

**A STUDY TO ANALYSE THE PERFORMANCE GAP BETWEEN THE ACTION REQUIRED
TO REFORM POLICE PERFORMANCE AND THE PRESENT SOCIO-LEGAL SCENARIO**

LL.M DISSERTATION

Submitted in
Partial fulfillment for the degree of

MASTERS OF LAW

In
Criminal and Security Law

BY

GARGI BISHT
191734106002

Under the Guidance and Supervision of

Mr. Jimmy Jose
Assistant Professor,
Parul Institute of Law, Parul University

April, 2020



Centre for Post Graduate Legal Studies
Parul Institute of Law, Parul University
P.O. Limda – 391 760, Ta.Waghodia,
Gujarat, INDIA.

CERTIFICATE

This is to certify that the dissertation entitled "*A study to analyse the performance gap between the action required to reform police performance and the present socio-legal scenario*" is a report of the original work done by me. The work has not been submitted for award of any other Degree/ Diploma than the LL.M. Degree.

The extent of plagiarism does not exceed the permissible limit laid down by the University.

Date:

Name & Signature of the student

Endorsed by,

Guide/Supervisor
Mr. Jimmy Jose

DECLARATION

I hereby declare that the Dissertation entitled "*A study to analyse the performance gap between the action required to reform police performance and the present socio-legal scenario*" submitted to the Parul Institute of Law, Parul University for the award of degree of Master of Laws (LLM) is a record of original and independent research work done by me under the supervision and guidance of Mr. Jimmy Jose, Assistant Professor, Parul Institute of Law, Parul University and has not formed the basis for the award of any Degree, Diploma, Associate ship or other similar titles.

Gargi Bisht

Date:

Enrolment No. - 191734106002

ACKNOWLEDGEMENT

I would like to thank my supervisor Mr. Jimmy Jose for his consistent support and guidance during the running of this dissertation. I am grateful to Prof. (Dr.) Akil Saiyed, Dean, Faculty of Law, Parul Institute of Law, Parul University for overall encouragement and support.

I am very much thankful to all the non-teaching staff and library staff of Parul Institute of Law, Parul University for their constant help and support. At last but not least gratitude goes to my friend who directly or indirectly helped me to complete this dissertation.

Thanking You

Gargi Bisht

191734106002

LIST OF ABBREVIATIONS

Anr.	Another
Art.	Article
Cal.	Calcutta
edn.	Edition
Govt.	Government
HC	High Court
Hon'ble	Honorable
SC	Supreme court
SCC	Supreme court cases
Sec./s.	Section
UK	United Kingdom
UN	United Nations
USA	United states of America
v./Vs.	Versus
Vol.	Volume
&	And

Table of Cases

Sr. No.	Name of the case
1.	Prakash Singh Vs. UOI Writ Petition (civil) 310 of 1996

LIST OF LEGISLATIONS

S No.	Particulars
1.	All India Services Act, 1951
2.	Criminal Procedure Code, 1973
3.	Indian Evidence Act, 1872
4.	Indian Penal Code, 1860
5.	Metropolitan Police Act, 1829
6.	Police Act, 1861
7.	Police Regulation Act, 1862
8.	Protection of Civil Rights Act, 1976
9.	The Constitution of India Act, 1949

TABLE OF CONTENTS

Chapter	Description	Page. No.
Preliminary pages	Certificate	i
	Declaration	ii
	Acknowledgement	iii
	Abbreviation	iv
	Table of cases	v
	List of Legislation	vi
	I	INTRODUCTION
	1.1. The basic concept	1
	1.2. Rational of the study	1
	1.3. Aim & objective of the study	3
	1.4. Hypothesis	3
	1.5. Significance & utility of the study	3
	1.6. Scope of the study	3
	1.7. Research methodology	3
	1.8. Literature review	3
	1.9. Scheme of the study	5
II	History and Evolution of police	6
III	Committees and Commissions on Police Reforms	37
IV	Findings and Discussion	69
V	Conclusion & Suggestions	77
VI	References	80

CHAPTER 1

INTRODUCTION

1.1. The basic concept

Through this research, the researcher wants to research about the police prospects for their duty and their limitations where on one hand the duties are expanding with the growth of society in terms of new technologies and population growth, on the other hand limitations of police officers are also expanding in reference to their support whether it is in terms of their material support, protection guard and latest arms, or their psychological support as they are the one often dealing on field with life threatening situations, mind disturbing scenes' like dead destructive bodies, weeping people etc. if an officer is psychologically best condition even the vacancies in the post could be dealt with but this concept has been dealt negligently and most of the emphasis has been given only in the surface level. The researcher tries to deal with this gap and put forward the neglected aspect of importance of the psychological health of the officers and the socio-legal aspect to it.

1.2. Rational of study

The moto of different police departments are as follows:¹

- Assam Police: Always at your service
- Bengaluru City Police: We Serve, We Protect
- Chhattisgarh Police: Paritrany Sadhunaam (Protect the Good)
- Delhi Police: Shanti, Seva, Nyaya
- Gujarat Police: Seva, Suraksha, Shanti
- Jammu & Kashmir Police: A Saga of Sacrifice and Courage
- Jharkhand Police: Seva hi Lakshya, A Force to Reckon With
- Kerala Police: Mridhu Bhava Dhrida Kruthye (Polite but firm)
- Madhya Pradesh Police: Desh Bhakti Jan Seva
- Maharashtra Police: Sadrakshnaya Khalanighrahanaya (To Protect Good and To Punish Evil)
- Meghalaya Police: Help us to help you
- Nagaland Police: Security, Service, Sacrifice
- Odisha Police: We Serve and Protect

¹ Annexure –I to Lok Sabha Unstarred Q. No. 3958 for 20.3.2018

- Puducherry Police: Integrity, Sincerity, Service
- Rajasthan Police: Committed to Serve
- Sikkim Police: Protect and Serve
- Tamil Nadu Police: Truth Alone Triumphs
- Telangana Police: Duty, Honour, Compassion
- Tripura Police: Seva, Veerta, Bandhuta (Service, Courage, Friendship)
- Uttarakhand Police: Mitrata, Seva, Suraksha (Friendship, Service, Security)
- Uttar Pradesh Police: Protection of Good, Destruction of Bad

All these moto shows the duty and responsibilities we can expect from them and these are the things they are committed to deliver, but do they really have the required resources and support to be able to deliver what they are committing? The researcher tries to find the lacking not only from the side of law, government but also from the part of society as a whole.

All the fundamental rights which majorly cover the human rights recognised in Universal Declaration of Human Rights, are given to human because they are human but the duty of police required to do the job where they cannot demand all of these right as a matter of their fundamental right for example article also include right to sleep as a fundamental right, but, the duty of police forces often required them to work without any such assurance of right. Being a human their life also get affected due to their tiresome job in addition to lack of police personnel required. For example, State police forces had 24% vacancies (about 5.5 lakh vacancies) in January 2016. Hence, while the sanctioned police strength was 181 police per lakh persons in 2016, the actual strength was 137 police. Note that the United Nations recommended standard is 222 police per lakh persons.; 86% of the state police comprises of constabulary. Constables are typically promoted once during their service, and normally retire as head constables. This could weaken their incentive to perform well.; Crime per lakh population has increased by 28% over the last decade (2005-2015). However, convictions have been low. In 2015, convictions were secured in 47% of the cases registered under the Indian Penal Code, 1860. The Law Commission has observed that one of the reasons behind this is the poor quality of investigations.

This poor quality of investigation is what the researcher is focused to reach through the social-legal requirements of the police which they lack resulting in their lack of motivation.

To solve the efficiency and effectiveness of police performance different committees for police reform were established to find out the reasons behind it and to make the suggestions to resolve it, the reference of which is dealt later in this synopsis. The major suggestions are not yet implemented and most of the

needed steps are not yet taken. But the psychological needs, either in the form of training or in the form of counseling which directly linked to their psychology towards the work i.e., their motivation for their work, are not discussed. The researcher through this paper tries to find the link between the social and legal factor to the other factor of performance of police, the personnel who are also a part of the same society to whom they have duty to protect, etc.

1.3. Aim and objective of the studies

The objective of this research paper is:

“to know and identify the socio-legal improvement needed to enhance police performance against the pitfall present in current work environment.”

1.4. Hypothesis

The resources, to fulfill the democratic demands from the police, are neither ready nor available to implement the appropriate changes.

1.5. Significance and utility of the study

The study would identify the socio-legal pitfalls to fill to enhance police performance in current work environment.

1.6. Scope

Scope of this study is to know what are the resources needed and condition required to implement and use the measures for police reform and that when the resources are available and when it is practically possible to implement the measures, we would know the chronology of the issues to be resolved.

1.7. Research methodology

The methodology applied is the Doctrinal qualitative research.

1.8. Literature review

Modern Indian police system is a creation of British rule. But the origin of police can be traced to the earliest Vedic period of the Indian history. Rig Veda and Atharva Veda mention certain kinds of crimes known to Vedic India. But the main changes started to happen during the British era.

The British came to India as traders in 1612. The leading organization was the East India Company. Initially, the British presence was maritime and commercial in character (Arnold, 1986). The company officials functioned with the cooperation of local rulers. By the early nineteenth century, Mughal Empire started disintegrating. The native rulers emerged at various nooks and corners of the country. In fighting among the native rulers and prevalence of greed & corruption among the ruling class and several other factors paved the way for conversion of the Company administration into a full-fledged colonial state. The main present governing law came in 1861 which is still in force.

The Indian Police Act (IPA) of 1861 imposed a uniform police system on the entire country. The Act established organized police forces the responsibility of the various provincial governments. Within the provinces the police was to be recruited, trained, disciplined and control by British officers. The Act established Indian police (IP), a superior police service. It was conceived to relieve the District Magistrate of his duties to keep check over the local police and make it more professional in nature. Thus, police force became organized, disciplined and well-supervised. The Act instituted a system of policing in India which is still in force. It may be noted that the Act brought uniformity in administration with the district police placed under the supervision and control of the District Magistrate. But even then the present require are much more than what these laws have to offer.

As part of law enforcement, police officers have four major responsibilities: enforcing laws, preventing crimes, responding to emergencies, and providing support services. Though most people think of police officers as enforcing laws, the other three responsibilities are just as important. All the fundamental rights which majorly cover the human rights recognised in Universal Declaration Of Human Rights, are given to human because they are human but the duty of police required to do the job where they cannot demand all of these right as a matter of their fundamental right for example article also include right to sleep as a fundamental right, but, the duty of police forces often required them to work without any such assurance of right. Being a human their life also get affected due to their tiresome job in addition to lack of police personnel required. For example, State police forces had 24% vacancies (about 5.5 lakh vacancies) in January 2016. Hence, while the sanctioned police strength was 181 police per lakh persons in 2016, the actual strength was 137 police. Note that the United Nations recommended standard is 222 police per lakh persons.; 86% of the state police comprises of constabulary. Constables are typically promoted once during their

service, and normally retire as head constables. This could weaken their incentive to perform well. Crime per lakh population has increased by 28% over the last decade (2005-2015). However, convictions have been low. In 2015, convictions were secured in 47% of the cases registered under the Indian Penal Code, 1860. The Law Commission has observed that one of the reasons behind this is the poor quality of investigations. For the purpose of police reform different police reform commission and committees have suggested different view on different aspects which would be delt later in this paper.

1.9. Scheme of the study

This study deals with the history and evolution of the police, the different committees and commission appointed to deal with the police reform, the different scenarios of the police extreme steps against themselves, the discussion over the data and lastly the conclusion.

CHAPTER 2

HISTORY AND EVOLUTION OF POLICE

The concept of rule of law and the administration of justice has been known to exist in India ever since the Vedas came to be recognized as they were synthesis of Drame. Maintenance of law and order prevention and detention of crime in the society is the prime responsibility of police since ancient times so that selfish elements may not suppress and exploit the weak and harmony could be maintained in the society. The prime characteristics of ancient police system were its community orientation, functional specialization, decentralization and expatriation. To a great extent the accountability of police force was towards the masses.

Historical Perspective

Modern Indian police system is a creation of British rule. But the origin of police can be traced to the earliest Vedic period of the Indian history. Rig Veda and Atharva Veda mention certain kinds of crimes known to Vedic India. Evidence indicates existence of security forces in Harappan Civilisation as well.

During Vedic period, exact references of criminal justice organization are not available. However, Mauryan period (C.324 BC-183BC) showed important features of criminal justice system. Arthasastra of Kautilya, written around 310 BC throws light on the state of the society and the administration, system of administrating justice and also the state of crime during that period. The Arthasastra is a treatise on the criminal justice system. It reads like a manual for the police in modern times. According to Arthasastra, the smallest administrative police unit was the village. The village councils were responsible to detect and prevent crime under the supervision of the headman (Nath, 1983). Danvarika, the warden of police, was responsible for keeping strict vigilance on the management of the royal palace. Antervansika, a lady officer, was responsible to maintain vigilance on the ladies of the royal household. There were three types of police officers, namely, Dandapala, Durgapala and Antpala. Atavikas were the police soldiers particularly for operation in the forest areas (Srivastava, 1999). Overall, the Mauryan system of criminal justice was rigorous and espionage based.

During Ashoka's reign (304BC-232BC), the criminal justice system was tempered and moderated by the Buddhist philosophy, piety and non-violence. During his reign, Mahamatras were the highest executive officers in a province responsible for overall peace and order of the province. Pradesikas were under Mahamatras. They were responsible for collection of revenue and maintenance of peace, law and order

and administration of justice. Rajjukas were under the Pradesikas. They were responsible for the welfare and happiness of the Janpad with absolute powers in matter of rewards and punishments. Ayuktas were responsible to Rajjukas and Pradesikas. They were responsible for the village. Prativedakas were the intelligence police. They were responsible for the intelligence regarding the affairs of the state and the police.

Megasthenes, the Greek ambassador and Fahien, the Chinese traveler wrote a detailed account of the administration during the Guptas Period. During Gupta period, Dandika were the highest ranked police officers. Chauro, Dhanmika and Dandaparika were other police officers under Dandikas. Nagar Shreshthi was responsible for peace and security of the city. Rabasika or Rahasaga was incharge of the secret and confidential service.

The criminal justice system developed during this period continued for five to six hundred years with only one difference in Mauryan and Gupta period. The administration system during Mauryan system was centralized while it was more decentralized during the Gupta period. However, it may be noticed that basic structure of police was nearly the same. The village police, the city police and the palace police were the basic systems which was suitably developed or changed by various Kings.

Police Administration During Ancient Period

A historical study of the police administration unfolds the different degrees of accountability of the Indian police during different periods. Police existed in India even during the Vedic times i.e. prior to fourth century B.C.² The laws of Manu (200 B.C. to 200 A.D.) carry some references to what may be identifiable as a police function. The momental work of Kautilya, the Arthashastra which is regarded as a treatise of the contemporary criminal justice system brings forth that law and order was maintained through threat of punishments like the mutilation of limbs and the death penalty.³

The responsibility of preventing thefts and other crimes was entrusted to the village Headman. During Chandragupta Maurya's period popularly known as the "Golden Period" of Indian history, Megasthenese, the Chinese visitor, wrote that people were law abiding and crime was very rare.⁴ The entire Mauryan administrative system was bifurcated in Pranta (Terminal), now known as province, Pradesh now known as commissioners, Vishaya now known as district, Nagar now called cities and

² Ramakant, Police Administration, Om Sun Publication, New Delhi, 1966 p. 44.

³ Raghwan, R.K. Indian Police Problems Planning and Perspectives, Manohar Publication New Delhi, 1984, p. 66.

⁴ Chaturvedi, S.K. Metro Politan Police Administration, B.R. Publication, New Delhi.

Gram i.e. villages. The head of such district used to be known as Vishayapati. He was responsible to maintain peace while preventing and detecting crimes in the district. The district was further divided in Sthaniya, generally constituted on 800 villages and functioning under the charge of an officer known as Sthanik. Sthaniya was further divided in the administrative units of Kharvatik, Dronmukh and Sangrahan, Gop was the officer at this stage and his responsibility was to maintain law and order in his area of operation. The village head-man known as Gramini was responsible for the police activities in the village.⁵ He used to discharge his duties with the help of village community. Thus, at the grass root level, a collective policing was in operation. Each officer was accountable to his superior one and thus he used to report about the problems to his senior officers, who were supposed to take proper action. Apart from this general police structure, the special police with a functional specialization was also operative. For instance, officer like Chaur Rajjuka and Vivitadhyaksha were considered to be an expert in apprehending thieves. The officer may be considered as predecessor to present times C.I.D. Briefly, this was the district police organization. In the district generally a few towns were also functional which had a different police organization. Normally, the cities or towns used to be set up for strategic and economic reasons and they used to be called according to their nature. For instance, if a city had a fort it used to be known as Durg Nagar. Similarly, a fiver town may be called as 'pattan' and a general town; as Sthaniya. The chief of the town police was known as Nagaradhyaksha or Nagarik. He may be considered as the counterpart to the commissioner of police of the present days. The entire city used to be divided into four parts, each part being headed by an officer known as Sthanik, a counter part to the present superintendent of police. On a unit of 10 to 40 houses there used to be an officer known as Gop and his duty was not only to provide security to the residents but also keep a close eye on their activities.⁶ Guards known as Rakshak used to patrol the lane and bi-lane of the city.

Apart from this Vivitadhyaksha, Navadhyaksha and Mudradhyaksha used to patrol with their force in the forests, Water ways and out skirts of the city to prevent the commissioning of crime, and project citizens from disorder. Besides this Chaur Rajjukas also used to operate.⁷ An intelligence force was also operative but not at the district level. In nutshell, this was the organizational structure of police at district level Mauryan times. The facts have been corroborated by great Manu in his epic Manu Smriti. By and

⁵ Shastry, Udaybir. 'Kautilya Arthashastra', Mehar Chandra Laxman Das, Delhi, 1970, Adhikaran 3, Adhyay 1, Shloka 1.

⁶ Shastry, R. Shama. Kautilya's Arthashastra, 8th edition Mysore Publishing House, Mysore, 1967, p. 71.

⁷ . Shastry, Udaybir. 'Kautilya Arthashastra', Adhikaran 2, Adhyay 3, Shloka 02, Adhyay 4, Shloka 109, Adhyay 36, Shloka 1.

large, this police system remained in vogue during Gupta, Vardhana and Rajput periods. Though the designations of the officers changed a bit, the prime characteristic of ancient police system was its community orientation, functional specialization, de-centralization and expertization. To a great extent, the accountability of police was towards the masses. However, this scene changed with the advent of Turk and Mughal rule in India.

Police Administration During Medieval Period

India witnessed great political instability in the country. War was common in those times. In a vain bid to establish their primacy the princes used to fight amongst themselves. This chaotic situation invited the barbaric clans of Central Asia in India. Right from the invasion of Mahamood Ghaznavi to the exile of Bahadur Shah Zafar. India remained under the dominance of Turks or Moghuls. The object of alien ruler was to establish and cement their dominance in the country through centralized military administration. In such circumstances there was hardly any need of police organization. However, they maintained the policing activities with the help of military personnel.

