



POLICE REFORMS IN INDIA

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Preface

I, Ayush Anand, am a student pursuing B-Tech in Aerospace Engineering from IIT Kanpur. I consider myself very lucky to be a part of the Rakshak team with its goal of “Citizen Participation in Public Policy Issues”. It encourages Indian citizens particularly young students of leading institutes to participate in the issues which are very vital to nation’s progress. Through my project “Police Reforms in India”, this summer internship allows me understand a lot about Indian Police system. Also the field visits to Police Stations and Educational Institutes are a very different experience to whatever I have learnt so far during my curriculum.

Moreover working with my mentor Sri Hari Kishore Kusumakar ji, who is currently DIG, Deputy Director and Faculty, Sardar Vallabhbhai Patel, Nat’l Police Academy, Hyderabad, and the telephonic conversation with him has been constantly enlightening.

Therefore, I feel blessed for getting this opportunity to work with such a great set of people with such a noble motive.

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Executive Summary

Policing in India is a very delicate subject with so much debate going on especially in recent times in the aftermath of events that took place in national capital. If we start finding problems in the system we find that they are too many to get rid of. To start the topic of police reforms, it is important to track the origin of Indian Police. It can be easily found that it is still governed by the 1861 Police Act. This highlights the lack of progress in policing as the act which was brought in to suppress people and protect the interests of those in power in pre-independence era, has been the backbone of our system 150 years later. When we look into measures taken after independence we find many commissions and reports but none of them have been implemented properly. Each of them have talked about autonomous police and police establishment boards they have not been materialized.

Lack of political willpower and vested interests has resulted in system being corrupt and non-functional. We also need to look into criminal justice system properly as its functioning is closely associated with standard of policing. Here we see that despite being comparatively independent in its structure the judiciary still takes a lot of time to dispose cases even of smaller magnitude. It suffers from lack of personnel and a system which has become passive in its emphasis on evidence rather truth.

One key aspect of policing is the standard of training and intake of proper and well qualified candidates. Also building public police relation starts at the training center which is at most times neglected. The importance of training during the course of job is important so there is a great need of well-organized capsule courses.

Another important aspect is the infrastructure of Policing which is poor in smaller centers. The policing is not seen as a development issue so the funding is inappropriate which has resulted in backward standard of technical state of police.

The basic facilities like internet, fax, photocopy etc. should be present in all the major police stations.

Police accountability need to be evaluated using scientific techniques and citizen surveys for proper evaluation of the performance. A separate system need to be created for the process and there should be willingness on the part of the Police as well.

Even with all the problems, conducting field visits to police stations and public places in New Delhi paints a different picture that all is not bad. There have been technical advances being made in the department and the public acknowledges it too. There have been improvement in the behavior of the police and cooperation with public.

There is one thing we cannot deny that considering the problems existing in the country like poverty, unemployment etc. there are bound to be many criminal minds in the society. The already large size of population is another hindrance to the system.

Even a country like USA which has a budget 10 times larger and a population of just less than a third of ours has higher crime rate. So the efforts of Indian police should be lauded while participation in citizen body should be encouraged and advertised. The women participation in the police should be increased and they should be given higher responsibility.

At the end of the report some recommendations have been suggested like making use of earlier Police commissions and Reports in future reforms as they are still relevant in modern world. Improving infrastructure and increasing use of scientific methods in investigation are also discussed. Popular practices in west like Plea Bargaining and Municipal Policing has also been discussed. Measures to improve Public-Police relations and Transparency have been analyzed. Along with the recommendations, the problems which are likely to surface have also been mentioned. The discussion about the scope and steps to kick start the reforms have also been analyzed.

So it can be concluded that state of Policing is not fitting of a leading country in the world. A lot of changes in the structure of Policing need to be introduced and technical aspect of the Police needs a major overhaul. Even with all the questions being raised on the Police, all is not that bad at all. There has been major progress in the department. There have been reports of some very innovative Policing like Mohalla Committee in Mumbai. Hence it can be said that a collective effort from both the sides i.e. Police and Public is required and then only we can achieve world class policing in our country.

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1. Introduction

1.1 Background Information

In light of various horrific incidents in recent times in the national capital, the microscope has never been more focused on the Police and its behavior. Since the focus is on national capital and not a remote village or town, the matter is graver. After the incident all sorts of assurances and promises were made but one thing which is of paramount importance is to accept the fact that reforms in Policing will take a long time and a lot of willpower on behalf of legislative. Unless some proper action is taken to massively improve the standard of Policing in our country such crimes will be witnessed more frequently as they have not increased rather they are now coming to Public view. It is not only a problem of a part of country, rather it has truly taken a form of national epidemic. In fact the trust in Police is so low that People would rather take “parallel protection” or simply ignore the crime than take the help of Police.

Considering the huge size of India’s population and immense diversity it is to certain extent justifiable on account of police to shift the blame but ignorance seen in some cases is unbelievable. As of 2011, there were 130 Police personnel per 100000 citizens which is lot short of 220 suggested by United Nations. The number of Women Constables is very low (even in Delhi it is not 30%) all over India. Comparing to this there are almost 47000 Policemen for 15000 VVIPs which is more than 20 times of what the general public has access to. It is not just about quantity that matters while quality of the services is not up to the standard. Corrupt practices are very common in the department and due to lack of proper investigation the officers get away with it. Infrastructure is also a problem where the basic facilities like fax and internet are not available in all police stations. The problem of Political interference has gradually increased to criminal level where the politicians with the power to transfer and/or suspend easily bully the officers.

