

A Critical Analysis of Reforms and Administration of Police in India

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Abstract: *The Oxford dictionary defines police as an official organization whose job is to make people obey the law and to prevent and solve crime.¹ The police is a social institution which is a responsibility of the State. The State came into existence to provide peace and security to the individual. To fulfill this purpose, the State created an administrative system, the police being an important part of it. In order to develop one's personality which is a pre-requisite for the development of a country, a free, a peaceful and orderly atmosphere is required.*

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I. INTRODUCTION

The Oxford dictionary defines police as an official organization whose job is to make people obey the law and to prevent and solve crime.² The police is a social institution which is a responsibility of the State. The State came into existence to provide peace and security to the individual. To fulfill this purpose, the State created an administrative system, the police being an important part of it. In order to develop one's personality which is a pre-requisite for the development of a country, a free, a peaceful and orderly atmosphere is required. The police system is the main agency of the government which is responsible for providing such an atmosphere. The ideal purpose of the police in a community can be best described in the following words which spell out the duties of law enforcement officers as laid down in the International Code of Enforcement Ethics:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and peaceful against violence and disorder; and to respect Constitution rights of all men to liberty, equality and justice."

The Indian Constitution, taking its inspiration from history and the free democracies of the world, envisages a representative legislature, a responsible executive and an independent judiciary, as an integral part of parliamentary system of government. The police organization, essentially constitutes the core administrative bureaucracy, is quite centrally or organically linked with all the three organs of the democratic government. The police administration being responsible to all the three organs of the government has regular contacts with them.

The long spell of British rule, established the traditions of judicial independence and political neutrality, which has affected the police administration which has resulted in a complex and self-negating infrastructure, which further gets more complicated because of fundamental rights of the people, which has resulted to explosive dimensions to the role of police and public relations. This has created a great deal of dilemmas in police administration, which has been looked down from negative view. Perhaps the colonial legacy has a deep impact on the functioning of police administration.

Policing is a science of maintaining peace and order in an ever-changing society. The society of today naturally is not the same of yester-years. It has become more complex; its aspirations and expectations have grown enormously. Therefore, policing philosophy, policing methods and attitudes of those responsible for policing cannot remain the same. They must keep space with the changing needs. Of all the other things the most important thing is that, in a free

¹ Oxford Advanced Learner's Dictionary, p. 976.

² Oxford Advanced Learner's Dictionary, p. 976.

society, people have a right to know how they are being protected by the police from their suffering, fear and property loss produced by crime or threat of crime. What has left an impact on the policing is because of the colonial impact of the British Rule in India wherein the Metro Pollution Police 150 years ago still stands as a creed learned by heart by all the recruits to the force. It runs as follows:

“The primary objective of a Police is prevention of crime; the next that of detection and punishment of offenders if crime is committed. To those ends all the efforts of Police must be directed. The protection of property, the preservation of public tranquility, and absence of crime, will alone prove whether those efforts have been successful, and whether the objects for which the Police were appointed have been attained.”³

The Police Administration in India

In all societies, organizations were established to protect the life and liberties of people since the dawn of civilization. With the passage of time, complexities in the nature of societies have led to the creation of modern police. In the European context the term ‘police’ refers to a ‘force for the city’ and the police officer was known as Nagarpal, which means protector of the city and governance based on Dharma and Danda. Dandaneeti was an important ingredient of Statecraft. Manu talked about the prevention and detection of crime and also a system of collecting intelligence during the Vedic period. Vedas refer to different kinds of crimes and punishments for the criminals. During the Mauryan and Gupta periods, policing was undertaken systematically. Kautilya’s Arthashastra gives a vivid picture of the nature of police organization and their functions. During Mughal period, law and order administration was under the charge of Fauzdars. They were assisted by Thanedars who were in charge of Police Stations. He was also responsible for revenue functions. The office of the Kotwal was fairly important, as he was the chief of city police. His functions included patrolling the city at night, collection of intelligence, prevention of crime and social abuses and regulation of jails. During the British period, the police system that existed under the Mughals was allowed to continue with certain reforms to meet the changing needs.⁴

The present Indian police system is based on the Police Act of 1861. Under this act the police was made subordinate to the Executive Government. Later, several changes were brought about in the structure as well as functioning of the police system. But the basic structure and characteristics as enshrined in the police act of 1861 continued to dominate over the police system in the country. By the time India attained independence in 1947, the Police Administration had developed into one of the best systems. After independence, the Government of India felt that the system was capable of facing new challenges and was also well developed to help the new Government to maintain stability.