Administratively, during the period of Turks the entire state system was divided into provinces known as Suba or Khalsa. The head of this unit was recognized as Naib Sultan or Vail and he was considered responsible for the security of the area. The province was further sub-divided in the Parganas and Siqs. The officer-in-charge of the Siq was known as Sidqar.

He was responsible for the maintenance of security in Siq. Similarly, Fauzdar used to head the Pargana and Pargana further divided into Kasba, Sadi (a group of 100 villages). From the policing point of view at district level, Fauzdar was the chief administrator. Yet except during emergency, he used not to interfere in the affairs of rural or urban security system. At rural level, village chief known as Mukaddam or Sarpanch was the chief police officer and used to maintain law and order with the help of village community. At this level the government official Muhasil or Gumastha, representatives of Fauzdar, Khwaza and Musarif (representative of the state) used to help 'the community policing.'⁸

When the Mughals took over the rule, their main objective was to sustain their empire and authority. They introduced only those changes, which suited their objectives. They made all higher appointments hereditary. The provinces were out under the Subedars or Governors. Subedars were responsible for the administration, including the system of criminal justice and keeping peace and order in their jurisdiction.

⁸ Qureshi, I.H. 'The administration of the Sultanate of Delhi, p. 203.

Under the Subedars, were Fauzdars incharge of Sarkars or roughly the present Districts. Their responsibility was the suppression of crime and rebellion, keeping peace keeping and providing protection to the law-abiding citizens. In actual practice, the Zamindar or the grantee of the land of the villages, was made responsible for peace and security of the area under his charge. The Fauzdar acted as a check on them. Every area under the charge of a Fauzdar was divided into Thanas and Chowkies; each placed under the charge of Thanedar. The Thanedars were paid by the Zamindars, though the Fauzdar appointed them. Roughly each Fauzdar had 500 to 1500 Sepoys under his charge, depending on the size of the district or Sarkar. The Chaukidars, or village watchmen, employed by the village community, were expected to maintain peace and provide security. In big urban centres, the chief of city police was called Kotwal. The duties of Kotwal included the arrest of thieves and criminals and guarding the life and property of the citizens. According to Ain-I-Akbar, the Kotwal was to maintain a record of the houses and inhabitants. The Kotwals were to appoint spies and keep a record of happenings.⁹

In some respect, he may be considered as the counter part of the police commissioner of present times.¹⁰ Generally, the city use to be divided in Mohallas and the local nobles were asked to maintain peace in the areas while keeping strict watch on the anti-social elements. Thus, as lower level even in the cities the policing activity was community oriented. A highly centralized intelligence set-up was also operative in those days. The Quazis dispensed the justice according to the Muslim laws and Quazi-ul-Quazat was the name given to the chief justice. The criminal of Faujdari courts or Adalats were presided over by the local landlord who was called Zamindar.

Strictly speaking, a highly centralized police organization with a functional specialization was in promulgation during those days. The policing system of the Sultanate period and Mughal period is marked with tyranny, unnecessary secrecy and repressive attitude, administration was basically exploitative in character and the interest of the throne was always given precedence over the interest of the people. The Thandears maintained law and order with the help of garrison. The Thanas were military command posts rather than civilian police outposts set up to look for the safety security and well living of the people.

⁹ Khan, S.A. Power Police and Public Vishal Publication, Kurukshetra, 1983, p. 54.

¹⁰ Mohammad Aziz Ahamad, 'Political history of Institution of Early Turkish Empire', 1972, pp- 361-64.

As the Mughals were preoccupied with conquests and collection of revenue, the task of maintaining law and order was assigned to the Zamindars who in turn exploited & terrified the poor villagers for their own benefit. In fact, they became terror personified.

Shivaji also adopted the Mughal system of administration except that he modified it on Hindu traditions by giving Sanskrit names in place of Persian names. He also abolished the hereditary system of recruiting officials and in their place appointed officials who could be transferred from one place to another. Shivaji also had a good system of spies and intelligence collection system.

According to Manu Smriti, the village head man was responsible for preventing and detecting crime under the control and supervision of the King. According to Fahein, a Chinese Buddhist, anybody in that reign could travel to any part of the empire without fear.

A close study of this period shows that the authority having the power to prevent and detect crime was accountable only to the king (who represented both as the organizational head and the law).

British Period

Under East India Company

The law and order situation at the close of Mughal Empire was characterized by anarchy and confusion. The British came to India as traders in 1612. The leading organization was the East India Company. Initially, the British presence was maritime and commercial in character (Arnold, 1986). The company officials functioned with the cooperation of local rulers. By the early nineteenth century, Mughal Empire started disintegrating. The native rulers emerged at various nooks and corners of the country. In fighting among the native rulers and prevalence of greed & corruption among the ruling class and several other factors paved the way for conversion of the Company administration into a full-fledged colonial state.

Till the middle of nineteenth century, there was no satisfactory police system . This was because of Britishers inexperience and lack of knowledge about the country. Policing was not taken away from the zamindars till 1792. East India Company sent Cornwallis to India as Governor General. He abolished zamindari system of maintaining law and appointed thanedars who were now made responsible for the maintenance of law and order. He introduced a number of reform measures. However, his reforms displayed a lack of faith in the natives of the land and their institutions.

It was in 1772 Warren Hastings had set up a Police Administration in Bengal with the appointment of Foujdars. In 1793, Lord Cornwallis the then Govenner General of India took police administration out of

the hands of the zamindars and established in their place a uniform police force responsible to the agents of the company. Under the new scheme, the post of Darogha was created in every district. Daroghas were made responsible to the district judges and it was their responsibility to supervise the village landowners and headmen policing the villages. Professor Bailey quotes John Beames¹¹ to give a graphic account of the personality and power of the darogha:

"They ruled their territories like little kings. Their misdeeds were legion and always went unpunished, for who would have the temerity to report him to the collector. The darogha's powers of harassment were enormous; he could have a person indicted for harboring a bad character or failing to assist an officer in arresting a criminal. Obtaining witnesses presented no problem to the darogha. They were close to the people and were themselves and unscrupulous enough to meet the criminal on his own ground." Beames has also credited the daroghas for being splendid detectives. The darogha system failed to deliver the goods, in particular they failed to supervise the village police. Thus, the police were answerable only to the company and to nobody else.¹²

This system was also a failure and had been explicitly acknowledged in the Preamble to Regulation XII of 1807, as a result of which in 1814 the system was abolished, and the government returned to the traditional method of village policing, thereby proving the importance of present day policing wherein the police needs to be accountable to the people.

The next major development in the history of police administration took place in 1808 under Regulation X, with the appointment of a Superintendent of police analogous to the modern Inspector General of Police. He functioned under the general control of the judicial Secretary and Sadar Nizamat Adalat. This fact was also established through a judicial order in the Judicial Letter to Bengal on 20-10-1824, wherein the Court reminded the then Bengal Government, that "We desire you will remind the Superintendent of the primary object of this appointment as described in Regulation 8 of 1810. We expect him to be vigilant and active for apprehension of robbers, and to proceed to himself to their districts, which appear to require his presence"... the court further continued that "The very simple power of arrest, vested with them, if judiciously applied can be really productive, otherwise it is of great mischief....In endeavouring

¹¹ Beames, John. *Memories of a Bengal Civilian*, London, Chatto and Windus, 1961, pp- 140-141.

¹² Bhardwaj, R.K. *Indian Police Administration*, National Publishing House, New Delhi, 1978 p. 58

to suppress crimes, and to apprehend offenders, harassing to a community should be carefully avoided," but the police became a burden to the people.¹³

The Judicial Letter to Bengal as earlier discussed, brings forth, that the police administration at their point of time was accountable to the judiciary, but not towards the people. In 1852, a select committee of the Parliament enquired into the affairs of the company with regard to police administration. It included that the subordinate police officials were low paid, corrupt, inefficient and oppressive. This observations of the Select Committee, especially the factors of inefficiency and oppression, shows that the police were not people friendly vis – a vis unaccountable for its act and omission, at least towards the people. The fact is also evident, as in 1854, the Torture Commission was appointed to enquire into the allegations of inhuman torture inflicted on the mass for collection of revenue. On 16th April 1855, the Torture Commission submitted its report suggesting wide range of changes in the police system because the Commission found, "Corruption and bribery reign paramount throughout the whole establishment, violence, torture and cruelty are their chief instruments for detecting crime, implicating innocents and extending money."¹⁴

Thus, the East India Company was being run on commercial basis and no wonder its prime objective was to earn money. The entire administration system was only to guard the interest of the company. Therefore, policing was more exploitative. For them, Maintenance of Law & Order was necessary when it was to add to the income of the company.

The mismanagement of the affairs and their cruel & immoral ways to dealing with the people led to the uprising in 1857. The Sepoy Mutiny of 1857 shows that there was no system to evaluate individual performance, an essential ingredient of organizational accountability of a disciplined police force. By that time, the reports of the 1st & 2nd law Commission were also available to the Government and therefore the first Police Commission took only 22 days to submit a draft report of the Indian Police Act which was subsequently passed on 16th March 1861 and eventually resulted in making the Indian Police of 1861.¹⁵

The reforms introduced by 1860 Commission did not produce the expected results. This promoted the Government of India to appoint another Police Commission in 1902 (Fraser Commission). The Commission passed severe strictures on the police. Everywhere they went the Commission heard the

¹³ Madan, J.C. Indian Police Uppal Publication, New Delhi, 1974, p. 74.

¹⁴ Mishra, B.B. The Administrative History of India 1834-1947, Oxford University Press, Bombay, 1959, p. 28.

¹⁵ Curry, J.C. The Indian Police, Faber and Faber Publication, London.

bitter complaints of the corruption of the police. The Commission observed "The corruption of the constable is more intolerable because of the greater opportunities of oppression and extortion which police powers afford. The inspectors themselves generally indulge with all the corruption..." The Commission felt that as "The police force is far from efficient... It has utterly failed to procure the confidence and co-ordinal cooperation of the people." It also realized that as the police was involved in ruthlessly carrying out the repressive policies of the colonial Government, 'It was an autocratic vertical, administrative set up, the rank and file of the police was used in anti-revolutionary operations. Hence, police was at its best the loyal coercive arm of the state, and policing was blind toward the people, and only accountable to the government. With no responsibility towards the public at large, for them Independence was only the day of change of Government without any change in their uniform, mode of recruitment, curriculum of, code of conduct, disciplinary control and most importantly in their act towards public.

After Independence, India adopted and continued with this colonial enactment of 1861 which was created in the backdrop of the Sepoy Mutiny and thus was heavily influenced by the prevailing thinking of reformers and till date the Act of 1861 popularly known as the Police Act of 1861 is the bed-rock of police administration in India.

Although India adopted the colonial police Act and police manual, but, the beginning of police reforms had begun in the English rule. At the National level, to understand the National perspective of the Police Commissions, a glance at the observations and recommendation of National Police Commissions on different occasion is essential.

Indian Police Act of 1861

The events of 1857 necessitated an instrument to control the vast lands at an economical cost. After facing a real threat of losing power in 1857, the British rulers were determined to ensure complete suzerainty and suppression of all challenges to their power (Arnold, 1986). A Police Commission was appointed in August 1860 with the aim of making police an efficient instrument for the prevention and detection of crime. Nevertheless, an internal government memo to the Police Commission did not mask the real objectives for the new police force.

The commission was told to bear in mind that functions of a police are either protective and repressive or detective and that the line which separates the protective and repressive functions of a civil force from functions purely military, may not always be very clear.¹⁶

The Indian police system, designed in 1860, was, therefore, sharply opposite to the British Bobby who is celebrated symbol of democratic policing throughout the world. The primary objectives were to meet the exigencies of trade and company profit. Accordingly, the emphasis was on order maintenance, on keeping the trade routes safe and ensuring that the exploitation of resources could continue unhindered. However, in addition to the objectives of controlling the vast lands and subjugating the people, there were imperialistic and racist considerations too for the British rulers. The design of the British police system was based on the structure developed by the Mughals in the seventeenth century. The new model incorporated many features of the Mughal system and officials such as Daroga, Kotwal and Faujdar found place in the reorganized British system.

The Indian Police Act (IPA) of 1861 imposed a uniform police system on the entire country. The Act established organized police forces the responsibility of the various provincial governments. Within the provinces the police was to be recruited, trained, disciplined and control by British officers. The Act established Indian police (IP), a superior police service. It was conceived to relieve the District Magistrate of his duties to keep check over the local police and make it more professional in nature. Thus, police force became organized, disciplined and well-supervised. The Act instituted a system of policing in India which is still in force. It may be noted that the Act brought uniformity in administration with the district police placed under the supervision and control of the District Magistrate (Srivastava, 1999).

¹⁶ Imperial Gazetteer of India, Part IV, reprint 1909, p. 380

The Police Act was implemented throughout the country. However, the general conditions of crime control remained unsatisfactory due to various reasons, prominent being the prevalence of the poverty and famines, adverse conditions and shortage of force. The Government of India established the Second All India Police Commission in 1902. The Commission recommended major structural changes as appointment of new Dy. IG and Dy. SP posts, constitution of Railway Police Force, division of provinces into ranges, and constitution of armed force at district level. The recommendations were implemented but they were against India. Despite the dissent of the Maharaja of Darbhanga, the only Indian member of the team, the Commission's recommendations were accepted by the Government of India. Other important developments during this period were setting up of *Islinton Commission* (1912) and *Lee Commission* (1924). The recommendations of these commissions led to substantial Indianisation of the senior rank of the Police Force. By Islinton Commission, the meritorious Indians were accommodated at the senior levels.

Present Organizational Structure of Police

According to article 246 of the Indian Constitution and section 3 of the IPA, the police force is a state subject and not dealt with at central level. Each state government has the responsibility to draw guidelines, rules and regulations for its police force. These regulations are found in the state police manuals. ¹⁷The organizational structure of police forces in India is fairly uniform in all the states throughout the country.

Director General of Police (DGP) is responsible to the state government for the administration of the police force in the state and for advising the government on police matters. The state is further divided into several zones, ranges and districts. An officer of the rank of Superintendent of Police (SP) heads the district police force.

A group of districts form a range, which is looked after by an officer of the rank of Deputy Inspector General of Police (DIGP). DIGP guides, advices and assists the SP through regular visits and inspections. Some states have zones comprising two or more ranges. Zones are the areas which are under the charge of an officer of the rank of an Inspector General of Police (IGP).¹⁸

The districts are again divided into sub-divisions, circles and police stations. A sub-division is under the charge of an officer of the rank of Additional or Deputy Superintendent of police (ASP/ Dy. SP). Every

¹⁷ Commonwealth Human Right Initiative Report, 2005. (CHRI)

¹⁸ Ibid.

sub-division is further divided into a number of police stations, depending on its area, population and prevalence of crime. The police station is headed by the station in charge of the rank of Inspector/Sub-Inspector. Each police station is further divided into a number of beats assigned for patrolling, surveillance and collection of intelligence. Police beats are under the charge of Sub Inspector. Head Constables and Constables form lower level of police hierarchy. Between the police station and the sub-division, there are police circles in some states. The head of the circle is an Inspector of Police.¹⁹

District police is divided into two major branches of police force i.e. the armed police and the civil police. The primary function of the civil force is to control crime, while the primary function of armed police is to deal with law and order situation. Armed police is the reserve police of the district. The force is kept reserved to meet any emergency situation (CHRI, 2005). Armed police and civil police supply material and officers to the other branches. Therefore, these two branches constitute the most visible part of the force (Shah, 1991). In addition to civil and armed forces there are departments like detective police, traffic police revenue police, mounted police, fire police, and technical branches like prosecution branch, radio branch and intelligence police.

Police and Public Order are state subjects, but this does not minimize the role of Central Government in Police administration. Constitution of India empowers the Central Government to intervene in some situations or perform special function in police matters. For example, Article 355 specifies that it is the duty of the Centre to protect the states against internal disturbances and to ensure that the governance of every state is carried on in accordance with the provisions of the Constitution.

The constitution itself enumerates a long list of subjects like All India Services, arms, ammunition, passports etc. in the union list. As per List 1 of the 7th Schedule, the Parliament of India has exclusive powers to make laws with respect to the armed forces of the Union, the Central Bureau of Intelligence and Investigation, the Union agencies and institutions for training of police officers, promotion of special studies or research, scientific and technical assistance in the investigation or detection of crime, all India Services, extension of the powers and jurisdiction of members of one state police force to another with the consent of that state or to outside railway areas. Thus, Central government under the supervision of Ministry of Home Affairs plays an important role in formulating the policies of the police administration.

¹⁹ Commonwealth Human Right Initiative Report, 2005.

The Central Government has established a number of police organizations known as Central Police Organizations (CPOs). The CPOs can be broadly divided into two groups, namely armed police organizations or Central Para-Military Forces (CPMFs) and other central government organizations. CPMFs include Assam Rifles, Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP) and National Security Guards (NSG). Second group of central Police Organizations include Bureau of Police Research and Development (BPR&D), Central Bureau of Investigation (CBI), Directorate of Coordination of Police Wireless (DCPW), Intelligence Bureau (IB), National Crime Records Bureau (NCRB), National Institute of Criminology and Forensic Science (NICFS), and the National Police Academy (NPA).

An important power with Central Government is the appointment of IPS (Indian Police Services) officers. Section 3 of the All India Services Act, 1951 empowers the central government, after consultation with the state governments, to make rules for the regulation of recruitment and the conditions of service of persons appointed to an all India service including IPS. The senior duty posts are called cadres and generally the cadre posts are filled with IPS officers. The central government periodically reexamines the strength and compositions of each cadre in consultation with state government and makes such alteration therein as it deems fit.²⁰

Ancient policing in the different part of the world

Law enforcement in ancient China was carried out by "prefects" for thousands of years since it developed in both the Chu and Jin kingdoms of the Spring and Autumn period. In Jin, dozens of prefects were spread across the state, each having limited authority and employment period. They were appointed by local magistrates, who reported to higher authorities such as governors, who in turn were appointed by the emperor, and they oversaw the civil administration of their "prefecture", or jurisdiction. Under each prefect were "subprefects" who helped collectively with law enforcement in the area. Some prefects were responsible for handling investigations, much like modern police detectives. Prefects could also be women.²¹ The concept of the "prefecture system" spread to other cultures such as Korea and Japan.

In ancient Greece, publicly owned slaves were used by magistrates as police. In Athens, a group of 300 Scythian slaves (the ῥαβδοῦχοι, "rod-bearers") was used to guard public meetings to keep order and for

²⁰ https://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11_chapter%202.pdf

²¹ Whittaker, Jake. "UC Davis East Asian Studies". University of California, Davis.

crowd control, and also assisted with dealing with criminals, handling prisoners, and making arrests. Other duties associated with modern policing, such as investigating crimes, were left to the citizens themselves.

