OTHER DIMENSION OF POLICE REFORMS IN INDIA

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ABSTRACT

Police Reforms has been an oft-stated demand of the civil society groups for *people's problems* with the police in general and inefficiency, opacity, corruption and most importantly human rights violations of women, children and minorities in particular. However, an issue pretermitting from contemporary discourse is the *police's problems* in the Indian politico-legal structure. This paper does not question people's problems as unauthentic nor undermines their seriousness but remarks that they are inextricably linked with police's problems. However, the popular perception of the police is outright negative as police force is one of the most hated institution of the executive, and while much of this negative perception has been built up, sustained & preserved as a result of people's contact with Indian police over the centuries and thus has become integral part of political culture, the coeval caricatures of the police in popular media including films & TV help police in maintaining such sinful & demonic appearance.

Historical Role of Indian Police

Common perception for this degenerate state of police is seen in the colonial Indian Police Act of 1861, this is only partially true.

> Indian police, Civil Service and Army were the three pillars on which the British administration in India rested. This was so for two reasons. For one, the chief aim of British-Indian administration was the maintenance of law and order and the perpetuation of British rule. The British, being foreigners, could not hope to win the affections of the Indian people; they, therefore, relied on superior force rather than on public support for the maintenance of their control over India. (Chandra 1982).

This need for maintenance of law and order resulted in establishment of regular police force. Interestingly, this put India ahead of Britain where a system of police had not developed yet.

Given that the concept of human rights, 'dignity of an individual', 'separation of powers' and transparency were all then fresh concepts originating in Europe and there was no chance of them being introduced in a colonial setup and also because the Indian police undertook the duty which was till then carried out by Zamindars, the feudal outlook was inherited into the Indian Police. Therefore, as in other colonial countries, the police in its dealings with the people adopted an unsympathetic attitude, and as Committee of Parliament reported in 1813 that the police committed "depredations on the peaceable inhabitants, of the same nature as those practiced by the dacoits whom they were employed to suppress."[i]

The first serious attempt to systematically organize the police force came after 1861 police Act and a separate department of Civil Police consisting of a formally enrolled homogeneous provincial force, on the model of militaristic Royal Irish Constabulary rather than the civilian London Metropolitan model to be distributed over the districts placed under an Inspector General. This was meant to subjugate very large and hostile indigenous populations with a relatively small force (Patil 2008).

The British implemented police forces that were:

- predominantly answerable to the regime in power and its bureaucracy and not to the people;
- responsible for controlling populations, rather than protecting the community;
- to secure the interests of one dominant group;
- required to remain outside and distinct from the community; and
- extremely hierarchical in structure where loyalty was to the leadership and the establishment rather than to the rule of law (ibid).

It must be noted that it was the colonial environment and its requirements (and not the act itself) in which Indian police came into being with the sole responsibility of maintaining law & order, unchecked by the need for respect of human rights and dignity of an individual. This is an important point, relevant to our times that 'environment' and intangible factors such as caste

compulsions, socio-cultural milieu and political benefaction play an important role in actual functioning of police besides the legal provisions of 1861 Act.

Jauregui (2013), with many of her anthropological inquiries has also observed that-

> The legitimate authority of police to intervene or use force may be not only negotiable, but also undermined by broader cultural-political and legal-institutional forces and relations arising in certain contexts, especially in postcolonial settings like India.

21st Century &the Institutional Impuissance

The need for police in any modern society is due to the insufficiency of chief socialization agents such as family, schools and other religious and social institutions in regulating the human behavior which intrinsically makes use of police a necessary evil for any government, authoritarian or democratic. The 21st century challenges police with the new age factors that a modern civilized society is prepossessed with, that were nonexistent at the time of institutionalization of the police, while some of these factors like globalization and 'new social movements' have changed the character of the society for good(?), the others like terrorism, naxalism and drugs and human trafficking are threatening the very civilized character of the state and police machinery is institutionally flat-footed to deal with them.