The Police Administration after Independence

In 1949 the **Central Reserve Police Force Act** (Act LXVI of 1949) was passed constituting an armed Police Force under the control of the Central Government. In 1949 the Police Act (LXIV of 1949) was passed providing for the constitution of a general police district embracing two or more Union territories. Under section 2 of the Police Act, 1861 the entire police establishment under a state Government is deemed to be one Police Force but section of the Police Act, 1949, is an exception to that section as under it a general police district embracing two or more Union territories can be constituted by the Central Government. In 1951, the Bombay District Police Act and Bombay City Police Act of 1902 were repealed and in their place the Bombay Police Act (XXII of 1951) was promulgated, by this act and the rules framed there under, it was laid down that there should be one police force for the whole State of Bombay, and that the administrative head of the Police department should be the Inspector-General of police. The Kerala Police Act, 1960; the Mysore Police Act, 1963 and the Police Forces (Restriction of Rights) Act, 1966 were promulgated. In 1951 the All-India Services Act (LXI of 1951) was enacted constituting an All-India Service known as

³ Presidents Commission opt. pp. 1156-57.

⁴ Roy, Jaytilak Guha (ed.), 1999, Policing in Twenty First Century, Indian Institute of Public Administration, New Delhi.

the Indian Administrative Service and die Indian Police Service. Rules were framed regulating the recruitment, uniform and conditions of service, pay etc. of the members of the Indian Police Service.⁵

The State Police Set Up in India

The police organization at the State level performs distinctively staff-cum-line functions. The state functions are quite complex and have to discharge vis-a-vis.

- a) The Union government and auxiliary agencies.
- b) The Home- Department of the State government, and
- c) The Line officials of the district police below.

Most of these line and staff functions are performed simultaneously. Some of the staff agencies operate from the Head-Quarters at the state level and may or may not have field units. The line functions of the state level police administration include implementation of policies pertaining to law and order and detection and investigations or crimes with their help of the districts units. The Home Minister, the Home Commissioner and their Home Department constitute the civilian wing has its unarmed and armed wings.

The professional wing of the state wing of the state police works under the overall command and the supervision if the I.G.P. of the state. He has a couple of special, assistant and additional Inspectors General of Police, to aid and advise him at the police head-quarters. They may also administer some specialized police functions, like anti-corruption, vigilance, civil defense and traffic etc. at the state level. The I.G.P. is die Chief of the State police and the Police Act assigns specific responsibilities to him in the areas of police policy formulation and line operations involved in the execution of the policy. He is the chief personnel officer of his department and enjoys wide powers and discretions with regard to financial management and disciplinary matters in his organization. He is an administrative leader of his team; he functions through a number of Deputy Inspectors General of Police working on territorial or functional bases.

The D.I.G. in charge of a police range supervises the work of 4 to 6 administrative districts, which constitute the intermediary level in the administrative hierarchy, just below the State and about the district, the functional D.I Gs, at the state level take care of auxiliary units, such as C.I.D. the intelligence department, the Railway Police Training Institutions, the police headquarters and the armed battalions at the State level. "There is no uniform pattern about the number and work of the D.I.Gs in various States of the Union."⁶

The Role and Functions of Police

Prevention of crime and maintenance of public order are the major functions of the police. According to 1861 Act, Police functions are to prevent commission of offences and public nuisances; bring offenders to justice; collect information affecting public peace; and keep order in all public places, keeping in view the changing political and social scenario. U.N. Congress prevention of crime, held in 1970 identified urbanization, industrialization, population growth, internal migration, social mobility, technological changes etc. as the crimo-genetic factors. Communal tension and other social tensions are also the causes of crime due to which public order gets disturbed and violence breaks out.⁷

The main task of police is to enforce law and order, protect the citizens and safeguard their property. The police have to play a positive role in the scheme of social defense. It can no longer take a restrictive view of their role. In a democratic society the role of police is linked to social service. It is an important area where police have been assigned a positive role in relation of social. legislation. These legislations touch upon the lives of the people at countless number of places. This provides various opportunities to serve the people and proves to be a challenge as well. In the changing political context, the police have to function as officers of law rather than as officers of the Government or Party in power.⁸

⁵ Singh, Joginder, 2002, Inside Indian Police, Gyan Publishing House, New Delhi.

⁶ Misra; S.C., State Police in India. Op. cit. p.79.

⁷ Government of India, 1979, Reports of the National Police Commission I to VIII.

⁸ Arora, Ramesh K. (ed.), 1999, Indian Administration Perceptions and Perspectives, Aalekh Publishers, Jaipur.

