



NEWSLETTER

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Police Reforms

AN APPEAL BY DISTINGUISHED CITIZENS OF THE COUNTRY FOR POLICE REFORMS

The Supreme Court gave a historic judgment on Police Reforms on September 22, 2006, directing the setting up of three new institutions – State Security Commission to insulate the police from outside pressure, Police Establishment Board, to give autonomy to police officers in personnel matters, and Police Complaints Authority to make the police more accountable. Besides, the Court prescribed a procedure for the appointment of Director General of Police, which would ensure that only the finest officer got elevated to the top job, and gave him as well as officers in the field a minimum tenure of two years. It also ordered the separation of investigation of crime from law and order in the metropolitan towns.

There were great expectations that changes would usher in a new era for the police and make it people-friendly. The Rulers' Police would metamorphose into People's Police.

Fourteen years have passed since the judgment was delivered and the transformational changes are not to be seen yet. The Supreme Court has been monitoring the implementation of its directions, but obviously, these have not been effective. It is very unfortunate indeed that none of the major political parties of the country have shown interest in police reforms. It seems they all find it convenient to use this instrument to subserve their political agenda.

Police personnel, as the *Status of Policing in India Report, 2019* brought out, work for 14 hours a day on an average with inadequate manpower, scant resources and pathetic infrastructure. More

policemen get killed in the performance of their duties in India than in any other part of the world. Their dedicated hard work and sacrifices however are unfortunately overshadowed by the illegalities and brutalities perpetrated by a small section of policemen, sometimes acting under pressure of extraneous elements. Incidents showing police in bad light – as in Thoothukudy or Kanpur - happen periodically. Every time things go seriously wrong, there is a lot of noise, there is talk of police reforms, and then we are back to our normal state of working.

Police Reforms are directly linked with the progress of the country. We cannot have a modern Indian state unless the police, which is the kingpin of the criminal justice system, is reorganized and restructured. As a matter of fact, the democratic structure of the country itself may be in jeopardy if we do not arrest the criminalization of politics and the politicization of crime. Good law and order is the *sine qua non* for economic progress. The dreams of more than a billion people for better life would not be fulfilled unless we have a professional police upholding the rule of law.

Neither the Government of India nor the state governments have shown the required degree of interest in police reforms. The Supreme Court also appears to have been half-hearted in monitoring the implementation of its directions.

We, the undermentioned citizens of India, express our sense of deep concern and dismay over this inordinate delay in the implementation of the directions mandated by the Supreme Court in 2006. We urge upon the central and state governments to give the matter due importance in the larger interests of the country.

We would also urge the Supreme Court to wield its authority more effectively and ensure the restructuring of police organizations across the country in a manner which makes the police people-friendly, more accountable and upholders of the rule of law in all situations.

Initiated and issued by



FRNV wholeheartedly supports this appeal.

Reforming Indian Police is an Illusion- A policeman has really no choice but to compromise with criminals, politicians and numerous others who claim entitlement to circumvent law, to survive

-By Shri Amar Bhushan*

J Beniks and P Jeyaraj recently succumbed to injuries sustained while in custody at Sathankulam police station in Tuticorin district of Tamil Nadu, and Vikas Dubey and his associates were killed in police encounters near Kanpur in Uttar Pradesh.

Such incidents have become a recurring feature of our police working. The problem is that we have vested enormous power in policemen but given them an environment which, instead of improving their efficiency, forces them to act violently.

A policeman has really no choice but to compromise with criminals, politicians and numerous others who claim entitlement to circumvent law, to survive. He protects them because they protect him more than his own officers. The reasons are obvious.

Police, which is essentially meant to investigate crime, enforce law, and maintain law and order, has additionally been burdened with duties such as managing traffic, removing encroachments, protecting and escorting countless VIPs, carrying out rescue operations during natural disasters

and handling cases related to violation of prohibition and COVID-19 guidelines. This list keeps growing. The pity is that the means provided to the police by the governments to fulfill these responsibilities are abysmal.

Junior officers who constitute 94 percent of the police force work 14 to 16 hours a day. Weekly day-off for them is rare because 28 percent posts remain permanently vacant. A one-room dingy apartment is all that 26 percent constables have.

