find solutions to specific questions by gathering ideas or Group think. It is pertinent to mention that:

- The concept of Question brainstorming or "Questorming" was implemented-A process that involves brainstorming the questions in a guided manner. The answers to the questions are prioritized/ assigned into actionable list with a clear understanding of what needs to happen next;
- 41 Brain storming sessions were conducted. Each session, lasting 1-2 hours, consisted of 6-8 participants with different experiences based on seniority and the area/states they have worked in.
- An effort was made to ensure heterogeneity in each group.

## **Study of Available Literature**

There is a huge volume of literature available on Police Reforms in India. Authors with background in the Criminal Justice System especially policing have written newspaper/magazine articles on this or related topics. (It is difficult to state with conviction whether any data or statistics were referred to by the authors while writing the article. However, these do reflect the concerned writer's opinion). It is to be noted that:

- A number of committees and commissions have delved on the issue of Police reforms.
- The BPR&D, in its effort to contribute to better policing has also, at regular intervals, brought out literature on this front.
- Civil Society and some NGOs have also endeavored to bring out written material to support the cause of reform.
- With the wide use of the internet, a number of websites and blogs also carry articles/pieces on this topic.

This available material has also been used as a qualitative tool- especially to refer to the particular author in his/her individual capacity.

# 6

## FINDINGS

### **A. QUANTITATIVE**

The findings, based on statistical analysis of the data collected by the 'Questionnaire method' are as follows:

#### **1. Meaning of 'Police Reforms'**

The questionnaire asked about the meaning of 'Police Reforms'.

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following 15 responses as those with the maximum cumulative frequency out of the 3059 responses, in decreasing order of importance:

(The sub-set formation is by the author)

- Enforcing "Rule of Law" and stopping Political Interference
- Proportional increasing of strength based on work-load
  - Having Periodic Shifts system duties
- Improvement in Police Attitude and Behavior

- Changing work style in Police System
- Training
- Modernization of Police
  - Use of technology
- Better Service Conditions
  - Amenities at Police Stations and for Policemen
  - Promotional Avenues
  - Good quarters for the staff at the Police Stations
- Improvement in Police Image
  - Promoting Community Policing
- Implementing Supreme Courts' directions in Prakash Singh case

## **2. Internal Impediments to Police Reforms**

Impediment is defined as a hindrance or obstruction that slows or blocks progress.

The term 'Internal' refers to issues/matters which are found within the limits or intrinsic to the Police itself.

Thus, this question tries to elucidate the hindrances, obstacles and barriers to the process of Police Reforms which are existing or occur within the limits of the Police set-up and which can be done without much change in laws, rules and regulations etc.

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those with the maximum cumulative frequency out of the 3059 responses, in decreasing order of importance:

(The sub-set formation is by the author)

- Corruption/Partiality in transfer/ postings
- Police is busy with day to day work
- Lack of resources and facilities
  - o Financial constraints because of Government apathy
  - o Lack of Recreation facilities
  - o Poor office environment
  - o Poor residential facilities
- Heavy work load
  - o Acute shortage of man-power
- Work style/ Attitude of Seniors
  - o Nobody listens to the constables
- Poor Technology
  - o Using mundane equipments
- Lack of Training

### **3. External Impediments to Police Reforms**

As defined above, Impediments are hindrances or obstructions that slow or block progress.

The term 'External' refers to issues/matters, regulations, procedures etc which are not under the control of police leadership. These could be administrative, financial, structural, legal et al.

Thus, this question tries to explain the hindrances, obstacles and barriers to the process of Police Reforms which exist outside the limits of the Police set-up.

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those with the

maximum cumulative frequency out of the 3196 responses, in decreasing order of importance:

(The sub-set formation is by the author)

- Lack of Political Will
  - o Infringing upon State powers
  - o Financial burden considered huge
- Bureaucracy
  - o Threat to their one up manship
  - o Unwilling to take bold decisions
- Judiciary
  - o Mistrust- Not sure of Police 'dedication'
- General Public & Civil Society
  - o Ignorance
  - o Apathy
- Media
  - o No constructive debate
  - o Over criticism of police
- Legal issues
  - o Outdated legislation
  - o Grey areas
  - o Police a state subject

**4. Which, internal or external impediments, are more important ?**

The following response was obtained:

Response Category	Response	X <sup>2</sup> Value (.05 level of Significance)
Internal Impediments	51.8%	(s) df=1
External Impediments	48.16%	

\*Tabled value of X<sup>2</sup> = 7.879

Table – 6.1

### Diagrammatic Representation

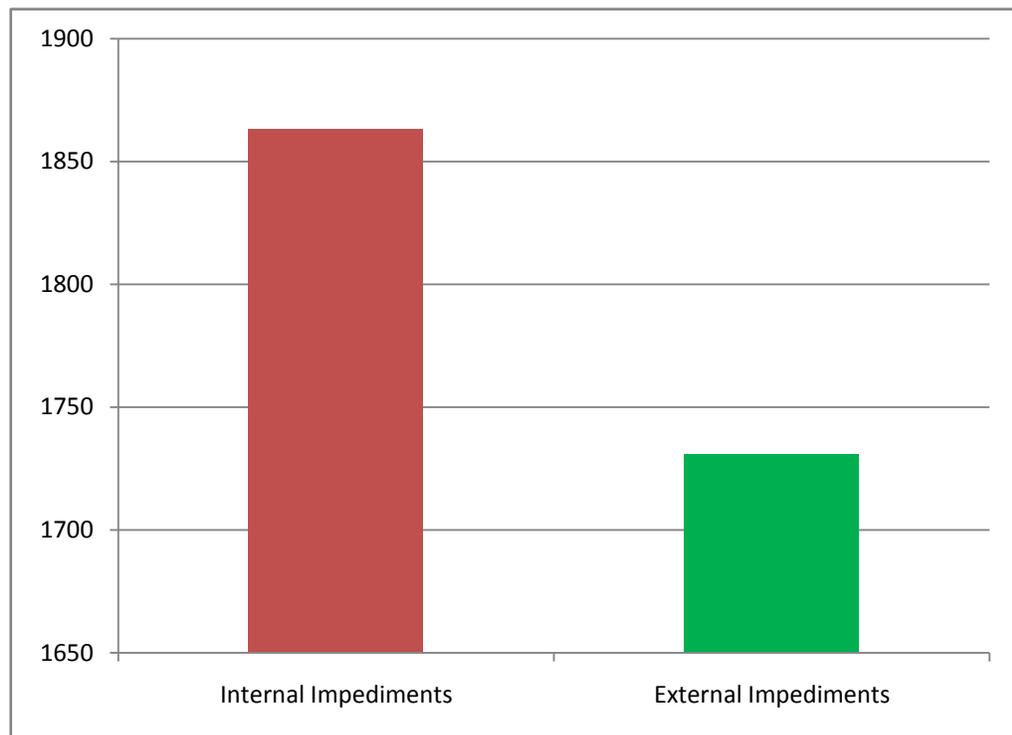


Figure – 6.1

#### Findings:

The calculated value of  $X^2$  (=179.308) was found to be more than the tabled value of  $X^2$ (=7.879) for  $df=1$  at .05 level of significance.

Thus, statistical analysis points to the fact that according to the data collected, Internal Impediments are more than External Impediments to Police Reforms in India.

### **5. Professional Competence of Police officers of various ranks**

The question elicits response regarding the professional competence of Policemen of different ranks. Thus, 1 would be rated as poor competence whereas 10 would be the highest rating of competence.

S.No	Total data	Mean	Median	Mode
PCs	1823	6.03	6	5

HCS and ASIs	1916	6.32	6	6
PSIs	2136	7.12	7	7
PIs	2147	7.27	8	8
Dy.SP/ASP	2220	7.47	8	8
SsP	2394	8.11	8	8
DIGs and IGs	2204	7.78	8	8
ADGs/DGs	2182	7.84	8	8
DG and IGP	2263	8.16	9	9

Table – 6.2

### Findings

This data reveals that

- (a) Competence level at all ranks in the police is satisfactory – mean 6 & above
- (b) Competence level increase as the rank increases.

## **6. Commitment of Police Officers to their duties and responsibilities**

The question elicits response regarding the commitments to their duties and responsibilities of Policemen of different ranks. Thus, 1 would be rated as poor whereas 10 would be high.

S.No	Total data	Mean	Median	Mode
PCs	1757	5.95	6	5
HCS and ASIs	1843	6.18	6	6
PSIs	2136	7.14	7	7
PIs	2152	7.34	8	8
Dy.SP/ASP	2187	7.51	8	8
SPs	2413	8.40	9	9
DIGs and IGs	2201	7.94	8	8
ADGs/DGs	2198	7.99	8	8
DG and IGP	2289	8.35	9	9

Table – 6.3

**7. Connection between professional competence on the one hand and commitment to duties and responsibilities on the other**

Response	Response percentage	$\chi^2$ Value(.05 level of Significance)
Strong connection	53.24%	76.236(S) df=2
Mild connection	25.38%	
Low connection	26.36%	

Table – 6.4

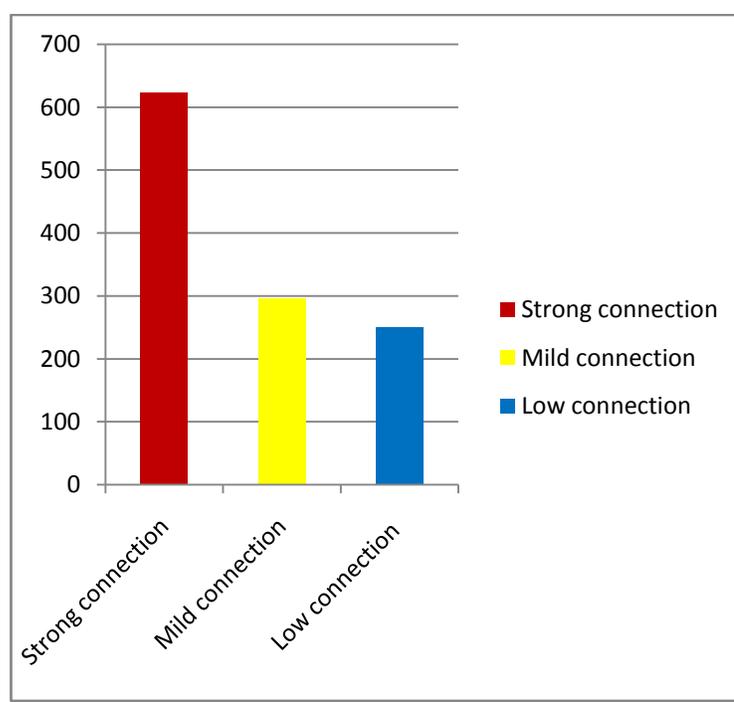


Figure – 6.2

**Findings**

The calculated value of  $\chi^2$  (=76.236) was found to be more than the tabled value of  $\chi^2$  (=10.597) for df=2 at .05 level of significance.

Thus, as per statistical data, there is a strong connection between professional competence on the one hand and commitment to duties and responsibilities on the other.

**8. Connection between professional competence, commitment to duties and responsibilities and Police Reforms**

Response	Response percentage	X <sup>2</sup> Value (.05 level of Significance)
Strong connection	54.70%	Chi- Square =46 Df= 2
Mild connection	24.83%	
Low connection	20.46%	

Tabled value of X<sup>2</sup> = 10.597

Table – 6.5

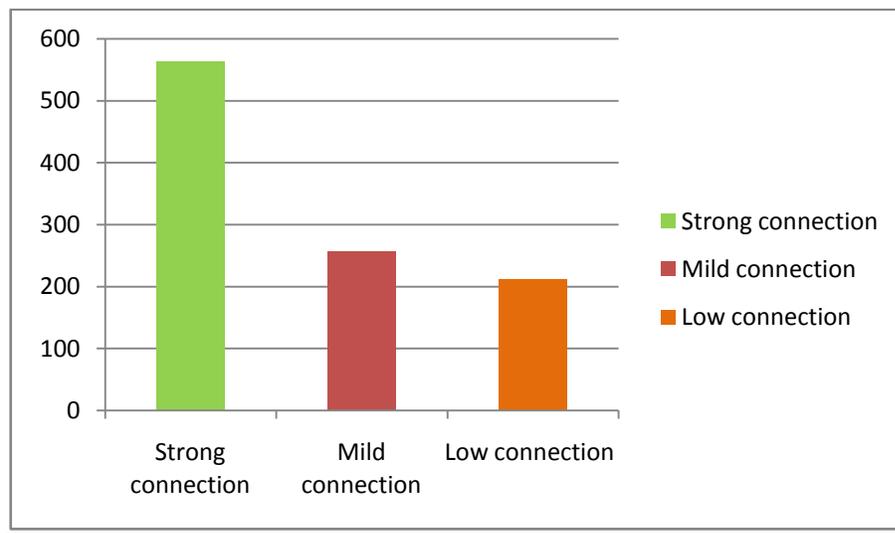


Figure – 6.3

**Findings:**

The calculated value of X<sup>2</sup> (=76.236) was found to be more than the tabled value of X<sup>2</sup> =(10.597) for df=2 at .05 level of significance.

Thus, there is a connection between professional competence, commitment to duties and responsibilities and Police Reforms.

