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NEWSLETTER

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Police Reforms in India

POLICE REFORMS

By Shri Prem Arora, Treasurer, FRNV

The need and urgency to have a modern, well equipped, well trained, motivated, disciplined, honest and public-friendly police force, capable of meeting the present day challenges of maintenance of law and order and discharging its legitimate duties towards the common man without fear or favour and without any unwarranted pressure or interference from any quarter, has been strongly felt since long, especially in a democratic country like ours which is full of all kinds of diversities and economic constraints.

The Govt. of India, in pursuance of this objective, recognized the need for police reforms and on 15th Nov., 1977, appointed a National Police Commission. This Commission was assigned the task of fresh examination of the role and performance of the police, both as law enforcing agency and as an institution to protect the rights of the citizens enshrined in the Indian Constitution. The Commission examined in great depth and analyzed the whole spectrum of issues involved thoroughly for about three and a half years. After extensive deliberations and discussions held with the various stake holders, the Commission submitted its final report in May 1981. In this final report, the Commission recommended certain basic reforms for the effective functioning of the police to enable it to promote the dynamic role of law and to render impartial service to the people. The Commission also annexed with its final report a draft of new Police Act which incorporated its recommendations

Besides the report submitted by the National commission to the Govt. of India, various other high powered committees and commissions also examined the issue of police reforms, viz. (i) National Human Rights Commission, (ii) Law Commission, (iii) Roberio Committee, (iv) Padmanabhan Committee and (v) Malimath Committee on Reforms of Criminal Justice System.

In addition, the Govt. of India constituted a committee in Sept. 2005, comprising Shri Soli Sorabjee, former Attorney General and five others, to draft a new Police Act in view of the changing role of police due to various socio-economic and political changes which had taken place in the country and the fresh challenges posed by global terrorism, extremist rapid urbanization and fast evolving aspirations of a modern democratic society. The draft Model Police Act was prepared by The Sorabjee Committee in Sept, 2006.

Reports and recommendations of all these Commissions and Committees, however, remained on paper and these were not implemented. This dismal situation led to filing of a PIL in the Supreme Court in 2005, by retired DGP of Uttar Pradesh, Shri Prakash Singh & Ors, which led to the Supreme Court passing its landmark judgement on 22nd Sept., 2006 directing the Govt. of India to frame a new Police Act on the lines of the Model Act drafted by the National police Commission to ensure that the police is made accountable, especially and primarily to the law of the land and the people. The Supreme Court also issued the following directives to the Govt. of India for immediate compliance to be operative till such time a new Model Police Act was prepared by the Govt. and/or the State Govts. pass the requisite legalization:

1. Constitution of State Security Commission in every State,
2. Notifying the procedure for selection and minimum tenure of DGP.
3. Security of tenure of other police officers,
4. Separation of the investigation function from law and order,
5. Constitution of a Police Establishment Board in each State,
6. Establishment of State and District Police Complaints Authorities.
7. Constitution of a National Security Commission.

The aforesaid directives of the Supreme Court were to be complied with by the Central Govt. and State Govts./Union Territories by 31st Dec 2006.

Noting the tardy progress in implementation of the directives due to disinclination and/or some reservations on the part of State Govts. for various reasons, the SC set up a monitoring committee, headed Justice K.T. Thomas, a Retired SC Judge, in May 2008, but the progress of this Committee was also very slow. The committee submitted its final report in Aug. 2010. The findings and conclusions arrived at by the committee were as under:

❑ *The Committee has no hesitation in concluding that practically no State has fully complied with those Directives so far, in letter and spirit, despite the lapse of almost four years since the date of the original judgment. In the States, where new police legislations have not been enacted, the directions are purported to have been complied with by issuing executive orders but the contents of such executive orders clearly reflect dilution, in varying degrees, of the spirit, if not the letter, of the Court directives.*

❑ *In the executive orders issued by many States as well as in the new police legislations passed by some States, the composition of the State Security Commission reflects deviation by way of exclusion of either the Leader of the Opposition or the judicial element or both. The numbers of officials in Security Commission surpass the number of non-officials.*

❑ *Regarding the selection of DGP, most of the*

States have been sticking to the earlier-existing procedure of selection, without even laying down any merit-based, transparent criteria. As for the tenure of DGP, most States have side-stepped the core of the Supreme Court directive.