In the Roman empire, the army, rather than a dedicated police organization, provided security. Local watchmen were hired by cities to provide some extra security. Magistrates such as procurators fiscal and questers investigated crimes. There was no concept of public prosecution, so victims of crime or their families had to organize and manage the prosecution themselves.

Under the reign of Augustus, when the capital had grown to almost one million inhabitants, 14 wards were created; the wards were protected by seven squads of 1,000 men called "vigiles", who acted as firemen and night watchmen. Their duties included apprehending thieves and robbers and capturing runaway slaves. The vigiles were supported by the Urban Cohorts who acted as a heavy-duty anti-riot force and even the Praetorian Guard if necessary.

Post-classical policing

In medieval Spain, Santa Hermandades, or "holy brotherhoods", peacekeeping associations of armed individuals were a characteristic of municipal life, especially in Castile. As medieval Spanish kings often could not offer adequate protection, protective municipal leagues began to emerge in the twelfth century against banditry and other rural criminals, and against the lawless nobility or to support one or another claimant to a crown.

As one of their first acts after end of the War of the Castilian Succession in 1479, Ferdinand II of Aragon and Isabella I of Castile established the centrally-organized and efficient Holy Brotherhood as a national police force. They adapted an existing brotherhood to the purpose of a general police acting under officials appointed by themselves, and endowed with great powers of summary jurisdiction even in capital cases. The original brotherhoods continued to serve as modest local police-units until their final suppression in 1835.

In France during the Middle Ages, there were two Great Officers of the Crown of France with police responsibilities: The Marshal of France and the Grand Constable of France. The military policing responsibilities of the Marshal of France were delegated to the Marshal's provost, whose force was known as the Marshalcy because its authority ultimately derived from the Marshal. The marshalcy dates back to the Hundred Years' War, and some historians trace it back to the early 12th century. Another

organisation, the Constabulary (French: Connétablie), was under the command of the Constable of France. The constabulary was regularised as a military body in 1337. Under Francis I of France (who reigned 1515–1547), the Maréchaussée was merged with the Constabulary. The resulting force was also known as the Maréchaussée, or, formally, the Constabulary and Marshalcy of France.

The English system of maintaining public order since the Norman conquest was a private system of tithings, led by a constable, which was based on a social obligation for the good conduct of the others; more common was that local lords and nobles were responsible for maintaining order in their lands, and often appointed a constable, sometimes unpaid, to enforce the law. Eventually, constables became the first 'police' official to be tax-supported. There was also a system of investigative "juries".

The Assize of Arms of 1252, which required the appointment of constables to summon men to arms, quell breaches of the peace, and to deliver offenders to the sheriffs or reeves, is cited as one of the earliest creation of the English police. The Statute of Winchester of 1285 is also cited as the primary legislation regulating the policing of the country between the Norman Conquest and the Metropolitan Police Act 1829.

From about 1500, private watchmen were funded by private individuals and organisations to carry out police functions. They were later nicknamed 'Charlies', probably after the reigning monarch King Charles II. Thief-takers were also rewarded for catching thieves and returning the stolen property.

The first use of the word police ("Polles") in English comes from the book "The Second Part of the Institutes of the Lawes of England" published in 1642.

Early modern policing

The first centrally organised police force was created by the government of King Louis XIV in 1667 to police the city of Paris, then the largest city in Europe. The royal edict, registered by the Parlement of Paris on March 15, 1667 created the office of lieutenant général de police ("lieutenant general of police"), who was to be the head of the new Paris police force, and defined the task of the police as "ensuring the peace and quiet of the public and of private individuals, purging the city of what may cause disturbances, procuring abundance, and having each and everyone live according to their station and their duties".

This office was first held by Gabriel Nicolas de la Reynie, who had 44 commissaires de police (police commissioners) under his authority. In 1709, these commissioners were assisted by inspecteurs de police

(police inspectors). The city of Paris was divided into 16 districts policed by the commissaires, each assigned to a particular district and assisted by a growing bureaucracy. The scheme of the Paris police force was extended to the rest of France by a royal edict of October 1699, resulting in the creation of lieutenants general of police in all large French cities and towns.

After the French Revolution, Napoléon I reorganized the police in Paris and other cities with more than 5,000 inhabitants on February 17, 1800 as the Prefecture of Police. On March 12, 1829, a government decree created the first uniformed police in France, known as sergents de ville ("city sergeants"), which the Paris Prefecture of Police's website claims were the first uniformed policemen in the world.[19]

In 1737, George II began paying some London and Middlesex watchmen with tax monies, beginning the shift to government control. In 1749 Henry Fielding began organizing a force of quasi-professional constables known as the Bow Street Runners. The Macdaniel affair added further impetus for a publicly salaried police force that did not depend on rewards. Nonetheless, In 1828, there were privately financed police units in no fewer than 45 parishes within a 10-mile radius of London.

The word "police" was borrowed from French into the English language in the 18th century, but for a long time it applied only to French and continental European police forces. The word, and the concept of police itself, were "disliked as a symbol of foreign oppression" (according to Britannica 1911). Before the 19th century, the first use of the word "police" recorded in government documents in the United Kingdom was the appointment of Commissioners of Police for Scotland in 1714 and the creation of the Marine Police in 1798.

Modern police

In London

Patrick Colquhoun, founder of the Thames River Police.

In 1797, Patrick Colquhoun was able to persuade the West Indies merchants who operated at the Pool of London on the River Thames, to establish a police force at the docks to prevent rampant theft that was causing annual estimated losses of £500,000 worth of cargo.[20] The idea of a police, as it then existed in France, was considered as a potentially undesirable foreign import. In building the case for the police in the face of England's firm anti-police sentiment, Colquhoun framed the political rationale on economic indicators to show that a police dedicated to crime prevention was "perfectly congenial to the

principle of the British constitution". Moreover, he went so far as to praise the French system, which had reached "the greatest degree of perfection" in his estimation.

Colquhoun's utilitarian approach to the problem using a cost-benefit argument to obtain support from businesses standing to benefit allowed him to achieve what Henry and John Fielding failed for their Bow Street detectives. Unlike the stipendiary system at Bow Street, the river police were full-time, salaried officers prohibited from taking private fees. His other contribution was the concept of preventive policing; his police were to act as a highly visible deterrent to crime by their permanent presence on the Thames. Colquhoun's innovations were a critical development leading up to Robert Peel's "new" police three decades later.

Ireland, the Irish Constabulary Act of 1822 marked the beginning of the Royal Irish Constabulary. The Act established a force in each barony with chief constables and inspectors general under the control of the civil administration at Dublin Castle. By 1841 this force numbered over 8,600 men.

Metropolitan police force

London was fast reaching a size unprecedented in world history, due to the onset of the Industrial Revolution. It became clear that the locally maintained system of volunteer constables and "watchmen" was ineffective, both in detecting and preventing crime. A parliamentary committee was appointed to investigate the system of policing in London. Upon Sir Robert Peel being appointed as Home Secretary in 1822, he established a second and more effective committee, and acted upon its findings.

Royal assent to the Metropolitan Police Act 1829 was given and the Metropolitan Police Service was established on September 29, 1829 in London as the first modern and professional police force in the world.

Due to public fears concerning the deployment of the military in domestic matters, Peel organised the force along civilian lines, rather than paramilitary. To appear neutral, the uniform was deliberately manufactured in blue, rather than red which was then a military colour, along with the officers being armed only with a wooden truncheon and a rattle to signal the need for assistance. Along with this, police ranks did not include military titles, with the exception of Sergeant.

To distance the new police force from the initial public view of it as a new tool of government repression, Peel publicised the so-called Peelian principles, which set down basic guidelines for ethical policing:

Every police officer should be issued a warrant card with a unique identification number to assure accountability for his actions.

Whether the police are effective is not measured on the number of arrests but on the deterrence of crime.

Above all else, an effective authority figure knows trust and accountability are paramount. Hence, Peel's most often quoted principle that "The police are the public and the public are the police."

The 1829 Metropolitan Police Act created a modern police force by limiting the purview of the force and its powers, and envisioning it as merely an organ of the judicial system. Their job was apolitical; to maintain the peace and apprehend criminals for the courts to process according to the law. This was very different from the "continental model" of the police force that had been developed in France, where the police force worked within the parameters of the absolutist state as an extension of the authority of the monarch and functioned as part of the governing state.

In 1863, the Metropolitan Police were issued with the distinctive custodian helmet, and in 1884 they switched to the use of whistles that could be heard from much further away. The Metropolitan Police became a model for the police forces in most countries, such as the United States, and most of the British Empire. Bobbies can still be found in many parts of the Commonwealth of Nations.

Other countries

Australia

Police motorcycles are commonly used for patrols and escorts in Australia. In Australia, the first police force having centralised command as well as jurisdiction over an entire colony was the South Australia Police, formed in 1838 under Henry Inman.

However, whilst the New South Wales Police Force was established in 1862, it was made up from a large number of policing and military units operating within the then Colony of New South Wales and traces its links back to the Royal Marines. The passing of the Police Regulation Act of 1862 essentially tightly regulated and centralised all of the police forces operating throughout the Colony of New South Wales.

The New South Wales Police Force remains the largest police force in Australia in terms of personnel and physical resources. It is also the only police force that requires its recruits to undertake university studies at the recruit level and has the recruit pay for their own education.

Brazil

In 1566, the first police investigator of Rio de Janeiro was recruited. By the 17th century, most captaincies already had local units with law enforcement functions. On July 9, 1775 a Cavalry Regiment was created in the state of Minas Gerais for maintaining law and order. In 1808, the Portuguese royal family relocated to Brazil, because of the French invasion of Portugal. King João VI established the "Intendência Geral de Polícia" (General Police Intendancy) for investigations. He also created a Royal Police Guard for Rio de Janeiro in 1809. In 1831, after independence, each province started organizing its local "military police", with order maintenance tasks. The Federal Railroad Police was created in 1852, Federal Highway Police, was established in 1928, and Federal Police in 1967.

Canada

Established in 1729, the Royal Newfoundland Constabulary (RNC) was the first policing service founded in Canada. The establishment of modern policing services in the Canadas occurred during the 1830s, modelling their services after the London Metropolitan Police, and adopting the ideas of the Peelian principles. The Toronto Police Service was established in 1834, whereas the Service de police de la Ville de Québec was established in 1840.

A national police service, the Dominion Police, was founded in 1868. Initially the Dominion Police provided security for parliament, but its responsibilities quickly grew. In 1870, Rupert's Land and the North-Western Territory were incorporated into the country. In an effort to police its newly acquired territory, the Canadian government established the North-West Mounted Police in 1873 (renamed Royal North-West Mounted Police in 1904). In 1920, the Dominion Police, and the Royal Northwest Mounted Police were amalgamated into the Royal Canadian Mounted Police (RCMP).

The RCMP provides federal law enforcement; and law enforcement in eight provinces, and all three territories. The provinces of Ontario, and Quebec maintain their own provincial police forces, the Ontario Provincial Police (OPP), and the Sûreté du Québec (SQ). Policing in Newfoundland and Labrador is provided by the RCMP, and the RNC. The aforementioned services also provides municipal policing, although larger Canadian municipalities may establish form their own police service.

United States

In British North America, policing was initially provided by local elected officials. For instance, the New York Sheriff's Office was founded in 1626, and the Albany County Sheriff's Department in the 1660s. In the colonial period, policing was provided by elected sheriffs and local militias.

In 1789 the United States Marshals Service was established, followed by other federal services such as the U.S. Parks Police (1791) and U.S. Mint Police (1792). The first city police services were established in Philadelphia in 1751, Richmond, Virginia in 1807, Boston in 1838, and New York in 1845. The U.S. Secret Service was founded in 1865 and was for some time the main investigative body for the federal government.

In the American Old West, policing was often of very poor quality. The Army often provided some policing alongside poorly resourced sheriffs and temporarily organized posses. Public organizations were supplemented by private contractors, notably the Pinkerton National Detective Agency, which was hired by individuals, businessmen, local governments and the federal government. At its height, the Pinkerton Agency's numbers exceeded those of the United States Army.

In recent years, in addition to federal, state, and local forces, some special districts have been formed to provide extra police protection in designated areas. These districts may be known as neighbourhood improvement districts, crime prevention districts, or security districts.

Development of theory

Michel Foucault claims that the contemporary concept of police as a paid and funded functionary of the state was developed by German and French legal scholars and practitioners in Public administration and Statistics in the 17th and early 18th centuries, most notably with Nicolas Delamare's *Traité de la Police* ("Treatise on the Police"), first published in 1705. The German *Polizeiwissenschaft* (Science of Police) first theorized by Philipp von Hörnigk a 17th-century Austrian Political economist and civil servant and much more famously by Johann Heinrich Gottlob Justi who produced an important theoretical work known as *Cameral science* on the formulation of police. Foucault cites Magdalene Humpert author of *Bibliographie der Kameralwissenschaften* (1937) in which the author makes note of a substantial bibliography was produced of over 4000 pieces of the practice of *Polizeiwissenschaft* however, this maybe a mistranslation of Foucault's own work the actual source of Magdalene Humpert states over 14,000 items were produced from the 16th century dates ranging from 1520–1850.

As conceptualized by the Polizeiwissenschaft, according to Foucault the police had an administrative, economic and social duty ("procuring abundance"). It was in charge of demographic concerns and needed to be incorporated within the western political philosophy system of *raison d'état* and therefore giving the superficial appearance of empowering the population (and unwittingly supervising the population), which, according to mercantilist theory, was to be the main strength of the state. Thus, its functions largely overreached simple law enforcement activities and included public health concerns, urban planning (which was important because of the miasma theory of disease; thus, cemeteries were moved out of town, etc.), and surveillance of prices.

Jeremy Bentham, philosopher who advocated for the establishment of preventive police forces and influenced the reforms of Sir Robert Peel.

The concept of preventive policing, or policing to deter crime from taking place, gained influence in the late 18th century. Police Magistrate John Fielding, head of the Bow Street Runners, argued that "...it is much better to prevent even one man from being a rogue than apprehending and bringing forty to justice."

The Utilitarian philosopher, Jeremy Bentham, promoted the views of Italian Marquis Cesare Beccaria, and disseminated a translated version of "Essay on Crime in Punishment". Bentham espoused the guiding principle of "the greatest good for the greatest number: It is better to prevent crimes than to punish them. This is the chief aim of every good system of legislation, which is the art of leading men to the greatest possible happiness or to the least possible misery, according to calculation of all the goods and evils of life.[53]

Patrick Colquhoun's influential work, *A Treatise on the Police of the Metropolis* (1797) was heavily influenced by Benthamite thought. Colquhoun's Thames River Police was founded on these principles, and in contrast to the Bow Street Runners, acted as a deterrent by their continual presence on the riverfront, in addition to being able to intervene if they spotted a crime in progress. Edwin Chadwick's 1829 article, "Preventive police" in the *London Review*, argued that prevention ought to be the primary concern of a police body, which was not the case in practice. The reason, argued Chadwick, was that "A preventive police would act more immediately by placing difficulties in obtaining the objects of temptation." In contrast to a deterrent of punishment, a preventive police force would deter criminality by making crime cost-ineffective – "crime doesn't pay". In the second draft of his 1829 Police Act, the "object" of the new Metropolitan Police, was changed by Robert Peel to the "principal object," which

was the "prevention of crime." Later historians would attribute the perception of England's "appearance of orderliness and love of public order" to the preventive principle entrenched in Peel's police system.

Development of modern police forces around the world was contemporary to the formation of the state, later defined by sociologist Max Weber as achieving a "monopoly on the legitimate use of physical force" and which was primarily exercised by the police and the military. Marxist theory situates the development of the modern state as part of the rise of capitalism, in which the police are one component of the bourgeoisie's repressive apparatus for subjugating the working class. By contrast, the Peelian principles argue that "the power of the police...is dependent on public approval of their existence, actions and behavior", a philosophy known as policing by consent.

International policing

Most countries are members of the International Criminal Police Organization (Interpol), established to detect and fight transnational crime and provide for international co-operation and co-ordination of other police activities, such as notifying relatives of the death of foreign nationals. Interpol does not conduct investigations or arrests by itself, but only serves as a central point for information on crime, suspects and criminals. Political crimes are excluded from its competencies.

The terms international policing, transnational policing, and/or global policing began to be used from the early 1990s onwards to describe forms of policing that transcended the boundaries of the sovereign nation-state. These terms refer in variable ways to practices and forms for policing that, in some sense, transcend national borders. This includes a variety of practices, but international police cooperation, criminal intelligence exchange between police agencies working in different nation-states, and police development-aid to weak, failed or failing states are the three types that have received the most scholarly attention.

Historical studies reveal that policing agents have undertaken a variety of cross-border police missions for many years. For example, in the 19th century a number of European policing agencies undertook cross-border surveillance because of concerns about anarchist agitators and other political radicals. A notable example of this was the occasional surveillance by Prussian police of Karl Marx during the years he remained resident in London. The interests of public police agencies in cross-border co-operation in the control of political radicalism and ordinary law crime were primarily initiated in Europe, which eventually led to the establishment of Interpol before the Second World War. There are also many interesting examples of cross-border policing under private auspices and by municipal police forces that

date back to the 19th century. It has been established that modern policing has transgressed national boundaries from time to time almost from its inception. It is also generally agreed that in the post–Cold War era this type of practice became more significant and frequent.

By 1992, with the signing of the Schengen Treaty, which formalized aspects of police information exchange across the territory of the European Union, there were worries that much, if not all, of this intelligence sharing was opaque, raising questions about the efficacy of the accountability mechanisms governing police information sharing in Europe.

A Major Turning Point

Indian independence marks a major turning point in the history of its police. The event marks the transition of India police from a colonial heritage to a democratic character. The change has momentous impact on the spirit, character and objectives of the organization. The basic interests of a colonial police are the perpetuation of the colonial rule wherein matters exogenous to the interests are treated secondary. In a democratic police, the foremost objective is upholding the interests of the country, its people, its democratic heritage and the sanctity of the constitution. This is a formidable responsibility. Maintenance of order, rule of law, security of the people, safety of the national properties and interests, prevention of offences and investigation of crimes sit squarely on the sturdy shoulders of a democratic police. Its allegiance shifts from the rulers in a colonial rule to the people, the interests of the country and its constitution in a democracy. The shift is basic to the character, job culture, functional values and the organizational gestalt of the police force.

WORLDWIDE TRENDS

The cardinal question is how far Indian police in the democratic ambience worked –out its adaptations to the new situation and zeitgeist. Half a century should suffice for a fair and complete assessment. The developments Indian police underwent in this period can either be due to the worldwide developments in the field of policing and police system as a continuing process or due to the adaptation of Indian police from the colonial heritage to the democratic vintage. The evolution in worldwide policing practices and police system in the latter half of the 20th century itself is portentous. National security activities gained primacy neck and shoulder above the crime and law and order functions. With it came the gray areas of clandestine operations across the countries. Police shed their uniforms and threw laws and morals to the wind in pursuit of national security policy. They became international players, hopping from country to

country in disguise, committing murders, overthrowing governments, forging passports, shipping weapons, training rebels, spreading, disaffections, organizing violent protests etc in the interests of their own countries.

