



## Research Paper

# Police reforms in independent India: an Overview

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### ABSTRACT:

Under the Constitution, police is a subject governed by the states. Therefore, each of the 29 states has its own police force. The center is also allowed to maintain its own police forces to assist states to ensure law and order. Therefore, it maintains training for seven central police forces and some other police organizations, such as intelligence work, investigations, research and recordkeeping, and special tasks.

The police force is a body of individuals empowered by the state, which enforces the laws enacted by the state, protects property and limits civil disorder. The powers conferred on the police also include the legitimate use of force.

**KEY WORD :** reforms, Constitution, police, intelligence, investigations, image, dictatorial, commission, Committee, Supreme Court, Public Interest Litigation (PIL), State Security Commission (SSC), Police Establishment Board (PEB), Police Complaints Authority (PCA), National Security Commission (NSC), Central Police Organizations (CPOs).

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## I. INTRODUCTION

The image of the police in most of the states in the country has been dictatorial, not friendly with the public and abusing their rights. Many such stories are heard and read daily, in which the police misuse their rights. Words like torture, cruelty, inhuman behavior, robbery, extortion, bribery, etc. are flashed in the mind as soon as the police is named.

The policeman who should be a friend of the common man, the common man shrieks as soon as he hears the name of the police and tries not to get caught by the police. That is why in Indian society there is a saying that neither good nor enmity of policemen is prevalent.

Various commissions and Committees for Police Reforms :

Dharmveer Commission (National Police Commission) (Dharmveer / National Police Committee) :

This commission, constituted under the chairmanship of Dharamvir in 1977, is called the National Police Commission. In four years, this Commission had submitted eight reports to the Central Government, but its recommendations were not implemented. Major recommendations of this commission:

- A State Security Commission should be set up in every state.
- Investigation functions should be separated from peacekeeping operations.
- A special procedure should be adopted for the appointment of the Chief of Police.
- The tenure of the Chief of Police should be fixed.
- A new Police Act should be enacted

Ribeiro Committee 1998 :

In 1996, two former senior police officers in a Public Interest Litigation (PIL) have asked the Supreme Court to direct the governments to implement the recommendations of the National Police Commission. The Supreme Court directed the government to set up a committee to review the recommendations of the commission and thus the Ribeiro committee was formed. The committee led by JF Ribeiro, former police chief, sat in 1998 and 1999, and produced two reports

Padmanabha Committee 2000:

In 2000, the government formed a third committee on police reform, this time under the leadership of a former Union Home Secretary, K.K. Padmanabhaiya. This committee released its report the same year.

Malimath Committee 2002-03 :

The Malimath Committee report presented in March 2003 laid the foundation for a reorganized and reconstituted police system in a very artistic way. The committee said in its report that the success of the entire process of criminal justice administration depends entirely on the proper functioning of the police organization, especially in the investigation phase. Apart from investigating crimes, maintaining law and order is also the task of the police.

Police Act Drafting Committee 2005 :

In 2005, the government set up a group to draft a new police act for India. It was headed by Thesoly Sorabji (Former Attorney General). The Committee presented a Model Police Act to the Central Government in late 2006.

- Model Police Act, 2006 The Central Government established the Police Act Drafting Committee (Chairman: Soli Sorabjee) in 2005 to draft a new model police law that replaced the Police Act, 1861. The committee introduced the Model Police Act in 2006, which was broadcast to all State in 2006. 17 states (Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand) passed new laws and made their existing amendments in this new Law in the light of model law.

- Apart from this, several police commissions set up at the state level also recommended to protect the police from external pressures.

- These committees also recommended to increase the number of police forces in the states and to recruit women constables.

- But the result remained the same, meaning no action was taken on the recommendations of any commission.