The rest hire accommodation after paying five times their house allowance. Constables (86 percent of the force) get promoted only once in their lifetime. The weapons shortage is staggering 77 percent and vehicle deficiency is 35.5 percent. This situation exists because state governments spend 1.2 to 2.7 percent of their annual budget on the police. That we still live reasonably safe is indeed a miracle.

Since 1977, various police commissions and committees have unsuccessfully tried to address this sorry state of affairs. The Supreme Court has also issued guidelines suggesting constitution of State Security Committee in states to ensure that governments do not exercise unwarranted influence over police and lay down policy for their functioning, creation of Police Establishment Board to decide posting, transfer and promotion of officers, formation of Police Complaint Authority, minimum and fixed tenure for senior officers and separation of investigation from law and order.

However, States appear reluctant to carry out Police Reforms in letter and spirit. They may agree to incrementally meet the shortage of manpower, housing and vehicles but not concede functional independence to police.

Source: Extracted and edited from <https://www.newindianexpress.com/magazine/voices/2020/jul/26/reforming-indian-police-is-an-illusion-2173949.html>

Dated: 26th July 2020

Pass the Baton Now-India must quickly adopt a zero-tolerance policy for torture and death in police custody

-By R.K. Vij*

Amidst growing Indo-China tensions following a recent face-off in the Galwan valley, news from Tuticorin (Thoothukudi) district of Tamil Nadu

about the death of father-son duo, Jeyaraj and Bennicks, during medical treatment in jail custody, shook the nation's trust in its police system. The duo was arrested on June 19 by Sathankulam police on charges of refusing to close down their mobile phone shop during the lockdown. The allegation is that both were subjected to third-degree methods by the police during custody, following which the father-son duo succumbed. Four policemen have been suspended. Sensing public rage, the Madurai bench of the Madras High Court took suo motu cognizance of the unfortunate incident and ordered a judicial inquiry on June 26. The state government has now announced a CBI inquiry into the whole incident.

Police personnel of the country have been continuously lauded for doing exemplary work during the lockdown period since March. Besides having enforced the lockdown effectively, they have been on the forefront to help migrant labourers and poor people by providing food, slippers and transport and facilitating shelter. Many policemen got infected with COVID-19 and a few even lost their lives to it. Though they have been kept out of the insurance cover by the Central government, their motivation to work incessantly has not abated. Social media, particularly Twitter, proved very helpful to the police in coordinating the interstate movement of migrants. It will not be an exaggeration to claim that the people's confidence in police gained momentum and the image of the police moved at least a notch higher. But this one incident of custodial torture in Tuticorin has put the police into a dilemma once again. The father-son duo was held in a case that invites minor punishment of maximum one month in jail.

Retired Supreme Court judge Markandey Katju tweeted on June 27 that the "policemen responsible for brutal death of father & son in Tuticorin, Tamil Nadu just because they kept their mobile accessories shop open during lockdown deserve harsh punishment, as held by SC in Prakash Kadam vs. Ramprasad Vishwanath Gupta (2011)". The Prakash Kadam case is an old case of Mumbai wherein the policemen, allegedly involved in contract killing of a person, camouflaged the incident into a police encounter. While writing the judgment, justices Katju and Gyan Sudha Misra emphatically said that "where a fake encounter is proved against policemen in a trial, they must be given death punishment, treating it as the rarest of rare cases".

There are sufficient provisions of law to deal with custodial torture. The SC has also issued directions from time to time. In the Neelabati Behera (1993) case, the SC held that "detenues are not denuded of their fundamental rights under Article 21 of the Constitution". Commenting on the National Police Commission's report that nearly 60 per cent of the arrests were either unnecessary or unjustified, the SC, in the Joginder Kumar (1994) case, observed that "the existence of the power to arrest is one thing and the justification for the exercise of it is quite another". In the D.K. Basu (1997) case, the SC issued eleven directions to increase transparency and fix responsibility while making an arrest.