Administrative Organization in British India

Evolution of the Police

When the East India Company established its control over Bengal, after acquiring the Diwani rights in 1765, the Mughal police system prevailed. Under this system:

- Faujdars were in charge of the rural districts.
- The Kotwals were in charge of towns.

The villages were looked after by the village watchmen. The village policing was under the control of the Zamindars who paid and controlled the watchmen.

Cornwallis system

With the rise of the Company's authority, a need was felt for the creation of a police force which maintained the law and order. The growing crime rates were perceived by the Company as an affront to its authority. It began by replacing the Faujdars with English Magistrates in charge of the police functions in the district while the Zamindars retained their police functions, though they were made subservient to the magistrates.

The new system proved to be inadequate in bringing down the crime rate, while the Zamindars abused the system by taking advantage of its weaknesses. Lord Cornwallis realized the need for police reforms and he made many changes in the police organization. He divested the Zamindars of their policing powers, divided the district into thanas or units of police jurisdiction of twenty to thirty miles. Each unit was under an officer known as the Daroga who was appointed by the magistrates and placed under their supervision. Darogas came to be seen as the instrument of the Company's power and control over the rural areas. This came to be known as the Cornwallis system.

Functioning of the Police

The new police system under the Darogas was an alien element in the countryside and it was not entirely independent of the powerful local-landed magnates. The latter still retained much of their extra-legal

coercive powers and in many cases, there was an alliance between the Darogas and the Zamindars. The Daroga-Zamindar nexus emerged as the new instrument of coercion and oppression in the rural life of Bengal in the nineteenth century. The Daroga system was extended to Madras in 1802 and to the Ceded and Conquered Upper Provinces in 1803 and 1804 respectively.

The Cornwallis system could not produce the desired results in maintaining law and order. One of the main reasons for its failure was that the system was "not founded in the usages of the country". Whenever there was a large scale failure of law and order, the colonial authorities looked for reasons and made the native subordinate officers the easy scapegoats. They were blamed for lack of integrity and morality which was, more often than not, based on their stereotyping as such. This soon led to the scrapping of the Cornwallis system.

The word "Police" shall include all persons who shall be enrolled under this Act; THE POLICE ACT, 1861

scope: for future is that to know what are the resources needed and condition required to implement and use the measure for police reform and, that, when the resources are available and when it is practically possible to implement the measures we would know the chronology of the issues to resolve.

Objective: know and identify the socio-legal improvement needed to enhance police performance against the pitfall present in current work environment.

research question:

- What are the situations hindering the efficient and effective police performance?
- What is the present socio-legal scenario for police?
- Why the lack in performance happened?
- Why do we need police reform?

Research limitation: the research covers only from the side of police and covers only the socio-legal aspect of dealing.

Hypothesis: the social resources and society is not ready to adapt the changes required for the police reform.

Literature review:

Research methodology: Doctrinal Qualitative Research.

What are the four responsibilities of the police?

As part of law enforcement, police officers have four major responsibilities: enforcing laws, preventing crimes, responding to emergencies, and providing support services. Though most people think of police officers as enforcing laws, the other three responsibilities are just as important

Assam Police Always at your service

Bengaluru City Police We Serve, We Protect

Chhattisgarh Police Paritranaay Sadhunaam (Protect the Good)

Delhi Police Shanti, Seva, Nyaya

Gujarat Police Seva, Suraksha, Shanti

Jammu & Kashmir Police A Saga of Sacrifice and Courage

Jharkhand Police Seva hi Lakshya, A Force to Reckon With

Kerala Police Mridhu Bhave Dhrida Kruthye (Polite but firm)

Madhya Pradesh Police Desh Bhakti Jan Seva

Maharashtra Police Sadrakshnaya Khalanighrahanaya (To Protect Good and To Punish Evil)

Meghalaya Police Help us to help you

Nagaland Police Security, Service, Sacrifice

Odisha Police We Serve and Protect

Puducherry Police Integrity, Sincerity, Service

Rajasthan Police Committed to Serve

Sikkim Police Protect and Serve

Tamil Nadu Police Truth Alone Triumphs

Telangana Police Duty, Honour, Compassion

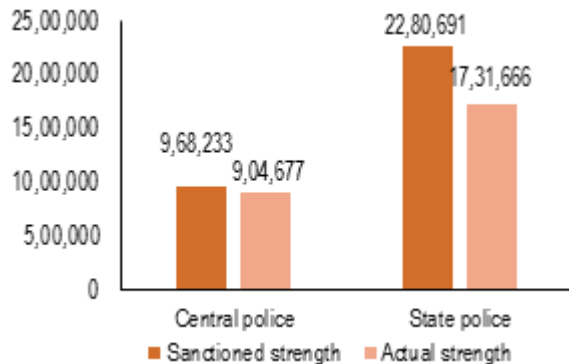
Tripura Police Seva, Veerta, Bandhuta (Service, Courage, Friendship)

Uttarakhand Police Mitrata, Seva, Suraksha (Friendship, Service, Security)

Uttar Pradesh Police Protection of Good, Destruction of Bad

(<http://www.leadthecompetition.in/GK/mottos-of-state-police-organisations.html>)

24% vacancies in state forces; 7% in central forces



Sources: Bureau of Police Research and Development; PRS.

An overburdened police force

State police forces had 24% vacancies (about 5.5 lakh vacancies) in January 2016. Hence, while the sanctioned police strength was 181 police per lakh persons in 2016, the actual strength was 137 police. Note that the United Nations recommended standard is 222 police per lakh persons.

86% of the state police comprises of constabulary. Constables are typically promoted once during their service, and normally retire as head constables. This could weaken their incentive to perform well.

Crime per lakh population has increased by 28% over the last decade (2005-2015). However, convictions have been low. In 2015, convictions were secured in 47% of the cases registered under the Indian Penal Code, 1860. The Law Commission has observed that one of the reasons behind this is the poor quality of investigations.

National Police Commission under chairmanship Shri Dharm Vira (15.11.1977)

Terms of reference:

- To Redefine the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
- To examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance or the system, identify the basic

weakness of inadequate, and suggest appropriate changes in the system and the basic laws governing the system.

- To examine, if any changes are necessary in the existing method of administration , disciplinary control and accountability.
- To examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.
- To review policing in rural areas, evaluate any new arrangements that have been made and recommend changes that necessary.
- To examine the system of policing required in non-rural and urbanized areas including metropolitan areas, and suggest the pattern that would be the most suitable, etc.

Major recommendations made by Committees/Commissions:

- Welfare measures for Police
- Amendment of various sections Code of Criminal Procedure (CrPC)
- To organise training courses for Police
- Tenure of Chief of Police

Riberio Committee on Police Reforms under Chairmanship of Shri J.F. Riberio (25.05.1998)

Terms of reference:

- To review action taken by the Central Government and the State Governments/UT Administrations for implementation of the recommendations of the National Police Commission, Law Commission, National Human Rights Commission and Vohra Committee;
- To suggest ways and means for implementation of the pending recommendations of the above Commissions/Committee;
- Consider and make recommendations regarding any other matter which the Government may refer to the Committee or which the Committee considers necessary in this behalf.

Major recommendations made by Committees/Commissions :

- Establishment of Police Complaints Board
- Establishment of the State Security Commission
- Committee for selection of DGP of States under the Chairman of UPSC

1st Report submitted on 28.10.1998

2nd and final report submitted on 18.03.1999

Padmanabhaiah Committee on Police Reforms (05.01.2000)

Terms of reference:

- To examine the specify the challenges that the police in India would face during the next millennium;
- to evaluate the strength and weaknesses of the police force, as it is organised and structured today, to see if it would be able to meet those challenges;
- to understand and appreciate the gap between the public expectations and the police performance and whether this gap can be filled without making any basic changes in structure, organisation and the attitudes of the police;
- to envision a new look, cultured, people-friedly and a fighting-fit police force which is able to win the confidence and trust of the people and at the same time, can tackle effectively the problems of organised crime, militancy and terrorism;
- to suggest measures to equip the police to adequately meet the challenges of the modern, hi-tech criminal and of cyber crime, etc.

Major recommendations made by Committees/Commissions:

- Recruitment of Constables to be restricted in future, till a tooth to tail ratio of 1:4 is reached.
- National Board for Police Recruitment may be set up for setting question papers for recruitment to the level of SIs. Conduct of examination and evaluation of papers should be done by States.
- In-Service Training needs better attention.
- The traditional system of village policing should be revived and proper utilization of the same should be made

Submitted on 30.08.2000

Committee on Reforms of Criminal Justice System under Dr. Justice V.S. Malimath (24.11.2000)

Terms of reference:

- to examine the fundamental principles of criminal jurisprudence, including the constitutional provisions relating to criminal jurisprudence and see if any modifications or amendments are required thereto;
- To examine in the light of findings on fundamental principles and aspects of criminal jurisprudence as to whether there is a need to re-write the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence act to bring them in tune with the demand of the times and in harmony with the aspirations of the people of India;
- To make specific recommendations on simplifying judicial procedures and practices and making the delivery of justice to the common man closer, faster, uncomplicated and inexpensive;
- To suggest ways and means of developing such synergy among the judiciary, the Prosecution and the Police as restores the confidence of the common man in the Criminal Justice System by protecting the innocent and the victim and by punishing unsparingly the guilty and the criminal;
- To suggest sound system of managing, on professional lines, the pendency of cases at investigation and trial stages and making the Police, the Prosecution and the Judiciary accountable for delay in their respective domains.

Major recommendations made by Committees/Commissions:

- Separation of investigation from law and order.
- Establishment of the State Security Commission.
- Review of IPC, Cr.PC and Evidence Act
- Organised crime, federal crime and terrorism

Submitted on 28.3.2003

Review Committee headed by Shri R.S Mooshahary on recommendations of National Police Commissions and other Commissions/

Committees on Police reforms (21.12.2004)

Terms of reference:

- To review the recommendations of the previous commissions/Committees set up on Police Reforms.
- To shortlist the recommendations which have not been implemented or have been implemented only partially, and
- To recommend the present course of action on such recommendations

Major recommendations made by Committees/Commissions:

- Review Committee has shortlisted 49 recommendations, mainly pertaining to
- Training of policeman at all levels.
- Separation of investigation from the law and order.
- Accountability of Police to public
- Enactment of new Police Act

Submitted on 23.03.2005

CHAPTER 3

COMMITTEES AND COMMISSION ON POLICE REFORMS

Committees / Commission on Police Reforms²²

Various Committees/Commissions in the past have made a number of important recommendations regarding police reforms. Notable amongst these are those made by the National Police Commission (1978-82); the Padmanabhaiah Committee on restructuring of Police (2000); and the Malimath Committee on reforms in Criminal Justice System (2002-03). Yet another Committee, headed by Shri Ribeiro, was constituted in 1998, on the directions of the Supreme Court of India, to review action taken by the Central Government/State Governments/UT Administrations in this regard, and to suggest ways and means for implementing the pending recommendations of the above Commission. Constitutional Limitations of Central Government.

“Police” being a State subject in the seventh schedule to the Constitution of India, it is primarily the State Governments who have to implement the various police reforms measures. The Centre has been making consistent efforts to persuade the States from time to time to bring the requisite reforms in the Police administration to meet the expectations of the people. 4. In this regard, the recommendations of the various Committees/Commissions were sent to the State Governments/UT Administrations for taking necessary action. Successive Union Home Ministers have been addressing the Chief Ministers/Administrators of States/UTs in this regard. Important recommendations of the various Committees/ Commissions and the specific action taken by the Central Government

(A) **The National Police Commission**

The following recommendations have been selected from different reports of the NPC: ²³

First Report:

Complaints against the police: According to the NPC, any arrangement for inquiry into complaints against police should be acceptable both to police and public as fair and just. The Commission therefore suggested arrangements, which would include inquiries conducted by departmental authorities and those conducted by an independent authority outside the police. The Commission felt that a large number of complaints against police should be looked into and disposed off by the supervisory ranks in the police

²² <https://mha.gov.in/sites/default/files/PoliceReforms%28E%29181013.pdf>

²³ The National Police Commission (NPC), “Some Selected Recommendations of the National Police Commission” (1977)

hierarchy. 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. The judicial inquiry should be held by an Additional Session's Judge nominated for this purpose in every district by State Government in consultation with the High Court. He will be designated as the District Inquiry Authority (DIA) and be assisted by an assessor. The DIA shall send the report of the inquiry to the State Government. It will be mandatory on the part of the government to publish the report and decisions taken thereon within two months of receipt of the report. The DIA shall also serve as an independent authority to oversee the ultimate disposal of complaints dealt with departmentally. To oversee the satisfactory implementation of the entire scheme, a Police Complaint Board should be set up the state level.

Second Report:

Appointment of the Criminal Justice Commission: According to the NPC, the police cannot achieve complete success in their work unless all wings of the criminal justice system operate with simultaneous efficiency. It is therefore necessary to set up a body, which would comprehensively monitor the performance of all agencies and apply corrective measures from time to time. The existing Law Commission may be enlarged to function as a Criminal Justice Commission on a statutory basis. Such arrangements at the centre should be supported by similar arrangements at the state level. Role of Police: The basic role of the police is to function as a law enforcement agency and render impartial service to law, without any heed to wishes, indications or desires expressed by the government which either come in conflict with or do not conform to the provisions contained in the constitution or laws. This should be spelt out in the Police Act. The police should have duly recognised service-oriented role in providing relief to people in distress situations. They should be trained and equipped to perform the service oriented functions.

Political Interference in Police Work: In the existing set-up, the police function under the executive control of the state government. According to the Commission, the manner in which political control has been exercised over the police in this country has led to gross abuses, resulting in erosion of rule of law and loss of police credibility as a professional organisation. The threat of transfer / suspension is the most potent weapon in the hands of the politician to bend the police down to his will. 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. In the performance of its tasks, the police should be subject to overall guidance from the government which should lay down broad policies for adoption in different situations. There should however be no instructions in regard to actual operations in the field. In regard to investigation work, in any case, the police are beyond any intervention by the executive or politicians. To help the state government discharge their superintending responsibility in an open manner under the framework of law, a State Security Commission should be setup through law in each state.

The State Security Commission should: • lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions by the police; • evaluate the performance of the State Police every year and present a report to the State Legislature; • function as a forum of appeal to dispose of representations from officers regarding their being subjected to illegal orders and regarding their promotions; and • generally keeping in review the functioning of the police in the state.

Statutory Tenure of Service: The chief of police should be assured of a fixed tenure of office. The tenure may be for four years or for a period extending up to retirement, whichever is earlier. The removal of the chief of police from his post before the expiry of the tenure should require approval of the State Security Commission.

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. There should be a provision in the Police Act, specifying the authorities competent to issue such orders regarding different ranks. Any such orders passed by any authority other than those specified in the Act will be rendered null and void.

Third Report:

Police and the Weaker Sections: Some important recommendations made by the NPC about police response towards weaker sections of society are summarised below: The NPC has recommended the establishment of special investigation cell in the police department at 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. A composite cell may be constituted at the district level under the Sub-Divisional Officer to inquire into complaints emanating from scheduled Castes/Tribes, particularly those relating to lapses in administrative measures meant for their relief. An important cause for dissatisfaction of weaker

sections of society is that the police sometimes do not take cognizance of their complaints of ill treatment at the hands of upper castes on the ground that complaints are non cognizable and therefore can not be investigated by them without orders from a magistrate. The NPC has recommended that section 155 of the Code of Criminal Procedure should be suitably amended to facilitate appropriate and effective police response to non-cognisable complaints in two categories of cases: (i) to protect a member of the weaker sections from exploitation and injustice, or (ii) to prevent a possible breach of public peace that might result from absence of effective action on complaint of a non-cognisable offence. A comprehensive legislation should be enacted setting out the procedure for the allotment of land to landless poor. Police officers from the local police station should be associated with act of handing over possession of land to the landless and a brief record of this should be kept in the police station records.

Postings of Officers: The postings of officers in charge of police stations should be the exclusive responsibility of the district Superintendent of Police. The Chief of Police should be exclusively responsible for selecting and posting Superintendents of Police in charge of districts.

Guidelines for Avoidance of Vexatious Arrests: Presently the powers of the arrest available to the police give ample scope for harassment and humiliation of persons, prompted by mala fide considerations. In actual practice, several persons who ought to be arrested are let free on account of political influence or other considerations, while harmless persons who need not be arrested at all are often arrested and even remanded to police custody on inadequate grounds. Some mala fide arrests get exposed on habeas corpus petitions filed in High Courts but such exposures are rare compared to the large number of unjustified arrests that take place all the time. NPC has 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. However, the State governments are yet to make firm arrangements down the line for observing these guidelines in day-to-day police work. The NPC also recommended that sections 2(c) and 2(1) of the Code of Criminal Procedure should be amended to remove the emphasis on arrest in the definition of cognisable and non-cognisable offences and section 170 of the Code of Criminal Procedure should be amended to remove the impression that it is mandatory to make an arrest in non-bailable cases.

Guidelines regarding use of Handcuffs:

- The threat of putting handcuffs on persons under arrest is another source of corruption and harassment. The following guidelines must be observed:
- No person shall be handcuffed who, by reason of age, sex or infirmity can be kept in custody without handcuffs.
- No person arrested on a bailable offence shall be handcuffed, unless for some special reasons, it is

believed that he is likely to escape. • In cases under judicial custody, court's instructions should be obtained before handcuffing the accused. • Under trial prisoners and other accused persons should not be handcuffed and chained unless there is reasonable expectation that such persons will use violence or attempt to escape. The police escort must be sufficiently strong to prevent escape. • Whenever any accused is handcuffed, the fact and reasons should be stated in the Sentry Relief Book. • In no case should prisoners or accused persons, who are aged and bed-ridden in hospitals, or women or juvenile or civil prisoners, be handcuffed or fettered. Provision of Imprest Money to Police Station: The Commission noted the non-availability of any imprest money in a police station to meet expenditure on several legitimate needs of the station. It recommended that police stations should be provided with an adequate imprest amount to meet the contingent expenditure in day-to-day work. Adequate funds should be provided at station level to eliminate causes of corruption, which often engulf even the honest officers.

Fourth Report:

Registration of FIR: Victims of crimes are sometimes turned away from a police station on the mere ground that the reported crime has occurred in the jurisdiction of some other police station and it is for the victim to go there and make his complaint. This works to the disadvantage of ignorant people and weaker sections in society. The NPC has 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. The examination of witnesses should be conducted as far as practicable near the scene of offence or at the residence of witnesses concerned at some convenient place nearby.