But the other part of this spectrum is lack of trust from public. The public is just not appreciative of the good work being done by the Police. There are provisions of Local Area Committees but the people are not willing to come as they presume that nothing good will come of it. So it is clear that this problem is not only a one way

problem rather it needs to be analyzed from both sides to move forward. It can be easily understood that it will take long time to fully reach the levels of world class police but we can take move forward by taking small but significant steps.

1.2 Main Problems, their scope and impact on the society

Basic problem arises from the fact that our Police structure and manuals are basically very similar to Police Act of 1861 and the modifications have been very few. The Police Act of 1861 was implemented in the aftermath of 1857 revolt. Its sole aim was to give all the power to ruling class i.e. British. This is very similar to the political control under which police has to operate hence the need for a new Police Act seems very obvious.

Politicization, corruption and criminalization of services are biggest roadblocks to the system. Lack of internal mechanism to counter corrupt practices in the department leads to further loss of trust of the public as the complaints lodged by public go unheard. Despite the widespread corruption in the department nothing concrete has been done in last 50 years.

No separate investigating agency and substandard infrastructure lead to delay in the judgment of cases. This is the major reason of distrust of public in Police system. Due to lack of smart investigating bodies and inadequate infrastructure, the cases seem to go on forever. This unnecessarily puts pressure on other resources and impacts the faith of public. With the ever increasing media cloud, many times cases get hyped e.g. Aarushi murder case and results in poor image of Police.

The constabulary which is at the cutting edge most often is not properly trained which the prime reason of high crime rates is. There is an urgent need to encourage public relations during the training programs of constables and the existing curriculum need to be revised.

Increasing danger of terrorism and new crime (cybercrime, chemical attacks etc.) pose major challenges in front of the Police. To cope with the new challenges, the training program need specialized training for a selected team of officers.

There have been many committees and reports (from NPC-1979 onwards) suggesting many changes but they have not been implemented. Even the Supreme Court decision and its directives in 2006 have not been properly implemented by the states which clearly indicates to the lack of will power from the legislative bodies. We can easily see that there is ground work been done by the Commissions and Committees but the eagerness on the part of the governments is the most important aspect. Such recommendations and reform measures as suggested by commissions can be taken into consideration and can be applied directly considering their relevance today.

The success story of Mohalla committees in Mumbai can be taken as an example. It establishes the fact that with proper coordination between Police and Public, maintenance of Law and Order becomes easier. One important thing should be considered that such committees were formed primarily in the worst hit areas of Mumbai riots of 1992-93. Such initiatives lead to building trust of Public in Police. Secondary aspects like technical and structural advances will surely reduce the amount of pending work in judiciary.

Corruption and external interference which is present in every department has truly become a big problem. If it can be eradicated from the Police department then it opens the doors to wipe out such problems from our society.

1.3 Goals and Objectives

1. Studying the present structure of Police and its origin (1861 Police act). It helps in the understanding of the structure of Policing and the reasons behind the massive interference in policing matter.
2. Conducting a detailed study of all the major reports and commission appointed by the government to suggest Police reforms. It gives an outline about the major areas where the improvement is required. The reports are repetitive which highlights the fact that suggestions from reports have not been incorporated.

3. Infrastructure and technical advances required to improve the efficiency of the Police. In the current age there is an ever increasing need for the use of technology for quicker disposal of cases and improving standard of evidences.
4. Ideal Police practices for smooth functioning and coordination with the public. Innovative steps like Mohalla Committees should be taken up by Police.
5. Steps to improve Police- Public relations. It is vital to revive public interest in police and building trust and confidence.
6. Studying best Police practices followed in western countries. Such practices can suggest various reforms which are required for Indian Police. Even the social and political setups are different in these countries but some of the innovative steps can be assimilated in our system.
7. Making a presentation consisting of suggestions and talking to different concerned authorities to test the feasibility of the research.

2. Methodology

2.1 Literature Search

Finding of authentic literature to study about such a delicate subject is a vital cog of this research mechanism. So firstly, authentic websites and news articles like The Hindu and government websites for reports were shortlisted. The articles on Wikipedia also gave initial understanding of basic hierarchy of Police and different posts and their jurisdictions. After initial understanding of the subject, relevant reports were differentiated. The project is vastly qualitative so a large number of articles from different time (including pre-independence era) were collected to study it according to the timeline along which Police reforms have taken place. So 1861 police act need to be studied and immediate reasons behind its implementation. The condition of the country at different times also played a crucial role in determining the type of reform. For example the recent horrific Gang-rape of a medical student suddenly fuelled importance of gender importance and women policing. Similarly there were different conditions in country at 1861, 1979 and 1990's. As the criminal justice system is very closely associated with the police and its efficiency so it was important to study about various constitutional definitions and jargons. For this help of some of the Law students (fellow interns) was taken to guide for right type of material which is neither too elaborative nor too short in information. The various reports read which have been used are: 1. Indian Police Act 1861, 2. National Police Commission 1979-81, 3. Prakash Singh vs. Union of Indian case in 1996, 4. Riberio Report 1998, 5. Padmanabhaiah Report 2000, 6. Supreme Court Directives in 2006, 7. Code of Criminal Procedure Act 1973, 8. Committee on Reforms of Criminal Justice System 2003, 9. Chapter Five of 2nd Administrative Reforms- by Law Ministry. The have been mentioned in detail in coming sections.