The medical examination of the accused was made mandatory as a matter of right. Moreover, the person arrested was required to be made aware of his or her right to have someone notified about the arrest. The Criminal Procedure Code (CrPC), as amended in 2006, provides that a custodial death shall be inquired into by a judicial magistrate. Another amendment in CrPC, effective from November 2010, says that generally no arrest shall be made if the maximum sentence for an offence is less than seven years imprisonment. In such cases, the accused person shall only be asked to appear before the police officer for investigation. The National Human Rights Commission (NHRC) also closely monitors each case of custodial death as each such case involves violation of fundamental rights.

The law has enough provisions to deal with torture in custody. The SC has issued directions too.

The National Crime Record Bureau (NCRB) discloses that out of total number of annual custodial deaths of about ninety (90) in last five years (2014-2018), about 30 were suicides, and about six were due to police torture in custody. However, each death in police custody resulting from torture leaves a long-lasting scar on the force's image. Any suicide in custody may point towards faulty infrastructure or negligent supervision, death due to torture is simply a criminal act, which no authority may compromise on. There should absolutely be zero tolerance for any custodial death resulting from torture.

The case in which the father-son duo was arrested was a case of simple defiance of lockdown norms inviting minor punishment of maximum one month's imprisonment and a fine. Even use of

criminal force on public servants to deter them from discharging duties calls for a maximum imprisonment of two years. No tough interrogation was required to be conducted in the given case. Even in heinous cases, the trend is to use more scientific methods of interrogation. The brain finger-printing method of non-intrusive nature is one such test which is useful in extracting hidden information without even touching or talking to an accused person. The police have no right to punish the guilty. At the most, a few serious cases may remain unsolved due to limited human capabilities. There are many more cases which don't come to the public light and remain unsolved. The public also needs to realise that the police have limited powers under the law.

Various commissions and committees have given their recommendations for police reforms. The National Police Commission, the Ribeiro Committee, the Padmanabhaiah Committee, the Malimath Committee and the Law Commission are a few to count. In the Prakash Singh (2006) case, the SC also issued a slew of directions on police reforms. One such common recommendation, to improve the quality of investigation, is to separate investigation from law and order. Each committee and commission has realised that the number of investigating officers must increase so that they aren't induced to use short-cut methods, untenable under the law. The 'police' and 'public order' being in the State List of Seventh Schedule, police reforms are largely to be undertaken by state governments. However, despite these constraints, it is high time that the police must improve methods of interrogation and behaviour of its officers with the accused persons and witnesses. The police cannot afford to take shelter under the guise of given limitations. The colonial mentality of being brute with citizens needs to go.

In the Prakash Kadam (supra) case, the SC concluded the judgment by saying that "the rule of law collapses when it is replaced by Matsyanyaya which means the rule of the jungle, where the big fish devours the smaller one". Kautilya says that "if danda is not employed, it gives rise to the condition of matsyanyaya". Needless to say that police must focus more on its training to ensure improvement in methods of interrogation and behaviour. The sensitisation programmes for the field officers need to be conducted on a regular basis. Zero tolerance for custodial torture must be the mission.

**(The author is a senior IPS officer of Chhattisgarh.)*

Source:

<https://www.outlookindia.com/magazine/story/india-news-opinion-india-must-adopt-zero-tolerance-policy-for-torture-and-death-in-police-custody/303405>

Dated : July 25, 2020

Develop Police as instrument of Social Change

-By Shri GS Aujla*

We are damned if we do and damned if we don't." This is the grudging refrain of police officers when they bear the brunt for zealously performing their duties. The murderous assault on a police party, resulting in an officer's hand being chopped off, is one of the many instances when unlawful mavericks exhibit their contempt for a rigid enforcement of law and create chinks in the armour of the police — the conspicuous arm of the State.

During the coronavirus crisis, after some indisciplined officers wielded the baton indiscriminately, course correction took place. The same force, which was thought to be rash and reckless in its actions, came to be seen as Good Samaritans, who wouldn't stop short of doing any good beyond their normal calling and reach.

Never before in recent history have we seen the police play such a comprehensive role as they are doing during this calamity. Day and night, one sees the ungrudging cop going the extra mile and yet be available on the beat, assisting other agencies of the State to perform their duties. They are, indeed, serving as the base of the pyramid.

