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"POLICE MODERNIZATION AND GOOD GOVERNANCE IN INDIA"

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ABSTRACT

This Paper is an effort to determine how Police Modernization is a significant and pivotal requirement for the realisation of goals of Good Governance. This Paper explains in brief the concept of good-governance and related principles. It also shows that what reforms have been recommended for Police Modernization by different committees and Commission

The political system in recent years is marked by decentralized governance both as a strategy and philosophy of brining about reforms and changes in democracies. These changes led to such virtues of transparency, responsiveness and accountability and ensure good governance. The current governing instrument of the Indian police force is the Police Act of 1861. Together with the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure it forms the current but outdated police system in India.

It also brings about the challenges lies in front of the government in realising such huge task of reforming the existing structure of Policing in India and building a Modern Police in India

Police being a state subject under the constitution of India, it is the primarily responsibility of state governments to take care of the requirements of respective police forces, including those related to modernisation. This Paper also highlights the success of Governance initiatives taken by many State governments in India in this respect.

At last, the Paper positively concludes that multiplier effect of reforms & e-Governance initiatives will ensure modernisation in Police in India which will be required for realising the goals of Good Governance in India. Thus we can say that indeed Police modernisation in India and Good Governance is intertwined.

INTRODUCTION

Modernisation, as it is commonly understood is an act or process or developing or unfolding. The term 'modernisation' stands for transformation of culture in response to the changes in social and physical environment. This 'change' affects the culture and the institutions as well. In

a modem political system, people are constantly in touch with the institutions governing them; they communicate their demands regularly & express their approval to the government policies. The modern institutions not only perform their traditional functions but also play a role in improving the quality of life of the citizens. There is an inter connection between modernisation and social mobilisation. It can be explained as a process by which major clusters of old social, economic and psychological commitments are eroded or broken down and the people become available for new pattern of socialisation and behaviour.

With regard to the linkages between police and the political developments in India, there is an asymmetrical trend, which adversely affecting Police as an agency of law enforcement and crime and the environment requirements, rendered Police as an obsolete, feudal and old structured agency of the government. This has two fold Implications- First, the Police failed to match with the societies' requirements. Second- the Organizational culture and the capacity building of the Police was obstructed. The maintenance of public order primarily the social order requires an early acknowledgement of the various nuances of the social development.

The political system in recent years is marked by decentralized governance both as a strategy and philosophy of brining about reforms and changes in democracies. These changes led to such virtues of transparency, responsiveness and accountability and ensure *good governance*.

Indian Police system lacks the basic virtues of clear cut transparency & accountability hence it lacks both the basics attributes of modernisation as well as the overall qualities of good governance,

Indian Police System- Historical Background

Seen in the Indian context, police, public order, prisons, reformatories, borstal and other allied institutions under the Constitution of India are state subjects. What this means is that under the Seventh Schedule to the Constitution which divides the administrative powers between the Central and State Government, Police is managed by the State Government. As a result all states have their individual police laws. That is not to say that the Union Government does not have any say in police governance, Article 355 of the Constitution enjoins upon the Union to protect every state against external aggression and internal disturbance. It also imposes the duty upon the Union Government to ensure that that government of every state is carried on in accordance with the Constitutional provisions.

Legally, The Police Act, 1861 is still the basic instrument governing the functioning of the Indian Police. Besides the Indian Penal Code, 1862, the Indian Evidence Act, 1872 and the Criminal Procedure Code of 1973 also govern the functioning of the police. Under the Police Act, the Inspector General of Police (now designated as the Director General/Inspector General) is the head of state police. States are divided into districts and a Superintendent of Police heads the district police. A group of districts form a range, which is looked after by an officer of the

rank of Deputy Inspector General of Police. Some states have zones comprising two or more ranges, under the charge of an officer of the rank of an Inspector General of Police. Every district is divided into sub-divisions. A sub-division is under the charge of an officer of the rank of ASP/ Dy.S.P. Every sub-division is further divided into a number of police stations, depending on its area, population and volume of crime. Between the police station and the subdivision, there are police circles in some states - each circle headed generally by an Inspector of Police. The police station is the basic unit of police administration in a district. A police station is divided into a number of beats, which are assigned to constables for patrolling, surveillance, collection of intelligence etc.