2.2 Field Visits:

Five field visits were conducted to, Darya Ganj police station (Crime Branch and Missing People Cell), JNU-New Delhi, Police Training Center (PTC) in Jharoda Kalan, National Investigating Agency (Jasola) New Delhi and Naraina Police Station. First of all questions were shortlisted from the lot as we had to respect important time of the Police officers and general public. The questions shortlisted were simple questions related to day-to day problems, *Police Public relations, training, infrastructure, political interference and gender sensitivity*. The questions had to be simplified depending upon the response we got initially. As one of the police officers was very friendly so there were a lot of discussions while in one case response was week so we had to ask simple questions. In JNU we were not prepared enough so it affected our discussion. The questions asked were common to the previous field visit as per the suggestions of mentor. However due to intense heat the attendance was low in the campus so it was not very fruitful. Still some interviews were done. The finding from the field visits have been detailed in the corresponding section. Field visit to PTC helped to get an idea of the capacity of the training center in Delhi. The visit to NIA and getting suggestions on recommendations helped in the feasibility aspect.

2.3 Meetings and Interviews:

(Note: The following section summarizes the interviews with Mentor and other officers. The fully detailed discussions are mentioned in the section 4.2 and 9. The different number indicates different meetings with mentor.)

With Mentor:

1. Primary objective of the discussion was how to move towards police autonomy (may not be to the scale of western countries). I was suggested to study the schedule 7 of the constitution of India and three lists i.e. union, state and concurrent. We had a discussion about the first Police Act in India i.e. Police Act of 1861. I was suggested to go through the 1861 Act to understand the circumstances under which it was brought in and how it remains the spine of present policing. I was suggested to read about various Policing strategies adopted in some of the developed nations like UK and USA.

2. Understanding the concept of municipal police like NYPD in India, problems that can arise and where provides better solutions. The landmark 1973 amendment to separate judiciary and executive body brought about a lot of changes in the Indian Criminal System. Prosecution and criminal system- role of prosecutors is very important and their efficiency is directly proportional to efficiency of Justice System. Separate investigation wing from Law and Order will highly reduce burden of Police officers engaged in day to day public interaction. Plea bargaining and its scope was discussed and how it can reduce the ever increasing number of pending cases. RTI suggestions about Police transfers, HRA, accommodation and weekly working hours helped me in filing RTIs regarding above issues which are directly related to infrastructure and facilities of policing.

3. Main objective of the discussion was the last week's report and the field visit to Darya Ganj Police Station. Another point of discussion was plea bargaining and its scope in India. Training is one of the very important aspect of policing and especially constabulary training which is always at the cutting edge and mode of primary interaction with the public. The infrastructure of police is very crucial cog in the mechanism so I was suggested to visit one of the Police Station to actually check various facilities available to police.

4. Main objective of the discussion was the progress made so far and efforts needed to make the report better. The lack of funding leads to corruption in the police. The report "Second Administrative Reforms" and its relevance in modern time was discussed. Municipal policing and its breakdown keeping in consideration the state of municipalities in the country. Use of IT to increase the transparency in the department should be encouraged.

Others:

Date	Name	Designation	Institution	Topic of Discussion
28/06/2013	P.V. Rama Sastry		NIA	Separation of investigating body. Discussion on other recommendations
05/07/13	Usha Rangnani		IPS Officer, Trainee	Delhi Police Initiatives, Women related issues like stalking helpline and 24x7 helpline, Yuva Foundation, Parivartan, Recommendations

3. Current NGO and Government Efforts

Historical background:

The Police Act of 1861 was the first of its kind in India. It was brought by the British to reorganize the policing in the aftermath of 1857 revolt. It was designed to safeguard the interests of the monarchical system. It stressed on the importance of organized, loyal and disciplined police as one of the tools of a stable society. It still forms the back bone of our policing structure even almost 160 years after its introduction. In 1902-03 another report was done regarding the Policing. It more or less an extension of previous act and it was basically meant to empower the British influence in the wake of Indian freedom movement. After independence most of the states adopted it directly while others had some minor modifications. The penal code which also originated in 19th century still continues to be followed in 21st century. So a major overhaul of the system was required as the country progressed further. The society moved forward and awareness spread among the masses. The behavior of the police was in question a lot of time. In the constitution policing is state subject so the entire hierarchy in the state is controlled in the state itself. It also is one of the reasons behind the increasing political interference in policing matters. The first initiative taken by the government to improve Policing was Gore Committee Report where importance of Police Training was emphasized.

3.1 Gore Committee Report:

Appointed by government of India in 1970 to give an extensive report on the existing police training system and to suggest measures to reform the system. In the process many training centers were visited and analyzed. The centers were found to be in poor condition and in bad state of infrastructure. Meagre budget and limited financial power were the major bottlenecks for improvement. Lack of conviction on the value of training even among higher officers results in negligence of proper training. Due to rising law and order demands, many trainees were pulled out in between the courses to handle the protests and public agitations. Ill equipped instructors coupled with lack of or no awareness of social and political climate of the country were other major problems. Human relations and discipline aspect of the training is not well emphasized. The specialized training centers need to be created. Development of police and its training should be included in the five years plans. In

the report, the jurisdiction of police officers are explained. Also the statistics about existing stations, officers, population etc. are mentioned. The progress and technical advances especially in the technical aspect, being made has also been mentioned. Equipment and condition of services has also been mentioned. The conditions regarding uniforms, discipline, housing, promotion and hours of work have been mentioned. The definition of training and its importance is also highlighted. As per the Assheton Committee, UK the objectives of training are taken as reference. They are:

1. Inculcation of knowledge and professional skills.
2. Improvement of personality.
3. Role of training as an agent of change.
4. Part of career development.
5. Organizational Climate.
6. Evaluation of training program and its limitations.