Terrorist Onslaught

In the Indian sub-continent with Af-Pak region as the terrorist hotspot, India faces a continuous threat of terrorist attacks of all kinds, as Innes (2006) puts it, either as symbolic crimes, directed at iconic social or cultural targets (e.g. the attack on the Taj Hotel), signal crimes (e.g. Mumbai Train bombings), intended to disrupt everyday life and perceptions of security, and spectacular crimes that combine these two types (e.g. attack on Indian Parliament).

Terrorists are motivated by different goals and objectives but violence is common to all. India was one of the earliest countries to face the terrorist affliction with the hijacking of Ganga Aircraft in 1971 by Kashmiri Militants, which in later decades spread to rest of the country, a phenomenon which peaked in 2008 during 26/11 attacks in India's commercial capital and while

26/11 is now seen as the 'most devastating near-misses in the history of spycraft'[ii] due to combined failure of the US, British and Indian spy agencies in pulling together the gathered strands of information, nevertheless, once the siege was going on, the incompetence of the state police was witnessed. They were in no position to engage and neutralise the terrorists, it required the Army and the NSG to deal with the situation.

The Ram Pradhan Committee Report, a two-man panel formed in Mumbai on 30 December 2008 to explore the 'war-like' attacks said there was a lack of leadership among senior police officers.The report had also raised critical questions on Mumbai Police's lack of equipment and arms, said that the state police had not received any ammunition since 2006. It had also pointed out that the Mumbai Police last received AK 47 bullets in 2005 and that the Quick Response Team has had no practice since 2007.[iii]

This off-guard state of affairs resulted in Mumbai Police taking serious casualty with many senior officers dead. Special anti-terrorist squads created in Maharashtra to confront terrorists in the wake of earlier bomb attacks also proved inadequate. The terrorists used "area clearing weapons" like grenades against which the local police had no suitable equipment to counter.
The bulletproof vests that were available could not withstand AK-47 or AK-56 rounds (two batches had failed tests in 2001 and 2004, and the head of the ATS, Chief Karkare, died after bullets penetrated the vest he was wearing) (Rabasa et al 2009).

Policemen, who saw visuals of their top leaders dying in ambush, including an Inspector General in charge of the State anti-terrorist squad, conveyed to the Enquiry Team that it seriously demoralized the entire force which was engaged in combat operations for 68 hours.[iv]

26/11 was neither the first terrorist attack nor the last as several bomb-blasts have occurred since then but our police forces remain insipid after these many years.
The MPF Scheme, which seeks to strengthen police infrastructure at cutting edge level by construction of secure police stations and training centres while equipping them with the required mobility, modern weaponry, communication equipment and forensic set-up etc.,is going

on since 1969-70 yet during 26/11 attacks Mumbai police was paralysed, foretells the melancholy of police reforms.As on 31.03.2014 (from 2000-01 to 2012-13), out of total released fund of Rs.12411.46 crores about Rs.638.61 crores are unspent. Ironically, Maharashtra tops with Rs.82.52 crores of unspent fund.[v]

Maoist Menace

The Maoist insurgency was described as "single biggest internal security challenge ever faced by our country" by former PM Man Mohan Singh.CPI (Maoist) which was formed in 2004 as a merger of the People's War (PW), then operating in Andhra Pradesh, and the Maoist Communist Centre of India (MCCI), then operating in Bihar, is the major Left Wing Extremist outfit responsible for majority of incidents of violence and killing of civilians and security forces and has been included in the Schedule of Terrorist Organisations under the Unlawful Activities (Prevention) Act, 1967. It has fundamentally challenged the authority of Indian state in an all-encompassing way, as a result of this, the most number of police deaths are due to terrorist/extremist operations[vi] after natural/accidental deaths and highest casualties due to terrorist/extremist operations were reported inJharkhand (30)[vii] and Chhattisgarh (28), states with serious Maoist insurgency. It is a welcome fact that deaths due to terrorist/extremist operations has been on a continuous decline from 234 in 2009 to 78 in 2013 with peak in the surrenders of high ranking Maoist Commanders in 2013[viii] and 2014, however Maoist are still able to hold on to their core strategic areas.

