

POLICE ADMINISTRATION: ISSUES & CHALLENGES

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INTRODUCTION

The human civilization has over millions of years laid down for itself great psychosocial theories and concepts which in essence has been the sole factor for its evolution. Through it we have evolved a complex mechanism of human coexistence beyond a mere instinct for survival and where mental growth governs all interpersonal behavior and social responsibilities as a human being. And that is the key difference from the animal world which also has certain rules of survival but no such behavioral practices evolving into certain codes of coexistence.

The evolving civilization has given birth to the Hobbesian paradigm which arranges the reason for establishment of “**State**” where codes are required to be established which has to be followed by all actors for the perpetuation and furtherance of the State as a common shared aspiration of a large number of individuals. In every such system there are bound to be two set of individuals, one who are bound by codes and follow it diligently by virtue of a better understanding of the shared aspirations and another set which is in conflict with the codes which they perceive to be non-bearing in furtherance of their goals and are most likely to violate the principles of the State. Thus in process of human civilization's evolution there had to be a mechanism for implementation of rules, and since the violation was most likely to not follow a circadian cycle and was largely unpredictable, a dedicated mechanism for enforcement had to be put in place to

administer the rules framed by the State. Democracy is the most modern adaptation of State, and the role of an enforcement agency has remained at the centre of discourse. Ancient Indian history at the time of Kautilya has a mention of law enforcing agency in *Arthshashtra* in chapters three and four, which mentions *Dandniti* or the science of law enforcement and administration of Justice, that deals with both civil and criminal law and provides for sanctions or punishments relating to different offences as an integral part of Statecraft. Thus, since times immemorial from the time that this idea of democracy was conceptualised, one of the major concerns regarding its intrinsic functions has been the maintenance of law and order. And this psychosocial empowerment of the State to implement rules ruthlessly coupled with the general propensity of States becoming autocratic, has led to one of the modern concepts of violation of human freedoms, which needs to be guaranteed by the State and a discourse on fine balance between ensuring human freedoms and maintenance of order is not out of place.

While we adopted many of the administrative features of the Government of India Act, 1935, the political consensus reflected in the Nehru Committee report of 1928 incorporated State mechanisms to ensure human freedoms to its citizen as well as any human being within Indian State and incorporated them in part III of the Constitution of India. The Constitution of India, drawing heavily from the ancient history and borrowing principles of justice from various western countries has laid down provisions for administration of Justice in a fair and reasonable manner to each citizen. Constitutional scheme of Policing by the State therefore focusses on the concept of Right to Life and Personal Liberty which cannot but be stressed. Article 9 of the International Covenant on Civil and Political Rights provides that, “Everyone has the right to liberty and security and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

INDIAN POLICE: A BRITISH LEGACY

A sneak peek into the history of current police system in India will set the perspective for today’s discussion. A close look at the police organisation will reveal that most of its problems are an outcome of its history, the legacies of which make it completely disjointed, thoroughly stagnant, out modelled and even out

rightly dysfunctional. The colonial British wanted to establish a system to assert its authority over the less privileged natives and found the Royal Irish Constabulary Model, which was first introduced in Sindh Province, now in Pakistan which was later adopted in other parts of India. Immediately after the first war of Indian Independence in 1857, which was violently crushed by the British, the Police Act of 1861 was brought into force. The colonial-era Police Act continues to be the guiding Act in most of the states of India and even where there have been cosmetic changes into the laws governing Police Administration, the concept remains the same and the basic British Police Act and the Major Acts, The Indian Penal Code, The Criminal Procedure Code, The Code of Civil Procedure and The Indian Evidence Act, remain more or less unchanged since the days of the great Indian uprising. Sir Robert Peel, former British Home Secretary, who is often referred to as the Father of Modern Police, wanted to give legitimacy to London Metropolitan Police and one of the principles he adopted for the same was that Police must be under Government control. This same principle was adopted in Independent India and Police has been considered as the tool of the Political Government of the time which has led to a common practice that the police management almost invariably changes with a change in political leadership.