The report highlights how the training is an investment in the Human Resources and role of police in new social context and how training is very related to the subject. The ever-changing political and socio economic factors and crime situation need to be analyzed and included in the training courses. In the recruitment there is continuous increase in demand from the society. Psychological tests and pre entry recruitment are more important than ever. Police cadet system and national service schemes can play very important role in inculcating the responsibility among the youth.

Major recommendation by the committee are mentioned below:

1. To ensure training to be a continuous process, intensive in-service training program like refresher, orientation, specialized, middle level and senior level courses, besides the induction training of new recruits at different levels was recommended.
2. To increase the overall efficiency of the police, courses on managerial skills and team management had been recommended in the training syllabi of these schools.

3. To ensure that the people undergo the in-service training programs, it was recommended to link the promotions to these courses.
4. It was also recommended in the report to assign persons who have undergone particular courses to the jobs where they can make use of the training imparted to them.
5. Intelligence and psychological tests were recommended for Constables and Sub-Inspectors. This can solve some of the problems related to police public relations
6. Establishment of Police Cadet Corps similar to National Cadet Corps was recommended.
7. Establishment of a Police school similar to Sainik School.
8. Internships/assistance-ship with the police as cadets was similar to the program introduced in UK as it helped them to overcome the lack of man-power in their police.

First major reform initiative for improving standards of Policing taken by the Indian government was National Police Commission. It was asked to suggest reforms for the police. It began sitting in 1979 and by 1981 it produced 8 reports including Model Police Act. Its importance can be understood as its research was done during emergency period in late 80's.

3.2 National Police Commission (1979-81): It was the direct result of the new challenges faced by India after independence. Earlier only issue was crime but in first 30 years new set of criminals came into picture. It published a total of 8 reports during 2 years of its research. Some of the major highlights from each of the report is mentioned below

First report: It mentions about police departmental enquiries and defines the role and authority of each of the officers. It clearly states which police officers are responsible for which set of junior officers. It also talks about a complaints cell to enhance the accountability of the police towards the public. The issue of judicial enquiry to look into complaints is also suggested where the types of crime is clearly mentioned for example rape and death in custody, death during police firing against the protest etc. The proposal of District Inquiry Authority (DIA) in each district is also mentioned. The

Additional Sessional Judge nominated by state government should be its highest authority.

Second Report: It takes up the issue of Criminal Justice System for smooth functioning and proper functioning. It underlines the role of Police as a law enforcement agency. The issue of political interference also taken up and how it leads to loss of credibility by threat of transfers and suspensions. It suggests members for the State Security Commission and its jurisdiction. The appointment (selection panel) of Chief of Police and his/her tenure is also mentioned in detail. The importance of fixed tenure is emphasized for stability in the region and trust of public. Transfers and suspensions should always be done by an autonomous agency to stop illegitimate practices.

Third Report: Special investigation body should be created to monitor all the cases especially for disadvantaged groups like scheduled casts and tribes. The postings in the police stations should be exclusive responsibility of district Superintendent of Police. Strict guidelines for arrest and use of handcuffs are mentioned. Availability of cash in police station for day-to-day functions will reduce levels of corruption.

Fourth Report: The registration of FIR is of paramount importance and no victim should be returned on the basis of jurisdiction of a police station. The statement of witness should take place near to scene of crime. Returning of stolen property is a must and early return should be ensured. The amicable settlement of the dispute must be encouraged in simple cases for swift justice and police officers should be empowered to do the same. The increasing issue of mistreatment in the custody must be taken seriously. Training centers must develop scientific interrogation techniques to prevent shabby treatment by police officers.

Fifth Report: Officers should only be recruited as constables or members of Indian Police Service. Psychological tests and constant evaluation of the performance, attitudes and behavior must done to keep up with changing times. Control of the District Magistrate is defined and it should play the role of a coordinator between different departments. Also Public Police relations

are unsatisfactory so an attitude of courtesy and consideration should be developed among the Police officers. Treatment of victims and transparency are very important in any criminal case. Moreover women police officers must be given greater importance and the ratio of women in total police should be drastically increased.

Sixth Report: The promotion process for the SP, DIG or IG is mentioned and mandatory courses and exams are considered for the same. Creation of two central India Police Service cadres should be constituted- one for paramilitary organization and other one for Intelligence Bureau. Commissionerate system for major cities for speedy and effective operational response is very important. Communal riots should be handles by specially appointed committee and such charges should not be withdrawn. The reservation for minorities and SC and ST candidates should be ensured. Separation of investigation from law and order will lead to speedier trials but one major concern is the increase in police force to implement such change.

Seventh Report: Standards of Police stations and their strength and distribution depending upon local area and population should be along international guidelines. Increase in the number of mid-level officers will lead to large number of investigation officers. The powers of Chief of Police should be increased regarding internal management of the police. State armed battalions to ensure peace and order in state especially in troubled states will reduce burden on army and CRPF.

Eighth Report: Accountability and continuous monitoring of performance of each police force should be encouraged and state security commission is required to prepare report on police in corresponding state. The need to change the existing and archaic Police is stronger than ever so it should be replaced with an act taking into consideration of all the above mentioned points.

In 1996, two senior police officers filed PIL in Supreme Court requesting the Court to direct the government to implement the recommendations of National

Police Commission. The Government set up many committees in subsequent years and final directives came in 2006.