Table: 1 Arrests/ Surrender of LWE Insurgents

Year	Arrest	Surrender
2009	836	73
2010	1281	150
2011	1003	227
2012	905	414
2013	731	1950
2014	964	656

Source: South Asian Terrorist Portal

The fight against Maoist is a two-pronged fight: one on the ground and other in the perception.

To the former, Union government provides Central Armed Police Forces (CAPFs) and Commando Battalions for Resolute Action (CoBRA); sanction of India Reserve (IR) battalions, however 'Police' and 'Public Order' being state subjects, action on maintenance of law and order lies primarily in the domain of the State Governments and to this end, various capacity building initiatives like setting up of Counter Insurgency and Anti-Terrorism (CIAT) schools; modernisation and upgradation of the State Police and their Intelligence apparatus under the MPF scheme; providing helicopters for anti-naxal operations, assistance in training of State Police through MoD and civic action programmes are undertaken by the Union government.

To the latter, improvement in governance and public perception management is required as accusations of extra-judicial encounters, custodial deaths and abuse of power are rife and provides legitimacy to Maoist violence. Surely in any foreseeable future, the CAPFs cannot be depended upon as against institutions of governance, therefore, State Police must evolve into a modern force, able to contain violent activities 'professionally' while respecting human rights and democratic values at the same time.

Policing New Social Movements

The rise in new social movements in the 21st century India, particularly the anti-corruption movement, Jan Satyagraha 2012 and sporadic movements such as nirbhaya protest, arising out of societal discontent with sense of the ineffectiveness of political parties, has challenged state authority.

The most perturbed institution is the police having failed to evolve a comprehensive strategy towards policing these random movements which result in large-scale crowd mismanagement as was evident during nirbhaya protest when Delhi Police seriously assaulted peaceful protestors.

Also, rise of ecological consciousness has led to Kudankulam type agitations in the past in which police had resorted to lathicharge and teargas shells to disperse large crowd of over 2,000 protesters who then fought back throwing stones and logs, ultimately a 44-year old fisherman was killed when police opened fire at a group of people.[ix]

This phenomenon of police failure against sudden sporadic protests is not limited to the developing countries such as India, but as Ferguson riots have shown, is prevalent all over the world. It is important, however, that the crowd control techniques used must be improvised upon as the present methods like firing rubber bullets, water cannons and using baton results in serious fatalities. Improvements in Science & Technology has not only increased criminal avenues in cyber space but also made society vulnerable to inimical interests as was evident during North East Exodus in 2012. However as Herbert Simon remarked,"There are no morals about technology at all. Technology expands our ways of thinking about things, expands our ways of doing things. If we're bad people we use technology for bad purposes and if we're good people we use it for good purposes", therefore instead of being vexed we must use scientific innovation & technology to counter these insidious activities.

For instance, the British Home Office is focusing on a new chemical called 'discriminating irritant projectile' or Dip, which would be loaded with CS gas, pepper spray or another irritant. Another interesting weapon is referred to as "skunk oil" it involves foul-smelling liquids being fired in the form of pellets. So intense would be the odour that anyone hit by such a pellet would want to go home and change, while anyone standing close to such a person would have to move away.[x]

Other than using these 'weapons' of last resort, the role of planning, intelligence gathering and police leadership also must be compounded during training in order to peacefully dissipate these sporadic protests.

Polixploitation

Police in a post-colonial society is supposed to be an instrument of ruling elite. Norman Weiner (1976) identified seven aspects of the role of police in an urban society. These are: (1) law enforcement, (2) order maintenance, (3) performance of services, (4) support of the dominant group, (5) symbol of authority, (6) buffer between the people and power structure, (7) measure of social tolerance.

The support of dominant group, in India, effectuates into support of ruling party and its leaders and this becomes the crucial duty of police and put interests of the state and society and issues of governance and administration, subservient to the interests of political party.This ultimately results in serious inefficiency in maintaining law & order and affects other aspects of police's functioning.