**9. Opportunities to Police Ranks (PCs to Inspectors) to express their views on professional matters**

The question elicits response whether subordinate ranks (PCs, HCs, ASIs, SIs & Inspectors) get an opportunity or are permitted to express their views on professional matters.

Opportunity	Response percentage	X <sup>2</sup> Value(.05 Level of Significance)
Yes	18.09%	70.497(S) df=2
No	54.60%	
No Response	27.30%	

Tabled value of X<sup>2</sup> (10.597)

Table - 6.6

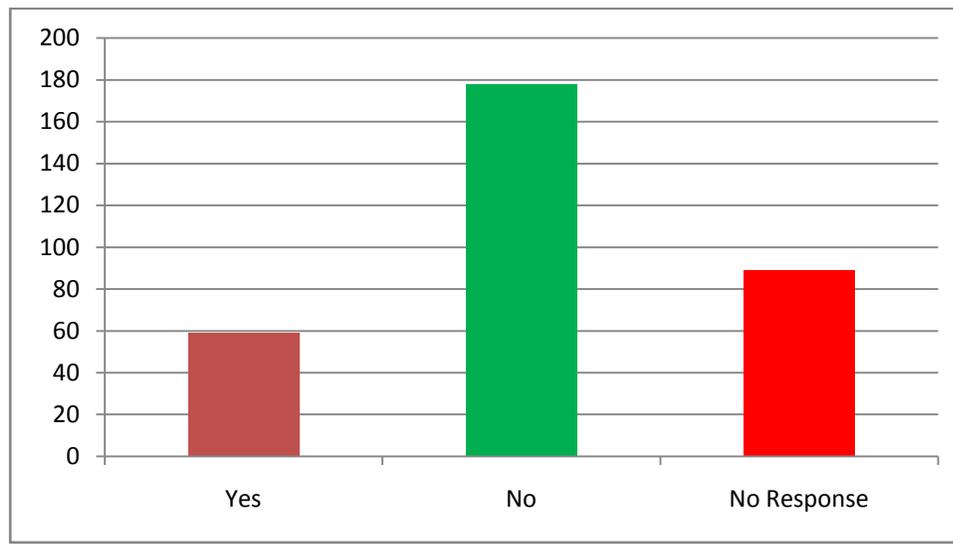


Figure - 6.4

**Findings:**

The calculated value of X<sup>2</sup> (=70.497) was found to be more than the tabled value of X<sup>2</sup>(=10.597) for df=2 at .05 level of significance.

The above data reveals that the Opportunities to police ranks (PCs to Inspectors) to express their views on professional matters are nonexistent or poor.

**10. Importance to be given to the views of PCs, HCs, ASIs, PSIs, PIs and DySsP in formulating a practical vision for Police Reforms**

Response	Response percentage	X <sup>2</sup> Value(.05 Level of Significance )
Very much	49.0%	Chi - Square = 2.38(S) df=2
Some	27.06%	
Low relevance	23.76%	

Tabled value of X<sup>2</sup> = 10.597

Table - 6.7

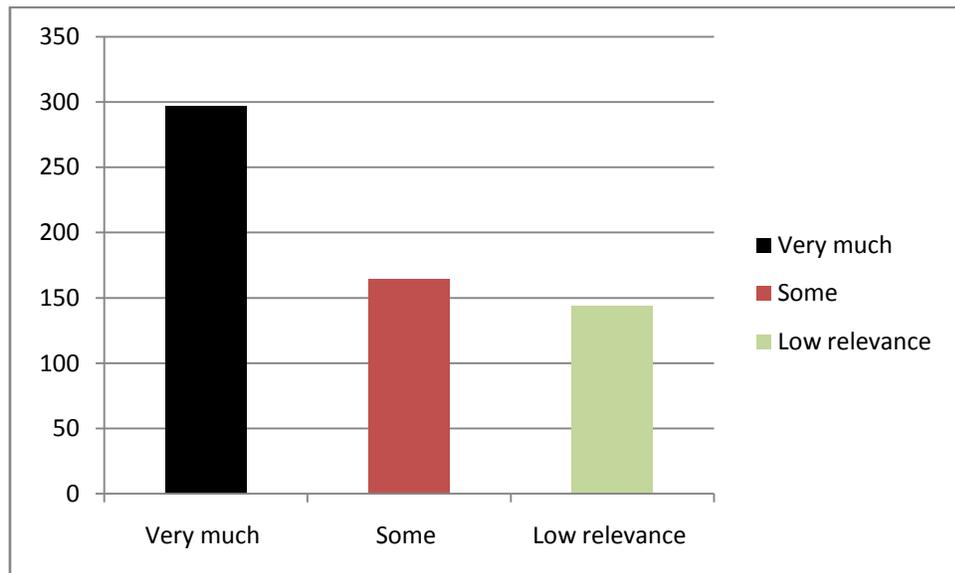


Figure - 6.5

**Findings**

The calculated value of X<sup>2</sup>(=32.38) was found to be more than the Tabled value of X<sup>2</sup>(=10.597) for df=2 at .05 level of significance.

This is interpreted that importance should be given to the views of PCs, HCs, ASIs, PSIs, PIs and DySsP in formulating a practical vision for Police Reforms.

**11. Why do you many excellent initiatives for better Police service delivery not get carried forward?**

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those with the maximum cumulative frequency, in decreasing order of importance:

- Inadequate follow-up by higher level officers and SHOs
- Ignorance at lower levels about the new initiatives
- Lack of Leadership
- Lack of Motivation
- Shortage of Staff
- Casual Attitude
- Lack of funds
- Successor syndrome
- The spirit of Implementation comes down as the time passes

**12. Internal work culture of the police department in encouraging new ideas**

	<b>Topic</b>	<b>Score</b>	<b>Mean</b>	<b>Median</b>	<b>Mode</b>	<b>(%)</b>
a	Generation of new ideas/innovation	1607	5.69	6	8	49.3
b	Generation of new ideas/innovation by PCs, HCs ASIs, PSIs, PIs and DySPs	1661	5.86	6	6	51

c	Implementation of new ideas	1629	5.81	6	6	50
d	Due recognition of good work without diluting or transferring or hijacking it.	1631	5.9	6	8	50
e	Merit based reward and punishment system	1751	6.26	6	7	53.7
f	Merit based promotions and posting	1653	5.94	6	6	50.7
g	Support for taking correct and legal action/stand on issue vis-a-v is taken by senior officers or politicians	1685	6.03	6	8	51.7

Table – 6.8

**13. Is the Internal work culture of Police Department conducive for carrying out Police Reforms**

Data	Average	Median	Mode	%
1820	6.19	6	5	55.82

Table – 6.9

**Findings**

Of the 1820 replies to this question, it is evident that an average of '6.19' & mode of '5' reveals that the Internal Work Culture of the police is not conducive for police reforms.

**14. Unanimity / consensus in the police department about Police Reforms**

<b>Data</b>	<b>Average</b>	<b>Median</b>	<b>Mode</b>	<b>%</b>
1895	6.71	7	8	58.12

Table – 6.10

### Findings

Thus, these appeals to be a significant majority w.r.t. unanimity / consensus in the police department about reforms.

## **15. How big impediments to Police Reforms are the Internal Factionalism in the Police Department?**

A.

<b>Response</b>	<b>Percentage</b>	<b>X<sup>2</sup> Value (.05Level of Significance)</b>
Very Important	50.63%	Chi - Square = 61.052 df=2
Somewhat important	31.45%	
Not important	17.91%	

Tabled value of X<sup>2</sup> = 10.597

Table – 6.11

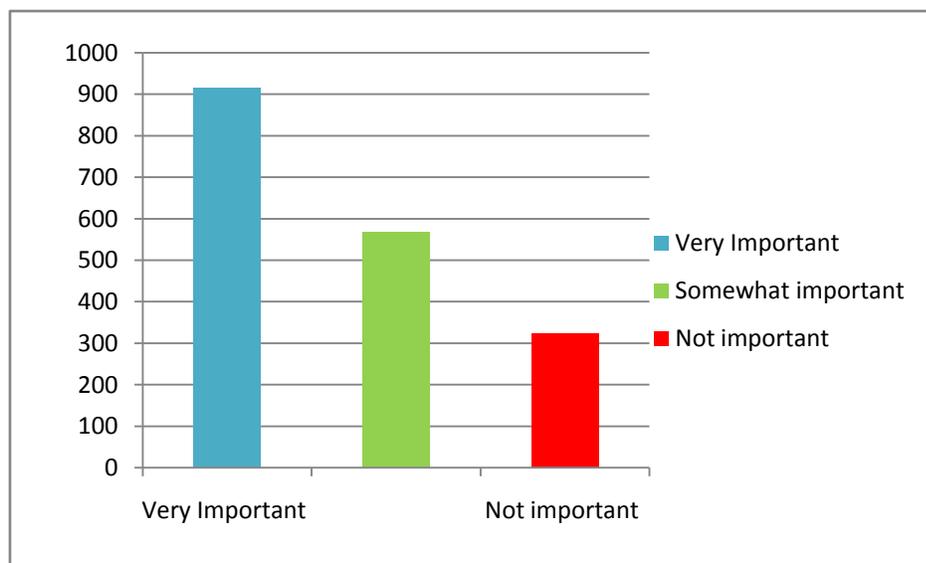


Figure – 6.6

**Findings:**

The calculated value of  $X^2(=32.38)$  was found to be more than the tabled value of  $X^2(=10.597)$  for  $df=2$  at .05 level of significance.

The data reveals that Internal Factionalism in the Police Department is a major impediment to Police Reforms.

**B.**

<b>Response</b>	<b>Percentage</b>	<b><math>X^2</math> Value(.05 level of Significance )</b>
IPS v/s non IPS officers	38.8%	155.188(S) df=2
Within IPS officers	29.7%	
Within non IPS officers	31.45%	

Tabled value of  $X^2$  is 10.597

Table – 6.12

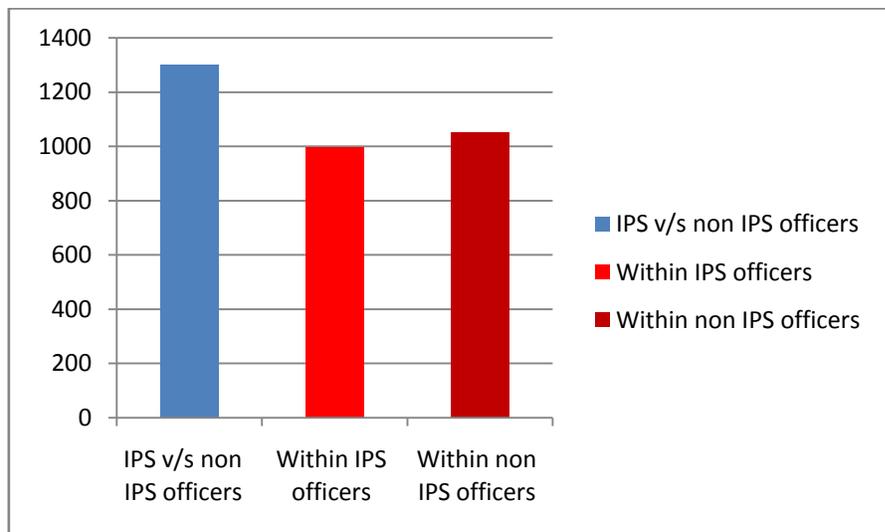


Figure – 6.7

**Findings**

The calculated value of  $X^2(=155.188)$  was found to be more than the tabled value of  $X^2(=10.597)$  for  $df=2$  at .05 level of significance.

The data reveals that internal factionalism exists in the Police department:

- IPS V/s Non IPS – Most evident
- Within IPS- Existing but least of the three parameters
- Within Non- IPS- Exists

**16. How important, on a scale of 10, are the following issues while considering Police Reforms?**

	<b>Issue</b>	<b>Data</b>	<b>Average</b>	<b>Median</b>	<b>Mode</b>	<b>Percentage</b>
a	Work load of police officers , particularly at the PS level	2670	8.93	10	10	81.90
b	Shortage of manpower	2619	8.79	9	9	80.33
c	Shifts system of working	2404	8.2	9	9	73.74
d	Infrastructure at the PS Level	2449	8.3	9	9	75.12
e	Scientific aids to investigations	2357	7.99	8	8	73.89
f	Use to technology in Police work	2409	8.14	8	8	73.89
g	Merit based and transparent recruitment system	2514	8.58	9	8	77.11
h	Training facilities	2363	8.04	9	9	72.48
i	Funds and financial power of police officers	2333	7.96	8	8	71.56
j	Corruption in the department	2089	7.11	7.5	8	64.07
k	Authoritative attitude of the police officers towards public/complaints	2141	7.36	8	8	65.67

l	Hassle-free registration of cases	2232	7.67	8	8	68.46
m	Welfare of policemen	2472	8.44	9	9	75.82
n	Public perception about police	2255	7.72	8	8	69.17
o	Tenure security of police officers	2191	7.16	8	8	67.20
p	Enhancing professional competence of police officers	2406	8.3	8	8	73.80
q	Transparency and impartiality in police functioning	2370	8.12	8	8	72.69
r	Political interference in police recruitment	2038	7.13	8	7	62.51
s	Political Interference in Posting	2222	7.374	9	9	68.15
t	Political Interference in registration of cases	1946	6.85	8	8	59.69
u	Political Interference in arrests	1967	6.98	8	8	60.33
v	Political Interference in Investigation and its outcome	1907	6.81	7	7	58.49
w	Lack of Public Co-operation in public work	2128	7.47	8	7	65.27
x	Grievance redressal system for complaints against Police Officers	2046	7.1	7	8	62.76
y	Respect for human rights on the part of Police	2152	7.52	8	8	66.01

	Officers					
z	Undue Criticism of Police	2061	7.44	8	8	63.22
z	Gender Sensitization	2035	7.12	8	8	62.42

Table – 6.13

### Findings

Statistical analysis reveals that all the 27 issues stated above are important while considering Police reforms.