History of Police Reforms in India

This is not to say that this aspect has not been given attention. Both pre and post independence, a number of committees and commissions have been appointed and have deliberated upon various aspects of streamlining the effectiveness of police governance in the country.

Post-independence with changing economic, political and social set up in the country, the need to revisit the police governance was felt several times. Post-independence, the first Police Reforms Committee was set up by Kerala in 1959. This was followed by a succession of Police Commissions appointed by different State Governments mainly during sixties and seventies (West Bengal in 1960-61, Punjab in 1961-62, Delhi in 1968, Tamil Nadu in 1971 to name a few). At the Central Government level, a Working Group on Police by the Administrative Reforms Commission was set up in 1966.

This was followed by the setting up of the Gore Committee on Police Training in 1971 and subsequently the National Police Commission which, between 1977-1981, submitted 8 reports suggesting wide ranging reforms in the existing police set-up and also a Model Police Act. None of the major recommendations by the National Police Commission were adopted by any government. This persuaded two former Director General's of Police (DGPs) in 1996 to file a Public Interest Litigation (PIL) in the Supreme Court (Prakash Singh Vs. Union of India) asking the Court to direct governments to implement the NPC recommendations. In the course of the 10 year long case, in 1998 the Court set up the Ribeiro Committee to review action taken to implement the recommendations of the.

While the matter was underway in the SC, in 2000, the Ministry of Home Affairs set up the Padmanabhaiah Committee to examine the requirements of policing in the new millennium. Subsequently, the Malimath Committee on reforms of Criminal Justice System in India was set up in 2003.

Prakash Singh Committee

In 2006, the Supreme Court delivered its historic verdict on *Prakash Singh Case*. In the Prakash Singh case the Supreme Court ordered that reform must take place. The states and union territories were directed to comply with seven binding directives that would kick start reform. These directives pulled together the various strands of improvement generated since 1979. The Court required immediate implementation of its orders either through executive orders or new police legislation.

Initially, the Court itself monitored compliance of all States and Union Territories. However, in 2008 it set up a three member Monitoring Committee with a two year mandate to examine compliance state by state and report back to it periodically.

The seven directives provide practical mechanisms to kick-start reform. They make up a scheme which if implemented holistically will correct the common ills that create poor police performance and unaccountable law enforcement today. The scheme puts in place mechanisms to better ensure that: the police have functional responsibility while remaining under the supervision of the political executive; political control of police by the political executive is conditioned and kept within its legitimate bounds; internal management systems are fair and transparent; policing efficiencies are increased in terms of their core functions and most importantly public complaints are addressed and police accountability enhanced.

In passing these directives the Court put on record the deep rooted problems of politicization, lack of accountability mechanisms and systemic weaknesses that have resulted in poor all round performance and fomented present public dissatisfaction with policing. The directives can be broadly divided into two categories: those seeking to achieve functional responsibility for the police and those seeking to enhance police accountability. They are as enumerated below:

The Seven Directives- In Brief

Directive One

Constitute a State Security Commission (SSC) to:

(i) Ensure that the state government does not exercise unwarranted influence or pressure on the police

(ii) Lay down broad policy guideline and

(iii) Evaluate the performance of the state police

Directive Two

Ensure that the DGP is appointed through merit based transparent process and secure a minimum tenure of two years

Directive Three

Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) are also provided a minimum tenure of two years

Directive Four

Separate the investigation and law and order functions of the police

Directive Five

Set up a Police Establishment Board (PEB) to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police

Directive Six

Set up a Police Complaints Authority (PCA) at state level to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and at district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct

Directive Seven

Set up a National Security Commission (NSC) at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO) with a minimum tenure of two years.