Polixploitation is the political exploitation, subjugation and manipulation of police for both, issues orthogonal to police functioning like using police in maintaining a 'Bahubali' and/or VIP culture, or issues associated with it, like framing criminal charges on nuisance, assault on opponents and allowing illicit and criminal activities to pass off.

On one hand, it provides lucrative perks like 'malaidaar' postings and additional incomes and on the other, it institutionalizes corruption in police, as money 'invested' in getting these lucrative postings is then arrogated through bribes.

As former (Indian Police Service) IPS, YP Singh explains,

> "Corruption can be divided into various degrees. Some officers are honest to the core. They will not allow other people to demand or accept bribes. There are very few people like this.Some won't take money but won't stop others from doing so. They are honest people, but spineless. I say a spineless man is a dead man. So we have officers who are honest but dead.
> Corruption has been institutionalised in the police force. So there are some officers who only take money, which comes in the routine course of duty.
> And then there are the vultures. The bribes that come in the routine course are just not enough for them. They are always looking for avenues to secure more."[xi]

The genuine perception of police being corrupt is a natural corollary to this aspect of its functioning. Simply put, there does not exist sufficient incentives for honest police officers to

execute their duties, on the other hand, the disincentives are numerous. From being transferred to a remote area, to falsely implicated in a criminal lawsuit, public humiliation and an eventual battery. While history of polixploitation is a history in itself, the attacks in recent years like that on IPS Narendra Kumar in MP, DSP Zia-ul-Haq in UP, ASI Ravinder Pal Singh in Punjab and assault on Mumbai police SI SachinSuryavanshi are showing an alarming trend of killings and inflicting mental affliction on honest officers by Indian political mafia.

As Former CBI Director RK Raghavan puts it

> "Gone are the days when dishonest elements, both in the polity and society at large, caused officers only minor harm by shifting them from one location to another, so that they cause less inconvenience. Things have now reached such a pass that you can speak and stand for honesty and adherence to the law only at your peril. Physical harm to you and your family are normally to be expected, and it is your luck if that does not visit you.[xii]

Police in India have long been structurally disempowered by various legal-institutionaland cultural-political forces and relations (Jauregui 2013). The Supreme Court has also observed that frequent and arbitrary transfers, besides "demoralizing the police force" and "politicizing the personnel" constitute a practice that is "alien to the envisaged constitutional machinery".[xiii]

As a result, political control of policing has eroded internal chains of command, obstructed police functioning, and ensured that responsibility for wrongdoing is hard to pin on any one body or individual.The powers to transfer, appoint, and promote police officers are being exploited as weapons and rewards for compliance or not, and have come to represent something entirely different from the original intent of basic administration and healthy career growth.

Whenever officers show their spine, they are degraded in every possible form which shatters morale of the police and results in perpetuity of status quo. Such institutionalization of

corruption in police is concomitant of polixploitation, to quote YP Singh further, "The easy course is to shake hands with the corrupt and enjoy the best of life."[xiv]

4. Poor Living Conditions

Historically, the Indian Police personnel have been paid low wages and traditionally "lived off the office" (Verma 2008). This is even more arduous for low-level constabulary as they have to work for long hours and even at the time of festivals, they are instrumental in maintaining law &order and it is nearly impossible for them to have a day off. Former Home Minister P Chidambaram has been quoted as saying that the police constable is the "most reviled public servant" in India.[xv]

Further they have no means of personal transport, with a meager transport allowance they are forced to take 'ride for free' or even harass the local autowallas. Upendra Baxi (1982) has described constables and sub-inspectors, who constitute more than 90 percent of the police force in each state, as a "despised minority."

They are also expected to perform non-mandated menial domestic duties for IPS/PPS officers, which include everything from serving tea/coffee and tending gardens or farm animals, to accompanying children to school, picking up groceries, and cleaning house.

Housing

Low-ranking police often live in barracks or family quarters at or near the police station. They may receive a housing allowance for private accommodation which, in urban areas, is as little as a fourth of the cost of actual housing.