Statement of Witnesses: According to existing law, a police officer is precluded from obtaining the signature of the person whose statement has been recorded by him. The Commission has recommended that the existing practice of recording in detail the statement by a witness during investigation should be done away with. In its place, the Commission has suggested an arrangement in which the 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. This arrangement would also act as a safeguard against the malpractice of padding of statements which the investigating officers are often accused of doing. Restoration of Stolen Property to Victims of Crimes: Presently, properties recovered

by the police during investigation or otherwise are first transferred to court custody. Their return to the rightful owner is ordered at a much later stage of the criminal proceedings. During the intervening period, there is considerable risk of damage to the property because of indifferent handling at different stages of police and court custody. Sophisticated electronic goods run a serious risk of irreparable damage. Successful detection of case does not provide any psychological satisfaction to the victims of crime when the lost property is kept away from them for a long period without proper attention and care. NPC has recommended 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 NPC has recommended that the police may be empowered in law to compound offences in simple cases even at the stage of police investigation, when both parties to a dispute may themselves like to settle the matter amicably. Due safeguards must of course be provided against a forced or contrived compromise. Presently this facility is available only at the stage of trial. This amendment in law would also reduce the workload in courts.

Intimation about Arrest: The NPC has 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 avoid agonising suspense to the members of his family about his whereabouts. Use of

Third Degree Methods: To reduce the use of third degree methods, the NPC has recommended:

- Surprised visits by senior officers to police stations to detect persons held in illegal custody and subjected to ill treatment
- The magistrate should be required by rules to question the arrested person if he has any complaint of ill treatment by the police and in case of complaint should get him medically examined.
- There should be a mandatory judicial inquiry in cases of death or grievous hurt caused while in police custody
- Police performance should not be evaluated on the basis of crime statistics or number of cases solved.
- Training institutions should develop scientific interrogation techniques and impart effective instructions to trainees in this regard.

Inspections of courts: There is need to evolve a scheme of inspections at the level of High Court as well as Sessions Courts to ensure proper functioning of the subordinate courts. A whole time functionary of the rank of a senior District Sessions Judge who is qualified for appointment as High Court Judge may be attached to each High Court to inspect the district courts periodically. A similar functionary of the rank of Additional Sessions Judge may be entrusted with inspections at the district level. The inspecting

arrangement proposed above should also ensure the availability of adequate facilities for the witnesses and others who participate in court proceedings.

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: Recruitment to the Police must be at two levels only- Constables and Indian Police Service. The recruitment at other levels should be eliminated in a phased manner.

Psychological Tests: Properly developed psychological tests should form an important part of the selection procedure. The Central Government should develop the psychological tests with the help of the Ministry of Defense.

Evaluation during Training: The Commission recommended that there should be constant evaluation of the performance, attitudes and behaviour of all recruits during training and those who are not shaping as good policemen should be weeded out. **Control of the District Magistrate:** Presently, under section 4 of the Police Act of 1861, the District Police is subject to the "general control and direction" of the District Magistrate. The NPC felt that this cannot be construed as warranting any interference in the internal management of the police force. The police should perform with full accountability to the law of the land. Any rule or regulation which unnecessarily or without purpose subordinates the police to the DM should be removed. However, there are a number of areas, which would require active cooperation of different departments and in such matters coordination by the District Magistrate will be necessary. The role of the District Magistrate as a chief coordinating authority should be recognized and respected by the police. The NPC has prescribed the areas where the District Magistrate can play his role as the coordinating authority. **Causes of Poor Police Public Relations:** Police public relations are in a very unsatisfactory state. Police partiality, corruption, brutality and failure to register cognizable offences are the most important reasons. Police do in fact harass even those people who try to help them.

Vertical Communication in Police: Every policeman must develop an attitude of utmost courtesy and consideration towards members of the public who come to him for help. However, the manner in which police personnel at lower levels behave towards public is largely conditioned by the manner in which they are themselves treated by their own higher officers within the force. There is a simultaneous need

for reform in behavior and conduct of police officers towards one another. Victims of Crime: The criminal justice system shows no concern for the victim of crime at any stage. 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: The NPC has recommended that women police should be strengthened and assigned investigation work in much greater measure than at present Women police should become an integral part of the police organization and used to deal with crimes against women and children and in tackling the problem of juvenile delinquency. They should in due course share all the duties now performed by their male counterparts. They should be recruited in much larger numbers than at present, particularly in the ranks of Assistant Sub-inspectors and Sub-inspectors of Police.

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. Those who are not able to qualify for the post of DIG and IG even after being given two more chances should be retired from service. Creation of Central IPS Cadres: Two Central IPS Cadres should be constituted - one for the paramilitary organizations and the other for such organizations as IB, CBI, RAW etc.

Police Commissionerate System for Major Cities: In large urban areas, crime and law and order situations develop rapidly, requiring a speedy and effective operational response from the police. This can be possible only when the police are organized to perform twin basic functions of decision making and implementation. The Commission has therefore recommended that in cities with a population of 5 lakhs and above and even in places where there may be special reasons like speedy urbanization, industrialization etc., the system of police commissionerate would provide more effective policing and should be introduced.

Communal Riots: The National Police Commission felt that during communal riots, adequate interest is not taken in investigation of heinous and serious crimes. For investigation of such cases, special investigating squads under the State CID should be set up comprising officers of proven integrity and impartiality. Vigorous investigation should be followed by prosecution to ensure deterrent punishment

to the offenders. Hence withdrawal from trial of cases occurring during communal riots by the State Governments with a view to promoting communal harmony often proves illusory and has to be discouraged.

Reservation in the Force: The Commission has expressed its view against reservation of vacancies in the police for minorities and other weaker sections on the basis of their share in population. The Commission felt that it would fragment the force along caste and communal lines and it goes against the fundamental police philosophy that it must rise above caste and creed and act impartially as the agent of law and order. The composition of the force should reflect the general mix of communities as it exists in the society and thereby command the confidence of different sections of the society. Separation of investigating staff from law and order staff: The NPC has made conflicting recommendations on this subject. While in the Sixth Report, it has suggested the separation of staff at the police station level, in the Seventh Report, the Commission has expressed an opinion against the bifurcation of staff on the ground that the police work cannot be put in water-tight compartments.

Seventh Report:

Norms for Police Stations: A police station in a rural area should not have jurisdiction of more than 150 kms. In urban areas, population density should be one of the main considerations. A police station should not be required to police more than 60,000 populations. If it registers more than 700 crimes annually, another police station may be created. Police stations in cities with more than 900 cognizable IPC offices should have a Dy. SP/ ASP as SHO. Police Stations investigating over 300 IPCs per year should be headed by an Inspector of Police. The third category will consist of smaller police stations headed by Sub Inspectors. An investigating officer should not be required to investigate more than 50 - 60 IPC cases in India. **Restructuring of Civil Police Hierarchy:** There should be an 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. The powers of the heads of the state police forces in respect of personnel and financial management and to provide infra-structural facilities for the growth of the police should be enhanced. **Central Law for Armed Police Forces:** There should be a central enactment to ensure uniformity in composition, officering pattern, training, discipline and efficiency of

the state armed police battalions. Establishment of a Central Police Committee: A Central Police Committee to look after the functions of consultancy and monitoring be created because an expert agency is required by the Central Government and the State Security Commissions to advise them on matters relating to: (i) police Organization and police reforms of a general nature; (ii) central grants and loans to the State Police Forces for their modernization and development; and (iii) budgetary allotments to State Police Forces. The Committee could also make a general evaluation of policing in the country and provide expertise to the State Security Commissions for their own evaluation of they so require. Establishment of an All India Police Institute: An all India Police Institute on the lines of similar professional institutions existing for Engineers, Chartered Accountants and other professionals be created. This Institute, when established, should be kept under the proposed Central Police Committee.

Eighth Report:

Police Accountability: There should be continuous monitoring of the performance of the police forces in the country. The State Security Commission should have an independent cell to evaluate police performance. The annual administration report of the head of the police force and assessment report of the Central Police Committee will provide additional material to the State Security Commission to prepare a final report on the performance of the state police to be placed before the State Legislature. The police functionaries individually as well as in groups should be sensitised to the idea of accountability to the people. Withdrawal of Protection: Sections 132 and 197 of the Cr. P.C. 1973 provide protection to various categories of public servants against any prosecution brought against them relating to performance of official duties. The protection available to the police officers under these sections should be withdrawn so that the private complainant is free to press his complaint against police official for a judicial pronouncement without there being a provision to obtain prior permission of the competent authority for such prosecution. Enactment of a Model Police Act: The Police Act of 1861 should be replaced by a new Police Act, which not only changes the system of superintendence and control over the police but also enlarges the role of the police to make it function as an agency which promotes the rule of law in the country and renders impartial service to the community. Response to NPC's Recommendations: The major recommendations of the NPC have remained unimplemented. There is a deepseated and strong resistance to the idea of police reforms. Politicians and bureaucrats have developed a great vested interest in retaining control and superintendence over the police organisation. Indicative of the deeply entrenched resistance to police reform is the fact that a letter written on the subject in April 1997 by Shri Indrajit Gupta, the then Union Home Minister to the Chief

Ministers of all States exhorting them to rise above narrow partisan or political considerations and introduce police reforms on the lines recommended by the NPC failed to produce even a single response. Within the police establishment also, there are those who are content to retain the status quo. Closely associated with powerful interests, they acquiesce in and allow the system to continue. The existing system is unacceptable. It has resulted in subverting the rule of law and in obstructing the growth of a healthy and professional system of policing. It must change

(B) Ribero Committee

First Report (October 1998)²⁴

1. A Security Commission should be set-up in each State consisting of the Minister in charge of Police as the Chairman, the Leader of the Opposition, the Chief Secretary of the State, a sitting or retired judge nominated by the Chief Justice of the State's High Court and three other non-political citizens of proven merit and integrity as members. These three citizens should be chosen by a committee to be set-up by the Chairman of the NHRC, which has taken much interest in the establishment of this proposed institution.
2. The name of the Commission should be "The Police Performance and Accountability Commission." (PPAC).
3. 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.
4. The Commission will have advisory and recommendatory powers for the present. The State's DGP will be its Secretary and Convenor.
5. The Commission will oversee the performance of the Police and ensure that it is accountable to the law of the land. Its functions will be as spelt out by the NPC in para 15.48 of their report. In addition, it will ensure that no premature transfers of officers of the rank of SP and above are made without prior clearance from the Commission and that transfers are made only by the authority competent under the rules to do so.

²⁴ Commonwealth human right initiatives, "Summary of Ribero Committee's Recommendations", http://www.humanrightsinitiative.org/old/index.php?option=com_content&view=article&catid=91%3Ashiva&id=753%3Asummary-of-ribeiro-committees-recommendations&Itemid=100,

6. Besides the Commission, a District Police Complaints Authority will 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 and to make appropriate recommendations to the Police Performance and Accountability Commission, as well as to the Government and to the State or National Human Rights Commission. The Principal District and Sessions Judge, the Collector of the district and the SSP should constitute this authority.
7. In every State, a Police Establishment Board should be constituted with the DGP and his four senior-most officers, borne on the IPS cadre of the State but who are immediately junior to the DGP, as members 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.
8. Rules should be framed by the Government on transfers, tenures, promotions, rewards and punishments and the police authorities designated to administer these rules. Any departure from these norms and rules will be brought to the notice of the PPAC.
9. 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. This selection committee may consult the CVC before drawing up a panel. The DGP will have fixed tenure of three years. He can be removed within the period of tenure only on the recommendations of the PPAC and for specified reasons, made in writing to the Government.
10. The investigation wing of the Police will be insulated from undue pressure if the DGP is selected in the manner prescribed above and given a tenure and also if the PPAC discharges its role of overseeing police performance and ensuring accountability. All investigating officers should be specially trained in scientific methods of investigation and not utilised for law & order duties except in small rural police stations where it may not be possible to strictly demarcate the two important police functions. The investigating officers should not be shifted to law and order or other duties for five years at least.

Second Report (March 1999)

1. 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. In case of CBI, the Supreme Court has already given directions. The IB is an intelligence organization and the BSF and the CRPF are Para-military outfits which do not involve themselves with local politics and politicians.
2. The Central Police Committee as recommended by the NPC in its Seventh Report should be constituted.
3. The old Police Act of 1861 needs to be replaced by a new Police Act.
4. 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 but how far it has succeeded in its endeavor is not known to our Committee.
5. The recommendations of the Law Commission about insulating the investigative functions of the police from its law and order work should be implemented urgently.
6. The recommendations of the NPC about recruitment, training and welfare of the constabulary should be implemented.
7. The minimum educational qualifications for recruitment to the level of Constable should be Higher Secondary.
8. The NPC had recommended the reorganization 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. This would improve promotion opportunities of lower ranks. We endorse the recommendations of the NPC.
9. Every State should establish an independent Police Recruitment Board and entrust to it the task of recruitment of all non-gazette ranks.
10. A qualitative change in the training being imparted in police training institutions is imperative to improve performance and behavior of the police.

On the directions of the Supreme Court of India in the case of *Prakash Singh vs Union of India* and others pertaining to implementation of the recommendations of the National Police Commission, the

Government had on 25th May, 1998, constituted a Committee under the Chairmanship of Shri J.F. Ribeiro, IPS (Retd.). The Ribeiro Committee submitted two reports which were filed in the Supreme Court during 1998 and 1999, respectively.

The Ribeiro Committee endorsed the recommendations of the NPC with certain modifications. The case came up for hearing on 10.2.2005 and the Hon'ble Court directed Union of India and respective State Governments including NHRC to file their responses with regard to the direction issued in the Vineet Narain case and implementation of recommendations of Ribeiro Committee.

(C) Padmanabhaiah Committee on Police Reforms.

Summary of Recommendations made by the Padmanabhaiah Committee on Police Reforms

1. There should be a greater recruitment of Sub-Inspectors instead of Constables. Recruitment to constabulary should be restricted till a teeth-to-tail ratio of 1:4 is achieved as against present ratio, which ranges from 1:7 to 1: 15 in different states.
2. Constables should be recruited young. Boys/girls, who have passed 10th Standard examination and are below 19 years in age should be eligible to appear in a common competitive qualifying examination. The successful candidates should be put through a rigorous 2-year training programme and qualify for appointment as constables only after passing a final examination.
3. The existing constabulary should be retrained to enable them to imbibe right attitudes to work. Those who do not successfully complete training should be compulsorily retired.
4. A Police Training Advisory Council should be set up at the centre and in each state to advise the Home Ministers on police training matters.
5. The eligibility criteria for recruitment to the level of Sub-Inspectors should be 12th class pass and an upper age limit of 21 years. They should be recruited on the basis of a common written qualifying examination. The successful candidates must pass a final examination after undergoing a 3-year training programme. 50% of vacancies of Sub Inspectors should be filled by direct recruitment and 50% reserved for promotions.
6. A constable should be classified as a 'skilled worker' in view of the skills required and risks involved in the job.

7. All promotions should be subject to completing the mandatory training programmes and passing of promotional examinations.

8. The Indian Police should adopt the philosophy of community policing. The Government of India should support this by bringing out a handbook on the subject, providing training inputs and funding pilot projects.

9. 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) 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. b) 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. c) The minimum tenure of all officers should be 2 years d) 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.

10. To deal with the problem of corruption in the police, which leads to the criminalization of the force, the committee has recommended a more serious enforcement of the code of conduct and simpler but more effective procedures for removing corrupt officers.

11. Since police work cannot be organized on an 8-hour shift basis, police personnel should be given a weekly off and compulsorily required to go on earned leave every year. Holiday homes may be constructed for police personnel.

12. Investigation should be separated from law and order work. In the first phase, this separation should take place at police station level in all urban areas. An Additional Superintendent of Police should be exclusively responsible for crime and investigation work.

13. 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.

14. Every police station should be equipped with 'investigation kits' and every sub-division should have a mobile forensic science laboratory.

15. 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 specialization, promoting professionalism and increasing morale in the force.

16. There is an urgent need to encourage specialization in various aspects of policing.

17. In each district, there should be a crime prevention cell manned by officers who have specialised in crime prevention work.

18. To deal with cyber-crime effectively, police capabilities in various areas need to be developed. Capabilities of some police institutions, like the National Police Academy in the field of training, CBI in investigation, Intelligence Bureau in cyber surveillance and the National Crime Records Bureau in cyber technology/forensics should be enhanced.

19. The present classification of offences into cognizable and non-cognizable made 150 years ago is not very relevant today. The Law Commission of India should review the entire classification and the powers of the police to investigate.

20. The concept of VIP security has been grossly, blatantly and brazenly misused. The entire concept of personal security needs a careful review and dismantling.

21. 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, which should function under the administrative control of the Ministry of Home Affairs.

22. Taking into account the wide ramifications of the terrorist crime, 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.

23. There should be a national counter terrorism coordinator to prepare a comprehensive counter-terrorism plan and budget.

24. 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.

25. 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.

26. There should be a mandatory judicial inquiry into all cases of alleged rape of a woman or death of any person in police custody.

27. 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.

28. The release of central grants for modernization or up-gradation 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.

29. The Police Act of 1861 should be replaced by a new Act.

30. The State Government must give high priority to the allocation of resources to the police. 31. 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.

32. There is need for comprehensive reforms in criminal justice administration. Public would soon lose faith in the criminal justice system unless the other components of the systems are also thoroughly overhauled simultaneously.

(D) Malimath Committee on Reforms in the Criminal Justice System

Government had set up (November, 2000) a Committee under the Chairmanship of Dr. (Justice) V.S. Malimath, a former Chief Justice of the Karnataka and Kerala High Courts to consider and recommend measures for revamping the Criminal Justice System. The Malimath Committee submitted its report in April, 2003 which contained 158 recommendations. These pertain to strengthening of training infrastructure, forensic science laboratory and Finger Print Bureau, enactment of new Police Act, setting up of Central Law Enforcement agency to take care of federal crimes, separation of investigation wing from the law and order wing in the police stations, improvement in investigation by creating more posts,

establishment of the State Security Commission, etc. MHA Committee to review the various recommendations and the follow up taken:

Hon'ble Prime Minister, while interacting with DGPs / IGPs in 2004, appreciated the need for police reforms and declared that a Committee would be constituted to review the status of implementation of recommendations made by the various Commission/Committees. Accordingly a Committee was constituted by MHA in December 2004 to look into this aspect.

The Committee short-listed 49 recommendations from out of the recommendations of the previous Commission/Committees on Police Reforms as being crucial to the process of transforming the police into a professionally competent and service oriented organization. These 49 recommendations mainly pertain to: (I) improving professional standards of performance in urban as well rural police stations, (II) emphasizing the internal security role of the police, (III) addressing the problems of recruitment, training, career progression and service conditions of police personnel, (IV) tackling complaints against the police with regard to non-registration of crime, arrests, etc. and (V) insulating police machinery from extraneous influences.

The report of the Review Committee was sent to all State Governments/UTs Administrations to initiate action on the recommendations concerning them and to initiate action on regular basis on the same. The implementation of these recommendations in the States were reviewed twice with the Chief Secretaries and DGPs of all the States by the Union Home Secretary in September 2005 and February 2006. The Committee of Secretaries under the Cabinet Secretary also reviewed the progress of implementation of these recommendations on 20.9.2005, 28.9.2005 and 17.2.2006 and also suggested milestones to be achieved in a time bound manner.