Supreme Court directive in Prakash Singh v. Union of India 2006 :

In 1996, Prakash Singh (former Chief of Assam Police and Uttar Pradesh Police and later Director General Border Security Force) took the initiative in the Public Interest Litigation (PIL) Supreme Court of India, the court probed measures to improve police forces across India. And asked to examine measures to improve security across India to ensure proper rule of law. The Supreme Court studied various reports on police reforms. Finally, in 2006, a bench of Justice Sabharwal, Justice CK Thakkar and Justice PK Balasubramanian ordered the state governments to implement several reforms in the police force. Several measures needed to professionalize the police in India were identified:

- A middle or high ranking police officer should not be transferred more often every two years.

- The state government cannot ask the police force to appoint anyone, nor can they choose the director general of the state police.

- There should be separate departments and staff for investigation and patrolling, which would include the following:

- A State Security Commission for policies and direction

- A Police Establishment Board, which allows police officers and others Will decide the selection, promotion and transfer of employees

- A Police Complaints Authority, on allegations of police misconduct To inquire.

Instructions given by Honorable SC: -

Instruction one :

- Set up the State Security Commission (SSC) service:

- Ensure that undue influence on the state government police Or don't force

- Detailed policy guidelines and late

- Evaluate the performance of the state police Give instructions Ensure that DGP is appointed through merit based transparent process and minimum tenure of two years is protected

Instruction two : Ensure that DGP is appointed through merit based transparent process and minimum tenure of two years is protected.

Instruction three : A minimum tenure of two years is also provided to the Ensurotherapolis Office Personnel Duty (Incharge of Superintendents of Police of a district and officers of Station House - Incharge of a police station).

Instruction four : separation of Police investigation and law and order.

Instruction five : Form a Police Establishment Board (PEB) to decide transfer, posting, promotion and other service related matters of police officers below and below the rank of Superintendent of Police and recommendations on posting and transfer above the rank of Deputy Superintendent of Police Do.

Instruction six : Establish a Police Complaints Authority (PCA) at the state level to investigate public complaints against police officers over and above the rank of Superintendent of Police in cases of serious misconduct, including in police custody and rape, and in police custody or rape District level to investigate public complaints against police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct.

Instruction seven : Establish a National Security Commission (NSC) with a minimum tenure of two years to prepare a panel for the selection and appointment of heads of Central Police Organizations (CPOs).

These instructions pulled together various strands of reform produced since 1979. The Court was required to enforce its orders immediately through executive orders or new police legislation. Initially, the court itself monitored compliance with all states and union territories. However, in 2008 it formed a three-member monitoring committee with a two-year mandate to investigate state-by-state compliance and report back periodically.

Compliance figures to the directive issued by the Supreme Court: So far, only 14 states have implemented the new Police Act or amended their existing laws to incorporate the SC's suggestions.

Summary of overall recommendations for police reforms:

#### 1. Police Accountability:

a) Accountability for Political Executive vs. Operational Freedom: In India, various types of complaints are made against the police, including improper arrests, illegal searches, torture and custody rape complaints.

SRC II notes that this control has been abused by political executive in the past to minimize the impact on police personnel, and has served them personal or political interests. It interferes with professional decision making by the police, resulting in biased performance of duties.

In order to give greater operational freedom to the police while ensuring accountability, various experts have recommended that the political executive power of superintendence on police forces should be limited.

SRC II recommended that this power be limited to promote professional efficiency and to ensure that the police were acting in accordance with the law.

b) Independent Grievance Authority: SRC II and Supreme Court observed that there needs to be an independent grievance authority to inquire into police misconduct cases. This may be because political executive and internal police surveillance mechanisms may favor law enforcement officers, and may not be able to make an independent and important decision.

The Police Act Drafting Committee (2005) under the Model Police Act, 2006, and the Supreme Court Guidelines (2006), require states to establish state and district level grievance authorities.

#### 2. Vacancies and an excessive force:

- Currently, there are significant vacancies within state police forces and some 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 (ie 5,49,025 vacancies).

- A high percentage of vacancies within police forces exacerbates the current problem of excessive police personnel. While the UN recommended standard is 222 cops per person, India's sanctioned strength is 181 cops per lakh persons.