Housing shortages lead some police to live in barracks hours away from the villages in which their families reside and many police men feel frustrated when they are denied leave to see families living far from their police stations.

Some police barracks have deteriorating walls with water leaking in the Monsoon and some are exposed to the open air. The barracks are typically shared by 12 to 16 constables and head

constables and are cramped with trunks, bicycles and equipment—they had fewer beds than assigned personnel (Ganguly 2009)

Table: 2 Information on Police Housing During 2013

	Lower Subordinates (Constables, Head Constables & Class IV Subordinate Staff)		
	Sanctioned Strength	Built-In Houses Provided By Government	Houses Provided On Lease, Rent/ General Pool By Govt
Total at All India Level	19,32,996	4,04,156	98,714

	Upper Subordinates (ASI To Inspectors)		
	Sanctioned Strength	Built-In Houses Provided By Government	Houses Provided On Lease, Rent/ General Pool By Govt
Total at All India Level	2,91,754	60,038	14,892

Source: NCRB

As per NCRB (2013), there is a dangerous housing deficit of 14, 30,126 houses for Constables and Head Constables and deficit of 2, 16,824 for ASI and Inspectors. This systematic apathy towards India's "despised minority" is police's biggest source of resentment against the system. All states except Arunachal Pradesh maintain such horrendous level of housing deficit. Amongst all the bigger states for Constables and Head Constables, Bihar leads with a housing deficit of 92.88%, followed by Jammu & Kashmir 89.05% and Jharkhand with 88.76%. Best

performing state is Madhya Pradesh with a housing deficit of 45.34%, followed by Maharashtra with 52.87% and Karnataka with 60%.

Leisure

The normal duty of policemen may extend well beyond 12-14 hours. Even then many policemen living in barracks get little sleep; there is no concept of "shift work" except for police assigned specifically as security guards (Jauregui 2010). This further impacts their performance.

A constable in Uttar Pradesh said: "On average we get about four or five hours of sleep. Sometimes, we are so tired; we do doze off while on duty. And if the authorities or the media catch us, it means immediate suspension or a cut in salary" (Ganguly 2009).

When asked how much sleep he usually received, a constable living in barracks in Mandi, Himachal Pradesh, said, "Sometimes I get one hour. Last night I returned from duty at 5 a.m. and slept two or three hours...It's not quality rest time because someone else enters, someone's talking. That's not restful" (ibid)

Salary

Constables are paid less than the Municipal workers though they perform more sensitive and hazardous duties. At the time of recruitment, a constable's net salary is Rs. 12000. In big cities like Mumbai or Delhi, this is hardly sustainable income.

According to Arvind Inamdar, former director general of police, constables are rarely rewarded for "good work". "Constables are treated like step-children when it comes to pay revisions and promotions though they are the ones who face the bullets and the beatings".[xvi]They have to use personal funds for professional duties such as buying fuel and hiring private vehicles for patrol, transporting suspects and evidence, compensating informants, and other necessities of police work—to say nothing of other, more insidious demands, like being forced to do domestic labor for senior officers (Jauregui 2010).

Suicides

Because of this sense of hopelessness many policemen are slaying themselves. 235 police personnel committed suicide in the country during the year 2013. Maharashtra[xvii] (40 suicides)

has reported the highest number of such suicides accounting for 17.0% followed by Tamil Nadu (31 suicides) and West Bengal (29 suicides). Nearly 34.0% (80 out of 235) suicides at all-India level were reported in the age group 18 - 35 years. Age group wise distribution of suicides committed by police personnel reveals that 28.5% (67 out of 235), 28.1% (66 suicides) and 9.4% (22 suicides) of total suicides at All India level were reported in age group 35 - 45 years, 45 - 55 years and above 55 years respectively during 2013.