### 17. Time Utilization: Police spend most of their time on:-

Response	Percentage	X <sup>2</sup> Value(.05 Level of Significance )
Professional work	29.20%	286.074 df=3
VIP duties	26.03%	
Pleasing politicians	20.26%	
Pleasing senior police officers	24.49%	

The Tabled values for X<sup>2</sup>= 12.838

Table – 6.14

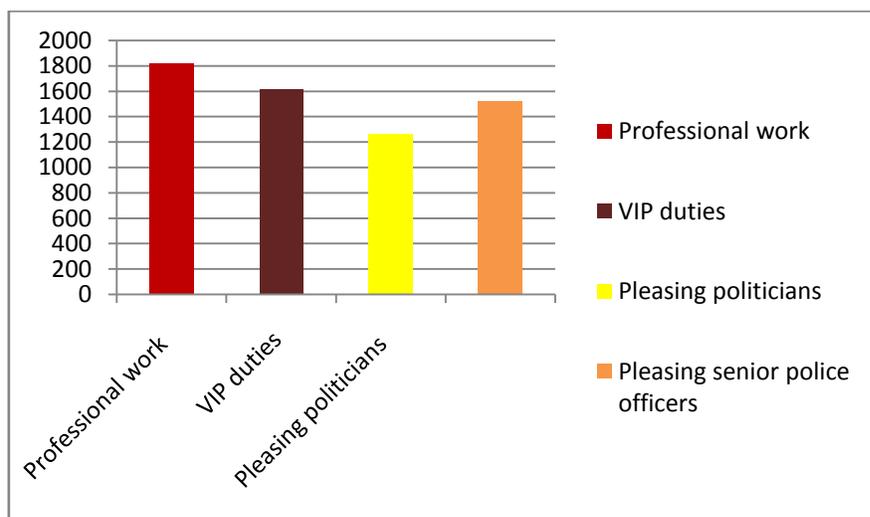


Figure – 6.8

Findings:

The calculated value of  $X^2(=155.188)$  was found to be more than the tabled value of  $X^2(=12.838)$  for  $df=3$  at .05 level of Significance.

The data reveals that Police officers spend only around 30% of their time in Professional work and 26% in VIP duties.

The rest of the time, according to data collected, is spent in 'Pleasing Others.'

**18. Has the police leadership got the right vision for Police Reforms?**

Response	Percentage	Chi Square (.05 Level of Significance )
Yes	53.3%	103.110(S) df=2
No	38.3%	
No response	8.2%	

Tabled value of  $X^2$  is 10.597

Table – 6.15

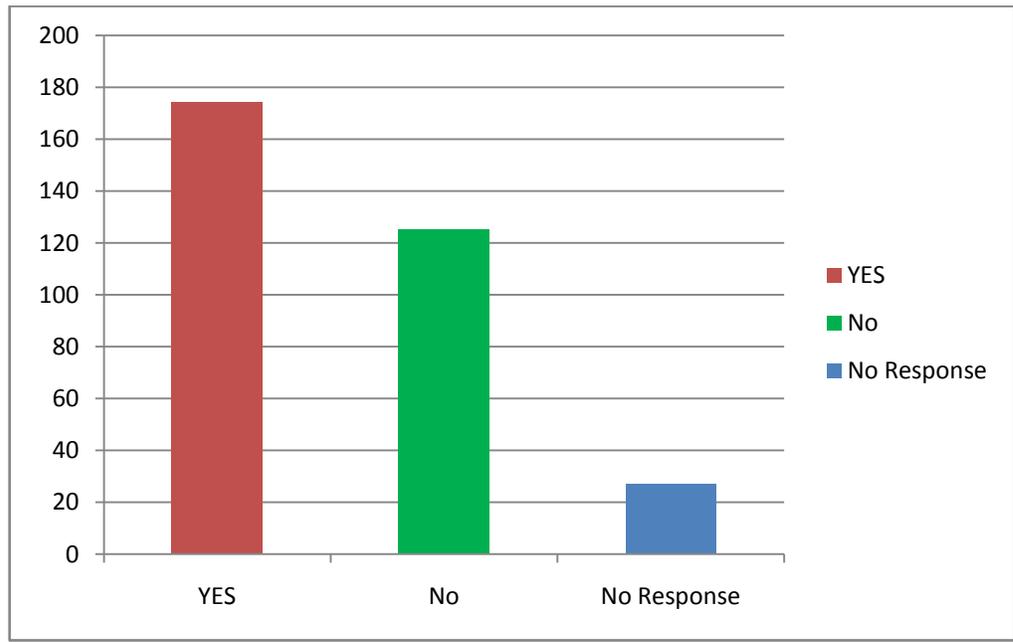


Figure – 6.9

Findings:

The calculated value of  $X^2(=103.110)$  was found to be more than the tabled value of  $X^2(=10.597)$  for  $df=2$  at .05 level of significance.

Thus, as per statistics collected, police leadership has got the right vision for Police Reforms.

**19. Has the Police Leadership got the integrity and courage of conviction to fight for Police Reforms?**

Response	Percentage	Chi Square ( $X^2$ ) value
Yes	35.58%	104.270 df=2
No	55.2%	
No response	9.20%	

Tabled value of  $X^2$  is 10.597

Table – 6.16

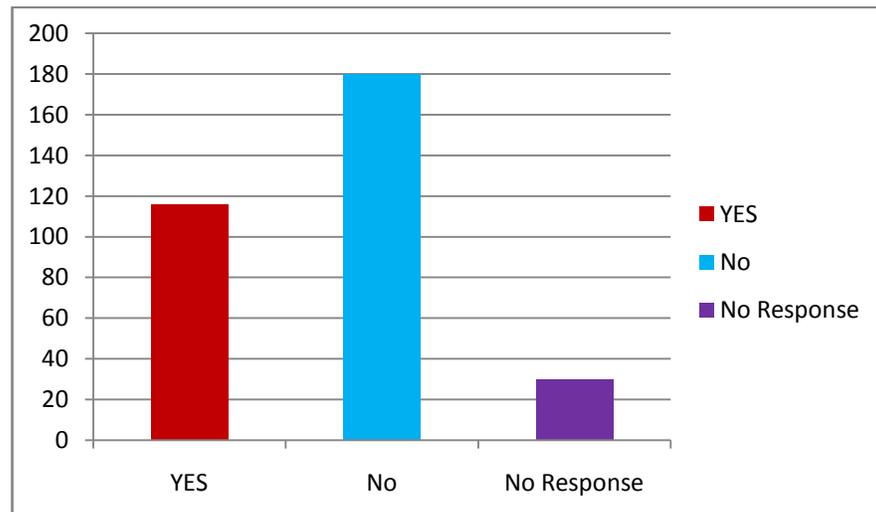


Figure – 6.10

Findings:

The calculated value of  $X^2(=104.270)$  was found to be more than the tabled value of  $X^2(=10.597)$  for  $df=2$  at .05 level of significance.

This reveals that Police Leadership does not have the integrity and courage of conviction to fight for Police Reforms.

## **20. Meaning of "Police Leadership"**

Six options were given to the respondent. They are:

- a) DG & IGP
- b) All the DGs of the State
- c) All DGs and ADGs
- d) All DGs, ADGs and IGS
- e) All Police officers of and above the rank of SP.
- f) Who else?

However, based on replies received, no analysis could be drawn. The data was haphazard and the Statisticians helping me out believe that the respondents got confused due to similar replies.

## **21. Importance of following impediments to Police Reforms**

	<b>Impediments</b>	<b>Data</b>	<b>Average</b>	<b>Median</b>	<b>Mode</b>
a	Lack of vision on the part of Police leadership	1996	7.02	7	7
b	Lake of integrity and courage of conviction on the part of Police Leadership	1927	6.83	7	7
c	Factionalism in the Police Leadership	1786	6.47	6	6
d	Unhealthy divide between IPS and Non – IPS Officers	1741	6.33	6	5
e	Antipathy /indifference of IAS fraternity	1803	6.86	8	8
f	Lack of political will	2212	8.01	9	8
g	Lack of public awareness and support	2120	7.54	8	8

Table – 6.17

## Findings

With varying importance, the 7 trails listed above are impediments to police reforms in India.

### **22. Legal changes as part of Police Reforms**

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with maximum repeat frequency, in decreasing order of importance:

- Police Regulations/Manuals should be updated
- Law for Posting is required
- There should be law for better control of SHOs by the seniors
- Power to investigate Non-cognizable cases should be given
- 8 Hours duty should be made statutory
- Police Act 1861 to be changed
- Transparency and impartiality in Police Functioning
- Fear for punishment should be abolished
- Separation of Investigation from 'Law and Order' duties

### **23. Structural changes as part of Police Reforms**

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with maximum repeat frequency, in decreasing order of importance:

*(It may please be noted that the changes suggested are those of the respondents and the same have not been tinkered with.)*

- Shift system of working

- Better infrastructure required at P.S Level
- Use of Technology
- Stopping Political interference in Policing
- Increase in Man power
- Regular and merit based Promotions
- Increase in the number of supervisory officers at every level
- ASIs and HCs must be given more responsibility
- Merit based posting.
- Encourage merit and integrity

**24. How closely are the Police Reforms connected to Judicial Reforms?**

		<b>Percentage</b>	<b>Average</b>	<b>Median</b>	<b>Mode</b>
i	Very closely connected	51.3%	8.3	10	10
ii	Somewhat connected	28.7%	6.4	6	5
iii	Low connection	20%	4.6	4	4

Table – 6.18

**Findings**

Police reforms are closely connected to Judicial reforms.

**25. Why Supreme Court directions in the Prakash Singh Case failed to bring about the desired Police Reforms ?**

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with

maximum repeat frequency, in decreasing order of importance:

- Lack of interest in adopting new reforms at all levels
- Lack of Political will
  - Political leadership does not feel the need
- Inaction or lethargy of bureaucracy
- Failure by police leadership to follow up of the directions
- Non Co-operation by superiors
- Failure in propagating/popularizing the need for reforms

**26. Police reforms will take place in the next 3 to 5 years- Response**

Response	Percentage	X <sup>2</sup> (.05 level of significance)
Yes	48.15%	36.948(s) df=2
No	30.36%	
No response	21.47%	

Tabled value of X<sup>2</sup> is 10.597

Table – 6.19

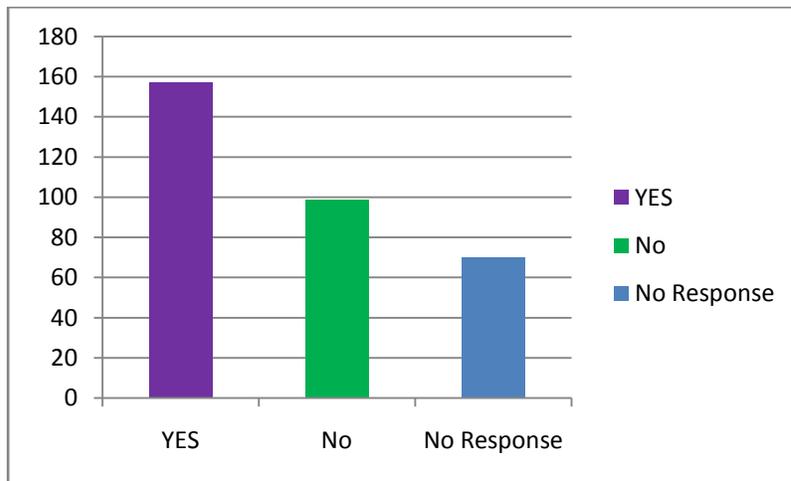


Figure – 6.11

**Findings**

The calculated value of X<sup>2</sup>(=36.948) was found to be more than the tabled value of X<sup>2</sup>(=10.597) for df=2 at .05 level of significance.

This reveals “reserved optimism” in the likelihood of Police reforms in the near future.

**27. If not, who /what should be blamed?**

A sizeable number (48%) of the respondents were of the view that Police reforms will take place or at least start in the next 3-5 years.

Those respondents, 52%, who did not believe or did not respond to the previous query were asked this question.

The responses with maximum repeat frequency, in decreasing order of importance are:

- Politicians
- Government
- Bureaucratic Lethargy
- Police Leadership
- Officers above the ranks of SPs
- Lack of willingness
- Media

**28. Who all can play a role in bringing the desired Police Reforms and how?**

The Respondents were of the view that the following could play role in bringing the desired Police Reforms:

- Politician
- Government
- Home Department
- Police
  - DGsP
  - SPs

- Public
- Media
- Public

None of the respondents replied to the 'How' part of the question satisfactorily or in a manner which could be analysed.