According to the National Police Commission set up by the Government of India in 1977, the duties and responsibilities of the police are to:⁹

- Promote and preserve public order;
- Investigate crime;
- Identify problems and situations that are likely to result in commission of crimes;
- Reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures;
- Aid and co-operate with other relevant agencies in implementing; appropriate measures for prevention of crimes;
- Aid individuals who are in danger of physical harm;
- Create and maintain a feeling of security in the community;
- Facilitate orderly movement of people and vehicles;
- Counsel and resolve conflicts and promote amity;
- Provide other appropriate services and afford relief to people in distress situations; and
- Collect intelligence relating to matters affecting public peace and crime, including social and economic offences, and national integrity and security.

As civilization advances, and democracy takes roots, the laws of the land also change. Instead of individual fancies, the people or their chosen representatives base law making on participation. Personalized laws are replaced by public laws. It's inter-dependence with other wings of criminal justice system such as judiciary and prosecution, and its interface with various sections and groups in the society have far reaching implication for its functionary.

The Functions and Problems of the Police

Police is generally defined as the civil force responsible for maintaining public order. It caters to the three core needs of the society-

- (1) Protection and Preservation;
- (2) Integration and Unity; and
- (3) Development and Progress.¹⁰

The traditional and the most important function of the police is to protect the society by preventing crime. The police have the responsibility to realize the aims and objectives of the Constitution by enforcing the fundamental rights of the citizens of the country and by ensuring the freedom and equality of all. However, with the various economic, social and political changes and developments in the society, the requirements of the society are changing too. And with this, the priorities, duties and functions of the police have changed as well. Earlier, the police acted as a coercive force which prevented and detected crime. But, the burden of the police has increased now. The police have now an even more important function to perform- to maintain law and order. They have to make arrangements during festivals, VIP visits, etc. They have to enforce preventive laws for the protection of the weaker sections of the society. They have to maintain civic moral during times of war, insurgency, epidemics and disasters. Also, the police have to ensure internal security by preventing riots, gang-wars, strikes, etc. The police tries to perform all these functions sincerely.

Yet, despite all its efforts, the police are not appreciated by the people. Instead, no opportunity is left to criticize and accuse the whole police department for the misconduct of a frustrated individual of the department. The police are expected to observe highest standards of conduct and show an exemplary behavior since they are a disciplinary agency. In spite of this lack of sympathy on part of the public, lack of appreciation, the public expects the police to safeguard its security and protect its life and property. What the public does not understand is that the police officials are human beings too, and are thus vulnerable to weaknesses and commit mistakes. There are many reasons for this kind of behavior. Low salaries, improper housing facilities, lack of facilities to the police officials, non-feasible working conditions and exploitation by political leaders frustrate the police officials.

⁹ Gupta, K.N, 2002, Indian Police and Vigilance in the 21st Century, Anmol, New Delhi.

¹⁰ Malleswari, V B, Police Reforms: Global Perspectives, 2007, The Icfai University Press, Hyderabad, p.27.

Police Reforms

After reading all the above problems and limitations of the Indian Police, one may come to the conclusion that there is a dire need for reforms in the existing police system in the country. There have been many attempts to reform the Indian police system both on a state level and on a central level. Since 1971 there have been six major reform committees.

1. Gore committee;
2. National Police Commission (NPC);
3. Riberio Committee on Police Reforms;
4. Padmanabhaiah Committee on Police Reforms;
5. Group of Ministers on National Security;
6. Malimath Committee on Reforms of Criminal Justice System.

However, the reform proposals have mostly dealt with the symptoms of the crisis rather than with the problems sourced from its structure and design. After independence the need for police reforms was important and many states set up their own police commissions. The first state police commission was set up in 1959 in Kerala. Most of the States had the Police Act of 1861 as a model when drafting the state acts, hence the same idea and structure is found in the State police Acts.

Gore Committee on Police Training 1971 - 1973¹¹

The Gore Committee on Police Training was set up to review the training of the state police from constabulary level to IPS level. The committee made 186 recommendations, 45 of those were related to police reforms. The recommendation that relates to the police training has mostly been implemented however the reforms relating to the structure of the police system has on the other hand been overlooked.

Ribeiro Committee on Police Reforms 1998

The Ribeiro Committee was set up in 1998 on the order of the Supreme Court following a Public Interest Litigation (PIL) on police reforms. The committee proposed five major recommendations related to state security, selection of DGP and complaints against the police, the recommendations have not been implemented.