3.3 Riberio Committee (1998-99): It gave two reports and following are the recommendations from those reports.

3.3.1 First Report:

Police performance and accountability system need to be evaluated. For this to happen State Security Commission suggested in 1979 should be set up in each state and it should be called Police Performance and Accountability System. The whole structure of the commission is laid out including DGP, Minister, Leader of Opposition and non-political members. Its powers should be advisory and recommendatory. District Police Complaints Authority should be set up in each district and the members would be Judge, Collector and District Superintendent. Police establishment board should be set up in each state which would consist of DGP and four other most senior officers of police. Its main function would be to monitor all transfers, promotions, rewards and punishments within police organization. The selection process for the DGP is described but it is not different from the one suggested by National Police Commission. Insulation of investigating wing is also very important and their scientific training and modern techniques are important to keep up with modern crime and criminals.

3.3.2 Second Report:

New legislation is required to replace the Police Act of 1861. The separate investigating wing should be implemented urgently. The recruitment, promotions, training processes and qualifications are broadly defined.

3.4 Padmanabhaiah Committee Report 2000:

It followed the Riberio report of 1998 and was very rushed report completed in just 8 months. Apart from the usual issues like training, promotion, need to replace police act etc. it raised three important issues:

3.4.1 Politicization and Criminalization of Police:

It should be noted that the prime reason is corruption. It raised the issues like revising constabulary and its status, code of conduct, inquiry manual, property reforms, accessibility and record of arrests. It also mentioned about frequent and arbitrary police transfers and talked about Police Establishment Board. It mentions that the DGP should only be accountable to secretary of state only and not to anyone else. The tenure of the DGP should be 4 years or retirement age whichever comes first.

3.4.2 Political Control over Police:

The issue of misuse of police by politicians and bureaucrats is very concerning. It can be understood that in a democracy accountability to a higher body is inevitable but police should be accountable to only selected authority and not to all of them. This system is widely misused to interfere in the day to day activities of police. The Japanese model of policing is considered with few modifications. It also suggests the same DGP selection process, PEB, SSC etc.

3.4.3 Police Accountability:

Increasing incidents of police brutality and extortion have led to a widespread protests by Human Right activists According to NHRC there were almost 123523 cases of human right violations in 1997. Lack of transparency in the system is also a cause of concern with increasing awareness among youth. Enquiries and complaints are not properly disposed so it erodes the trust of public. Inclusion of non-police agencies to investigate such incidents can lead to increased efficiency and transparency.

3.5 Supreme Court Directives to the States:

After almost 10 years of the case and various reports by the committees appointed by the Government to suggest reforms for the improvement in standard of the Policing, Supreme Court gave seven directives which had to be taken into account by all the states. The directives are the major and very repetitive measures suggested in almost all the reports.

¹THE SEVEN DIRECTIVES IN A NUTSHELL

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.
- (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

¹ Supreme Court Judgment in Prakash Singh vs. Union of India Case in 2006.

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 Organizations (CPO) with a minimum tenure of two years.

- In 2006, due to a lack of action by all the state governments, the Supreme Court ordered the state governments to report to it why the reform measures outlined were not implemented. After being questioned in front of the judges of the Supreme Court, the state governments finally started to reform the police forces and give them the operational independence they need for fearless and proper law enforcement. Tamil Nadu Police has been in the forefront of application of the new referendum.
- Again, in October 2012, a Supreme Court bench of Chief Justice Altamas Kabir and Justices SS Nijjar and Jasti Chelameswar asked all state governments and Union territories to inform about compliance of its September 2006 judgement. The order was passed when Prakash Singh through his lawyer Prashant Bhushan said that many of the reforms (ordered by the Supreme Court) have not been implemented by several governments even after 6 years.

In coming sections some of the reforms and issues of Judicial System from the days of 1973 are mentioned when it was separated as an independent body. It is very important to have a proper understanding of the judicial system as Police is very closely associated to it. For many commoners they essentially are the same. Some of the reforms in judicial system can directly direct policing towards a better state.

3.6 ²Code of Criminal Procedure 1973: First account of any criminal law is found in 18th century when Mohammadan law was introduced which was used for almost

² CR PC Amendment Act 1973

100 years. In 1861, the British passed Criminal Procedure act which is the basis of our present structure. After independence though during 1969-1972 as a result of many discussions this code was finalized which signaled the separation of judiciary and executive on the fundamental of separation of powers. It advocated for a new machinery for investigation. It also defined cognizable and non-cognizable offences. It also divides the jurisdiction of district, sessional and high courts. It defines metropolitan area and its separate working. It defines the roles of magistrates and their jurisdiction. It mentions public prosecutor and assistant public prosecutor. It also advises good behavior with accused and victims alike.