❑ *The Committee observed that there was near uniformity among all the States in not providing for a fixed tenure for certain categories of police officers, contrary to the directives of the Supreme Court.*

❑ *As for separation of investigation from law & order, provision has, albeit, been made in the executive orders, in most of the States, but those remain only on paper so far. No concrete steps seem to have been taken to implement the directive on the ground level.*

❑ *Police Establishment Boards have been created in most of the States but their effectiveness is doubtful. The ground-situation of transfers in the four States where sample checks were made by the Committee (UP, Maharashtra, Karnataka and West Bengal) was found to be suggestive of uncertainty of tenures in the transfers and postings of police officers.*

❑ *Police Complaints Authorities have not been created in most of the States so far. Even in States which have claimed compliance, ground realities are different.*

❑ *Further, the Committee has noticed that some State Governments (for example, Tamil Nadu) have introduced legislative Bills, purportedly in compliance of the Supreme Court's directives, but while the Bills have yet to be passed by their Legislatures, executive orders issued by the State Governments in the interregnum violate the provisions of even the proposed Bills. Pending passage of the Bills by the Legislature, the State Governments may be asked by the Supreme Court to modify such executive orders to bring the same in accordance with their own proposed Bills, without further delay.*

❑ *For checking of ground realities of implementation of the directives, the Committee took up the task in respect of four States located in four different geographical zones. It has been observed from the reports of these four States that*

the level of compliance of the Supreme Court directives in these States range from total non-compliance to partial or marginal compliance to mere paper implementation. The Supreme Court, to begin with, may, therefore, initiate action as deemed appropriate, against these States.

□ As for the remaining States, it is for the Supreme Court to decide on the course and modalities of such verification, to assess the exact level of compliance of the directives by them, before deciding on the action to be taken in respect of them.

FRNV held its National Summit in New Delhi in Nov, 2008, and thereafter formed a Police Reform Team which has, over several meetings, been taking several measures aimed at persuading the Government and Judiciary to implement the Supreme Court Orders on Police reforms passed in 2006.

FRNV has been continuously pursuing the matter actively in meeting the Union Home Secretary, Justice Thomas and the Lt .Governor of Delhi and several officials concerned on several occasions, requesting expeditious action to implement the recommendations of the Supreme Court.

FRNV had also submitted its detailed recommendations for amending the Delhi Police Act, 1978, to BPRD, Govt. of India.

FRNV also filed RTIs seeking information from Govts. of Delhi, Chandigarh, Haryana and Karnataka seeking information about setting up of Police Complaints Committees, but the response furnished by them till Dec, 2016, had not been encouraging.

By now, most of the states have enacted their Police Acts, set up Police Complaints Authority and State Security Commissions, but by and large these are not strictly as per the Supreme Court directives for reasons of vested Interests, specifically with regard to complete separation of law and order and investigation duties of the police, composition of State Security Commissions and service tenure of senior police officers. The matter continues to be heard in the Supreme Court on regular basis and the next date of hearing is fixed for 2nd April, 2018.

NEWS AND EVENTS

□ A community-based activity was organized on February 13, 2018 on creating awareness on National Deworming Day at Hauz Rani, Malviya Nagar to promote personal Hygiene and cleanliness.



□ A community meeting at Hauz Rani to promote gender equality. About 15-20 women actively participated in the discussion. The activity was carried out with the support of aanganwadi workers.



Dear Readers,

FRNV invites stories from its readers on deep-rooted values that have helped us in our everyday lives. Some of these stories will be featured in the next issue of our newsletter. So put your thinking caps on, recall the values integral to your life which you cherish and write to us at shilpi@valuefoundation.in.