Padmanabhaiah Committee on Police Reforms 2000

Former Union Home Secretary Shri K. Padmanabhaiah was appointed chairman of the Padmanabhaiah commission in 2000 by the Home Ministry of Affairs. The commission inspected the recruitment to the police force, training, duties and responsibilities, police officers behavior, police investigations, prosecution, amongst others. The committee suggested 99 actionable recommendations, of which 54 need to be implemented by the central government and 69 needs to be implemented by the state governments.

Group of Ministers on National Security 2000 - 2001¹²

The Group of Ministers on National Security was worked on four tasks namely a) the intelligence system b) internal security c) border management and d) the management of defense. 62 recommendations were made, 54 needs action taken by the central government and 42 by the state governments.

Malimath Committee on Reforms of Criminal Justice System 2001 - 2003

The Malimath Committee addressed the principles of the Criminal Justice System, investigation, prosecution, judiciary, crime and punishment. The report has been heavily criticized by human rights organization for its suggestion of changing the burden of proof. The committee made 158 observations and recommendations. There are 55 major recommendations of which 42 have to be implemented by the central government and 26 by the state governments.

National Police Commission (NPC) 1977 - 1981

The National Police Commission (NPC) was the first commission to exhaustively review the Indian police system. NPC wrote eight reports in four years. The eight reports suggested all together 291 recommendations all related to police reforms. Most of the recommendations have not been implemented.

¹¹ Malleswari, V B. Police Reforms: Global Perspectives, 2007, The Icfai University Press, Hyderabad, p. 37.

¹² Malleswari, V B. Police Reforms: Global Perspectives, 2007, The Icfai University Press, Hyderabad, p.52-55.

The First Report addresses the constabulary and administrative issues such as pay-structure, housing, redressal of grievances, career planning for constabulary etc. 28 recommendations were suggested but the most important recommendations still need to be implemented in the states.

The Second Report deals with welfare measures for police families and how to avoid political and executive pressure on the police force. The recommendations propose a new police act to reclassify police duties and responsibilities, postings and tenures of Chiefs of Police, constitution of state security commissions, protection against subjective transfers/suspensions. 33 recommendations were made in the second report, where both the central government and the state governments need to take action.

The Third Report focuses on the police force and weaker sections of the society, village police, corruption in the police, economic offences and modernization. Some of the 54 recommendations are related to postings of Station House Officers /Superintendent of Police, how to combat corrupt police officers as well as guidelines for making arrests. Most of the recommendations have not been implemented.

The Fourth Report concentrates on the issues of investigation, trial and prosecution, industrial/agrarian issues, social legislation and prohibition. The suggestions deal with registration of the First Information Report (FIR), recording of statements of witnesses, arrest, remand and confession, amongst others recommendations were suggested, most of them have not been implemented and many of them need amendments of laws.

The Fifth Report attends to issues like recruitment of constables and sub-inspectors, training of police personnel, district police and magistracy, women police and police public relations. 27 recommendations were made in this report. The commission has once again raised the demand for a new police act.

The Sixth Report takes up the issues of the IPS, police and students, communal riots and urban policing. 23 recommendations were made, some of them dealing with creation of IPS cadres for central police organizations, compulsory training for promotions for IPS officers.

The Seventh Report focuses on the organization and structure of the police, state armed police battalions and district armed reserves, delegation of financial powers to police officers, traffic regulation, performance appraisal of police personnel, disciplinary control, role of the center in planning, evaluation and coordination and policing in the North-East of India. 60 recommendations were made, some of them related to restructuring of police stations, separating crime investigation from law and order.

The Eight Report addresses the subject of accountability for police performance. This report suggests amongst other 7 major recommendations such as complaints against the police should be defended at governments cost, it also contains a draft bill of a new police act.

Thus, it can be concluded that the recommendations of the various committees have been almost ignored and have not been implemented.

When the recommendations of the National Police Commission were not implemented, a petition by Prakash Singh and others¹³, was filed before the honorable Supreme Court in 1996, praying for the issuance of directions to the Government of India to frame a new Police Act based on the model drafted by the NPC.

II. CONCLUSION AND SUGGESTIONS

As a summary, we may mention that police administration in India has a very long history and tradition. We have tried to study police administration in India throughout the history and during different ages and periods like ancient period, Hindu period, Mughal period and the British period. Then we have also tried to study police administration in India during the post-Independence period which started with a transitional phase and slowly evolved into a system of independent police administration in free India.

After reading about all the reforms and their reports, it can be concluded that the recommendations of none of the committees have been taken into account seriously, and that there has been no or very little change in the conditions of the police in India. The society has undergone many changes economically and politically, but there have been almost negligible changes in the Indian Police structure.

¹³ Prakash Singh & Others v. Union of India