Another Uttar Pradesh constable described feeling "suffocated" by his living conditions:

> "We are being exploited. I have to work for 24 hours but I get the wage of a chaprasi [messenger]. I don't get any leave. My meals are unhealthy and below caloric value. There is no fixed time for meals, sometimes we just get [meals] at nine, sometimes at 12. It's just like I'm a prisoner. We are suffocating here. I feel like it's still the British Empire. There's no medical facilities, no toilet. The funds allocated by the government to constables are taken away by the superiors. You don't understand the trauma of being here....I took three days' medical leave and had 25 days' salary deducted" (Ganguly 2009)

This hand-to-mouth existence compounded with little or no state support explains why constables indulge in corrupt practices and take petty bribes.

4. Inefficient Deployment & Training of Personnel

Law & Order and Police are state list subjects as per division of subjects between the Union & the States, under our constitution (Schedule-VII). Therefore, states are competent and responsible for maintenance of Police Force according to their requirement.

The Indian police suffer from a huge deficit of personnel.According to the recently available information (2013)[xviii], there is a national average of one civil police officer for every 928 residents, far below Asia's regional average of one police officer for 558 people, global average of one for every 333 people and UN recommended figure of one for every 450 people. More than

24 percent of civil police positions are vacant nationwide, but the actual deficit of staff is greater because allocations are based on outdated population figures and suppressed crime registration.Even at the senior level (IPS& PPS) there is a deficit of 2585 officers as against total strength of 14770.

According to the home ministry data, Maharashtra, which has witnessed some of the deadliest terror attacks, is one of the worst performing states in terms of IPS vacancies. With 33% vacancies on sanctioned strength of 302 officers, it is among the top five poor performers. Nagaland with 50% vacancies and Odisha with 45% vacancies are top of the list. Kerala (35%) and Karnataka (34%) closely follow in terms of IPS vacancies.[xix]

Table: 3 <u>Sanctioned And Actual Strength Of Civil Police Including District Armed Police</u>

DG/ Addl.DG / IG / DIG		SSP/SP/Addl.SP/ ASP/ Dy.SP		Inspector, SI & A.S.I.		Personnel Below A.S.I. Rank		Grand Total at All India level	
Sanction	Actual	Sanction	Actual	Sanction	Actual	Sanction	Actual	Sanction	Actual
1,492	1,297	13,278	10,888	2,58,031	1,91.433	15,13,311	11,45,366	17,86,112	13,48,98

Source: NCRB

In the state like UP[xx], the total training capacity of constable recruits is 8150 for a 9 month period against a shortfall of 1.98 lakh constable consequently it would take UP police more than 15 years to bridge the deficit,despite of this serious state of affairs, the recruitment of constables in UP is a time-consuming process.

Successive governments have used police recruitments as a means of earning political capital by introducing irregularities in the recruitment process as to recruit their own caste/cadres loyalists. In 2007[xxi], the selection of around 17,400 recruits was cancelled by the Mayawati Government after a police recruitment scam was unearthed, allegedly happened during tenure of previous Samajwadi government. Later when SP government came, it withdrew the special leave petition (SLP) pending before the Supreme Court to quash the Allahabad High Court order which directed a CBI probe into the alleged Uttar Pradesh Police Recruitment scam. Further in 2013, SP government decided to give reservation to "adequately represented" classes, after recruitment of close to 40,000 constables in the civil police, the PAC and the fire service was advertised, then a petition was filed in Allahabad High Court which passed the restraining order against UP government forbidding the government to go ahead with the proposal.[xxii]

At the Union level, the fate of the officers who had cleared the Limited Competitive Exam for IPS, a 2010 home ministry scheme that allowed lateral induction of officers of the Armed forces, Central Para-Military forces and state police into the IPS, is hanging in balance after the scheme was challenged on legality of lateral entry into IPS and minimum age criterion for eligibility (less than 35 years for general category/37 for SC/ST).[xxiii]

India is perhaps the first country in the world to have started a formal training for police (Kotru, 1975). The first police training school for constables was started at Vellore in Madras Presidency in 1859, while in Europe it was France in 1893.Training of constables and sub-inspectors was given adequate attention by Indian Police Commission of 1902. The commission expressed its dissatisfaction about the allocation of job to select constables without training. Not much has changed even now.