Good Governance & Police Modernisation

Kofi Annan: *"Good governance is perhaps the single most important factor in eradicating poverty and promoting development"*

Good governance aims at providing an environment in which all citizens irrespective of class, caste and gender can develop to their full potential. In addition, good governance also aims at providing public services effectively, efficiently and equitably to the citizens.

Good Governance must aim at expansion in social opportunities and removal of poverty. It means securing justice, empowerment, employment and efficient delivery of services

UNDP takes a broader view of good governance as comprising mechanism processes and institution through which citizens and groups articulate their interests, exercise their legal rights, meet their legal obligations, and mediate their differences.

Good governance has the following eight attributes which are i) Transparent, ii) Accountable, iii) Responsive, iv) Participatory, v) Consensus Oriented, vi) Effective & Efficient, vii) Equitable and Inclusive & viii) Follow the Rule of law. These attributes, if not incorporated in Police Reforms, than Police Modernisation won't be achieved in true sense. Good governance aims at providing an environment in which all citizens irrespective of class, caste and gender can develop to their full potential.

In addition, good governance also aims at providing public services effectively, efficiently and equitably to the citizens. The 4 pillars on which the edifice of good governance rests, in essence are: • Ethos (of service to the citizen), • Ethics (honesty, integrity and transparency), • Equity (treating all citizens alike with empathy for the weaker sections), and • Efficiency (speedy and effective delivery of service without harassment and using ICT increasingly). Citizens are thus at the core of good governance & Police is the main stay in the protection of citizens and maintain public order in the society.

Therefore, good governance and police modernisation are inextricably linked.

Hence we can say that Good Governance is the foundation of Police Modernisation and vice-versa as it comprises of equity and efficiency.

Decisions by Government on ARC's Report

After 9 years of its submission Government came out with a Decision Taken Report over the 5th Report. On most of the recommendations of the report the Union Government has left the matter with the States for implementation as Police and Public Order are State subjects falling in Entry 1 and 2 of the State List of the Seventh Schedule of Constitution of India

On the recommendation of Accountability of Law and Order Machinery, the Group of Ministers (GoM) decided that the salient features of the recommendations may be considered for inclusion in the new Draft Model Police Act. GoM recommended that MHA to constitute a Committee of senior officers for drafting Model Police Act (herein after mentioned as Committee) which would submit the report at the earliest. On the recommendation of making Crime Investigation separated from other policing functions. A Crime investigation Agency should be constituted in each state. The Union Government has left it for states for implementation but all other matters related to creation of separate investigating agency for further strengthening specialisation were not accepted by the central Government.

Similarly, on the Report's recommendation over creation of The Metropolitan Police Authorities, in all cities with population above one million in which Authority should have powers to plan and oversee community policing, improving police-citizen interface, and suggesting ways to improve quality of policing, approve annual police plans and review the working of such plans. The GoM decided that the salient features of the recommendations may be considered for inclusion in the new Draft Model Police Act and the matter should be left to the States/UTs for implementation.

On Recommendation of creating An Independent Inspectorate of Police, In addition to ensuring effective departmental inspections, under the supervision of the Police Performance and Accountability Commission to carry out performance audit of police stations and other police officers through inspections and review of departmental inspections .The GoM did not accept this major recommendation of restructuring of Police Administration.

On Issue of Increasing Women Representation in Police, The GoM accepted the recommendation of 33% reservation in Police recruitment, which was to be achieved in 5 years from submission of the report. Unfortunately only few states have implemented this recommendation.

The GoM had considered the recommendation of abolishing the National Security Commission in the 2nd meeting held on 26.02.2013. It has decided that there should be a separate mechanism for recommending the names for appointment as Chief of each one of these forces, with the final authority vesting in the Union Government.

Recommendations made regarding Citizen Friendly Registration of Crimes (Registration of online FIRs), Inter-Agency Coordination (making District Magistrate the sole authority) & Role of Civil Society and Media in Policing and Public order were accepted by the Union Government but left to the States for implementation.