At this juncture I would like to refer to the most delicate and profound problem of dyarchy in the administration of law and order in the district. The DM-SP relationship, as advanced in the Police Act, has acquired all sorts of pro-DM connotations in the process of history. Logical rationale apart, it is a problem surcharged with professional bias and status equations in the district administration. The justification of this dyarchy of the colonial days in the administration of law and order in independent India makes very little sense, especially when the two functionaries belong to two All India Services of a coordinate nature. The presence of DM in emergency situations of law and order may have some attendant benefits for the district administration but it certainly betrays a lack of confidence in the senior officials of police, who resent the pre-eminence of the DM in a domain which exclusively belongs to the police.

INDEPENDENCE & POLICE

Wavering between three lists of the VII Schedule, the task of policing remains shared, muddled and is a coinciding responsibility between the Union and the State

governments. The Union Home Ministry, though not directly responsible for police functions, virtually functions as the union ministry for police, assigned with the responsibility of maintaining peace, security and order in the country which steal from the State police departments their intuitive initiative in reorganizing the police administration.

Various committees and commissions have been constituted by Central and State Governments to study these issues and look for credible solutions. One of the first was A.H.L. Fraser Commission in 1902 which said that Police was inefficient, inadequate, oppressive, corrupt, is unable to maintain law and order and has also been unsuccessful in securing the confidence and trust of the very citizens it intends to serve. Post-Independence various **National Police Commissions** were formed to define Police's jurisdictions, role, functions, powers, accountability and relations with the general public in line with the Constitutional ethos of ensuring human freedoms. These reports touching upon all aspects of modern policing pointedly demonstrate that there is no dearth of inventive ideas and realistic study on police reforms. Yet the fact that the organisation of the Indian police remains a thoroughly stagnant organisation, governed by the laws of post-mutiny era, demands an explanation from all those who want to elucidate this opaque phenomenon of status quoism of police in modern India. The reasons are not far to seek and most of the reasons for not allowing the obvious lies in the professional, political and socio-cultural fields of public life in India. The police being a cushion or buffer of social change permits the political rulers in a democratic system to consolidate and legitimise their power positions and naturally, they cannot afford to take risk in the field of policing at their own jeopardy. In addition to this, the socio-cultural systems in the emergent third world treat their police forces with callous indifference and animated antagonism because of which the police profession does not get its due share of attention and credit for stability and progress at the hands of popular representatives in the democratic foray. The vested interests in the polity and the society generally tend to join hands in slandering the police and frustrate change and growth by exploiting the functional nature of the police job and the disciplined character of its organisation structure. The non-police authors of police reform find it very convenient to keep the police unchanged. Here is an organisation which cannot belligerently negotiate as a bargain counter, but in its historical role of colonial past, police can perpetrate an

imperial misconception that the maintenance of order is identical to preservation of law of the land.

ASPIRATIONAL INDIA & POLICE

After independence, three things have happened, which need special mention in the context of police administration vis a vis the aspirational youth in India.

1) First, the introduction of mass education and quantitative and somewhat qualitative expansion of schools and colleges have brought a large chunk of countryside population within the fold of mass consciousness and political arousal in the countryside. These young men and women refuse to accept the police in its old pattern and naturally a constant and serious challenge of attitudinal change confronts the police administration right at the grass root level.

2) Second, the introduction of Panchayati Raj institutions as a developmental mechanism has set free all kinds of new variables and fault lines in the politico-economic system in the countryside and urban centres of India. It has thrown up new leadership and new threats of public disorder and delinquencies which the old police apparatus finds increasingly tough to cope with.

3) Third, the pace of social change and gradual modernisation of traditional ways of living are not only corroding the structure of social values but have also introduced quasi-rural patterns of community living in medium-class towns.

