

Police Reforms in India

An Analysis

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I. INTRODUCTION

The Under the Constitution, police is a subject governed by states.¹ Therefore, each of the 29 states have their own police forces. The Centre is also allowed to maintain its own police forces to assist the states with ensuring law and order.² Therefore, it maintains seven central police forces and some other police organizations for specialized tasks such as intelligence gathering, investigation, research and recordkeeping, and training. The primary role of police forces is to uphold and enforce laws, investigate crimes and ensure security for people in the country. In a large and populous country like India, police forces need to be well-equipped, in terms of personnel, weaponry, forensic, communication and transport support, to perform their role well. Further, they need to have the operational freedom to carry out their responsibilities professionally, and satisfactory working conditions (e.g., regulated working hours and promotion opportunities).

There has been continuous debate on policing and reform in India, with several government-appointed commissions submitting reports and recommendations for police reform to government. The most comprehensive recommendations came from the National Police Commission (NPC), which from 1979-81, completed eight reports and drafted a Model Police Bill. Two more official Committees have drafted model police legislation, with CHRI as an active participant on both. These model draft Police Acts have not moved forward. In 2006, the Supreme Court of India ordered directives on police reform, but the central and state governments are either not complying at all or complying by moving away from the Court's framework. CHRI actively monitors the state of implementation of the Court's directives across the country.

II. BACKGROUND OF POLICE REFORMS

The Police is considered as the vital arm of a state rather the active arm through which state wields its power and authority. The policing has been the age old practice ever since the society organized itself, however, organized and legal police system called Darogah system appeared in British- India in the year 1792 (Lord Cornwallis) in the state of West Bengal which was later on extended to the province of Bombay (1793). The Darogah system did not work up to the expectations of the then government as the system was unable to exercise control over village police as it suffered from the shortage of manpower.

¹ Entry 2, List II, Schedule 7, Constitution of India, 1950.

² Entry 2 and 2A, List I, Schedule 7, Constitution of India, 1950.

III. POLICE REFORMS: POST INDEPENDENCE SCENARIO

Police has been placed in Seventh Schedule, State List II, of the Constitution. However to meet the expectations of the people, Central Government can persuade the State Governments to bring the reforms in the Police Administration. After Independence various experts' bodies have examined the issues with Police organization and suggested the remedial measures. Some of the important committees on the front of Police reforms have been mentioned below:

1. Gore Committee(1972)
2. National Police Commission (1979-81)
3. Vohra Committee(1993)
4. Ribeiro Committee(1998-99)
5. Administrative Reform Commission II(2005)

IV. NECESSITY OF POLICE REFORMS

Police is an exclusive subject under the State List. States have the power to enact any law regarding police. But, Police have become the puppets of politicians. India is still following the Police Act, 1861, which was framed by the Britishers to crush dissent. India is becoming an economic and political superpower, but police is still in the same frozen state. There are many challenges and issues that the police is facing because of which there is necessity for bringing change in police administration. Some of the major issues are as follows:

- **Vacancies and Overburdened force**

Currently there are significant vacancies within the state police forces and some of the central armed police forces. As of January 2016, the total sanctioned strength of state police forces across India was 22,80,691, with 24% vacancies (i.e. 5,49,025 vacancies). Vacancies have been around 24%-25% in state police forces since 2009. States with the highest vacancies in 2016 were Uttar Pradesh (50%), Karnataka (36%), West Bengal (33%), Gujarat (32%) and Haryana (31%) . In the same year, the total sanctioned strength of the seven central police forces was 9,68,233. 7% of these posts (i.e. 63,556 posts) were however lying vacant. SashastraSeemaBal (18%), Central Industrial Security Force (10%), Indo-Tibetan Border Police (9%) and National Security Guards (8%) had relatively high vacancies. Vacancies in the central police forces have been in the range of 6%-14% since 2007.³

A high percentage of vacancies is increasing the existing problem of overburdened police forces. Each police

³“Data on Police Organisations”, Bureau of Police Research and Development, 2016, <http://bprd.nic.in/WriteReadData/userfiles/file/201701090303068737739DATABOOK2016FINALSMALL09-01-2017.pdf>.

officer is responsible for a large segment of people. While the United Nations recommended standard is 222 police per lakh persons, India's sanctioned strength is 181 police per lakh persons.⁴ After adjusting for vacancies, the actual police strength in India is at 137 police per lakh persons. Therefore, an average policeman ends up having an enormous workload and long working hours, which negatively affects his efficiency and performance.⁵

- **Constabulary related issues**

Police forces consist of about 86% of constabulary whose works are not limited to basic tasks. A constable's responsibilities are wide-ranging. They must be properly trained as they are expected to have some analytical and decision making capabilities. In metropolitan areas, rents are high and adequate accommodation may not be available near police stations which affect their operational efficiency. So housing should be provided to the constabulary to improve their efficiency. Constables are typically promoted once during their service, and normally retire as head constables. This could weaken their incentive to perform well.