For instance, after the bifurcation of Bihar, the state was left with only Constable Training School, Bhagalpur and in the absence of proper training institute both constables and sub-inspectors are sent for training at the BSF training centres located at Uddhampur (J&K), Chura Chandpur (Manipur), and Chakuer(Maharashtra) though the new proposed academy near Rajgir

is supposed to reduce some pressure, however, it would take years in restoring equilibrium between training capacity & requirements.

Although they are about 90 percent of the Indian police force, constables and head constables have limited qualifications, training and authority and are 'grimace' of the police machinery.

One of the commonly held notions among police and government officials themselves is that social problems of high unemployment, poverty, illiteracy, overpopulation, and resource scarcity combine to attract the "wrong type of people" to the police forces in India (NPC 1979; Jauregui 2010).Historically they were recruited by the British to control the enormous masses of indigenous subjects, and they tended to recruit this army from the lower classes—the mostly illiterate and unskilled echelons of India's indigenous population (Arnold 1985). In contemporary India with widespread craze for government jobs, those who are at lower echelons of education ($10^{th}/12^{th}$ pass) aim at constable jobs in state police & CAPFs.

The police, therefore, attract only a very unsatisfactory kind of candidate who has not been able to get any other job. A policeforce composed of such poor specimens of humanity cannot rise very much above the lowest common denominator of its constituents and the effect on the quality of police service provided to the people is disastrous, to say the least.(NPC 1979)

With very minimal training policeman gets into the force and is thrown into the deep end. He learns on the job how things are done. He learns how not to file first information reports (FIRs) and how to write FIRs so that he doesn't have to exert himself too much. They are also legally prohibited from initiating, leading, or engaging in any activity related to criminal investigation or maintaining order without direct instruction by a sub-inspector or higher-ranking officer.

At the same time, constables are sometimes the first responders to crime scenes and they should provide emergency assistance to the injured and secure the crime scene by limiting access of bystanders, identifying witnesses, and protecting the evidence–the latter actions are crucial to the success of the entire investigation. But constables are not trained to perform such tasks.(Ganguly 2009).

They should be, therefore, transformed from mere golems, recruited to perform menial duties of a mechanical character, to the skilled workers with the training necessary to undertake crime investigation and prevention. A liberal investment in training facilities is required to bridge over the insidious gap in training and other police infrastructure, though policing is a state subject but State governments lack the resources to effectuate such progress, therefore, significant amount of aid must come from Union government.

The Ministry of Home Affairs' much touted Crime & Criminals Tracking Network and Systems (CCTNS) project can overhaul existing state of affairs in crime detection. It aims to modernize the police force giving top priority to enhancing outcomes in the areas of Crime Investigation and Criminals Detection, in information gathering, and its dissemination among various police organizations and units across the country, and in enhancing Citizen Services.

It also seeks to create a nationwide networked infrastructure for evolution of IT-enabled state-of-the-art tracking system. However, much still needs to be done to make CCTNS a success at the 'national level'.

Conclusion

A Supreme Court judgement in 2006 directed state governments to:

- Establish a State Security Commission;
- Adopting transparent procedure for the appointment of police chief and desirability of giving him a fixed tenure;
- Separation of investigation work from law and order duties; and
- A New Police Act to reflect the democratic aspirations of the people.

The judgment had said, "This watchdog body (Security Commission) shall be headed by the chief minister or home minister as chairman and have the DGP of the state as its ex-officio secretary. The other members of the commission shall be chosen in such a manner that it is able to function independent of government control.[xxiv]

The court later clarified that the directions were "for compliance till framing of the appropriate legislations". This proviso was utilised by various state governments which passed their own police acts purportedly in compliance of the court's directions but actually to circumvent their implementation and to legitimise the status quo. State governments have been extremely reluctant to comply and have considerably diluted the SSC's mandate when drafting new legislation. Meanwhile Soli J Sorabjee Committee prepared a Model Police Act and submitted it to Government of India on October 30, 2006. The Act was based on the very fundamentals postulated by the Supreme Court in its judgment. The Government of India has failed to even table the bill in parliament in these *eight years*.