- SRC II recommended that one way to reduce the burden of police forces is to outsource or redistribute some non-core police functions (such as traffic management, disaster rescue and relief, and issue court summons) to government departments or private agencies Might have to do. . This will allow the police forces to devote more time and energy to their core policing functions.

#### 3. Constabular related problems:

a) Qualifications and Training: The Padmanabha Committee and SRC II have mentioned that entry level qualifications (ie completion of class 10th or 12th in many states) and training of constables are not eligible for their role. A recommendation made in this regard has been made to increase the qualification for admission in class 12th or graduate in Civil Police.

It has also been recommended that constables and police forces in general should receive more and more training in soft skills (such as communication, consulting and leadership), as they are required to deal with the public on a regular basis.

b) Publicity and working conditions: SRC II has further mentioned that the promotional opportunities and work conditions of constables are poor, and need to be improved. Currently, a constable in India can expect only one promotion in his lifetime, and usually retires as a head constable, which weakens his incentive to perform well. The SRC further recommended that the orderly system be abolished across states.

#### 4. Criminal check:

- In India, the crime rate has increased by 28% in the last decade. However, conviction rates (secured per 100 cases) have been quite low. In 2015, the conviction rate for offenses registered under the Indian Penal Code, 1860 was 47%. The Law Commission has observed that one of the reasons behind this is poor quality of investigation.

- The Law Commission and SRC II have noted that state police officers often ignore this responsibility because they are underpaid and overburdened with a wide variety of tasks.

- In light of these aspects, experts recommend that states should have their own special investigation units within the police force who are responsible for crime investigations. These units should not normally be converted for other duties.

#### 5. Police Infrastructure:

- Modern policing requires a strong communication aid, or modern guns and a high degree of mobility. The CAG and BPRD have noted deficiencies on many of these fronts. For example, an audit by the Rajasthan Police Force (2009 to 2014) concluded that there was a 75% reduction in the availability of modern guns against the state's own stated requirements.

- The CAG has found that there is a persistent problem of shortage of funds meant for modernization. In 2015-16, the Center and the states allocated Rs 9,203 crore for modernization. However, only 14% of it was spent.

#### 6. Police-Public Relations:

- Police-public relations is an important concern in effective policing. SRC II notes that police-public relations are in a dissatisfied state because people perceive police as corrupt, incompetent, politically biased, and irresponsible.

- One of the ways to address this challenge is through the community policing model. Community policing requires police to work with the community for the purpose of crime prevention and detection, maintenance of public order, and resolving local conflicts, providing a better quality of life and a sense of security.

- Various states are experimenting with community policing, including Kerala, with Janamithri Security Project', Rajasthan through Commit Joint Patrol Committees' and Meera Pabi in Assam'.

#### Problems of police departments :

There is a huge shortage of number forces in the police departments of various states in the country and on average there is a police force of 732 persons, while the United Nations recommends one policeman for every 450 persons. At present, many problems are faced by the police during the work discharge, which are as follows-

- Working conditions of the police force
- Policemen's mental state
- Additional work pressure on policemen
- Other humanitarian aspects related to police jobs
- Political pressure on police

Umbrella scheme for modernization of police forces :Keeping in view the importance of police, the Central Government has approved the 'Large Umbrella Scheme for Modernization of Police Forces' for 2017-18 to 2019-20. A provision of Rs 25,060 crore has been made for this scheme for a period of three years, out of which Rs 18636 crore will be given by the Central Government and Rs 6424 crore by the states.

#### Way to forward :

- Police system today needs new direction, new thinking and new dimensions. The need of the hour is that the police should be aware of civil liberties and human rights and become sensitive towards the oppressed and deprived sections of the society.

- We have to understand that police is socially friendly to citizens and law and order cannot be followed without their cooperation.

## II. CONCLUSION :

Achieving and maintaining prosperity and morality is important for any society. To maintain law and order, an efficient and effective policing is necessary, especially in developing countries like India. Therefore, it is high time that the political and permanent executive should implement remedial measures to bring about necessary improvements in police functioning.

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