3.7 Committee on Reforms of Criminal Justice System (2003)

This was headed by Justice Malimath by it suggested various reforms regarding justice system, victims, accused and their rights. The amount of pending cases and low rate of conviction have compounded the problem to epidemic proportions. As compared to countries like UK, USA etc. our rates of reporting and conviction are less than half. The number of judges per million population is less than 13 while in USA it is 107. The weak status of prosecution and insensitivity towards victims and witnesses result in them turning hostile. The adversarial system followed in India where both the sides i.e. victim and accused put forward their sides and judges give verdict depending upon evidences. This has resulted in a very passive system where there is too much emphasis on evidence rather truth. The inquisitorial system in France has been considered but it is very harsh on accused so we can take important points out of it. The power of courts and their jurisdiction has been defined. Also it can direct the case for further investigation. Victims participation is a very critical aspect as in the present case they are underutilized. They can be used in investigation and help the prosecution. In case death/non-availability, next of kin can help the case. The rights of the accused in very important in a fair justice system. One very important right is that of silence. One cannot be witness against oneself but his/her wrong confession is punishable offence. In the case of silence court has right to presume whatever helps the case. Importance of independent investigating agency is highlighted again and it should be free from political burden. The accused should be subjected to force or torture. He should be produced before the magistrate

within 24 hours. He/she can tell one person about his/her arrest. The police is obliged to follow the above rules. Moreover all details like names etc. must be properly recorded. The magistrate is also obliged to regulate the whole process. The guidelines regarding use of handcuffs, interrogation and bail are mentioned. The use of Jury System in UK and its applicability in India is discussed. The most important aspect of system is justice for victims. Harassment of victims and indifferent reporting are major stumbling blocks. Compensation for victims as a token of relief must be agreed by the system. Major problems of investigations like overload, non-cooperation of public, lack of technology and facility, improper use of bails, interference should be addressed. There should be proper training facilities and use of forensics and scientific techniques must be increased.

3.8 Chapter Five of 2nd Administrative Reforms:

It figures out plan for future work required in policing. The balancing between autonomy and accountability must be done. It once again emphasizes on political interference and dangers of it. UK tri-partite system is studied and it can be followed in India with some changes. Modern issues like metropolitan policing and outsourcing of jobs need attention. The forensic science and intelligence gathering must be improved. Gender sensitivity and Human Rights issue also need to be addressed.

Major recommendations (Second Administrative Reforms):

- Autonomous agencies for their proper functioning.
- Minimum tenure for stability and connection.
- Municipal police in metros for better local high command.
- Reasonable working hours and allowances.
- More power should be for district police.
- Separate and modern investigation agencies with fully equipped instruments like CCTVs.
- Proper implementation of the training calendar with modern techniques apart from emergencies.

- 33 % reservation for women to ensure gender sensitivity issue is resolved.
- Transparent and vigilant administration.
- Proper documentation of all records of police in a form which is not susceptible to damage easily.
- Involvement of Public through various local bodies involving common men.

3.9 Community Policing and Models Used in India

Community Policing and Governance:

Main components of proper governance are:

1. Decentralization: Distribution of work into local and subnational levels quickens the decision making process. But the nation-state-local relationship is very important.
2. Participation: The strength of any proper democracy lies with the extent of power with the people. The citizen participation in public issues is vital in any democracy.
3. Partnership: It is one of the instruments of governance. There are three modes of partnership. Direct citizen expression and their opinions which can be communicated either formally or informally. Alternatives like NGOs which help to meet the gap in the supply of public goods. Backing social activists can help in exerting pressure on the government.
4. Accountability: It is mainly of three types technical, performance and financial. It is the most important tool to measure the performance of any department. There has been demands of citizen review committee similar to the western countries like USA where Police performance is continuously measured by the citizen bodies.

Good governance can be achieved by following community model of administration. Here the importance of community policing is discussed. Major advantages of the community policing is that it saves a lot of money and effort

which can be used in other Policing functions. It also forces the police to attend many neglected dimensions of their mandate. Most important effect can be building a meaningful relationship with Public without spending a lot of resources in training. The system also calls on the public to closely work with Civil Society as well. Following are two community initiatives taken by Police in Mumbai and Delhi with varying level of success.

3.9.1 Mohalla Committee in Mumbai:

In the aftermath of the 1992-93 Mumbai riots the then sheriff F. T. Khorakiwala with the help of ex-Punjab DGP Julio Riberio and local leader Sushobha Barve started Citizen Committees in 72 Police stations. Initially due to lack of trust in police especially among Muslims meant that process failed to take off. Several meetings were held by police officers with the public to initiate the process. 24 such bodies were established in the sensitive areas. Similar initiative was taken after the 1984 riots but the process was not continued. It was started in Mahim in 1993 and process was initiated by celebrating the festivals like Id and Diwali together. During the meetings ideas of peace and harmony were communicated. Another aim was strengthening of the women efforts in the community. One innovative idea was organizing cricket matches among the locals and promoting harmony.

Core activities of the committee were:

1. Complaints related to working of Police.
2. Health, water, environment, garbage disposal related issues.
3. Education for children and youth.
4. Communal harmony.

Main problems faced were:

1. People devoid of basic facilities cannot be taught the lesson of communal harmony. This requires solid and result oriented work.
2. Political interference dilutes the positive spirit.
3. Sustaining the work is difficult as it was started due to riots and now the motivation starts fading out.
4. Middle class participation is poor which stops the efforts reaching all parts of society.
5. As it is seen as the stepping stone to the higher political ambitions the spirit of volunteer work is lost.

Important results obtained of this initiative were:

1. In Versova, women of all communities were given sewing training which contributed to their income and hence elevating family status. Vocational training was given to youth which again resulted in reduction of unemployment.
2. Controversy of BOMBAY movie: There was a lot of controversy during the release of the movie due to its storyline. In this issue the Mohalla Committees played very important role in maintenance of the harmony by convincing their respective communities.
3. As its main objective is communication with the police but it also results in bonding between the communities and the Police. At the same time involvement in civic issues make the bodies closer to civic authorities.
4. Local leadership skills are blossomed.