## **29. Who is most interested and who is least interested in the Police Reforms?**

No Analysis could be drawn based upon the replies received.

## **30. Strategy to bring about the desired Police Reforms**

The respondent had to give a maximum of 5 responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with maximum repeat frequency, in decreasing order of importance:

- Convincing Political leadership/government of the need
- Top officials in the bureaucracy & judiciary should be convinced
- Political Accountability
- Self Respect

The following replies also had high response frequency. This may have occurred due to incorrect different understanding of the question.

- Reduce work load Police Station Level
- Increase Salary for the non Gazetted Officers
- Interference of courts be reduced
- Use of modern Technology
- Separate investigation Wing and L/O Wing
- Help Police through better infrastructure

**31. Do we have men of professional competence, personal integrity and courage of conviction at the helm of affairs of the Police Department to plan and carry out the police reforms?**

Response	Percentage	X <sup>2</sup> at .05 level of significance
Yes	51.22%	59.194(s) df=2
No	16.56%	
No Response	32.20%	

Tabled value of X<sup>2</sup> is 10.597

Table – 6.20

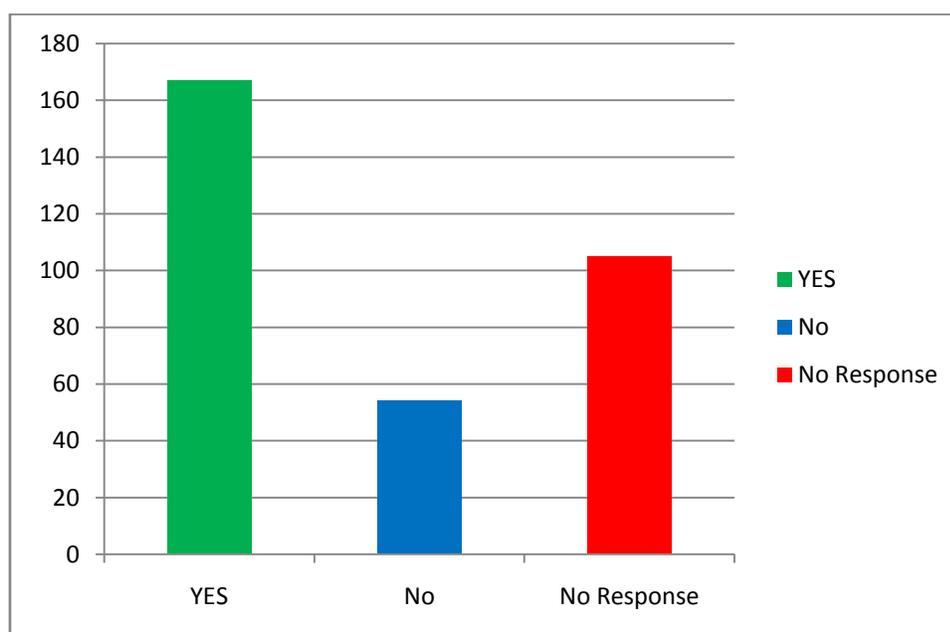


Table – 6.12

**Findings:**

The calculated value of X<sup>2</sup>(=59.194) was found to be more than the tabled value of X<sup>2</sup>(=10.597) for df=2 at .05 level of significance.

Thus, it is concluded that Police leadership has professional competence, personal integrity and courage of conviction to plan and carry out police reforms.

### **32. Three biggest impediments to Police Reforms**

The respondent had to give three responses and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with maximum repeat frequency, in decreasing order of importance:

- Lack of political will
- Lack of vision of Police Leadership
- Political interference in Police
- Lack of friendliness of Police
- Lack of Co-ordination among Government
- Public opinion and its awareness to the Police Personnel
- Shortage of man power

### **33. Three most crucial Police Reforms**

The respondents had to give three most crucial Police reforms and mark them on a scale of 1 to 10 in increasing order of importance.

The Statistical analysis reveals the following as those responses with maximum repeat frequency, in decreasing order of importance:

- Respect to Human Values
- Legal Changes
- Infrastructural changes
- Modernization
- Use of technology in Police
- New Police Act
- Setting up of state security commission
- Police to be independent of states
- Changing the dictatorial style of the Police Leaders

**34. Who should take initiative in bringing about the desired Police Reforms?**

The replies included all the following:

- DGP/HoPF
- Police Leadership
- Administration
- Politicians
- Public

However, no statistical inference could be drawn.

## **B. QUALITATIVE**

41 Brain storming sessions were conducted. Each session, lasting 1-2 hours, consisted of 6-8 participants with different experiences based on seniority and the area/states they have worked in.

The topics for brainstorming were:

No.	Topic	Number of brainstorming sessions
1.	Police Reforms in India	5
2.	Three Most Crucial Police Reforms in India	2
3.	Based on your field experience, what, according to you, are the areas where Police has to Reform itself?	3
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7.	Structural Impediments and Challenges to Police Reforms in India	1
8.	Three biggest Impediments to Police Reforms in India	4
9.	The way forward – How to reform the Indian Police	6
10.	Legal changes you suggest as part of Police Reforms.	1
11.	Structural changes you suggest as part of Police Reforms.	1

12.	Who all can play a role in bringing about Police Reforms & how?	1
13.	Why do many good initiatives for better police service delivery not get carried forward?	1
14.	Why did the Supreme Court directions in Prakash Singh case fail to bring about Police Reforms?	1
15.	What reforms would you suggest at the PS level for improvement in Police functioning / Delivery?	1
16.	What Legal Changes do you suggest to improve Police Functioning?	1
17.	Suggest changes at the PS level which would improve Public perception of Police.	1
18.	Does Security of tenure ( At DG, SP, SHO level) lead to better Policing?	1
19.	HR management at the PS level w.r.t. work load of Police Officers & distribution of duties.	1
20.	What role should the IPS leadership at the District level (SSP/SP/CoP) play to bring about Police reforms?	1
21.	What Structural Changes do you suggest at the PS, Sub Division and District level to improve Police Functioning and Service Delivery?	1
22.	How can we, as IPS Officers, help/ support our Constables, HCs, ASIs & SIs in generation of new ideas/ innovations in a District set-UP?	1
23.	How conducive is the internal work culture of the police department.	1

24.	How much importance should be given to the views of PCs, HCs, ASIs, PIS, PIs and DySPs in formulating a practical vision for Police Reforms?	1
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**The findings of the Brain storming sessions are:**

**In India, what are Police Reforms?**

Group-I

1. Separation of Law & Order Duties from Investigation
2. Implementing Commissionerate system over all India
3. Increase in Manpower
4. Improving police Infrastructure
5. Greater use of technology; modernization
6. Improved Training facilities
7. Sensitization of Police -
  - Gender
  - Minorities
  - Weaker sections
8. Reforms in Recruitment Policies
9. Promoting Community Policing
10. Image Makeover - People friendly, Approachable, Empathetic
11. Public Prosecutor to be a member of police department
12. Fixed working Hours with specific responsibilities
13. Performance based incentives
15. Police Establishment Board at State/Center level
16. Recruitment
  - More scientific
    - Job based

- Aptitude for police
- Leadership skills
- 17. More women in Police
  - Women police stations for women centric crimes
  - Women friendly PS
- 18. Better Training
- 19. 360 degrees Appraisal system
- 20. Better Ergonomics.
- 21. More funds
- 22. Delegation of duties.

#### Group-II

1. Arms modernization
2. Better infrastructure
3. Housing for Men and Officers
4. Computerization
5. Shift system
6. Reform of formats of PS records
7. Assurance of tenure security for men
8. Attitudinal Charge
9. Merit based transfer or promotion; transparency in transfer / postings
10. Training to be regular and adequate
11. Quick disposal of case properties
12. Separation of L & O from Investigation
13. Welfare Insurance, recreational facilities
14. Use of forensic tools in investigation
15. More emphasis on community policing
16. Increase in man Power
17. Women officers to be increased

18. Timely grievance redressal
19. Awareness of new laws / reforms / rules
20. Adequate funds
21. Financial autonomy to raise own resources

### Group-III

#### Infrastructure

- Police modernization
- Police housing
- Investigation fund

#### Relation with other services

- Law & order under domain of police
- Commissionerate system.
- Judicial accountability.

#### Procedural

- L/o & investigation to be separated.
- CrPC magistracy powers like 107,110 (preventive powers )

#### Welfare

- Financial security
- Career Growth & promotion Incentive
- Regular recruitment
  - Timely promotions
  - Incentive for extra working hrs.
  - Transparency in postings.

#### Work Culture

- Trust deficit – both ways
- Leaderships statistical based
- Blame game – at every level

- Fixed tenure
- Good work be incentivized & bad work be punished
- More people should be trained & diversification of job should take place
- Lack of creative thinking
- Politicization
- Sectarian influences caste, religion, etc
- Lack of approachability to higher authorities

### **Important issues while considering Police Reforms.**

#### A. Work load.

1. 24 x 7 Work schedule.
2. For seniors -
  - its a management issue.
  - for them not a great priority for reform
3. For constabulary - Very imp.
4. Quantitative work, Not qualitative, Monotonous boring.  
Work is insensitive to age class, but not to rank.

#### B Shortage of manpower:

1. Shortage at the middle rung of the Pyramid
2. Real +artificial shortage - manpower to no police work.
3. Lack of inclusive manpower- women, SC/ST, minorities.

#### C. Shift system

- Not of high priority
- Workload & Manpower once addressed, this will get solved
- Second Generation Reform.

#### D. Infrastructure importance.

- Moderate to high
- working conditions
- facilities for men

- E. Scientific Aid to Investigation.
- F. Use of Technology in Police work.
- G. Merit based Recruitment
- H. Training
  - Behavioral
  - Knowledge at lower level
  - Skills at middle level.
  - Leadership at senior level
  
- I. Funds & Power
  - System of "Jugad" / Management can be stopped only with adequate Funds.
- J. Corruption
  - Widely accepted all levels
  - Need based / Greed based
- K. Authoritative Attitude
- L. Free reg. of cases
  - High Priority.
- M. Welfare of Men
- N. Public Relations
  - High Priority:
    - Community Policing, Public centric perception influences policing,
    - More community participation.
- O. Tenure Security.
- P. Professional Competence.
  - Related to training
- Q. Transparency & Impartiality
- R. Political Interference in recruitment
  - Depends upon state to state

- Low/medium.
- S. P.I. in postings.
  - High priority
  - Basis of all ills.
- T. P.I. in registration of cases
  - Seen generally in high profile, communal cases.
  - Medium (impacts public psyche as these get media attention)
- U. P.I. in arrest
- V. P.I. In investigation & outcome
- W. Lack of public cooperation.
- Y. Respect for Human Rights

## **Crucial Police Reforms**

### Group-I

#### i. Structural Reforms

- Recruitment and training
- Focus on ethics and morals
- Gender Sensitisation During Training
- Professionalism
- Increasing Recruitment Of Women
- Replacing Police Act, 1861

#### ii Procedural Reforms

- Separation Of Law and Order From Investigative Functions
- Recruiting Specialists Trained In Modern Investigative Techniques
- Cutting Edge Technology

### iii. Functional Reforms

- Increasing autonomy and accountability
- Security of tenure
- Merit – based promotions
- Police accountability commissions
- Police – public interface : grievance redressal mechanisms
- Freedom from political interference

### Group-II

The 3 most crucial reforms required are:-

1. Man – Power management
2. Accountability
3. Technological advancement

#### 1. Man – Power Management

- Reasonable working hours
- Shift system
- Rest and leave policy
- Rationalization of work load
- Definition of work and strict allocation
- Training
  - I. Training of fresh recruits
  - II. Re- training of staff to service – orientation
- Tenure – stability
- Independence and proper objective criteria for posting transfers and promotions

#### 2. Accountability

- To remove the avenues of corruption
- To reduce subjectivity in adherence to police procedures

- To make police more accessible to public and change the perception
- Awareness among citizens and police personnel to stick to relevant rules and codes and procedures
- Police excesses and brutality be curtailed.

### 3. Technological advances

- Computerization which will lead to “paper- less” office
- Integration of data throughout the country which leads to reduction of redundancy
- Forensic advances for better investigation
- Traffic management through technological advances

## **Based on your experience, what according to you, are the areas where Police has to Reform itself ?**

### Working & Living Conditions

1. Investigation rooms for IOs with separate almirahs for each IO.
2. Separate sitting place for constable in police station.
3. One compulsory rest per week.
4. Leave conditions should be similar to paramilitary
5. 8 hours shifts.
6. New type of barracks with small separate rooms instead of one big room.
7. Better housing facility near PS.
8. Proper distribution of work
  - Equal rotation of duties like night patrolling & sentry duty
9. Manpower crunch at PS- less than the sanctioned strength- revised as per crime trends and area of PS.

10. There should be more than one vehicle given with petrol as per requirement.
11. Separate rooms to rest for lady constables.
12. One mortuary van to be made available at each thana- esp. highway thana.