The psyche of the average policeman gets geared for the worst when in public interest he is tasked to enforce an extraordinary measure, like a curfew. In his knee-jerk reaction to prove his efficacy, the cop finds such directions demanding maximum earnestness and accountability in his performance. Unless he establishes a total domination of the street, he feels there has been something derelict in his enforcement. It requires nerves of steel to maintain a rare sangfroid in such situations.

It also becomes highly important for supervisory officers to be available for advice in the execution of such extreme measures undertaken in public interest. It becomes all the more necessary that things do not become counterproductive due to faulty judgement or implementation.

This problem is generic to the basically preventive role of the police. When they assume a role which involves curtailing individual liberty and freedom, its implementation by force cannot be weighed on golden scales. Situations develop in an unpredictable manner. A storm in a teacup can develop into a major conflagration. Thus, the police always do a tightrope walk.

While measures like curfew prove their efficacy in times of communal riots and violent civil disorder, there is a variety of lesser options available to the police as well. Though desperate diseases need desperate remedies, police training promotes a graded response for what is called 'crowd control and its dispersal'. In most cases, there is no need to invoke the drill of crowd dispersal if there is no violent disobedience from the other side.

After the realisation of danger to public health, the people themselves undertake a community role, as they did during the present crisis from village to village, enabling the police to withdraw for the difficult role of being active social agents. Never have the police been so publicly lauded in their role, which went far beyond the conventional law and order framework.

While there are numerous departments which constitute the government, each one, in such circumstances as these, is dependent on police support for them to be able to carry out their own duties. Frontline service providers like doctors and paramedics have, unfortunately, been made targets of attack by misguided mobs. It is the police who have once again come to the forefront to provide them security.

The omnibus role that the police are performing in this unique emergency goes to show that the public does not need to see the force as representative of a hidebound system. They are now perceived as a people-friendly tool of the welfare state.

The disproportionate dependence on the police, as in the present circumstances, will raise the appetite to have the police perform more and more tasks in future. The current model of blending the reactive and proactive roles has served ideally for the police force throughout the country in this extraordinary situation.

In normal times, it will have to show sufficient resilience to revert to the original role. In the words of Prof DH Bayley, a renowned US expert in

criminal justice: "A police force is as good as the public thinks it is."

Fortunately, the police have won accolades in the present public health emergency. They need to perpetuate this perception to continue to be acclaimed as a people-friendly force in the times to come. It is the police with a 'human face' that we have been craving for all these years. It has been possible to achieve it.

In order for the police to continue its efficiency, a lot more funds will have to be provided to increase their mobility, response and welfare. The constable, who is at the lowest rung of the hierarchy, will have to be more educated and self-dependent. Unless the cutting-edge police are developed as an instrument of social change, the force will continue to be dependent on directions from the senior echelons, which may not be available in all situations on the beat. A SWOT — strengths, weaknesses, opportunities and threats — analysis will have to be constantly carried out to equip the police to play an ever-changing role. Pragmatism is as important as the morale of the police.

**(The author is a Former DGP, Punjab.)*

Source:

<https://www.tribuneindia.com/news/comment/develop-police-as-instrument-of-social-change-86268>

Dated: May 18, 2020

Role Model 1: Madhya Pradesh Girl Who Cycled 24 km Daily Scores 98.75% In Class 10



Roshani Bhadoriya, a resident of Ajnol village in Bhind district of Chambal region, secured 98.75 per cent marks and 8th rank in the merit list of the Madhya Pradesh Board of Secondary Education's

Class 10 exams, the results of which were declared in July this year.

A 15-year-old girl's determination to pursue her studies by cycling 24 km every day to and from her school in a Madhya Pradesh village has paid off as she has secured 98.75 per cent marks in her Class 10 exams.

Roshani Bhadoriya, encouraged by her marks, now aims higher and wants to pursue a career in civil services.

The girl's father, a farmer, said he is proud of her achievement and would now arrange a transport facility for her to go to school.

Her father Purushottam Bhadoriya told PTI that till Class 8 his daughter studied in another school where a bus facility was available.

But after that, she shifted to a government school in Mehgaon, located around 12 km from Ajnol, where transport facility was not available, he said.

"Since Roshani got enrolled in Class 9 of Mehgaon's Government Girls' School two years back, she had to cycle to reach school on several days due to unavailability of other modes of transport like taxis," he said.