Ministry of Home Affairs also constituted a Sub-Committee of the National Integration Council to examine the feasibility of the 49 recommendations identified by the Review Committee. The Sub-Committee of National Integration Council has seven Chief Ministers, three eminent persons as members apart from Union Law Minister. A Meeting of this Committee was held on 29th July, 2006 under the chairmanship of Union Home Minister and it was stressed that there is an urgent need for adopting the right perspective towards Police Reforms and for strengthening the intelligence system, imparting special training to police personnel and making them responsible. Expert Committee to draft a New Model Police Act:

As one of the recommendations of Review Committee was replacement of Police Act, 1861, the Ministry of Home Affairs set up an Expert Committee to draft a new Model Police Act in September, 2005. The Committee submitted a model Police Act on 30th October, 2006. The Model Police Act emphasized the need to have a professional police 'service' in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Act provided for social responsibilities of the police and emphasizes that the police would be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities. The other salient features of Model Police Act include:- Functional autonomy: While recognising that the police is an agency of the State and therefore accountable to the elected political executive, the Committee has specifically outlined the role of Superintendence of the State Government over the police. The Model Police Act suggested creation of a State Police Board, Merit-based selection and appointment of the Director General of Police, ensuring security of tenures, setting up of Establishment Committees, Encouraging professionalism: To ensure an efficient, responsive and professional police service, the Model Act sought earmarking dedicated staff for crime investigation; and distinct cadre for Civil police vis-à-vis Armed Police, Accountability paramount: the Act prioritised police accountability, both for their performance and their conduct. Improved service conditions: The Act also aimed to provide better service conditions to the police personnel including rationalising their working hours, one day off in each week, or compensatory benefits in lieu. It suggested creation of a Police Welfare Bureau to take care, inter alia, of health care, housing, and legal facilities for police personnel as well as financial security for the next of kin of those dying in service. It further mandates the government to provide insurance cover to all officers, and special allowances to officers posted in special wings commensurate with the risk involved. Forwarding of copies of the Draft Police Act to States/UTs A copy of draft Model Police Act as framed by the Committee has been sent to States for consideration and appropriate action vide Home Secretary d.o. letter dated 31st October, 2006. As per available information, 15 State Governments, viz., Assam, Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura and Uttarakhand have formulated their State Police Acts and 02 State Governments, viz., Gujarat and Karnataka have amended their existing Police Acts (total 15 State Governments have either formulated State Police Acts or amended their existing Police Acts). Supreme Court judgment on 22.9.2006 on Police Reforms and the follow up action:

The Supreme Court of India has passed a judgment on September 22, 2006 in Writ Petition (Civil) No.310 of 1996 – *Prakash Singh and others vs UOI* and others on several issues concerning Police reforms. The Court in the said judgment directed the Union Government and State Governments to set up mechanisms as directed by December 31, 2006 and file affidavits of compliance by January 3, 2007. The directions inter-alia were: (i) Constitute a State Security Commission on any of the models recommended by the National Human Right Commission, the Reberio Committee or the Sorabjee Committee. (ii) Select the Director General of Police of the State from amongst three senior-most officers of the Department empanelled for promotion to that rank by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years irrespective of his date of superannuation. (iii) Prescribe minimum tenure of two years to the police officers on operational duties. (iv) Separate investigating police from law & order police, starting with towns/ urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas also, (v) Set up a Police Establishment Board at the state level for inter alia deciding all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police, and (vi) Constitute Police Complaints Authorities at the State and District level for looking into complaints against police officers. (vii) The Supreme Court also directed the Central Government to set up a National Security Commission at the Union Level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organizations (CPOs), who should also be given a minimum tenure of two years, with additional mandate to review from time to time measures to upgrade the effectiveness of these forces, improve the service conditions of its personnel, ensure that there is proper coordination between them and that the forces are generally utilized for the purposes they were raised and make recommendations in that behalf. Out of the above seven directives, the first six were meant for the State Governments and Union Territories while the seventh directive related solely to the Central Government.

The matter was heard successively on different dates. On May 16, 2008, Hon'ble Supreme Court, as regards the implementation of the various directions made earlier in its judgment dated September 22, 2006, directed to set up a Committee under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and two other Members. The Terms of Reference for the Committee, inter-alia, included - to examine the affidavits filed by the different States and the Union Territories in compliance to the Court's directions with reference to the ground realities; advise the Respondents wherever the implementation is falling short of the Court's orders, after considering the Respondents'

stated difficulties in implementation; bring to the notice of the Court any genuine problems the Respondents may be having in view of the specific conditions prevailing in a State or Union Territory etc. This Committee's term initially was directed for a period of two years. The Committee submitted its report to Hon'ble Supreme Court and the said report has been circulated to States/ Union Territories by the Registry of Supreme Court on 04.10.2010. Implementation of Supreme Court's Judgment dated 22.9.06 by MHA The Government considered the matter as regards the directions pertaining to National Security Commission. The Union Government vide order dated 02.01.2007 set up a Committee on National Security and Central Police Personnel Welfare. The composition of the Committee is as under:-

(i) Union Home Minister Chairman (ii) National Security Advisor Member (iii) Cabinet Secretary Member (iv) Union Home Secretary Member (v) Director, IB Member

Terms of Reference of the Committee are (i) to prepare a panel of police officers for appointing as Head of Central Para Military Forces, (ii) to review issues pertaining to the service conditions of the Central police personnel and (iii) to make appropriate recommendations thereon and also to review and make recommendation on any other matter relevant or incidental to the above, referred to by the Government of India. The composition of the said Committee was changed by adding more members vide Office Memorandum dated 25.01.2007 and 13.07.2010. The Supreme Court was not satisfied with the compliance of the direction by Central Government and extended the time to file the affidavits by 10.04.2007 vide its order dated 11.1.2007. An application was filed by Union Government on 12.02.2007, stating the difficulties in the implementation of the said direction, for modifications / clarifications, which has not yet been taken up by the Court. Compliance of Supreme Court directions by UTs The position varies widely in respect of UTs because of their unique characteristics in terms of legal, administration demographic situation specific to each Union Territory. Affidavits were filed by UTs in the Supreme Court on or around 3.1.2007, stating difficulties like some UTs do not have a legislature, the Administrator administers the UT under overall control of MHA, directions of Hon'ble Court to be implemented in consultation with and as per the directions of MHA, Soli Sorabjee Committee is under active consideration of MHA, MHA has decided to frame a new Police Act for the UTs as soon as possible, proposed legislation will address the issues covered by Hon'ble Court, there is no DGP and Administrator discharges responsibility of IGP on ex-officio basis, posting of both the Administrator and SP is done by the MHA etc. By its order dated 11.1.2007, the Hon'ble Court, upon consideration of affidavits filed by Union of India, States and UTs, ordered that in so far as directions contained in para 31(2) (selection and tenure of DGP), 31(3) (minimum tenure of IG of Police and other officers) and

31(5) (Police Establishment Board) of its judgment dated 22.9.2006 were concerned, these were self-executory and that steps be taken to comply with them forthwith and in any case, within four weeks . With regard to directions contained in para 31(1) (State Security Commission), 31(4) (separation of investigation) and 31 (6) (Police complaints authority) of judgment dated 22.9.2006, the Hon'ble Court granted time upto 31.3.2007. The Ministry of Home Affairs filed another application dated 12.2.2007 in respect of UTs in the Hon'ble Court stating the difficulties in the implementation of its directions and sought modification of orders dated 22.9.2006 and 11.1.2007. While the above application has not yet been disposed, following steps have been taken to implement the directions pending disposal of the application. (a) Orders constituting a Security Commission for all UTs (except Delhi) have been issued on 07.02.2013. It has been decided that there shall be separate Security Commission for each of the UTs (except Delhi) with the Union Home Secretary as Chairman. Before 07.02.2013, there was only one Security Commission for all UTs (except Delhi). Two meetings of the Security Commission for UTs (except Delhi) have been held on 18.1.2013 and 13.2.2013. The decision with regard to Delhi is that the Security Commission for Delhi should be headed by the L.G., Delhi. The State Security Commission for Government of NCT of Delhi has been constituted and four meetings of the Commission have been held. (b) Orders constituting Police Complaint Authorities (PCAs) in UTs have been issued on 23rd March, 2010. In respect of Delhi, the request of Govt. of NCT of Delhi to treat its Public Grievances Commission as the PCA had been accepted as an interim arrangement till enactment of the Delhi Police Act. (c) Regarding selection methodology and minimum tenure of Chief of Police and key functionaries such as Zonal IGs, Range DIGs, District SPs and SHOs of UTs, the Ministry has taken a policy decision that senior level of police functionaries would have minimum tenure of two years in the constituents, as far as possible, subject to superannuation. UTs have been advised through successive advisories / instructions in this regard. The draft Delhi Police Bill, presently under consideration of the Government provides for minimum tenure of two years, subject to their attaining the age of superannuation for key functionaries, including the Commissioner of Police, Joint Commissioner of Police/Additional Commissioner of Police in charge of a Range, District DCP and SHO. (d) Regarding separation of law and order from investigation, the separation has to start in towns/urban areas having population of 10 lakh or more. Only Delhi qualified under this criterion and it has been implemented in Delhi and separate IO is appointed. The draft Delhi Police Bill provides for creation of Crime Investigation Units in all Police Stations for investigation of economic and heinous crimes. However, in major Police Stations of UT of Puducherry, there is already a separation of law and order from investigation. An

enabling provision has been made in the Punjab Police Act, 2007 as extended to Chandigarh, regarding creation of Crime Investigation Units in police stations. (e) Regarding setting up of a Police Establishment Board, the direction has been complied in all UTs, keeping in view the divergent Police / Administrative hierarchies in the various territories. However, it has been prayed in the modification application dated 12.2.2007 filed in the Supreme Court that Police Establishment Board may not be entrusted with the Appellate functions as it would dilute the functional control and authority of the supervisory police officers. Thus in UTs, there has been a significant and substantial compliance by the Government of India except only those issues in which appropriate clarification and modifications have been sought in application dated 12.2.2007 before Supreme Court. The matter last came for hearing on 16.10.2012. All the States, Union Territories and the Union of India were directed to submit status reports as to how far they have acted in terms of the directions which had been given by this Court on 22nd September, 2006 by 4th December, 2012. The Ministry of Home Affairs has filed a Status Report by way of Affidavit in the Hon'ble Supreme Court on 26.2.2013.

(E) Gore committee

The Committee on Police Training²⁵

The Government of India constituted the Committee on Police Training on November 10, 1971. This body also came to be known as the Gore Committee on Police Training, as Professor M.S. Gore, a famous Indian social scientist and former Director of the Tata Institute of Social Sciences Bombay, was its chairman. In addition, Mr. M.M.L. Hooja, the former Director of the 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 of the Bureau of Police Research and Development, Ministry of Home Affairs, Government of India.

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 improvement.

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

²⁵ Commonwealth Human Right Initiatives, "Committee on police training"(1971-1973)
http://www.humanrightsinitiative.org/old/index.php?option=com_content&view=article&catid=91%3Ashiva&id=683%3Apolice-india-gore-committee&Itemid=100

- 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 behavior, and imbibing of communication skills and development of attitudes that promote service oriented activities.

(F) Soli Sorabjee committee

The Police Act Drafting Committee submits its Model Police Act, 2006²⁶

In October 2005, the central government set up a "Police Act Drafting Committee" (PADC) - commonly know as the Soli Sorabjee Committee - tasked to draft a new model Police Act. The PADC was mandated to take into account the changing role and responsibilities of the police and the challenges before it and draft a model act that could guide states while adopting their own legislation. The constitution of the PADC was prompted by the Prime Minister's concern expressed at the Conference of District Superintendents of Police in early 2005 that: "*We need to ensure that police forces at all levels, and even more so at the grassroots, change from a feudal force to a democratic service*".

The PADC submitted its Model Police Act, 2006 to the Home Minister on 30 October 2006. The final version of the Model Police Act is available at the Ministry of Home Affairs website.

With time it was felt that to prepare police for a welfare state only imposing duties and physical training is not enough and thus importance towards whole development is needed.

²⁶Commonwealth Human Rights Initiatives, "The Police Act Drafting Committee submits its Model Police Act, 2006", http://www.humanrightsinitiative.org/old/index.php?option=com_content&view=article&catid=35%3Apolice-reforms&id=600%3Athe-police-act-drafting-committee&Itemid=98

CHAPTER 4

FINDINGS AND DISCUSSION

Indian police population ratios in the world

India was short of more than half a million police officers on January 1, 2015, the last date for which nationwide data is available, the Lok Sabha was told on July 26, 2016. But our analysis of global police staffing patterns and murder rates in six countries suggests more police do not necessarily mean less crime.²⁷

Up to 90 per cent of Indian police officers currently work for more than eight hours a day, according to a 2014 report from the Bureau of Police Research and Development. It said 68 per cent of police report working 11 hours a day, and 28 percent report 14-hour work days. Nearly half report that they are called to duty between eight and 10 times a month during offs.

There were 17.2 million police officers across 36 states and union territories, when there should have been 22.6 million, according to the ministry of home affairs. There should be an officer for every 547 Indians, according to a government-mandated ratio -- called “sanctioned strength” in official jargon -- but the number is one for every 720.

This is among the lowest police-population ratios in the world. In the US, there is an officer for 436 people, Spain one for 198, in South Africa, 347.²⁸

In a ranking of 50 countries, India was second from the bottom, better only than Uganda, according to a 2010 report from the United Nations Office on Drugs and Crime. That year, there was a police officer for every 775 Indians, so the figure presented to the Lok Sabha represents an improvement.

There should be an officer for every 454 people, according to UN standards quoted in the South Asian Terrorism Portal. Using those standards, Bihar needs more than three times as many police officers; even using Indian standards, the state needs 2.7 times the number of police that it has.

²⁷ IndiaSpend Team, “India has lowest police population ratios in the world”, *The Hans India*, 29 July 2016, <https://www.thehansindia.com>, 15 March 2016.

²⁸ *Supra*

Data from the United Nations Office on Drugs and Crime (UNODC) shows that in 2013, India's ratio of 138 police personnel per lakh of population was the fifth lowest among the 71 countries for which the agency collated these figures. Experts argue that the Indian police system designed in 1861 was best suited for colonial rule and doesn't meet the requirements of a modern welfare state. The already understaffed system is also hit by many vacancies. The answer to a recent question in the Parliament reveals that as on January 2014, there was shortfall of 5.6 lakh police personnel against the sanctioned strength of 22.8 lakh or about 25 per cent vacancy.²⁹

Deficiencies of police force

*“... Serious internal security challenges remain. Threats from terrorism, left wing extremism, religious fundamentalism, and ethnic violence persist in our country. These challenges demand constant vigilance on our part. They need to be tackled firmly but with sensitivity.”*³⁰

These were the words of former Prime Minister of India, Dr. Manmohan Singh, at one of the conferences of Chief Ministers on internal security, six years ago. Several years have passed, a new government has been in power, but internal security of the country is still threatened by multiple threats. With the advancement in technology, newer versions of threats are continuously arising in the form of cyber-attacks, bank frauds, and organised crimes, just to name a few, which need to be tackled in a more specialised manner. Current National Security Advisor Ajit Doval termed this kind of war ‘fourth generation war’, a warfare with an invisible army and warned the police officers “...this war cannot be won by the armies. This is the war of a policeman and if you win, the country wins and if you lose then the country loses.”³¹In such a scenario, the role of a policeman becomes very important. Against all these security threats, the first line of defence is the police system. Internal security is very much a prerogative of police and efficient policing is needed in order to tackle these threats. But for that, the police system needs to be efficient, effective and technologically sound. From problems relating to police organisation, infrastructure and environment to obsolete weaponry and intelligence gathering techniques to shortage of manpower to corruption, police force in the country is not in a good shape.

²⁹ TNN, “India's ratio of 138 police personnel per lakh of population fifth lowest among 71 countries”, The Economics Times, Jul 13,2018, <https://economictimes.indiatimes.com/news/defence/indias-ratio-of-138-police-personnel-per-lakh-of-population-fifth-lowest-among-71-countries/articleshow/48264737.cms> (Mar 15,2020)

³⁰ Press Information Bureau, “PM’s Speech at the Conference of CMs on Internal Security.” (2012).

³¹ Press Trust of India, “Internal security going to be a big challenge for India: NSA Ajit Doval,” *The Economic Times*, 13 July 2018, <https://m.economictimes.com/news/defence/internal-security-going-to-be-a-big-challenge-for-india-nsa-ajit-doval/articleshow/49609461.cms>, (Mar 13,2020)

Existing police system suffers from myriad deficiencies. From problems relating to police organisation, infrastructure and environment to obsolete weaponry and intelligence gathering techniques to shortage of manpower to corruption, police force in the country is not in a good shape.

The superintendence and control of the police is a debatable issue. As per the police laws, both the Central and State police forces come under the superintendence and control of political executives. This has resulted in the lack of democratic functioning and appropriate direction. Police priorities are frequently altered based on the will of political executives.³²It seems that the police force has become a puppet in the hands of its political masters. There is no mechanism for registering a complaint against erring police officials. Both the Second Administrative Reform Commission and the Supreme Court have accepted the need for having an independent complaint authority to inquire into the cases of police misconduct.³³

The existing police infrastructure is also inadequate to cater to the needs of the police force. There is a huge manpower shortage in the police department. The police-population ratio, currently 192 policemen per lakh population, is less than what is recommended by UN i.e. 222 policemen per lakh population.³⁴

This results in overburdening of work which is another grave challenge for the police force. Overburdening of work not only reduces the effectiveness and efficiency of the police personnel but also leads to psychological distress which contributes to various crimes committed by the policemen.

There is a huge manpower shortage in the police department. The police-population ratio, currently 192 policemen per lakh population, is less than what is recommended by UN i.e. 222 policemen per lakh population.

Similarly, when it comes to weaponry, the police machinery is still using obsolete and outdated weapons. The Comptroller and Auditor General (CAG) in its report also highlighted that the force continues to depend on outdated and unserviceable weapons. The CAG report attributed this to the slow weapons acquisition process from ordnance factories.³⁵

³² Mohan, Garima and Navaz Kotwal , "State Security Commissions: Reforms Derailed," Commonwealth Human Rights Initiative (2011).

³³ Second Administrative Reform Commission, "Public Order," Report Five, (2007): pp. 113.

³⁴ Bureau of Police Record & Development, "Data on Police Organisation," (2017): pp. 37

³⁵ Comptroller and Auditor General of India, "Compendium on Performance Audit Reviews on Modernisation of Police Force," pp. 14.

Police mobility is another issue, which has been hampered by the shortage of police vehicles. The CAG reported that there is very little increment in vehicle availability and there is a shortage of drivers too.³⁶ This compromises the swiftness of action and increases the response time of the police force.