### Training

1. Continuous & regular training
2. Sensitisation of police force towards various evils.
3. Training in modern forensics & cyber crime.
4. Meritorious constabulary and officers should be graded and sent for compulsory training
5. Skill based training depending upon the role of the personnel.
6. Prosecution wing should be separate at sub-divisional Level.

### Police Buildings

1. Maalkhana to be made properly & bigger storage space keeping in mind future needs of the PS.
2. Direct financial power should be given to SP for building police quarters & destruction of old buildings.
3. Police buildings should be modern with proper fire exits and audit of buildings to be done annually.
4. Separate section should be there to store biological exhibits.
5. Proper mess with seating facility.
6. Toilet facilities for ladies & gentleman should be separate.
7. Lockups should be made such that they are facing the SHO room.
8. Stationery should be provided at PS Level.

## **Internal Impediments to Police Reforms in India**

1. Feudal attitude
2. Political leanings
3. Lack of impartial procedure for
  - Transfers
  - Postings
  - Promotions
4. Work load - Heavy
5. Manpower - Inadequate
6. No developed/ formal public grievance redressal mechanism.
7. Overemphasis on Authoritative Leadership.
8. No welfare focus on constabulary
9. Rule bound.
10. Lack of proper training.
11. Lack of awareness.
12. Misplaced focus / priorities.
13. Paucity of Women police officers.
14. No sensitization towards women victims/complaint.
15. Aversion to new reforms -
  - Same / old processes/procedures continuing.
  - No single window clearance of public service delivery.
16. Dichotomy between L&O & investigation functions.
17. No HRD programme.

18. Vested interests of Police officers in identifying themselves with & politicians/political parties.
19. Absence of Professionalism in functioning.

**How conducive is the internal work culture of the police department in encouraging new ideas.**

1. Since police is very hierarchial organisation it follows set rules and procedures. This is an inherent hindrance.
2. The new ideas/strategies in police in India have come from:-
  - Suggestions and recommendations of committees / commissions etc.
  - Benchmarking from other police organisations.
3. Institutional framework is absent to recognize or reward new ideas or innovations.
4. Day to day fire fighting occupies most of the time.
5. Those ideas which do not require additional resource are implemented.
6. Training lower ranks of police is imparted in such way that it curbs the innovativeness.
7. Usually ideas generated at top get implemented.
8. Frequent transfers and postings hamper ownership and responsibilities of those ideas.

**External Impediments to Police Reforms in India?**

1. Status quoists
  - Politicians
  - Bureaucrats

- Judiciary
  - Certain classes of business
  - Media
  - Influence of criminals
2. Lack of synergy and coordination among the stakeholders
  3. Increased dependence on other departments
  4. Lack of forces which drive reforms in other sectors
    - Public aspirations / awareness / participation /faith / trust / support
    - Technology awareness
    - Legal awareness
    - Market
  5. Lack of participation NGOs / Civil society (good Policing curtails the imp. Of NGOs)
    - They are working against the police
  6. Social expectations (Misdirected)
    - Corruption
    - Instant justice (encounters)
  7. Lack of sense of urgency
  8. Police is not considered as profit / product generation organisation. So less support for reforms.
  9. To reform something you may require to stop / slow down it. Police work can't be stopped / slowed down. So better let it go as it is going. Who will take risk?
  10. Lack of indigenous R & D in police
  11. Negative attitude of society
    - Lack of trust

### **Impediments to Police Reforms.**

1. Lack of vision.

- Vision is basis of all positive changes.
  - Driving force has to come from the Police Leadership.
  - Important to know what to change, not just the need to change
2. Lack of integrity and courage of conviction.
    - Goal is formidable
    - Considerable + consistent energy, focus + background work.
  3. Factionalism
    - Smaller personal, selfish targets – Inconsistent with the major goal.
    - Political class take advantage of this and use it as a leverage
  4. Unhealthy divide : IPS, Non – IPS
  5. Antipathy of IAS Fraternity
  6. Lack of Political will
    - Police used as puppets
    - No unanimity amongst Police leadership w.r.t. reforms
  7. Lack of public awareness / support
    - No pressure group on political masters
    - Public's expectations – very high with no knowledge of the difficulties faced by Police

### **The three biggest impediments to Police Reforms.**

#### Perception about Police

1. Police serves only the powerful not the common man
2. Corruption
3. Police officers get transferred if they intend to do good job by political class
4. Lack of sensitivity

5. Lack of professionalism
6. Lack of resources

Reforms means addressing these perceptions.

#### Impediments

1. Lack of political will / senior leadership will and vision
2. Policing not perceived as a productive job to go for budget allocation
3. Public opinion about police as an element to be avoided is stopping them for asking Police reforms

Why are these impediments

1. Senior leadership not able to project the demands
2. Perception management of Police is absent
3. Lack of transparency and accountability

#### **Legal changes as part of Police Reforms**

- Investigation & LO should be separated.
- Review IPC from time to time (especially monetary punishments / compoundable offences)
- Some of the magisterial powers related to day to day LO duties etc should be given to S.P.
- A Special force should be created for special duties such as VIP, Route arrangement, temple bandobast etc.
- CrPC may be amended
- Fixed tenure should be supported by an appropriate law / section for all equivalent and above ASP rank.
- Set of standard time bound procedures should be incorporated in law / CrPC with regard to reimbursement of expenses incurred by IC/CI/SHO.

- Training duty / shift leave should be enforced by means of changing / incorporating relevant sections.
- S.P should explicitly be made responsible for LO in the district.
- S.P should be given financial power to develop police infrastructure
- Compensation with respect to SC/ST law and other laws should be routed through S.P
- All states should, on war footing, make their own police acts.

### **Legal Impediments and Challenges to Police Reforms in India.**

1. Outdated Acts/ Legislations
2. Police – a State Subject
3. No legal Frame work to enforce reforms
4. Absence of legislation granting financial autonomy
5. Lack of harmony / Consistency b/w various legislations
6. Grey Areas – diff b/w theory & Practice

### **Legal Changes to improve Police Functioning.**

1. Punishment under Sec 182 IPC should be increased.
2. Executive Judicial powers (107, 151, 116, 145...) should be in hands of Police as is there in commissionerate system.
3. Investigation should be separate from law and order either at PS level or district level.
4. Police committee should control the functioning of police in transfer/posting and there should be based upon performance appraisal of individual.
5. Amendments in Sec 106-145 to remove power of executive.

6. Legal provisions for preliminary enquiry before registering FIR.
7. Disposal of case property should be made admissible based on certificate by SP/IG.
8. District prosecution Branch should be under SP of the district.

### **Structural changes in Police as part of Police Reforms.**

1. Separation of investigation and 'law and order' duties
2. Promotion policy for lower officials
3. Shift system
4. State of the art facilities
  - Control rooms
  - Model police station with forensic kits / interrogation rooms
5. Vehicles – with GPS tracking
6. Evidence – in front of P.O – admissible in court
7. Sanctioning procedure (eg.arms act) delays justice, should be removed
8. Refresher course compulsory ( once a year)
9. Transfer system – mandatory 2 year of service
10. Budget for police stations – to be increased
11. FSLs – District levels
12. Outdated laws to go
13. Law ministry – A police officer should be part of legislation formulation
14. Constables – Monthly grievances redressal system
15. Police – public ratio to be increased
16. Greater stress on skills training
17. Multi disciplinary task force – forensic team, cyber team, interrogation law and order
18. Legal officer to aid police officer ( SI level) in registration of FIRs and investigation

## **Structural impediments and challenges to police reforms in India.**

- Mistrust by Judiciary
- Budgetary Constraints
- Bureaucracy
- Hierarchical structure of the organization
- Political interference (e.g transfers)
- Lack of political neutrality
- Antiquated reward system
- Poor training at lower levels.
- Over centralization.
- Too much focus on seniority Vis-a-vis performance
- Non separation of investigation and L & O
- Heavy pyramidal base
- Lack of a proper incentive / disincentive system
- Duality of command
- Centre state relationship
- Status quoism
- Limited promotion opportunities
- Wrong priorities
- Public mistrust
- Prosecution wing separated from police
- Lack of institutional amenities.
- Red tapism in implementation of reforms
- Low representation of women
- Lack of use of ICT
- Lack of familiarity with forensic science tools
- Inadequately / No constant performance appraisal

## **Structural Changes at the PS, Sub Division and District level to improve Police Functioning and Service Delivery.**

### Structural Changes Needed at Police Station Level:

1. Sufficient funds for day to day work.
2. Separate investigation fund.
3. Duty in shifts with adequate rest in between.
4. Proper accommodation: Barracks, staff quarters.
5. Recreational facilities.
6. Mentoring of new recruits by attaching them with experienced staff to improve their skills.
7. Incentives for the personnel who are engaged in Bandobast/ some other operational tasks.
8. Separation of investigation & Law & Order duty along with trained "Dedicated Staff".
9. Deployment of women staff at every PS.
10. Regularization of promotional avenues for the subordinate staff.
11. Reception at every PS.
12. Regularization of Class IV employees at PS level.

### Structural Changes at Sub-Division Level

1. Dedicated reserve force at the disposal of SDPO.
2. Discretionary funds in hands of SDPO.
3. Legal adviser at sub-division level to advise SDPO especially w.r.t. pending cases.
4. Category of direct investigation cases by SDPO must be curtailed / reduced.

### Structural Changes Needed at District Level

1. More financial autonomy to distt. SP w.r.t. men & resources.

2. Recreational facilities for the staff & their families.
3. Police Canteen in every distt. Police lines.
4. Regular medical staff for police lines.
5. Medical checkup at regular intervals for both lower & upper subordinates.
6. Rotational training of staff at regular intervals wrt forensics, cyber crime, weapon handling tactics, IT etc.
7. Prosecution wing must be under SP
8. Increased staff strength at distt. level & in every sub-unit.

**Why do many good initiatives for better police service delivery not get carried forward?**

1. Lack of Political will
  - Political focus is more on developmental work and appeasing citizens for votes
  - Politicians do not focus on Police service delivery
  - Apathy towards resource allocation to police
2. Any Initiatives taken up by any Senior Officer are not been institutionalized and only remain person specific
3. Status Quo approach at all levels
  - Political executives (Ex. Commissionerate vrs normal policing )
  - At all ranks in the department
  - Not involving Police Officials in decision making.(Ex. Home Secretary, Joint Secretary )
  - Trust deficit
4. Overburdened Police and lack of incentives for good initiatives taken
  - Ex: Community policing (adding to already Existing work)
  - Ex: Discriminatory allowances (Election)
5. No concern about the rights of Police
  - Ill defined working hours

- This leads to demonization
- Human rights not spoken for Police

### **Why did the Supreme Court directions in Prakash Singh case fail to bring about Police Reforms?**

- Lack of political will - IPS Officers not ready to stand up to politicians
- SC itself is not serious when it knows that its directions are not followed
- Some states amended but not following the S.C guidelines
- Bureaucrats not ready to forego their control over Police
- Police state subject – federal structure
- Our Officers not ready to take up postings in MHA / Secretariat.
- Lack of awareness among the general public
- Political allegiance or opportunism by IPS officers.
- Police itself not interested in separation of L&O and investigation.

### **Based on your field experience, please suggest how Police Accountability to the Public be increased.**

1. Work accountability at each level e.g. if a complaint / grievance is raised & it is not resolved in time bound manner then the IO/ constable should be held responsible.
2. Proper tasking of work of each & every individual in PS ( for contingency related works separate reserve should be maintained)
3. Displaying the tasking chart for perusal of public in each police station
4. Online distribution of non-sensitive information about PS, cases, & queries raised by public.
5. Finding out areas in which maximum complaints are received and targeting these areas.

6. Mass awareness programs so that people understand the limitations and problems in working of police station.
  - Meeting with Resident Welfare associations, schools, and colleges.
7. Proper training to the Beat Staff
8. SP/ ASP should meet maximum people in their area, not selective ones.
9. Increasing platform for registering complaints.
  - Emails
  - Mobile messages
  - Person
  - Apps.
10. Taking feedback from public (beat wise) so as to know the effectiveness of the system in place.

### **Reforms at the PS Level for improvement in Police functional Delivery**

1. Weekly offs for ever body including SHO
2. Specialization at PS- Separation & Allocation of various duties at PS based on Aptitude of person
3. Standard Operating Procedures (SOP) for
  - Land Related Cases
  - Family Issues
  - Accident cases
  - Minority & SC-ST cases
  - Women Related Crimes
4. Transparent & Objective Job Rotation.
5. Periodic Trainings, Tests and Certification
6. Soft Skill Development programs for policemen.
7. Prompt incentives for good work.

8. Grievance Redressal box outside PS for people as well as Policemen.
9. Basic infrastructure- vehicle, furniture, toilets etc.
10. Gender Sensitization, among policemen.
11. Investigation fund
12. Expert Hotline & emphasis on scientific investigation.
13. Timely clearance of Bills (Ex-TA Bills, Medical reimbursements)
14. Digitization of All the records at PS. Internet connectivity among each other.