The mixed situation of aspirational youth, new leadership and transition from rural to peri-urban community living, devolves special responsibilities upon the custodians of law and order who find the police organisation at the local level too ill-equipped and stagnant to deal with pressures of change. Thus, the state police administration, which, by and large, represents the historical bequests of the colonial days need fresh thinking, vigorous reform and systematic reorganisation efforts to live up to the challenge of dynamic change and progress, popularly known as development, in modern India. The uniformity of the pattern in most of the states of India makes it especially applicable in the present day context of national integrity and national discipline. In free India, the people and the political bosses have been callously apathetic to the problems of the police transformation. As a state subject, it has suffered neglect and a raw deal at the hands of our

planners. Being a disciplined organisation, it could not develop its bargain counters in the democratic system. On the contrary, its serviceable nature has been responsible for incurring the wrath of all sections of society. Naturally, its case for reform has been lost by default. The unscrupulous police officials in the system have further exploited the situation and have rendered the organisation and its personnel sequestered and incorrigible for reform.

The emerging situation in the country today assigns very heavy responsibilities on the police administration of the states. The traditional system is obviously ill-equipped to withstand the pressures of the situation. The cure lies in imaginative thinking inside the state level police administration and on the part of police leadership to take up the challenge of the new political and administrative philosophies of democracy, socialism, secularism and nationalism, so pertinently reiterated in the revisions and judicial interpretations of the Constitution of India. In a democracy where Law and the law makers change too frequently and several kinds of disorders reflect and measure the pace and goals of social change, the professional universe of the policemen is riddled with political problems, which he can neither own nor suffer. The functional constraints of the police profession warrant a thoughtful and quiet approach, which when spelled out in operational terms, finds a very low priority for police reforms. The concept of police as an 'arm of law' in a society, committed to 'rule of law' expects this executive arm of the government to be depoliticised. Conversely, the police organisation cannot be left to its own also because the job of policing requires political direction and discretionary elucidations, subject to the overall control of the judiciary of the country.

PRAKASH SINGH AND OTHERS VS. UNION OF INDIA

In 1996, Prakash Singh, a former Director General of Police and others filed a petition in the Supreme Court of India for directing the Central Government and State Governments for reforming the Police. The intent behind such legislation was to draft an act which takes into consideration the problems faced by the whole police system of the country. The petitioners listed some significant areas which needed rejuvenation like the abuse of authority, political interference, archaic structure, inefficient functioning etc. Realising the gravity of the matter and the uncertainty of time on the part of Governments, the Hon'ble Supreme Court in

2006 issued directions, which led to the initiation of landmark reforms in the law enforcement system of the country on two foremost areas:

- 1) Increasing Functional Autonomy
- 2) Enhancing Police Accountability

MAJOR PROBLEMS & CHALLENGES OF POLICING

- 1) Police is a part of executive and is most vulnerable to political interference. Politicization of police force is common and it is, more often than not, used to take undue advantage by those in power.
- 2) Internal management systems are opaque, unreasonable and are sometimes subjective in nature.
- 3) Policing efficiencies have decreased in terms of their fundamental functions.
- 4) Public complaints are not addressed properly whereby there is a huge gap between rate at which crimes are committed and FIRs are lodged. This leads to gaps in the concept of equitable application of Law and sense of Justice in the victim.
- 5) Police accountability is a major issue particularly with respect to fake encounters, custodial torture and custodial deaths.
- 6) Quality of investigating standards is deteriorating. There is lack of equipment, lack of scientific aids to investigation, weaponry in current use is outdated and obsolete.
- 7) Coordination between the internal departments is seriously lacking leading to delays in investigation.
- 8) Training standards are very antiquated, of low standards and do not take into consideration the current requirement and use of modern technology.
- 9) Ever expanding Workload is one of the major reasons for the incompetence and insufficiency of Police.
- 10) Soft Skills are lacking in the entire lower cutting edge police force.

- 11) Lack of adequate infrastructure.
- 12) Disarray of rural police even while the countryside has changed.
- 13) The paradox of para militarism with increasing terrorist and extremist activities.

These lists are only enumerative and not exhaustive.