Another problematic area relates to the communication networks. In an era of ICT, the police system is still struggling to get proper communication network. The Bureau of Police Research and Development (BPR&D) data shows that across all States and UTs, there are 51 police stations which have neither telephones nor wireless sets.³⁷ The CAG report stated that the Police Telecommunication Network (POLNET), which is used in crime investigation and transmission of crime related data, is non-functional in certain States.³⁸ The Crime and Criminal Tracking Network and System (CCTNS) was envisaged to link every single police station in the country. Bihar and Rajasthan are still lagging in project implementation.³⁹

The Indian policing system also suffers from its century-old recruitment process. The recruitment process of police personnel, especially from lowest constabulary level to Sub-Inspector level, is medieval. During the training process, the overall focus is on enhancing the physical strength of the trainees but other essential skills like forensics, law, cyber-crime, financial frauds are either ignored or put on the back burner. The CAG reported that the percentage of police personnel trained is very low in most of the States. Out of 71,711 recruitments at constable level, 67,669 constables have been trained in the year 2016.⁴⁰ The report also highlighted the deficiencies in weapon training and inadequacy in proper training infrastructure.⁴¹

The police housing facilities are also an issue. It currently faces a shortage to accommodate the increased police strength across the country. The BPR&D report shows that although there is 8.06% increment in overall sanctioned strength of police force, the family accommodation has only been raised by 6.44% which means a chunk of police personnel do not have proper accommodation.⁴²

³⁶ Ibid.

³⁷ Bureau of Police Record & Development, "Data on Police Organisation," (2017): pp. 116.

³⁸ Comptroller and Auditor General of India, "Compendium on Performance Audit Reviews on Modernisation of Police Force," pp.15.

³⁹ Ministry of Home Affairs, "Status of CCTNS," https://mha.gov.in/sites/default/files/CCTNS_Briefportal24042018.pdf

⁴⁰ Bureau of Police Record & Development, "Data on Police Organisation," (2017): pp. 123- 124.

⁴¹ Comptroller and Auditor General of India, "Compendium on Performance Audit Reviews on Modernisation of Police Force," pp. 18.

⁴² Bureau of Police Record & Development, "Data on Police Organisation" (2017): pp. 103.

The total budget allocated to police in all the States/UTs in the year 2016-17 was Rs 113,379.42 crore but the total police expenditure was Rs 90,662.94 crore. This shows that the budget was underutilized. The BPR&D data and the CAG highlighted the underutilization of funds allocated under the Modernization of Police Forces (MPF) Scheme. In the year 2015-16, out of a total grant of Rs 9,203 crore that was made available for modernization, States only utilized Rs 1330 crore (14%).⁴³

The total budget allocated to police in all the States/UTs in the year 2016-17 was Rs 113,379.42 crore but the total police expenditure was Rs 90,662.94 crore.

The panacea to these problems is the police reform process that has been debated for decades with no results. From time to time, several commissions have looked into the reform processes. Till now, six committees, including the National Police Commission, have been set up by the government. These committees made recommendations in favor of major police reforms. These include the Gore Committee on Police Training (1971-73), the Ribeiro Committee on Police Reforms (1998), the Padmanabhaiah Committee on Police Reforms (2000), the Group of Ministers on National Security (2000-01), and the Malimath Committee on Reforms of Criminal Justice System (2001-03).

Despite recommendations from these committees, no substantial changes have been seen. The Supreme Court in 2006 also came up with a landmark judgment in the Prakash Singh Case, where the court made seven-point directives to the Center and State governments. However, till date, these have not seen the light of the day. It reflects the lack of political will and adamancy on the part of bureaucracy to implement the order. Neither the politicians nor the bureaucrats want to lose their control over the police. This problem of lack of clarity in control also lies in The Police Act of 1861, which is silent on ‘superintendence’ and ‘general control and directions.’⁴⁴ This enables the executives to reduce the police to mere tools in the hands of political leaders to fulfill their vested interests.

All these challenges require immediate attention of the governments — both at the Centre and the States. The political leadership needs to understand that the dilapidated condition of the police system will negatively impact upon the security and integrity of the nation. It is time that we freed the police from the clutches of political masters and transform it from ‘Ruler’s Police’ to ‘People’s Police.’⁴⁵

⁴³ Bureau of Police Record & Development, “Data on Police Organisation” (2016).

⁴⁴ Mohan, Garima and Navaz Kotwal, “State Security Commissions: Reforms Derailed,” Commonwealth Human Rights Initiative (2011).

⁴⁵ Singh, Prakash, “Need to transform from ruler’s police to people’s police”, *The Indian Express*, 27 November 2018.

TRAINING

The Gore Committee report on police training:⁴⁶

The Committee was appointed to undertake a review of the existing police training programmes in the country and to suggest ways in which they should be modified so that the country may have a police force which is professionally well-equipped and capable of responding effectively to the changing social situation. We are aware that training alone cannot determine the efficiency and the morale of an organization. Even so, we consider training to be an important factor. We have, therefore, addressed ourselves, in conformity with our terms of reference, to the task of suggesting a reorganization of the training programmes of the police with a view to equipping them with the knowledge, skills and attitudes required to understand and meet the demands of their new role in a country committed to the establishment of a secular, socialist, democratic society.

We visited a number of police training establishments in different parts of the country and our considered view is that police training, except in some of the central police organizations, is currently in a state of general neglect. The training arrangements in the different States are unsatisfactory qualitatively as well as quantitatively. The number of police training institutions is inadequate to meet the needs of an expanding organization. The strength of the force has increased substantially in every State, but the facilities available in the institutions have not kept pace with this increase. The result is that the total number of trainees per course has increased and, in many cases, the duration of the training programme has been curtailed to make it possible to organize more than one course in a year.

Even the buildings, which house many of these institutions, and the state of their maintenance and repair, are unworthy of a major organization of the Government entrusted with vital functions. In one institution, we found as many as eighty Constable trainees accommodated in one long barrack in conditions worse than those specified for the inmates of a prison. The doors and windows of these barracks were broken and the temporary corrugated roof was leaking. In another institution, the Constable trainees had been accommodated in a condemned jail building, and the Sub Inspector trainees were occupying a dilapidated building with no light and ventilation. In many institutions, classes were being held in the open for want of covered accommodation and the trainees squatted on the floor since the institutions could provide neither desks nor benches.

⁴⁶ Government of India, "Gore Committee Report on Police Training" (Ministry of Home Affairs, 1971)

The situation at the National Police Academy, Abu, the premier police training institution of the country, is not much better. The main building of the Academy formerly housed a residential school for boys. The space is so inadequate that after converting the verandas into additional rooms, the administration has now converted the bath rooms into offices for tutors. The contrast between the Police Academy at Abu and the training establishments of the Defense Services is so great that one cannot escape the impression that the provision of suitable facilities for police training has not received adequate attention even from the Central Government.

Our discussions with the heads of the police training schools and colleges have shown that their budgets are meager and their financial powers are limited. They cannot find officers who are willing to join the instructional staff and their teaching equipment and other facilities are outmoded.

The most important reason for this situation of general neglect seems to us to be the lack of a genuine conviction about the value of training on the part of the administration, including the higher ranks of the police service.

In recent years, law and order duties have tended to form the major part of police work in most States. Harassed police officials, who are pressed for time and are perennially short of men, use up their district pools as well as their training reserves and are unwilling to spare their men for training except for the shortest of courses. We have been told of occasions when the trainees were pulled out of training institutions to meet the demands of law and order situations.

In such an atmosphere, training has become a ritual where new recruits have to be put through a programme which is some- times shortened to half, or even less, of its normal duration and wherein unwilling and ill-equipped instructors perform the necessary rites of drilling and lecturing.

The training programmes suffer also because the postings of officers to training institutions are not a part of any career plan. A two to three years posting to a police training school or college is neither an essential nor a desirable qualification for promotion. The special allowances given to instructors are marginal and the officers avoid postings to training establishments because it takes them away from their main line of duty and reduces their visibility in the eyes of the senior officers.

The syllabi of police training institutions are heavily weighted in favor of outdoor activities, which include drill, P.T. exercises, games and weapon training. In indoor instruction, police science subjects

and knowledge of the different branches of the criminal law occupy a major part of the time-table. The teaching of social legislation is given little time.

The development of an awareness of the social and political climate in which the policeman has to work hardly finds a place in the police training programmes and the inculcation of the appropriate attitudes is limited to emphasizing the need for discipline, obedience and loyalty. Knowledge and skills relating to human relations, man management and higher administration receive little or no attention in these programmes.

Instruction in police schools and colleges is based largely on the use of the lecture method. There is a paucity of books, and training materials. Only one of the institutions that we visited has initiated a programme of preparing and publishing simple manuals and texts for the use of recruit Constables and Sub-Inspectors. Very few educational films have been produced in India for police training.

In making our recommendations, we have taken into consideration these various shortcomings, the complexity of the demands made on the police in a rapidly changing social situation and the modern techniques that are available now for making training programmes effective. We have suggested higher qualifications for and improved methods of recruitment; we have restructured the syllabi and included elements of the social, behavioral and management sciences appropriately adapted to the needs of the police; we have proposed a number of refresher, promotion and specialist courses; and we have made detailed recommendations about the instructional staff and the materials and methods that need to be utilized. We have made suggestions as to how the training programmes should be organized and we have drawn up a scheme for the re-orientation of the existing personnel. We have also made suggestions for the improvement of the relations between the police and the public.

The implementation of these several recommendations will call for a planning, developing and co-ordinating agency at the Centre as well as in the States. We have, therefore, suggested the creation of a special training cell at the State level and have additionally recommended the establishment of a Central Directorate of Police Training so that the Central Government may be able to aid, guide and co-ordinate programmes of training in the States as well as at the Centre. The Central Directorate will have to help not only in implementing the changes suggested but also in developing a regular system of periodic evaluation of existing programmes and an assessment of the new needs in terms of which these programmes can be revised. We feel that, while the problems of police training must be tackled and solved by the States at the State level, the Central Government will have to provide financial as well as

technical assistance in the important task of reorganizing training for the police at various levels. The Central Government will also have to create additional institutional facilities for specialized training.

The development of the police and police training is not a subject covered by the Five Year Plans. Economic and social development itself leads to increasing demands on the police and this underlines the need of a planned approach to police problems. An entirely ad hoc response to the need for expansion of the police force has created avoidable problems for police training institutions whose capacities have been taxed to the maximum. This is one of the factors which accounts for the inadequacy and ineffectiveness of the training programmes for the police.

As stated earlier, we are conscious that even a good, well organized training programme is only one of the several components, though an important one, which determine the efficiency and the morale of an organization. This is true for police training as well. We have listed in a separate chapter towards the end of our report some other important factors which must be attended to if police training is to contribute to increased police efficiency and improved police citizen relations. Moreover, the police force is a sensitive organization and we have to guard against creating an impression in the members of the force that attention is being paid to only one aspect of the police administration i.e. better methods of recruitment and training.

It has been urged before us that, apart from the terms and conditions of service of police personnel, the one single factor which affects police work adversely is their vulnerability at various levels to pressures from political parties, interested groups and individuals. The evidence entertained by many of the State Police Commissions, and reported upon by them, also supports this view. Since we did not consider these issues to be specifically within our terms of reference, we have made no recommendations about them beyond suggesting that Government may consider the appointment of a high-level body to consider the many organizational, administrative and legal issues relating to police work, which have a vital bearing on the effectiveness of the police and their acceptability to the people.

Mental health

To the task of suggesting a reorganization of the training programmes of the police with a view to equipping them with the knowledge, skills and attitudes required to understand and meet the demands of their new role in a country committed to the establishment of a secular, socialist, democratic society, one key thing is to address the mental health of the police personnel as the job demands Uniformed personnel to constantly function under an unpredictable stressful and dynamic environment. Many of

them are exposed to various kinds of stress due unique nature of their duties that involve being away from family for long periods, being in life-threatening combat situations and deployment in extreme weather conditions. The relatively high prevalence of anxiety, depressive behavior, substance abuse, suicides, fratricides etc. among uniformed personnel is a matter of concern. At the same time, there is a tendency to avoid discussing mental health issues openly, for fear of being stigmatized or ostracized by peers and superiors, being declared unfit for duty, overlooked for promotions or important postings etc. There is absence of specialized preventive mental health services for police personnel in India.⁴⁷

To deliberate further on this, Indian Institute of Public Health Gandhinagar (IIPHG) organized a National Conference on Occupational Stress & Mental Health Issues among Uniformed Personnel on 10th & 11th October 2019, on observance of Mental Health Day. The conference brought together police officers from across central and state police agencies across India, psychiatrist, psychologists and researchers in one platform. IIPHG has been working actively with Border Security Force, Gujarat Frontier HQ to create a cadre of peer counselors who can provide psychological first aid. Following are the key take-away from the conference:

- Structural issues such as staff strength, living conditions, working hours should be addressed. Uniformed personnel should be allowed to stay with family in certain conditions.
- “Police wellbeing programme” implemented in Tamil Nadu State should be replicated in other states as well.
- Peer counseling trainings by IIPHG should be conducted with other forces within Central Armed Police Force and scale up at national level.
- There is a need to take up studies that create evidence to inform policy that ensures well-being of uniformed personnel.
- Counseling and communication skills should be integral part of the regular training curriculum at training academy across the country.
- Yoga and meditation need be promoted to improve mental health wellbeing.
- There is a need to create a national repository of studies on mental health as well as mental health programmes among police personnel.

⁴⁷ Dr.Somen Shah, “Protecting our protectors: Important to discuss Stress & Mental Health Issues among Police Personnel” 2019, <https://phfi.org/protecting-our-protectors-important-to-discuss-stress-mental-health-issues-among-police-personnel/>

The dreadful results of not addressing these issues are as evident in many cases of police suicides and other acts of police not legally warranted though because of social judgments and connotations police are not ready to acknowledge the mental health issues which culminates something not planned or needed.

A study was conducted on the same issue in Andhra Pradesh over 123 male police personnel Data were retrieved from the health checkup records of 123 male police constables working in the Bellampalli subdivision of Adilabad district of erstwhile Andhra Pradesh. Demographic variables such as age, educational qualification, years of service, and number of children were captured. Details of height, weight, body mass index (BMI, kg/m²), BP, pulse, the status of addiction, and type of illness were extracted from the records. BMI was classified according to the proposed criteria of the World Health Organization (WHO), underweight <18.5, normal = 18.5–24.5, overweight = 25–29.9, and obese ≥30. Normal BP was taken as <120 mmHg (systolic BP [SBP]) and <80 mmHg (diastolic BP [DBP]). BP values of 120–139 mmHg (SBP) and 80–89 mmHg (DBP) were classified as prehypertensive. Stage I hypertension was taken as 140–159 mmHg (SBP) and 90–99 mmHg (DBP), whereas BP values of >160 mmHg (SBP) and >100 mmHg (DBP) were classified as Stage II hypertension (JNC2004).⁴⁸ Data were tabulated in Microsoft Excel 2013, descriptive statistics were calculated, and Chi-square test to find an association between categorical variables was performed using Statistical Package for Social Sciences (SPSS) version 16 (IBM). For Chi-square test, $P < 0.05$ was found to be statistically significant.

A total of 123 male constables were included in this retrospective study. The mean age of the constables was 33.49 years (standard deviation [SD]: 7.5), and the mean weight and height were 63.60 kg (SD: 9.5) and 170.94 cm (SD: 6.4), respectively.. The majority of the constables, i.e., 46.3% belonged to the age group of ≤30 years. The total number of years of service ranged from 6 to 10 years, i.e., 43.9%. About 73% of the constables completed higher secondary schooling. BMI in 69.9% of the constables was found to be normal, i.e., 18.50–24.99. On analyzing SBP, the majority of the constables, i.e., 53.7% were prehypertensive (120–139 mmHg). When DBP was analyzed, 39.8% were predominantly suffering from prehypertension (80–89 mmHg) and Stage 1 hypertension (90–99 mmHg). Results for addictive habits showed that 72.4% of the constables were addicted to at least one habit such as alcohol consumption, smoking, and chewing smokeless tobacco and pan. The majority of the constables, i.e., 20.3% were addicted to chewing tobacco/pan followed by addition to alcohol consumption 14.6% . On

⁴⁸ Chobanian AV, Bakris GL, *et al.*, Vol. 42 Seventh Report of the Joint National Committee on Prevention, Detection, Evaluation, and Treatment of High Blood Pressure, p. 1206-52, National Institutes of Health, 2003

performing Chi-square test, from the data, it is evident that as the age increases, the prevalence of hypertension also increased showing a significant association. Similarly, higher BMI (SBP: $P = 0.008$; DBP: $P = 0.001$) and increased number of service years (SBP: $P = 0.001$; DBP: $P = 0.001$) were associated with higher prevalence of hypertension.

Discussion

Occupational stress among police personnel can lead to impaired psychological well-being and physical health.⁴⁹ Among constables, various factors such as inadequate housing/security of the family, irregular working hours, inadequate provision for children's education, inconsistent policies regarding evaluation, accountability and transfer, insufficient personal time (e.g., coffee breaks and lunch), lack of encouragement from higher male officer, lack of recognition for good work, working overtime, inadequate salary, lack of holidays, lack of opportunity for advancement, and delayed promotion were contributing to significant levels of psychological stress. Good adaptation to traumatic stress has been associated with active and instrumental coping strategies such as gaining social support whereas maladaptive, negative coping strategies include addiction to nicotine, excessive alcohol intake, and problem gambling.⁵⁰ Our study results were in line with the fact that the individual and psychological factors, as well as the combination, determine the nicotine dependence including the degree of dependence.⁵¹ The majority of the constables, i.e., 72.4% were addicted to at least one of the habits such as smoking, chewing smokeless tobacco and pan, and alcohol consumption. Addiction to chewing tobacco/pan was seen in 20.3% of the constables followed by addition to alcohol consumption 14.6%. In our study, the majority of the constables, i.e., 59.3% completed higher secondary schooling and only 10.6% of the constables attended university college. A study on the association of occupational stress factors on nicotine dependence among the Indo-Tibetan Border Police found that higher level of education can act as a protective factor against the nicotine dependence, and this was attributed to the fact that higher education increased the awareness of the risks of smoking.⁵² Worldwide, it is estimated that hypertension may be affecting about 1 billion individuals causing approximately 7.1 million

⁴⁹ Acquadro Maran D, Varetto A, Occupational stress, anxiety and coping strategies in police officers. *Occup Med (Lond)* 2015, <https://www.ncbi.nlm.nih.gov/pubmed/26048331>

⁵⁰ *supra*

⁵¹ Manaswitha Boyanagari Vamsi Krishna Boyanagari, *et al.* "Impact of occupational and psychological stress on police health in South India", *Archives of Mental Health*, December 2019 <http://www.amhonline.org>, (Mar10,2020)

⁵² Sandhu KS, Arora V, *et al.* "Association of occupational stress factors on nicotine dependence among patients visiting dental care unit of indo-tibetan border police force station in India". *Rocz Panstw Zakl Hig* 2016. <https://www.researchgate.net/publication/307155888> (Mar16,2020)

deaths/year.⁵³ In our study, on analyzing SBP, the majority of the constables, i.e., 53.7% were suffering from prehypertension (120–139 mmHg). When DBP was analyzed, 39.8% were predominantly suffering from prehypertension (80–89 mmHg) and Stage 1 hypertension (90–99 mmHg). A study done on the police personnel in South Indian city of Chennai found that metabolic syndrome, hypertension, and diabetes among the police were highly prevalent and indeed significantly higher when compared with the general population. According to the WHO, 62% of cerebrovascular diseases and 49% of ischemic heart diseases are due to suboptimal BP (>115 mmHg SBP) with little variation by sex.⁵⁴ In the study, although BMI in 69.9% of the constables was found to be normal, i.e., 18.50–24.99, a significant positive association between BMI and BP was noticed (SBP: $P = 0.008$; DBP: $P = 0.001$). Epidemiological studies among Asian population reported a positive association between BMI and BP.⁵⁵ Similar studies among Indian police personnel revealed strong correlation between BMI and BP. Age and increased number of service years were found to be associated with higher prevalence of hypertension in our study population. This can be due to the reason that as the seniority increases, the roles and responsibilities increase in addition to the family responsibilities subjecting them to the stressful situations and the risk of hypertension. In fact, as discussed in a study, although policemen join the police department in good health, they retire with some stress-related disorders.⁵⁶ In our retrospective study, only male police constables were included. Serum cholesterol, blood sugar levels, waist-to-hip ratio, and other parameters such as daily intake of fruits and duration of the physical activity were not assessed. Further detailed research considering the other important factors is required to evaluate the risk factors and the attributable risk.