### **5 Changes at the PS level which would improve public perception of Police.**

1. Institutionalization of feedback / Grievance re-dressal / public complaints system.
2. Basic Amenities like seating arrangement, Stationery, toilets for the public in police station.
3. Constitution of Police Station Advisory Committee comprising of SHO, Principals of various schools and colleges, prominent NGOs, Women Groups, Trade Associations, Student Association representatives- Objective- Improvement of functioning of police station and delivery of Services.
4. Community Activities - Blood Donation Camps, Medical camps, Awareness Camps. Community policing initiatives. "Know Your Police".
5. Use of Technology for delivery of Services.

### **Does Security of tenure lead to better Policing?**

Negatives

- Casual Attitude might creep in

- Command & control by the senior compromised in terms of transfer.
- More litigation in transfers.

### Positives

- No vindictive transfers
- Work autonomy
- Better performance
- Neutrality
- Taking initiative
- Course correction- Scope of learning from mistakes.
- Better personnel management
- Subordinates understand their role & responsibility better
- Bonding between the staff
- Gives time for ideas to mature / system building.
- Understanding the locality and one's own men/ staff.
- Building Relationships
- Motivation to develop strategies for effective local policing and confidence in terms & tenure for implementing the same.
- Human Resource Development
- Understanding potential
- Training as per needs

### **HR management at the PS level-Improvements.**

1. Rational distribution of work load required:
  - Filling up of all vacancies timely
  - Creating new vacancies /posts for changing nature of duties.
  - Sufficient budget/ funds readily available.
  - Separation of law & order and investigation.
  - Multi- SHO with shifts.

2. Enhancing capability to take up duties through:
  - On- the- job training
  - Taking special care to train probationary constables through clear delegation of tasks for an appropriate period of time.
  - Encourage Specialization using small teams; introduce specialization without pitfalls of single person dependency.
3. Psychological interventions to motivate proactive completion of delegated duties:
  - Compulsory weekly off.
  - 8 – hours shift system for constables.
  - Increase formal levels of seniority among Cts to promote feeling of career progression / reduce feeling of stagnation ( e.g. Ct, Naik, HC, Senior HC)
  - Reward for work well done to be given asap: better task – reward association.
  - Place of posting in close proximity to family.
  - Reducing proportion of non- policing tasks.
4. Objective evaluation of HR mgmt system
  - Compulsory testing of all Cts. W.r.t. nature of duties expected at PS level.
5. Needs of Special groups.
  - Women- Properly sensitized.
  - Computer operators- On call almost 24X7
  - Drivers

**Role IPS Leadership should play at the District Level (SSP/SP/COP) to bring about Police reforms?**

Staff Function

- Welfare
  - Weekly off

- Leave planning
- Family
  - Day care centers
  - Vocational Courses
  - Stitching Centers
  - Coaching
  - Sports/ Cultural Facilities
- Accommodation
  - HRA
  - Maintenance
  - Complaint Redressal system
  - Fair allocation Process
- At PS Level
  - Barracks
  - Mess
  - Facilities for Women Officers

## Operational

- Investigation
  - Policy for Invest. Fund
  - Regular Maintenance of Vehicles
  - Creating Awareness about New Laws/ Amendments/ Processes
  - Coordination between prosecution, Judiciary and Police
- Law & Order
  - Riot Gear equipment in order and proper training
  - Establishing co-ordination mechanism with Revenue Authorities
  - Rotation Policy
  - Riot Scheme & Awareness about it.
- Training

- Training Cell
  - Preparing SOPs
  - Planning Training Calendar
  - Imparting Training
- Sensitisation
  - Gender
  - Children/ Juvenile
  - SC / ST
- Specialized units
  - Bomb Disposal Squad
  - QRT
- Well –equipped FSL team.
- Vehicle arrangements

**How can we, as IPS Officers, help/support our Constables, HCs, Ideas/Innovations in a District set-up?**

Listen

1. How? Sampark not working, why?  
Large group gathering
2. Small Group Interactions Non- Judgmental attitude of IPS Officer  
Don't be Hierarchy conscious.

Form

1. Platforms for sharing and receiving anonymous ideas and a team for screening these ideas to short list the implemeantable ones.
2. 2- way communications- let idea generator 'Sell" the idea to you
3. When listening to ideas, IPS officer must encourage thinking innovatively without resource or procedural constraints. It is the officer's job to impose these constraints on the idea and explain it the idea originator.

## Incentivise

1. Good service remarks – to be mentioned in the service book / record.
2. Best Investigator of the month on the lines of best employee of the month.
3. Display of success stories after implementation of ideas.
4. Give as much publicity to the idea and the person who mooted it.

## Implement

1. Ideas received from any level should be noted and evaluated later.
2. Implementation of idea should be done quickly so that person giving the idea knows it being acted upon.
3. Person giving the ideas to be involved in implementation.
4. Pilot project followed by another round of evaluation.
5. If there is resource constraint, let it be clearly explained as to what efforts were made to overcome it and how resources are being used.

## Proactively Identify Initiative Takers

1. Young recruits potential to be tapped- as they are not conditioned into existing organizational practice
2. Integration of new generation expertise with old practices. Eg: Google Maps & Crime Maps by a science graduate constable.

## Don't Micromanage

1. Identify areas for innovation, if needed (as a start) and let them come up with ideas. Micromanaging kills creativity.
2. Give some unstructured time to deliberate upon ideas (like after evening briefing in PS).

## **The Way Forward**

### Group-I

1. Improve the working conditions especially for the constabulary.
2. Welfare measures – Accommodation, Health, Education for children etc.
3. Change in the feudal mindset. – Sensitisation, Training.
4. Capacity Building, Technical Competency.
5. Recruitment of more women
6. Modification in Laws.
7. e–governance - More transparency with the department
8. Transfers & Postings – No interference.
9. Introduction of effective feedback system.
10. Training institutions
11. Auxiliary centres/organisation like FSL, IT expertise.
12. Use of media for image building.
13. Policy making – Higher Police officials are of utmost importance in Policy formation.
14. Effective Monitoring of Policy implementation.
15. Institutional improvements in Training & Recruitment.
16. Proper Human Resource Development and management.

### Group – II

1. L/O should be separated from investigation.
2. In the name of democratic checks & balances, powers of police should not be curbed.
3. Recommendations of SC in Prakash Singh case case should be implemented in Spirit.
4. Outdated & Archaic laws and manuals should be amended.

5. Recording of statement by police personnel should be made admissible.
6. Legal framework to ensure accountability and performance evaluation of public prosecutors.
7. Procedural simplification at all levels of criminal justice.
8. Uniform recruitment system.
9. Acts and laws should be simplified.
10. Enhancement of skills and domain expertise.

### Group-III

1. Political leadership
  - Coordination between centre, state and local leadership.
  - Increase of funding for modernisation and recruitment.
  - Non – interference in the functioning of police.
  - Curbing money and muscle power in elections and preventing criminalisation of politics.
  - Presence of strong will in political leaders of centre and state level to bring in police reforms.
2. Administration
  - Co- ordination between various departments.
  - Timely release of funds.
  - Implementation of government policies in true spirit.
3. Civil society
  - Sensitization of public as well as police.
  - Developing awareness of public's duties and rights.
  - Putting pressure on government as well as institutions to curb malpractices.
  - Making use of NGOs to bring best police practices and to push for police reforms.
4. Media

- Stop projecting police in negative light
  - Forming pragmatic opinion in people.
5. Courts
- Police part of criminal justice system so
    - Should be no delay
    - Judicial reforms
    - Put pressure on police to get investigation more scientific
    - Close synergy between prosecution and police
    - Consultation with prosecution in framing of charges
6. Legislative
- Do away with 1861 police act.
  - Do away with inefficient laws and frame new effective and efficient laws.
7. Society
- Sensitization of masses.
  - Moral education to people starting from the primary level and going up to higher level.
  - Legal education to be provided.
  - Steps to reduce trust deficit between the people and police.
  - Should be encouraged to report cases.
8. Technology
- Corporate sector – encourage – IT services.
    - Police work more effective.
  - Social networking sites.
  - Real time assessment of all processes of police – personnel management.
  - Crime, law and order and community policing.

#### Group-IV

1. Bottoms – up budgeting.
2. Police establishment board to control posting.
3. Complaint box should be kept in front of SP Office with keys with SP for internal grievance redressal.
4. 8 hour shifts to be made mandatory.
5. Regular and periodical recruitment of constables and their training.
6. Police functions and responsibilities should be clearly fixed.
7. Overtime pay to be given to Police Officers after 8 hours of work.
8. On overtime work days / festivals, they should get corresponding days off.
9. On the lines of army canteens, build Police canteens.
10. Upgradation of Police station infrastructure.
11. SP should create a website and invite suggestions from public on police reforms.
12. Local police representation in Gram sabha meetings.
13. Use of social media to improve public relations.
14. Forensics team and mobile forensics units in every district.
15. Criminal justice complex in each district.
16. Power of reappropriation of fund to the DGP.
17. Improvement of general working conditions of PHGs.
18. Replicating schemes such as student Police cadet scheme of Kerala.
19. Objective criteria for performance appraisal of Police with culture for public relations.

# 7

## ANALYSIS

The word Analysis is derived from Ancient Greek words 'ANA' which means 'up, throughout' and 'LYSIS' which means 'a loosening'. Thus, put together analysis is the process of breaking a complex topic into smaller parts to gain a better understanding of it.

In this chapter, an attempt has been made to break down the important issues that this research is aimed at viz Defining Police Reforms in the Indian context and the Impediments or hindrances that prevent these reforms being put in place. This task could have been performed in two ways:

Conventional method: Consider all the three aspects namely the Qualitative data findings 'X1', the Brainstorming revelations 'X2' and the specialists opinions 'X3', and then coming to the cumulative conclusion of "X1 + X2 + X3"

Different Approach: It is aimed at desisting from the conventional approach. The Analysis is based on the synthesis of findings discussed in the previous chapter. The specialists or authors are not quoted. In

addition various hypotheses are neither supported nor opposed. Instead an attempt has been made to break each of the tasks/questions into smaller groups and present a synthesized version of the findings.

### **The Desirable Police Reforms in India**

No attempt is being made to state, define or explain what Police Reforms in India are. Instead the analysis is based on what is required or desirable.

These are:

- Accountability to Law
- Transparency in functioning
- Better Service Delivery
- Better Police- Community Outreach & Interface
- Better Human Resource management
- Modernization
- Incentivize Creativity in the Police

#### **A: Accountability to Law**

Accountability to law rather than law makers or the administration is one of the most important areas that the Indian Police have to reform in. It would be a natural corollary that there is Rule of Law and not that of the Party in power. For this to come about, the following need to be undertaken:

- Reducing Political Interference in:
  - Postings/ Transfers
  - Investigation & arrest
- Reducing Influence of caste / region etc

- Fixed tenure at certain critical posts like SHO, SP & HoPF, with checks & balances, will help to prevent/reduce the above mentioned.
- A Structure for Merit-based, time-bound transfers. This would call for PEB or Committee/Broad based decision making system

## **B: Transparency in functioning**

An important area of reform is to make the functioning transparent. This can be achieved by:

- Reduction of corruption
  - Stricter Anti- corruption laws: Lok pal or Lok Ayukta system
  - Appointments to ACB or Vigilance Bureuax also to be brought out of Political Interference ambit
  - Better working conditions that would go a long way in curbing need based Corruption.
- Complaints against Police, which should include
  - Redressal
  - Prescribed time limit for redressal
  - Action taken informed to public
  - Setting up of a Police Complaint Authority, constitution of which can be based on the severity of the alleged wrongdoing.

## **C: Better Service Delivery**

In the present times, Police has the task of Providing security and safety; Prevention & detection of crime. To provide this service in an effective manner, reforms on the following aspects would be required:

- Prompt registration of Complaint

- Legal provisions for preliminary enquiry before registering FIR can be implemented to prevent frivolous complaints.
- Efficient & Timely Investigation. This would involve legal and structural reforms. The Legal changes required would be:
  - i. New laws in tune with needs/time & Removal of outdated laws/ sections of law
  - ii. Revision/ Implementation of Revised Police Acts
  - iii. Review of division between Cognizable & Non cognizable offences
  - iv. Adversial V/s Inquisitorial system
  - v. Review of procedures & Procedural changes in CrPC, Evidence Act. In this the *Statement given to police officer should be admissible in court*
  - vi. Consistency between various legislations
  - vii. Legislation granting financial autonomy for investigation
  - viii. Easy disposal of recovered goods and case property
  - ix. Close link between Investigation and Prosecution wings of CJS. In this the Prosecutors could be made responsible to the SP
- Checks & balances should be in place but this should not hamper/restrict investigation

#### **D: Better Police- Community Outreach & Interface**

As the first responder during any kind of problem/emergency, the Indian Police has to improve and reform its interface with the Common public. This involves:

- Improved Accessibility
  - Directly
    - i. Availability in PS

- ii. Reception Counters
  - Indirectly
    - i. Helplines
    - ii. Websites
    - iii. Social Media
- Improvement in Attitude & behavior
  - From the Point of view of Service to the Citizen
  - In a Superior- Subordinate relationship within the organisation
- Police and Public co-partnering in non-legal functions of Police
  - i. Neighborhood Watch programmes
  - ii. Student Outreach
  - iii. Maithri – Community Police Models
- Sensitization towards
  - i. Gender
  - ii. Minorities
  - iii. Socially & Economically Backward
  - iv. This can be achieved by:
    - Better/Higher representation in Police
    - Responsiveness
    - Legal safeguards

## **E: Better Human Resource management**

Indian Police is a Manpower intensive organization. Its biggest and most valuable resource is its men. However, this is also the most neglected of the various wings of governance. Poor Man-management has led to a lot of shortcomings and bad practices have crept into the organization. The following need to be reformed at the earliest:

- Manpower- Quantity
  - i. Police- Population ratio to be increased to match global standards.