MITIGATION

Police force being the spine of any civil society should have first and foremost the trust of the citizens it serves, because disregard for the police is a perfect setting for a civil war. The Indian Police force is lacking at many fronts and needs reforms and transformation in order to cope up with the fast growing and emergent crimes in the country. Although there are many ways in which the system can be transformed but one of the major core area which needs attention is capacity building through technology and tackling crime and investigation through new technologies like the advanced nations have done. (United States has tied Police database with *COMPSTAT* which is computer statistics, which locates the number of crimes in a particular locality and help the department transfer the best trained personnel to those areas. In this way, area-wise crime reports are studied, analysed and thus a timely spatial counter-plan for eliminating crime is prepared.)

REFORM AGENDAS

- 1) Autonomous Police Organisation out of Political & Bureaucratic interference.
- 2) Separation of law and police for order.
- 3) Panchayati police for villages.
- 4) Renovation of armed police.
- 5) The Graduate constabulary.
- 6) The parity of all India services.
- 7) A package of liberal service conditions.
- 8) Better trained personnel and modern weaponry.
- 9) Better Infrastructure.

10) Improvement in the Information Technology infrastructure will help the investigating department to tackle the crimes in a much more simpler and easy manner. The creation of IT infrastructure would help in tracking cases to tackle delays which lead to mounting pendency. Investment in management techniques, building criminal databases would help reduce the crime rate at a very fast pace.

PERSPECTIVE

Police functionality, old and new, can be broadly divided as:

- 1) Enforcement of law and
- 2) Maintenance of Public order.

In case of enforcement of law, the police need a managerial approach and a highly articulate *management grid* to attack upon the conventional violators of law like thieves, burglars, robbers, gangsters, immoral traffickers, smugglers and habitual offenders of the hard core variety. For maintenance of public order, apart from professional or managerial competence, a very effective and competent system of specialized police will pay dividends.

Albert Einstein said, *“Every kind of peaceful cooperation among men is primarily based on mutual trust and only secondarily on institutions such as courts of justice and police.”*

Therefore more important is the availability of a new accountability structure of police which may stimulate widespread confidence and dispel mass apprehensions. This accountability structure must be different from the present safeguard, i.e., the District Magistrate and the autopsy dissection in the form of Judicial Enquiries. The DM and the High Court Judges may prove a check and bring the facts of the case of police failure before the people, but they have failed to deter the recurrence of the incidences. The effective check on police misuse or policemen transgressing limits must be developed within the Police Organisation itself. Similarly, some other democratic organisation like the National Security Council or an All India Police Commission can also safeguard the interests of the citizens and the policemen alike. The present atmosphere of change and growth in India requires that a continuous reform input is needed to restructure the system, without causing a big disruption in the total system of police administration of the state.

- 1) The state police administration should increasingly experiment with the very successful Police Commissioner system prevalent in big cities of the country.
- 2) The pace of modernisation of the state police set-up may be enhanced. Modernisation in terms of physical facilities and equipment's may ultimately lead to specialisation in police tasks and training of policemen.
- 3) The staff units in the state police administration may be given an honoured place.
- 4) The expenditure on armed police may increasingly be reduced and the state police budgets can be so reorganized as to have more and more of senior positions to make the district police officer oriented, rather than constabulary oriented.
- 5) The offices of the SP and SHO may be reorganized in terms of their routine workload, legal responsibilities, protocol duties and job hazards.
- 6) The junior state police functionaries may be specially trained in public relations and special efforts may be made to cultivate various sections of public to project a new image of the police profession in the society.

THE VIRTUAL WORLD AND COMMUNITY POLICE

I have wilfully kept these topics separately as conclusion as policing across Nation States have limited itself to dimensional physical world wherein the victim and the perpetrators of crime exist in the realm of the real world. However, with the onset of virtual reality, without boundaries of space and intellect, the victim and culprit existing in real and virtual, policing is a different concept altogether. In the virtual world a borderless limitless policing armoured with laws covering transcendental space and nonphysical perpetrators must evolve where victims' right is more pronounced in the law enforcement concept. Policing has to be a partnership with the community as Sir Robert Peel said, "The police are the public and the public are the police." The community must strive to raise responsible citizens who can police themselves as well as the police, because **the civil police is not in a war zone and it needs reform, not power.**

To Conclude I quote

"In keeping people straight, principle is not as powerful as a policeman."

- *Abel Hermant*