Mr Bhadoriya said he will now make some other transport arrangement for her to go to school.

The farmer, who also has two sons, said everybody in Ajnol is happy with her daughter's feat as none from the village attained such academic success.

When asked about her school journey experience, Roshani said, "It was difficult to go to school on a bicycle. Though I didn't count, I cycled for about 60 to 70 days a year to reach the school. My father also took me to school on his motorcycle whenever he had time."

The girl said after returning home, she used to study for seven to eight hours every day.

Roshani said her aim is to clear the civil service exams and become an IAS officer.

Mehgaon Government Girls' School principal

Harishchandra Sharma appreciated the girl's achievement and determination.

Source:

<https://www.ndtv.com/india-news/madhya-pradesh-girl-paddles-her-way-to-academic-excellence-in-class-10-2257447>

Dated: July 05, 2020

Role Model 2: Each for Equal: India's Seed Mother is the Perfect Example of Why Women Farmers are No less than Male Farmers

-By Nikita Arya

Even in today's time when the wave of feminism is spread across the world, you can still find gender disparities in different fields. The field of agriculture is not exempted from the disparities. A tough job like farming doesn't go well with the delicate hands of women - this is what many people think!

RAHIBAI SOMA
POPERE



FIELD
OTHERS
(AGRICULTURE-ORGANIC)

AGE
56 Yrs.

STATE
MAHARASHTRA

PADMASHRI 2020

Known as 'Seed Mother' of India, she is a self-made expert in the subjects of agro-biodiversity, landrace conservation and worked to conserve indigenous plant varieties.

Busting these myths, many women farmers are emerging who are standing out from the crowd, not because they are women, but for contributing more than many other male farmers. One such woman farmer is Rahibai Popere, popularly known as 'Seed Mother of India'.

Meet Rahibai Popere, an Indian women farmer who has registered her name in the BBC List of "100 Women 2018". Adding another feather in

her cap, Rahibai has been conferred as a recipient of the fourth highest civilian award 'Padma Shri' this year.

Her Incredible Contribution towards Saving Native Seeds

Rahibai Popere comes from Kombhalne, a small village located in the Ahmed Nagar district in the state of Maharashtra. A 54 years old woman who had no formal education in the field of agriculture, Rahibai has earned the tag of 'Seed Mother' only because of her immense knowledge of different varieties of native or indigenous seeds and crops and her countless efforts to save these crops. An expert in subjects like agro-biodiversity and landrace conservation, she has also formed several innovative techniques in the cultivation of paddy crops.

She has a vast stretch of farmland of fifty acres where she grows 17 different crops. In her own garden/farm, she has 114 varieties of 53 crops that are preserved in traditional and tribal ways. In an interview, she says, "Native crop varieties are not only drought and disease resistant, but are nutritive and retain the soil fertility as they do not need chemical fertilizers and excessive water."



Her Source of Inspiration

The thought of saving the indigenous crops struck her mind when the people in her village started to fall ill frequently. In an interview with BBC, Popere says, "Sickness has increased among villagers. We didn't have malnourished children

before. I thought it was happening because of hybrid foods and chemical fertilizers. Indigenous crops need only water and air to grow but hybrid crops require more water and chemical fertilizers."

Despite receiving constant criticism from other villagers, her own family and even from other women, Popere never held back herself and kept walking on her own path. She says, "If I hadn't tolerated their remarks and comments, these seeds would have vanished from the earth. Nothing would have remained if I had listened and kept quiet."

Source: <https://krishijagran.com/success-story/each-for-equal-indias-seed-mother-is-the-perfect-example-of-why-women-farmers-are-no-less-than-male-farmers/>

Dated : 4 February, 2020

News & Events

❑ Newsletter for October 2020 would be on Sanitation and Environment. Readers may please send their articles on this subject to FRNV not later than 15th September 2020.

❑ FRNV will endeavour to bring out a Journal with effect from November 2020 in place of Newsletter. Articles on National Values are invited for publication in the Journal.

❑ The Annual General Body meeting of FRNV will be held in November 2020. Notice of meeting giving date and venue will be issued in due course.

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.

Chief Editor: Shri Gopal Ganesh