3.9.2 Parivartan (New Delhi Initiative in 2005)

In the wake of increasing cases of violence against women especially rape and domestic violence the process was initiated by women officers conducting community awareness and sensitization activities against rape and domestic violence. The aim was to reduce such crime rate by 25% annually. Selection of target area was done by analyzing the rape cases zonally as shown in the following figure.

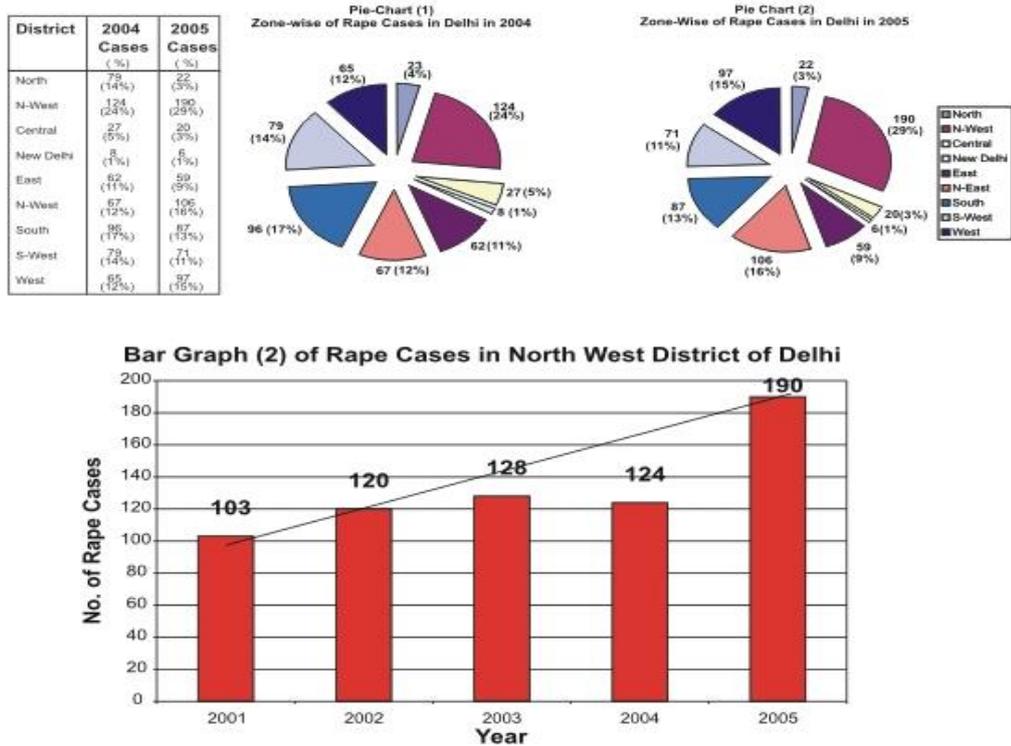


Figure 1: Zonal Distribution of Rape Cases in Delhi, (2004-05). (All) Source: <http://www.delhipolice.nic.in/parivartan/parivartan.htm>

Project outline was:

1. Deploying women officers in sensitive beats.
2. Awareness activities to sensitize the community.
3. Self-defense training.
4. Motivating to report such cases.
5. Sensitization of male police personnel.

Activities carried out under Parivartan:

- Door-step policing by women constables for identification and building confidence.
- 489 Pantomime performances were conducted during 35 months which focused on Rape and Sexual assault, Dowry harassment and Domestic Violence.
- Attracting huge crowds and having interactive and participatory response in Police-Public meetings.

- Workshops conducted in schools by psychologists about preventive measures to be taken by children especially young girls.

Table 1: Initiatives taken during Parivartan (2005-08)

YEAR	2005	2006	2007	2008	Total
Pantomime Shows	112	125	171	156	564
Awareness Movies	19	90	288	90	487
Women Safety Committee Meetings	03	120	78	32	233
Workshops In Educational Institutes	15	36	30	08	89
Male Sensitization Courses	05	15	12	06	38
Training Orientation Courses	03	06	09	03	21

Results and Assessment:

- A negative growth in rape cases (5.5%) was observed in 2006.
- Number of rapes by strangers remained between 2-3% which is directly related to law and order condition.
- There was a drop of almost 11% in cases of violence against women in 2006 as compared to 2005.