- ii. Increase Middle level functionaries- ASI, SI, PI. This will have the following benefits:
    - More Investigators
    - Better Promotional avenues
- Manpower- Quality
  - i. Recruitment- No bias or corruption
  - ii. Psychological testing before recruitment
- Training
  - i. Impart necessary knowledge and skills
  - ii. Create the right attitudes
  - iii. Generate effective decision making ability
  - iv. Stimulate critical and innovative thinking
  - v. Enlarging the content of police training from law and order and crime prevention to a greater sensitivity and understanding of human behavior, and imbibing of communication skills and development of attitudes that promote service oriented activities.
  - vi. Regular retraining or refresher training
  - vii. Mid Career Training at each promotional step
- Specialization & professionalism
  - i. Separate stream for L&O and Investigation
  - ii. Specialized wings for special functions
    - Cyber Wing
    - Forensics
    - Intelligence
- Standardization of Procedures
  - i. SOPs for specific functions

- Better supervision
  - i. 360 degree Appraisal Systems
- Incentivization- Performance based Incentives or Promotions
- Service Conditions
  - Salary: Increased to a Skilled worker level
  - Working Environment
    - i. Shift System for men
    - ii. Or Weekly Off day
    - iii. Rational distribution of Work
  - Promotions
    - i. Timely
    - ii. Merit based
  - Transfers
    - i. Rule Based
    - ii. Time bound
    - iii. Independent from Bias or influence
  - Leave
    - i. Rule bound
    - ii. Leave Planning
  - Grievance Redressal
    - i. Prompt
    - ii. Action Informed to the men
  - Career Growth

The above factors will lead to better work culture, increased morale and improved output.

- Better Amenities
  - Official
    - Working area

- i. Proper Utilization of space
    - ii. Ergonomics
    - iii. Skill based area distribution
    - iv. Front End and back end work areas separated
  - Rest Area
    - i. During working hours
    - ii. Separate for women staff
    - iii. Facilities for eating lunch/ dinner
    - iv. Clean and Hygienic Toilet facilities
  - Vehicles
    - i. Number
    - ii. Quality
    - iii. Fuel availability
    - iv. Technology enabled
    - v. Damage resistant Add-ons
  - Stationery
- Personal
  - Housing
    - i. In good condition
    - ii. Spacious
    - iii. HRA Facility
  - Education
    - i. For children and dependants
    - ii. Quality
    - iii. Reasonable cost
  - Health
    - i. Ease of access
    - ii. Insurance

## **F: Modernization**

Modernization has multiple benefits- both for Public & Police. While on the one hand, it increases accessibility and transparency, it also reduces the burden on the manpower. The following reforms will help:

- Use of Technology
  - i. To do away with duplication/triplication
  - ii. Saving time and manpower on transmission
  - iii. Cyber Crime detection
- Investigation Kits
  - i. At local PS level
  - ii. For Quality investigation
- Use of forensics
  - i. To reduce dependence on witnesses
  - ii. Improve conviction rates
- Adequacy of equipment
- Modernize forms & Formats

## **G: Incentivize Creativity in the Police**

- Platforms for sharing and receiving ideas and a team for screening these ideas to short list the implementable ones.
- 2- way communications- let idea generator 'Sell" the idea to you
- When listening to ideas, encourage thinking innovatively without resource or procedural constraints.
- Implementation of idea should be done quickly so that person giving the idea knows its being acted upon.
- Person giving the ideas to be involved in implementation.
- If there is resource constraint, let it be clearly explained as to what efforts were made to overcome it and how resources are being used.

## **Impediments to Police Reforms in India**

Police reforms are risky and hard, and efforts often fall short of expectations. I have made an attempt to examine sources of resistance or impediments to the process of reforms or changes in policing.

The adoption of reforms involves altering human and group behavior, and the acceptance of change. There is a natural resistance to reform/change for several reasons:

- When the change threatens to modify established patterns of working relationships. In the context of the Indian Police, reforms will have to be implemented by groups of individuals who are enjoying the fruits of the present system viz the Politicians, Bureaucrats and the Police leadership. Thus, the resistance.
- When the change threatens their power or status, there is opposition to reform.
- When the benefits and rewards for Reforms are not seen as adequate for the trouble involved.
- When the reason for the reform is unclear- Ambiguity can trigger negative reactions.
- When the proposed users i.e. the Public, Middle & lower rung of Police have not been consulted about the change, and it is offered to them as an accomplished fact. People like to know what's going on, especially if their jobs and lives are to be affected.
- When communication about the Reform has not been sufficient.

To divide impediments or hindrances to Police reforms on parameters of internal and external is fraught with danger. There are some issues which are common hindrances- both within and outside the Police organization. In other cases, the dividing line between the two is thin or sometimes imperceptible.

Some of these impediments are:

- Lack of will to change- Status Quo
  - Accountability to law rather than Institutions/Groups/individuals is the greatest victim of this impediment.
  - As stated above, the powerful elite are enjoying the present system. Thus the resistance to change. They do not want to let go of their power, perks etc.

This is the reason for the attempt to block reforms like:

- 'Fixed tenure' proposal
  - 'Merit based transfer' proposal
  - Better Anti corruption laws and enforcement
- They don't want to lose control over visible form of governance
- Influence of caste etc- Nepotism
- Lack of understanding the changing world- Ostrich like behavior
- Feudal nature of system especially relating to the absence of the 'Service to people' concept. This feeds upon the need to continue the Status Quo behavior.
- Lack of Vision: This is true at the Policy making level. Without making sweeping generalizations, it is apt to say that barring a minority, a large number of functionaries lack vision.
  - Politicians: A vast majority are in a '5-year planning' mode where the immediate interest is to gain or hold on to political power. Any step in this direction is welcome. Even national level leaders are not amenable to supporting police reforms.

- Bureaucracy which does not want any major changes to the system
  - Police Leadership which looks at the next 'important' posting rather than what is it's domain and need.
- Lack of integrity and courage of conviction
  - Positive attitude to develop missing
  - In instances where there is a felt need to reform, there is a lack of sense of urgency to reform at important decision making levels.
  - Lack of synergy and co-ordination between stakeholders
  - Misplaced focus or priorities
  - Factionalism in different wings of Government where smaller personal targets/agendas become important which in turn is inconsistent with major goals.
  - Funds for improvement: Police performs a regulatory, non-developmental role. In a country like India where the governments have a large responsibility and areas of concern but limited resources, funds for Police reforms are a low priority for the government.
  - Lack of forces which drive reforms in other sectors: No reforms/changes are self-fulfilling. When the need is felt and sufficient awareness created, with public support and participation, the change is brought about. This is lacking in relation to Police reforms.
  - Perception of police- serve masters, no sensitivity, corrupt

People don't want to get near such a group

- To reform any system, there is a need to slow down before changing course. This is difficult in police as it is a continuous ongoing process.
- Fear of reforms that:
  - May curtail the ruling elite's powers
  - May be used against them especially grievance redressal mechanism and Anti-corruption activism.

Police is a state subject with variations in functioning across the country; varying needs & political aspirations. The status of Police reforms also varies.

## **Internal Impediments**

There are some impediments which are internal to our organization and culture.

- 'Feudal' nature of Police leadership with an authoritarian nature.

This also acts as an impediment to Complaint redressal both within and outside the Police department

- Hierarchy and 'top knows best' attitude

Middle and lower rung blindly follow command

- Vested interests of senior leadership

- Inadequate opportunities for PCs to PIs to express views on professional matters- They know the pulse of the people and can be change makers.

- Poor Internal work culture which doesn't allow new ideas and implementation of new ideas

- Absence of merit based:

Reward & Punishments

Promotion and posting

- Absence or lack of professionalism

- Lack of proper training- Poor Knowledge, Skills, attitude.

No effort to employ technically trained manpower, either due to poor planning or fear.

- Respect for Human rights not inculcated properly

Absence of support for taking correct and legal action c.f. instructions of superiors or politicians

- Inadequate Funds/ Demand for funds

This creates a Vicious Cycle where lack/inadequate funds leads to Inadequate manpower and resources, overworked Police leading to Poor work output/poor service delivery(in the form of registration of crime or behavior/ attitude) and consequent poor image.

Poor Infrastructure

Lack of Aids to investigation

Inadequate Use of technology

Increases need based corruption

Inadequate welfare measures

Senior leadership not able to project demands or wary of projecting demands. This may be feeding upon a syndrome of why should I use my proximity to power for greater good rather than personal benefit.

- A lot of effort needed to make the Police Sensitized towards Weaker sections, minorities & Gender Sensitization.
- Successor Syndrome: There is a resistance to carry forward the good work done by a predecessor/ previous regime as it was believed to be associated with them.
- Internal Divide/Factionalism:  
Within IPS  
IPS v/s Non IPS
- Improper work distribution pattern and work planning

SOPs

Specialization

- Lack of Unanimity in police about reforms

### **External Impediments**

The obstacles to reforming the Indian police are many- This has to be viewed holistically rather than in parts. Thus, lack of vision; Status quo behavior; Lack of urgency or will to change; misplaced priorities; lack of synergy etcetera are present both within and outside the Police organization.

There are, however, some impediments which are typically extrinsic- Both in relation to the Criminal justice System in India and beyond it.

- Politicians – The favorite ‘Whipping boys’: We have discussed their role in the preceding paragraphs also. However, their interference in Recruitment, Postings, Registration of cases and Arrest are also important.

- Judiciary

Mistrusts the Police due to excesses committed. This in turn delays Legal reforms.

There is also an understanding that the judiciary does not want to cross Laxman Rekha of the Executive- Judiciary gap

- Lawyers

There is a resistance from this group to allow Legal reforms as it may affect them adversely. This is evident from the resistance to any basic changes in the legal set up or the Criminal justice System- especially the Inquisitorial V/s Adversarial systems.

- Inadequate involvement of Civil society/ NGOs.

Barring a few notable exceptions, very few people or Non-governmental organizations have made an attempt to press for or work for Police reforms. Compared to other sectors, the presence is negligible.

- Poor work of NGOs

Lack of monetary support to NGOs for Police reforms

- Inadequate Study/ Research

This is one of the major lacunae. Most of the reform committees or commissions have banked on little research. Many of the monoliths produced are a result of interviewing a select group of 'learned' individuals rather than the stakeholders.

- Media

Police Reforms do not sell

Limited Exposure

# 8

## RECOMMENDATIONS THE WAY FORWARD

**Fundamental Premise** Stakeholders in Police Reforms are the Public, the Police themselves, Judiciary and the Political Leadership in that order. However, the response for reforms has to originate from the Police Leadership to begin with, though the process, could get accelerated due to the involvement of the / legislative, executive & judicial wings;. The concerned parties would be responsive to change only if:

- It is felt that there is a need for reforms.
- Information presented coincides with their current values, beliefs, and attitudes.
- It is perceived that benefits from the reforms would outweigh the cost.
- Reforms require marginal rather than major changes.
- The reforms can be introduced gradually so that all the stakeholders can adjust to the resulting changes.

**Basic Requisites** Having met the fundamental premise, it will be possible to bring in the Police Reforms when the following parameters are met:

- **Relative Advantage:** Reforms must be seen as producing a significant improvement over current procedures and techniques. The benefits must be perceived to be great enough and well worth the inevitable problems and the costs.
- **Simplicity:** The reforms, or at least the way they are presented, should be easy to understand. Even when the stakeholders agree that the proposed change would be "good," they may not be enthusiastic if they think it's too complicated to understand or implement.
- **Easy to Implement:** Reforms will succeed if they are easy to implement. When seemingly simple or a bit complicated changes in operating procedures are introduced, it would meet resistance. To obviate such a happening, suitable methodology and available technology would have to be tried and tested at smaller levels before the final decision to adopt is made.
- **Easy to Measure:** Once the new procedure or reform is in place, it must be easy to measure the benefits, whether in terms of money, time, efficiency or some other evaluation parameter.
- **Inexpensive:** The up-front cost of reforms is often an obstacle. If there is a large immediate increase in costs, it will be difficult to get the them adopted, even if long-term savings are guaranteed.

**The Hard Truth** It takes much more than mere reports and enactments to bring about a transformation in any system and the same holds true even more for the uniformed, hierarchical organisation like the

police. In this context, it would be pertinent to reiterate two facts:

- The existing mistrust of the police among the public and the judicial system are hurdles that need to be overcome. There will be a need to adopt community involvement and problem oriented proactive policing strategies. Reforms will have to start internally through scientific recruitment training, motivation and constant sensitisation of the police personnel.
- Firm political will, a committed and visionary leadership, motivated force and public support are essential ingredients for successful reforms. Neither political masters nor status quo bureaucrats are likely to be overly helpful.