Ex-DGP Prakash Singh has asked[xxv] for amending seventh schedule. Constitution places "public order" and "police" under the state list of the seventh schedule. There are threats to internal security which have inter-state and even international ramifications. It is simply beyond the competence of states to handle these problems without the active involvement and support of the Central government. Even otherwise, the states are depending heavily on the Union Government for the maintenance of law and order even of a routine nature. It would be appropriate, under the circumstances, if "police" and "public order" are brought on the concurrent list.

This level of engagement on the part of Union government can only be initiated only after a ground swell of public opinion through active participation by the civil society groups which would in itself require mass participation and mass education, consequently this route would take many 'eight years' as had happened with other public initiatives like Lokpal and Citizen charter. Another Constitutional provision is Article 252 under which if the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions. However, any other state may adopt it afterwards by passing a resolution to that effect in its legislature. This would also require political expediency but to a lesser extent than making consensus for a Constitutional Amendment. However, it must be remembered that while a 'model law' or a constitutional amendment are essential to check institutional impuissance in police like misuse of authority, institutionalized corruption,

disrespect for human rights and to an extent polixploitation habits of Indian political class, the infrastructural constrictions such as low citizen to police ratio due to vacant positions at all levels, especially below ASI ranks, poor living conditions, abysmally low salary, under-equipped and outdated weapons, superannuated training facilities require a great deal of commitment both financial and otherwise, from Union and State governments.

This investment in police will benefit society at large and bring as a return on investment, improvements in governance and lower corruption levels that would directly affect economic prospects and a sense of justice to the oppressed which would further cut down the fighting costs involved in LWE affected areas and communal riots .

Table: 4 **Comparative summary of models of policing**

Categories	Political Era	Reform Era	Community Problem-Solving Era
Source of Power	De jure legal; De facto political.	Rule of law and professionalism	Community, law and professionalism
Function	Crime control, order maintenance and VIP duties	Crime control	Crime control, crime prevention and problem-solving
Organisational Design	Centralised and geographical base	Centralised	Decentralised and use of Specialist Taskforces
External	Intimate	Professional	Consultative

Relationships			
Demand	Linkages between politicians and local police leaders and direct interaction between the community and police	Central despatch	Based on analysis of underlying crime and disorder problems
Particularity	Polixploited	Police responsible to the Legal Institutions	Police respected and not feared
Tactics and Technology	Foot patrol	Preventative patrol and rapid response to calls for service	Foot patrol and problem-solving
Outcome	Political satisfaction	Crime control	Community satisfaction and Quality of Life indicators

Source: Adapted from Kelling& Moore (1988) with Ransley (2009)

Of all the 75-odd Afro-Asian countries that got Independence after Second World War, India, remains the only functional democracy, with the arguable exception of Botswana and Ghana, in the third world. Therefore, while the challenges Indian Police faces are common to all post-colonial states, India cannot remain oblivious to the aspiration of its commons.

The democratic policing is touted as indispensable by human rights advocates, where the police serve the people of the country and not a regime (Patil 2008).

The UN International Police Task Force (1996) encapsulated what policing in democracies should be like: "In a democratic society, the police serve to protect, rather than impede, freedoms. Democratic policing is about much more than simply "maintaining law and order". It is about establishing and nurturing a healthy relationship with the community, based on mutual respect and understanding (ibid).However, this cannot be implemented directly in India and any such intellectual mirage of transforming directly a political era policing to a Community Based policing is bound to fail in a society still transitioning from parochial to liberal values, where rule of law is continuously challenged by medieval values like khaps and Caste-Communal considerations, which predominates much of India's countryside. In any case, attempts at inducing accountability in police or transforming police force into police service must be preceded by police's empowerment. Therefore, the logical itinerary would be to fast-track processes that could result in enactmentof a Central law under article 252 of Constitution while simultaneously palliating serious police problems on a priority basis.

ENDNOTES

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