- **Crime Investigation**

The most important, but badly neglected aspect of policing is crime investigation. The standards have declined in these days. Crime investigation requires skills and training, time and resources, and adequate forensic capabilities and infrastructure. Further police forces lack the training and expertise required for conducting investigations. They also have insufficient legal knowledge. Because of all this, Police forces use force and torture to secure evidence. There is also underreporting of crime in India resulting in high pendency.

- **Police Infrastructure**

Modern policing requires advanced weaponry, strong communication support and a high degree of mobility. The CAG and BPRD have noted shortcomings on several things.

Weaponry: It has been found that weaponry is outdated and the process of acquisition is slow which is causing a shortage in arms and ammunitions. It was found in audit of Rajasthan police force (2009-2014) that there was shortage of 75% in the availability of modern weapons. In Gujarat and West Bengal also shortages of 36% and 71% respectively were found in required weaponry.

Police vehicles: It has been noted that there is shortage of police vehicles which is affecting the response time of police and hence their effectiveness.

⁴“Data on Police Organizations”, Bureau of Police Research and Development, 2016, <http://bprd.nic.in/WriteReadData/userfiles/file/201701090303068737739DATABOOK2016FINALSMALL09-01-2017.pdf>.

⁵“Model Police Manual: Volume 1”, Bureau of Police Research and Development, <http://www.bprd.nic.in/WriteReadData/userfiles/file/1645442204-Volume%201.pdf>.

Underutilization of funds for modernization: For the modernization of State Police Forces, funds are allocated both by the Centre and States, but there is a problem of underutilization of these funds. For example- in 2015-16, the centre and states allocated Rs. 9,203 crore for modernization. However, only 14% of it was spent.

- **Police- public relations**

Police-public relations are an important concern as police requires confidence, cooperation and support of the community to prevent crime and disorder. But it has been found that the relations is in an unsatisfactory state because people view police as corrupt, inefficient and unresponsive.

This challenge can be addressed by Community Policing Model. This requires the police to work with the community for preventing and detecting crime. It may include patrolling by the police and creating mechanisms for grassroots feedback from the community. Various states have been experimenting with community policing including Kerala through 'Janamaithri Suraksha Project', Rajasthan through 'Joint Patrolling Committees', Assam through 'MeiraPaibi', Tamil Nadu through 'Friends of Police', West Bengal through the 'Community Policing Project', Andhra Pradesh through 'Maithri and Maharashtra through 'Mohalla Committees'.

V. REFORMS NEEDED IN INDIA

India is in such a situation today where following changes must be brought in Police forces for their effective functioning:

- **Division of Duties:** All police departments should be divided into different categories like Homicide, Robbery, traffic, cyber, women molestation, intelligence, state border customs, coast guards and combat force. Also I think special departments are required for financial fraud, real estate fraud and corruption as well. Officers should be trained in these respective subcategories and then recruited.
- **Continuous Evaluation:** A particular performance criteria should be fixed like BMI ratio of police personnel should be in a fixed range as we are used to seeing policemen having big tummy. A performance test should be mandatory for all after 4-6 months to evaluate whether they are fit for the responsibility.
- **Technological Advancement:** India is a huge country we cannot cover every nook and cranny with CCTV cameras Innovative solutions like use of drones, UAV to monitor the whole city should be adopted. A centralized database of local criminals on the lines of interpol.

- **Delinking of Security from politics:** I think all security matters should be in the hands of governor in state and president in the center. A separate committee could also be set up including high court judges, retired IPS officers, civil society leaders headed by governor which should have the power regarding the transfers and appointments.

VI. CONCLUSION

Police reforms has been on the agenda of Government almost since independence, but even after these many years, the police is seen as inefficient, unsympathetic to the under privileged. It is further accused of politicization. In this regard, one needs to note that the basic framework for policing in India was made way back in 1861 and we are still following that only with little changes, whereas society has undergone dramatic changes. The public expectations from police have multiplied and newer forms of crime have surfaced. The status quo of police administration is not in favour of welfare of people and it need to be changed. The policing system needs to be reformed to be in tune with present day scenario and upgraded to effectively deal with the crime and criminals, uphold human rights and safeguard the legitimate interests of one and all. Police reforms in India is Sine qua non for functional democracy and for citizens to enjoy their rights without any fear. The demand for Police reforms is more than 100 years old. Since then many reports are made with dust gathering on them. It is high time to see to it that more needs to be done than mere structural changes. It has now become essential to see police as service organization. Thus it is high time to bring in a new police system in India to ensure greater accountability, efficiency and a citizen service minded approach.