Police suicides

“They see abused kids, they see dead bodies, they see horrible traffic accidents. And what that means is that the traumatic events and stressful events kind of build on one another... If you have to put a bulletproof vest on before you go to work, that’s an indication you’re already under the possibility of

⁵³ *Supra* 23

⁵⁴ *supra*

⁵⁵ Dua S, Bhuker M, “Body mass index relates to blood pressure among adults”, *N Am J Med Sci* 2014,(Mar14, 2020), <https://www.ncbi.nlm.nih.gov/pubmed/24696830>

⁵⁶ Datta G, Sen A, “Prevalence of hypertension and its associated risk factors among Kolkata-based policemen: A sociophysiological study” *Int J Med Sci Public Health* 2015, (Mar14,2020), https://www.researchgate.net/publication/278022482_

being shot or killed. So all of these things weigh heavily on the psyche and over time, they hurt the officers.”⁵⁷

Some of the highlighted cases are:

In case of Unish Kumar where nothing appeared too remarkable when Unish Kumar began his duty as an MP's Personal Security Officer (PSO) in the morning. It now seems that he wore the mask of 'all is well'. Because, a few hours later, his body was found, inside the politician's Central Delhi house, in a pool of blood with entry and exit bullet wounds in his head.

Cops said the 46-year-old, who had joined the Delhi Police in 1993, had committed suicide by shooting himself with his service pistol. The force has been termed India's best by the Status of Policing in India Report-2019 in terms of staffing, infrastructure and budget utilization, but the flip side of the coin is scary - stress is killing its personnel, literally.

At least 53 cops have killed themselves in Delhi since 2015, Mail Today has learnt. There have been 10 deaths this year. 2018, 2017, 2016 and 2015 saw 11, 13, 12 and 7 cases, respectively. As per an analysis, 70 per cent of the cops who killed themselves were suffering from anxiety or depression.

Experts and former police bosses say increasing work pressure has triggered stress that shrinks social life and also leads to family and health problems. This results in depression and anxiety. Many of those unable to cope will end up taking the extreme step. A robust counseling mechanism is needed to address the crisis, they say.⁵⁸

Some key highlights from an answer in Rajya Sabha were, a total of 165, 167 and 157 police personnel committed suicide in 2014, 2015 and 2016, respectively. The above numbers included police personnel in civil and armed force. Seven Delhi police personnel have committed suicide in 2015, 12 in 2016, 13 in 2017 and 11 in 2018.⁵⁹

Some other incidents include cases of senior Maharashtra IPS officer Himanshu Roy who committed suicide in Mumbai on May 11, 2018. He was suffering from cancer and resultant depression. Another IPS officer, Surendra Kumar Das, committed suicide in Kanpur in September 2018 due to “family

⁵⁷ John Violanti, Police Veteran and Professor at University at Buffalo

⁵⁸ Chayyanika Nigam, “How stress is driving Delhi cops to suicide”, *India Today*, December 15, 2019, <https://www.indiatoday.in/mail-today/story/how-stress-is-driving-delhi-cops-to-suicide-1628366-2019-12-15>

⁵⁹ Press Trust of India, “Over 930 police personnel committed suicide in last 5 years: Govt”, *India Today*, February 13, 2019, <https://www.indiatoday.in/india/story/over-930-police-personnel-committed-suicide-in-last-5-years-govt-1455395-2019-02-13>

issues”. Ajay Kumar of the Delhi Police, who was suffering from depression, chose to end his life in New Delhi on April 4 this year.

The reasons for suicide among the police are manifold. Police personnel have no fixed hours of duty. They are considered to be on duty all the time. This deprives them of the luxury of spending time with their families. They are frequently made to work for anywhere up to 16 hours a day. Families are ignored and this leads to familial conflicts. Festivals are given a go-by as they have to be on duty to ensure peace in their areas. K. Annamalai, a 2011 batch IPS officer of the Karnataka cadre, who resigned from service recently, said that though he enjoyed the challenges of being a police officer, he missed many important functions and “the small things in life”.

Denial of leave is another sore point that affects the efficiency of the police and leads to frustration. Though no superior generally likes to deny leave to his or her subordinates, operational requirements most often warrant a full-strength force to deal with varied law and order problems. While it is easy to apportion blame on the officers for suicide or fratricide, it is the system that stands to be inculpated. Due to large vacancies in the police forces, a huge responsibility rests on the available personnel to maintain law and order.

The health of police personnel has taken a toll because of erratic working hours and lack of physical exercise. Many of them are known to suffer from stress-related diseases such as depression and obesity. Unable to cope, they end their lives.

Senior officers need to identify personnel with deviant behavior. The Delhi Police has taken a step forward in this direction to identify personnel with psychological disorders to put them through counseling sessions. Frequent interactions between officers and subordinates will help subordinates air their grievances freely. Solutions can be jointly worked out. Even if the grievances are not immediately redressed, it will be soothing for an officer to share his or her problems with a senior officer. It might even forestall a suicide attempt.⁶⁰

⁶⁰ M.P. Nathanael, “Why policemen kill themselves”, *The Hindu*, July 03, 2019, <https://www.thehindu.com/opinion/op-ed/why-policemen-kill-themselves/article28263242.ece> (March 12,2020)

Result

Police personnel form an important occupational group who constantly work under stressful situations. It is through this research we intend to recommend the measures to reduce the stressors and their consequences among the police personnel. Before the stress becomes chronic tailor-made courses that improve the stress management skills such as stress relief camps, yoga sessions and other such programs should be organized for the city police periodically according to the gender, role, and type of work. The police should be taught to use the power of communication and persuasion. Since the police workplace offers an opportunity to screen and provide brief interventions to promote healthy lifestyles, special screening programs to control the progress of hypertension should be initiated. As an initial therapy, policemen with prehypertension should be counseled about the lifestyle modifications to control BP. Another important intervention in preventing the upswing in the prevalence of chronic heart disease is the prevention of smokeless tobacco consumption. Implementation of effective interventions and modifying the police culture and environment making it conducive to lifestyle changes is highly essential. Innovative interventions such as educating police about health matters, training workplace staff to provide workplace health promotion activities, engaging specialist health consultants and counselors to conduct programs, use of electronic mail, mHealth applications, and other methods such as posters and seminars to deliver and raise awareness of health messages should be considered. In addition, application of information technology to capture the health status of the police personnel will improve the diagnosis, promote self-care, and help in understanding much information about their health. Work environment which includes motivation and feedback for lifestyle change should be encouraged. Provision of adequate salary, recognition for good work, quick time-bound promotions, decreasing working hours, and chances to pursue higher education are some of the other recommendations to enhance the well-being of the policemen. An adequate evaluation of the association between chronic diseases and mortality in addition to a hazard surveillance system for tracking the risks for occupational injury and illness among police officers is yet to be developed.⁶¹

⁶¹ Thejus T, Meharoof R, Jeeja MC, "Pattern of occupational injury and its effect on the health of male police officers in Calicut, India", *Annals of Tropical Medicine and Public Health* 2013, <http://www.atmph.org/article.asp?issn=17556783;year=2013;volume 6;issue=6;spage=622;epage=626;aulast=Thejus> (Mar12,2020)

CHAPTER 5

CONCLUSION AND SUGGESTION

Legislation Governing the Police- Need to Replace

The Police in India is a State subject, though most police forces in the country are governed by The Police Act of 1861, which is a central Act but adopted by the state governments. What type of police organization was established by law? The Police Act of 1861 was legislated after the Indian Mutiny of 1857. The colonial rulers were not interested in establishing a people friendly police force here, but in a regime police, which could be used to consolidate and perpetuate their rule in the country. Through this Act, they established a police system: That was totally subservient to the executive. That was unaccountable to anyone except their own hierarchy and the executive. Whose managerial philosophy was based on distrust of the lower ranks. That was highly militaristic and authoritarian in design. Whose charter of functions was narrow and limited. Even the normal tasks of policing, such as the detection and prevention of crime, public safety etc. were secondary to the task of preserving political dominance of the regime. The advent of Independence changed the political system, but the police system remained more or less unaltered:⁶²

The Police Act of 1861 continued to govern it. The powers granted to politicians and bureaucrats to exercise control and superintendence over the police remained the same. It remained largely unaccountable to the public. Its managerial philosophy, value system and ethos remained what they were. It was a ruler or establishment supportive police force, considerably distant from the community and continued to remain so. State Police Acts We have always been holding the Police Act of 1861 responsible for most of the ills afflicting us. But then we have enacted new legislation since Independence to govern the functioning of the police forces in many states. For instance: the Police Forces in Maharashtra and Gujarat are governed by the Bombay Police Act of 1951, in Kerala by the Kerala Police Act of 1960, in Karnataka by the Karnataka Police Act of 1963 and in Delhi by the Delhi Police Act of 1978. The enactment of these laws after Independence has not brought about any significant improvement in the organizational structure, performance or behavior of the police forces. Why?

⁶² Human Rights Initiatives, “Legislation Governing the Police- Need to Replace”,
https://www.humanrightsinitiative.org/publications/police/principles_of_a_model_police_bill.pdf

The new enactments were patterned on the model of the old 1861 legislation. In fact, some of these state Acts, like the Bombay Police Act, 1952 further tightened the executive control over the police force, without introducing any safeguards to prevent the misuse of police force for partisan purposes and without incorporating effective mechanisms to ensure police accountability. How this act failed to prevent the misuse of police force was clearly seen during the communal riots of last year in Gujarat. What is wrong with the present legislation governing the functioning of the police force? :⁶³

1. The present Act has made it easier for others to abuse and misuse the police organization. It has been possible for people in positions of power to do so because of the following reasons:

i. The Act gives the government the authority to exercise superintendence over the police, without defining the word 'Superintendence' or prescribing some guidelines to ensure that the use of power will be legitimate

ii. The Act does not establish any institutional and other arrangements to insulate the police from undesirable and illegitimate outside control, pressures and influences

iii. Talks only of control over the police but is conspicuously silent about police accountability.

iv. The Act does not recognise the responsibility of the government to establish an efficient and effective police force.

v. The Act does not make it necessary to outline objectives and performance standards, nor does it set up independent mechanisms to monitor and inspect police performance.

2. The Act is completely antiquated in terms of charter of duties. The charter is narrow and limited.

3. The Act does not mandate the police to function as a professional and service oriented organization

4. Does not conceive of community in positive terms; nor does it seek community involvement or participation in police work.

5. The Act is not in consonance with the requirements of democratic policing. These requirements insist on the existence of a police force that:

a. is subject to the rule of law, rather than the wishes of a powerful leader or party;

⁶³ *supra*

- b. can intervene in the life of citizens only under limited and carefully controlled circumstances; and
- c. is publicly accountable.

6. The Act has obstructed the establishment of the rule of law and retarded the growth of a professional system of policing.

What type of Police Act should replace the present Legislation?

The new Act must

- Set up a system that meets the requirements of democratic policing Recognise the paramount obligation of the police to function according to the requirements of the Constitution.Mandate the police to function as a professional and service oriented organizationRecognize the overnment’s need to set up an efficient and effective system of policing.⁶⁴
- incorporate reference to accepted rights standards and norms relevant to policing.Establish institutional and other arrangements to insulate the police from undesirable and illegitimate outside control, pressures and influences.Outline Objectives and performance standards and set up independent mechanisms to monitor and inspect police performanceSet up credible and effective complaint handling mechanisms and proceduresEstablish institutional arrangements to consult the community and involve them in police work.

SUGGESTION

1. To frame rules and laws for the police taking into account their own basic rights.
2. To establish psychological training camps and a psychologist to help in understanding and curbing their mental fatigue.
3. To establish a cell taking weekly, monthly or yearly report of their personnel experiences of work under supervision of psychologist and psychiatrist to find any unusual behavior and if anything found, to treat them as soon as possible.
4. To make a complaint check authority to check the complaint of police, registering anonymously, without any fear of transfer.

⁶⁴ Human Rights Initiatives, “Legislation Governing the Police- Need to Replace”, https://www.humanrightsinitiative.org/publications/police/principles_of_a_model_police_bill.pdf

BIBLIOGRAPHY

- Ramakant, Police Administration, Om Sun Publication, New Delhi, 1966
- R.K. Raghwan, Indian Police Problems Planning and Perspectives, Manohar Publication New Delhi, 1984
- S.K. Chaturvedi, Metro Politan Police Administration, B.R. Publication, New Delhi.
- Udaybir Shastry,. 'Kautilya Arthashastra', Mehar Chandra Laxman Das, Delhi, 1970
- R. Shama. Shastry, Kautilya's Arthashastra, 8th edition Mysore Publishing House, Mysore, 1967
- Shastry, Udaybir. 'Kautilya Arthashastra', Adhikaran 2, Adhyay 3, Shloka 02, Adhyay 4, Shloka 109, Adhyay 36, Shloka 1.
- I.H. Qureshi, 'The administration of the Sultanate of Delhi
- S.A. Khan, Power Police and Public Vishal Publication, Kurukshetra, 1983
- Mohammad Aziz Ahamad, 'Political history of Institution of Early Turkish Empire', 1972
- John Beames, Memories of a Bengal Civilian, London, Chatto and Windus, 1961
- R.K. Bhardwaj, Indian Police Administration, National Publishing House, New Delhi, 1978
- J.C. Madan, Indian Police Uppal Publication, New Delhi, 1974
- B.B Mishra, The Administrative History of India 1834-1947, Oxford University Press, Bombay, 1959
- B.B Curry, The Indian Police, Faber and Faber Publication, London
- Imperial Gazetteer of India, Part IV, reprint 1909
- Commonwealth Human Right Initiative Report, 2005
- Jake Whittaker, "UC Davis East Asian Studies". University of California, Davis.
- The National Police Commission (NPC), "Some Selected Recommendations of the National Police Commission" (1977)
- Commonwealth human right initiatives, "Summary of Ribeiro Committee's Recommendations",
- Commonwealth Human Right Initiatives, "Committee on police training"(1971-1973)
- Commonwealth Human Rights Initiatives, "The Police Act Drafting Committee submits its Model Police Act, 2006",
- India Spend Team, "India has lowest police population ratios in the world", The Hans India, 29 July 2016
- TNN, "India's ratio of 138 police personnel per lakh of population fifth lowest among 71 countries", The Economics Times, Jul 13,2018,
- Press Information Bureau, "PM's Speech at the Conference of CMs on Internal Security." (2012).
- Press Trust of India, "Internal security going to be a big challenge for India: NSA Ajit Doval," The Economic Times, 13 July 2018,
- Mohan, Garima and Navaz Kotwal , "State Security Commissions: Reforms Derailed," Commonwealth Human Rights Initiative (2011).
- Second Administrative Reform Commission, "Public Order," Report Five, (2007)
- Bureau of Police Record & Development, "Data on Police Organisation," (2017)

- Comptroller and Auditor General of India, “Compendium on Performance Audit Reviews on Modernisation of Police Force,”
- Bureau of Police Record & Development, “Data on Police Organisation,” (2017)
- Comptroller and Auditor General of India, “Compendium on Performance Audit Reviews on Modernisation of Police Force,”
- Ministry of Home Affairs, “Status of CCTNS,”
- Bureau of Police Record & Development, “Data on Police Organisation,” (2017)
- Comptroller and Auditor General of India, “Compendium on Performance Audit Reviews on Modernisation of Police Force,”
- Bureau of Police Record & Development, “Data on Police Organisation” (2017)
- Bureau of Police Record & Development, “Data on Police Organisation” (2016)
- Mohan, Garima and Navaz Kotwal, “State Security Commissions: Reforms Derailed,” Commonwealth Human Rights Initiative (2011)
- Prakash Singh, “Need to transform from ruler’s police to people’s police”, The Indian Express, 27 November 2018.
- Government of India, “gore committee report on police training” (ministry of home affairs, 1971)
- Dr.Somen Shah, “Protecting our protectors: Important to discuss Stress & Mental Health Issues among Police Personnel” 2019
- Seventh Report of the Joint National Committee on Prevention, Detection, Evaluation, and Treatment of High Blood Pressure, Vol. 42 ,National Institutes of Health, 2003
- Varetto A Acquadro Maran D, Occupational stress, anxiety and coping strategies in police officers. Occup Med (London)
- Manaswitha Boyanagari, Vamsi Krishna Boyanagari, et al. “Impact of occupational and psychological stress on police health in South India”, Archives of Mental Health, December 2019
- KS Sandhu, Arora “Association of occupational stress factors on nicotine dependence among patients visiting dental care unit of indo-tibetian border police force station in India”. Rocznik Panstw Zakl Hig 2016.
- S Dua & M Bhuker, “Body mass index relates to blood pressure among adults”, N Am J Med Sci 2014
- G Datta, A Sen , “Prevalence of hypertension and its associated risk factors among Kolkata-based policemen: A sociophysiological study” Int J Med Sci Public Health 2015
- Chayyanika Nigam, “How stress is driving Delhi cops to suicide”, India Today, December 15, 2019
- Press Trust of India, “Over 930 police personnel committed suicide in last 5 years: Govt”, India Today, February 13, 2019
- M.P. Nathanael, “Why policemen kill themselves”, The Hindu, July 03, 2019,
- Thejus T, Meharoof R, Jeeja MC, “Pattern of occupational injury and its effect on the health of male police officers in Calicut, India”, Annals of Tropical Medicine and Public Health 2013
- Human Rights Initiatives, “Legislation Governing the Police- Need to Replace”