### **The Way Forward**

In the preceding chapters, we have examined and analysed the Police reforms that are needed as well as the impediments to their acceptance or implementation. In this final pages, we look towards the future...The Way Forward. In this crystal-ball gazing exercise, we expend our thought process towards the following aspects:

- The Essentials
- The Desirables
- The Funding
- Public-Police Interface
- Rationalizing & streamlining
- The Action Plan
- Monitoring

**The Essentials**            The Police are not merely a law enforcing agency but a service provider looking after the needs of safety, security and welfare of the community. With this Service Oriented role there are a number of essential changes expected from the organisation.

- The present system of authoritative and militaristic policing has to be abandoned, albeit in short spurts. Subordinate Officers and men should be treated with respect and empowered to deal with the problems with individual initiative.
- The police should move away from the closed, colonial organisational model towards a more open, democratic model having greater involvement of the community. They should avoid isolated and insularity but maintain professional integrity to resist undesirable pressures from interest groups. The concept of policing as a service should not overshadow professionalism or legality while discharging police functions.
- The functions and responsibilities of an organisation are decided by a legal framework on which the organisation is founded, while the culture is influenced by leadership. Therefore, fixed tenures for police leadership positions (as per Supreme Court guidelines in Prakash Singh Case) are necessary to protect the force from undesirable, extraneous influences.
- There is also a need to have a better-paid and better-educated police with the new information-age performance and accountability.

**The Desirables**            These differ from the essentials only in order of priority for implementation, otherwise equally important.

- There should be a Code of Conduct prescribing the purpose for which alone, political and social workers could approach police

officers for redressal. This will help to depoliticise the police.

- Police should also have civilian supervision but this supervision needs to be non-partisan, knowledgeable and professional.
- The Police should aim to be socially acceptable and unearth morally binding conflict resolution mechanisms to solve problems before referring them to the criminal justice system. The police reforms and reforms in the criminal law judicial system are interdependent. Hence, neither can be undertaken and sustained in isolation.

**The Funding**                      The colonial method of 'policing at the minimum possible cost to the exchequer' needs to be abandoned. In this regard, the following steps are worth-mentioning:

- The adhocism in which funds for policing are provided in the non-Plan budget from year to year should be stopped. Perspective planning, long term strategy and assurance of funds on continual and predictable basis is necessary.
- Increasing the financial powers at various levels, declaring police commissioners and range IGs as head of the department would ensure quick disposal of many field proposals, allowing the DG office to concentrate on core issues of policing. The present system of moving a proposal through two hierarchies, at the state police headquarters and again at the Home department is incorrect. One of the hierarchies should be empowered to take a decision at the Government level. Subject wise delegation of responsibility may result in speedy responses.
- The concepts of Public Private Partnership and Private Finance Initiative should be explored to improve and expand delivery of

police services to the society. Local community funding is another useful option. Local bodies, like municipal corporations, could finance traffic police requirement.

**Public-Police Interface** Presently, the priorities of the citizens and the police force are different while dealing with the crime or law and order, leading to popular dissatisfaction with the police functions. Local communities are reluctant to involve themselves in preventing or tackling law and order situations. The present police station infrastructure and procedures are not user-friendly, leading to alienation. This has to change. Bottom -Up Community policing initiatives are the solution for this problem. Other aspects that need looking into are:

- The police at present are considered to be especially harsh on the weaker sections of society and insensitive to human and civic rights. Constant sensitisation may help to change their attitude and behaviour.
- There is also a need for continuous monitoring and performance evaluation of the police by a State-level Security Commission.

**Rightsizing & Streamlining** This is one aspect that is likely to yield maximum positive results with minimum cost inputs.

- There is a need to concentrate on basic policing, comprising redesigning of beat system, introducing accountability, maintenance of crime records, etc.
- Streamlining functions at the police stations and assigning multi-role duties can release some manpower for rest-and recreation. This exercise cannot be generalised but will have to be considered by field officers on case-by-case basis.

- The supervisory hierarchy should be used to provide on-the-job training and guidance to junior officers.
- There has to be different models of policing for cities, towns, and rural areas.
- Outsourcing, as a dynamic management strategy to transfer non-core functions to specialized and efficient service providers is another solution to the problem that needs looking into. This would allow the Police organization to focus on core competencies and introduce cost effective and more efficient procedures.

**Reforms Action Plan**      The government, the police and the public should develop their annual policing plans, considering local needs and community feedback. Community policing, police-public partnership, private finance initiatives, outsourcing, empowerment of constabulary, technology integration and involvement of local self-government bodies would be the crucial factors driving the reforms. The main objective has to be to improve police performance and attain greater public satisfaction in the following areas:

- Develop user-friendly police stations to provide citizen oriented service, all over the state.
- Curb anti-social elements and maintain public order.
- Prevent and control violent offense against body and property.
- Fight organized crime and white-collar crime using scientific methods.
- Improve traffic regulation and reduce fatal accidents.
- Collect intelligence and take preventive or corrective action, evaluate performance.

**Monitoring** Besides departmental inspections, there should be external, transparent mechanisms to judge the progress of reforms and suggest remedial actions.

## **Conclusion**

Police Reforms is not a onetime task. The needs and wishes of the Society at large and the Criminal Justice System specifically will keep on changing. It is the Police's role to keep on improving and adapting.

The exclusivity of the above mentioned steps for Police Reforms is the emphasis on internal HRD and use of available departmental or community resources. Such reforms can begin from within without waiting for changes in the external environment.

As the other Stakeholders rise to the occasion, further improvements in the system can be incorporated.

# QUESTIONNAIRE

Name: .....(Optional)

Retired Police Officer / Serving Police Officer/ Rank.....

*N.B.: PLEASE GIVE MARKS IN THE BOX ON THE SCALE OF 1 to 10*

1. What do you mean by 'Police Reforms'?

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

2. What are the internal impediments to Police Reforms?

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

3. What are the external impediments to Police Reforms?

- i. \_\_\_\_\_

- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

4. On the scale of 10 which ones are the more important?

Internal impediments

External impediments

5. Please give marks, on the scale of 10, to Police officers of various ranks on their professional competence.

PCs	
HCs amd ASIs	
PSIs	
PIs	
Dy. SP/ ASPs	
SPs	
DIGs and IGs	
ADGs / DGs	
DG & IGP	

6. Please give marks to Police officers of various ranks, on the scale of 10, on their commitment to their duties and responsibilities.

PCs	
HCs amd ASIs	
PSIs	
PIs	

Dy. SP/ ASPs	
SPs	
DIGs and IGs	
ADGs / DGs	
DG & IGP	

7. Is there any connection between professional competence on the one hand and commitment to duties and responsibilities on the other?

- i. Strong connection
- ii. Mild connection
- iii. Low connection

8. Is there any connection between professional competence, commitment to duties and responsibilities and Police Reforms?

- i. Strong connection
- ii. Mild connection
- iii. Low connection

9. Are there enough opportunities provided in Police Department for the officers of the ranks of PCs, HCs, ASIs, PSIs and Police Inspectors who form about 80% of the Police force to express their views on professional matters?

- i. Yes
- ii. No

10. How much importance should be given to the views of PCs, HCs, ASIs, PIS, PIs and DySPs in formulating a practical vision for Police Reforms?

- i. Very much
- ii. Some
- iii. Low relevance

11. Why do you think many excellent initiatives for better Police service delivery are not carried forward?

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

12. How conducive is the internal work culture of the police department in encouraging the following:

a.	Generation of new ideas / innovation in general	
b.	Generation of new ideas / innovation by PCs, HCs, ASIs, PSIs, PIs and DySPs	
c.	Implementation of new ideas	
d.	Due recognition of good work without diluting or transferring of hijacking it.	
e.	Merit based reward and punishment system	
f.	Merit based promotions and postings	

g.	Support for taking correct and legal action / stand on issues vis-à-vis stand taken by senior officers or politicians.	
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13. How conducive is the internal work culture of Police Department for carrying out Police Reforms?

(Mark on the scale of 10)

14. To what extent is there unanimity / consensus in the police department about police reforms?

(Mark on the scale of 10)

15. How big impediment to Police Reforms is the internal factionalism in the Police Department?

(Mark on the scale of 10)

i. Very important  a. IPS vs non IPS officers

i. Somewhat important  b. Within IPS officers

ii. Not important  c. Within non IPS officers

16. How important are the following issues while considering Police Reforms?

(Mark on the scale of 10)

a.	Work load of Police officers, particularly at the Police Station level	
b.	Shortage of manpower	
c.	Shifts System of working	
d.	Infrastructure at the Police Station level	

e.	Scientific aids to Investigation	
f.	Use of technology in Police Work	
g.	Merit based and transparent recruitment system	
h.	Training facilities	
i.	Funds and Financial power of Police Officers	
j.	Corruption in the department	
k.	Authoritative attitude of the Police officers towards public / complainants	
l.	Hassle – free registration of cases	
m.	Welfare of Policemen	
n.	Public perception about police	
o.	Tenure security of Police Officers	
p.	Enhancing professional competence of Police officers	
q.	Transparency and impartiality in Police functioning	
r.	Political interference in police recruitment	
s.	Political interference in postings	
t.	Political interference in registration of cases	
u.	Political interference in arrests	
v.	Political interference in investigation and its outcome	
w.	Lack of public co-operation in police work	
x.	Grievance redressal system for complaints against Police officers	
y.	Respect for human rights on the part of Police officers	
z.	Undue criticism of Police	
z.1	Gender sensitisation	

17. Police spend most of their time on:

(Mark on the scale of 10)

i. Professional Public work

ii. VIP duties

iii. Pleasing politicians

iv. Pleasing senior Police officers

18. Has the police leadership got the right vision for Police Reforms?

i. Yes  ii. No.

19. Has the police leadership got the integrity and courage of conviction to fight for Police Reforms?

i. Yes  ii. No.

20. What do you mean by Police leadership?

a) DG & IGP

b) All the DGs of the State

c) All DGs and ADGs

d) All DGs, ADGs and IGs

e) All Police officers of and above the rank of SP.

f) Who else?

21. How important, on the scale of 10, are the following impediments to Police Reforms?

a.	Lack of vision on the part of Police leadership	
b.	Lack of integrity and courage of conviction on the part of Police leadership	
c.	Factionalism in the Police leadership	
d.	Unhealthy divide between IPS and non-IPS officers	
e.	Antipathy / indifference of IAS fraternity	
f.	Lack of political will	
g.	Lack of public awareness and support	

22. What legal changes would you suggest as part of Police Reforms?

- i. \_\_\_\_\_
- ii \_\_\_\_\_
- iii. \_\_\_\_\_
- iv \_\_\_\_\_
- v \_\_\_\_\_

23. What structural changes would you suggest as part of Police Reforms?

- i. \_\_\_\_\_
- ii \_\_\_\_\_
- iii. \_\_\_\_\_
- iv \_\_\_\_\_
- v \_\_\_\_\_

24. How closely are the Police Reforms connected to Judicial Reforms?

- i. Very closely connected
- ii. Somewhat connected
- iii. Low connector

25. Why do you think the Supreme Court directions in the Prakash Singh Case failed to bring about the desired Police Reforms?

- i. \_\_\_\_\_
- ii \_\_\_\_\_
- iii. \_\_\_\_\_
- iv \_\_\_\_\_
- v \_\_\_\_\_

26. Do you think the desired Police Reforms will take place in the next 3 to 5 years?

i. Yes       ii. No

27. If not, who / what should be blamed?

i. \_\_\_\_\_

ii \_\_\_\_\_

iii. \_\_\_\_\_

iv \_\_\_\_\_

v \_\_\_\_\_

28. Who all can play role in bringing about the desired Police Reforms and how?

i. \_\_\_\_\_

ii \_\_\_\_\_

iii. \_\_\_\_\_

iv \_\_\_\_\_

v \_\_\_\_\_

29. Who is most interested and who is least interested in the Police Reforms?

Most interested: \_\_\_\_\_

Least Interested: \_\_\_\_\_

30. What strategy do you suggest to bring about the desired Police Reforms?

i. \_\_\_\_\_

ii \_\_\_\_\_

iii. \_\_\_\_\_

iv \_\_\_\_\_

v \_\_\_\_\_

31. Do we have men of professional competence, personal integrity and courage of conviction at the helm of affairs of the Police Department to plan and carry out the police reforms?

i. Yes       ii      No

32. What are three biggest impediments to Police Reforms?

i. \_\_\_\_\_

ii \_\_\_\_\_

iii. \_\_\_\_\_

33. Please enumerate the three crucial Police Reforms?

i. \_\_\_\_\_

ii \_\_\_\_\_

iii. \_\_\_\_\_

34. Who should take initiative in bringing about the desired Police Reforms?

i.	DG & IGP	
ii.	Police leadership	
iii.	Administration headed by IAS	
iv.	Political leadership	
v.	Public	
vi.	Who else?	

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Dr. Ajai Kumar Singh is a Post Graduate in Political science from Allahbad University and in Hindi from Bangalore University. He obtained his doctorate in 1997 on "Comparison between Saint poets Allama Prabhu(12<sup>th</sup> Century) and kabir (16<sup>th</sup> century)"

A prolific writer, he has published four books including two compilations of Hindi poetry and translated works of Kannada poets in Hindi.

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