These all decision taken by the Union Government show how It has not accepted the recommendation in true letter and spirit but passed the major work for the State Governments.

Government Initiatives

Sensing the urgency to strengthen police infrastructure across the country to meet day-to-day law and order challenges, the Centre has approved continuation of special schemes to modernize police forces in states worth over Rs 12,000 crore and earmarked nearly 20% additional funds for its ongoing 'Mega City Policing' plan for Mumbai, Delhi, Bangalore, Hyderabad,Chennai,Kolkataand Ahmedabad.

These proposals were approved by the Union Cabinet in its last meeting on February 7. States will, accordingly, be given Rs 12,378 crore for the next five years till 2016-17 to r modernize the police forces.

Nearly Rs 432 crore of this will go exclusively to seven metropolitan cities under the 'Mega City Policing' (MCP) plan. The fund will be used by these cities to procure modern equipment like GPS/GIS for 'Dial 100' systems and patrol cars, CCTV systems, vehicle scanners, vehicle number plate identification systems, cyber patrol and communication monitoring systems and integrated GIS based automated vehicle tracking and management systems.

An outlay of Rs 52,839 crore for the home ministry, which is 247% more than the previous plan, had been approved by the NDC for the 2012-17 plan period. The highest Rs 6,841 crore was allocated for National Population Register, a comprehensive identity database of every usual resident in the country being prepared by the government.

The outlay includes Rs 3,360 crore for disaster management and Rs 900 crore for Crime and Criminal Tracking Network and Systems, which will facilitate collection, storage, analysis, transfer and sharing of data of crime and criminals between all police stations in the country.

Conclusion

"We really need to update our policing system. I am admitting to the fact that we are not yet up to the mark in terms of modernisation of our police forces in India. We need to look into that," Union Minister Kiren Rijiju, himself admitting to this fact.

The current governing instrument of the Indian Police force is the Police Act of 1861. Together with the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure it forms the current but outdated Police system in India.

The achievements of goals of good governance in current system is next to impossible and with this outdated system and reluctance to incorporate the attributes of modernisation is making it more challenging. The reluctant attitude of the government both at the Union and the State level become clearer when they show half hearted response in the adoption of *Prakash Singh Committee* Directives.

Any act of modernisation requires real time analysis of the requirement of the society and the resources required for the demand should be clearly met. The Police- Citizen interaction is one such area which has suffered the most because of the mismatch of objective and orientation often fermenting hostility.

The Centre has been implementing the presently ongoing modernisation of police forces scheme (MPF) since 2000-01, with an annual budgetary allocation of Rs.1000 Crores for ten years, with assistance of States. The MHA claims that, this scheme provides the much needed assistance and impetus to police organisation in States. However, on ground, things appear different. Almost seventeen financial years have passed since this scheme was launched and almost half of the funds went unutilised.

India's Reforms initiative whether its Supreme Court Directives on *Prakash Singh* Case or implementing 2nd ARC's recommendations have a half hearted approach by the Government both at the Union level as well as the State level.

In the RTI application filed in June 2014, to know the status of adoption of all recommendations under the Fifth Report on 2nd ARC, the Department of Administrative Reforms & Public Grievances (DoARPG) informed that out of a total of 165 recommendations not even a single recommendation was accepted by the Government and later on if few were accepted, those were left for States for implementation and rest were either rejected or referred to be incorporated under Model Police Act.

Being a State Subject in the constitution and the recommendations coming from the Union level, it's the lack of coordination in its implementation & hence hampers the process of good governance in general and police modernisation in particular.

To incorporate these goals in Indian Police system more e-governance initiatives are also need to be encouraged

Hence, we can rightly conclude that without incorporating the goals of good governance in current police system, the dream of police modernisation will remain a distant dream. Finally, It can be said that Police Modernisation and Good governance are intertwined and Police Modernisation is a prerequisite for achieving the goals of good governance in India

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