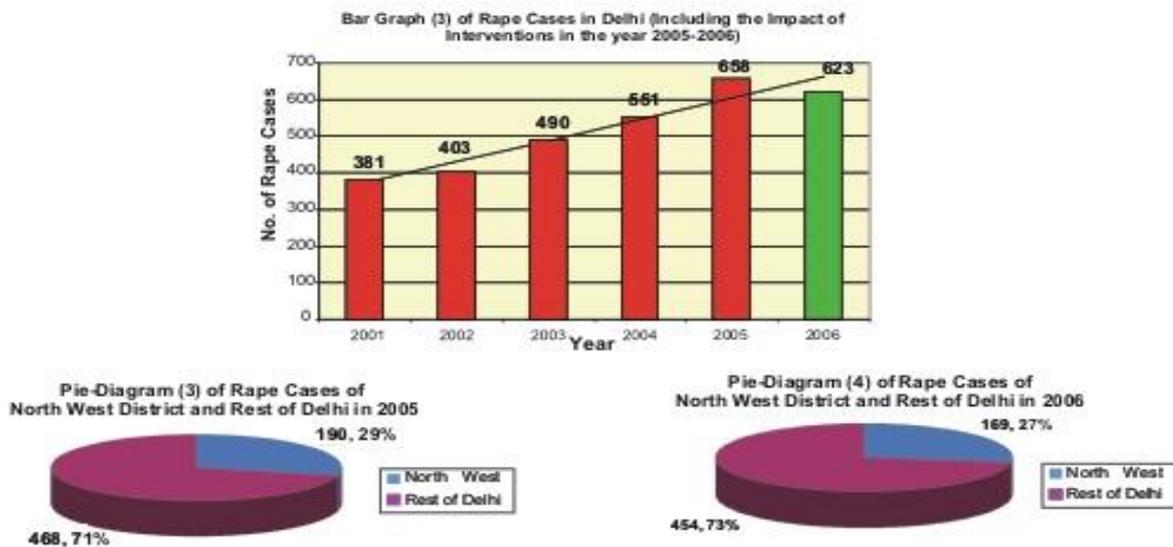


Figure 2: Zonal crime data in 2005-06 Source: <http://www.delhipolice.nic.in/parivartan/parivartan.htm>

Challenges faced:

- Lack of response from male officers and further sensitization was required.
- In some beats demand could not be met in issues like counselling, shelter and health care.
- Participation of agencies like Social Welfare Department, Health Department etc. was less than expected.

Even though this initiative failed to achieve its target in the long run due to lack of interest and citizen participation but the idea was noble. Had it been implemented properly we might have seen drop in the cases against women. After the December “Amanat” case, similar initiatives need to be taken. The lessons from the failure of this initiative must be learned and incorporated in the future bodies.

The importance of community model of policing is there to see. The two models had great ideas to change the society in a great way and improve the image of the Police massively. There are some initiatives being taken by Police in Delhi like Yuva Foundation where the youth are trained and sports activities are organized. This is done to prevent the youth from falling into wrong trap. Programs like Navchetna etc. are being also organized along with increasing women helplines and help desks. These initiatives improve the perception of Police in minds of Public and decrease the workload of Police.

3.10 Police Reforms (The Rajasthan Experiment)

It was a collaboration between the Rajasthan Police and the Abdul Latif Jameel Poverty Action Lab, MIT, USA. Following major reform interventions were implemented in 162 stations of 11 districts, Ajmer, Alwar, Barmer, Chittorgarh, Dholpur, Hanumangarh, Jaipur City East, Kota City, Nagaur, Pratapgarh, and Udaipur.

1. Weekly rotating day off: Depending upon the workload and shortage of manpower SHO had the option of giving a day off in a week or 15 days. Regular duties like diaries, patrolling etc. were allotted on a rotating basis.

2. Freeze on the transfers of the police: All transfers were prohibited except for the extra ordinary circumstances.
3. In service training to update skills: After random selection process investigation officers and personnel were selected to get trained in RPA to improve the investigating procedure and public relations respectively.
4. Placing community observers in the Police stations: Local volunteers were chosen to sit in the Police station for 2-3 hours and placing their suggestions in the suggestion box which could only be opened by a district level officer.

Two sets of data collection were done, one before the intervention and one after the experiment. For assistance in the evaluation aspect Rajasthan Police partnered with J-PAL, a research institute based out of MIT, USA and IFMR Chennai. The main objectives of the program were:

1. Current state of service delivery and public police relations in Rajashtan.
2. Identifying means of advancing efficiency and effectiveness.
3. Suggestions regarding police attitude and communications with citizens.
4. Citizen participation in the Policing.

3.10.1 Evaluation Technique:

The Police stations were randomly chosen. The percentage of trained staff in a station were kept at 0%, 25%, 50% and 100%. To prevent the Hawthorne effect ³the police stations and officers were not informed of the project until the final survey. Also wherever the community observer was deployed the transfers were also frozen.

3.10.2 Surveys:

The surveyors conducted a number of unannounced visits to all police stations. The surveys were conducted in two phases one shortly before the project started and second in the last month of the project. As police image is very important outcome of any police reform initiative so a number of public surveys were conducted. In total 5895 households were interviewed in 2007 and 2008. Police surveys were also

³ Hawthorne Effect = where people change their behavior because they are being observed.

conducted in which almost half of the staff involved in the experiment were randomly interviewed. Main questions were related to following aspects:

- Level of job satisfaction
- Knowledge of police duties
- Impact of training
- Complaints with the Police system

The review of investigation files were done to see the impact of training of Investigation officers. A total 982 cases were randomly selected and sent to a group of retired senior officers who filled a detailed report about the cases. The grading on a scale of 1 to 10 were done in two phases, half before training and half after training.

For an alternative indicator, decoy surveyors went to Police stations and attempted to register cases for various types of crimes. This was done unannounced and surveyor did not disclose his/her identity except in the case where Police were ready to register the case or Police threatened in any way.

3.10.3 Initial Status:

Public Surveys Result:

1. **Interaction:** Only 11% of people and only 5 % women ever interacted with the Police. 71% claimed that their opinions are based on word of mouth discussions and 12% on the basis of media.

2. **Perception:** 71 % people responded that police are always/mostly helpful while 65% replied that police were always/mostly courteous. 53% people think that Police work less hard than average citizen. 44% people think police are always/mostly cruel in prisons or custody. 61% people think that police has enough personnel while 68% people think that police has sufficient money and sufficient resources.

3. **Reporting of Crime:** Only 29% crime victims visited the police station while 19 % out of them could not register the case successfully. The reasons behind underreporting are ignorance by victim (28%), victims thought Police were

incapable of helping (20%) or unwilling (17%). Cases like automobile thefts and assaults (75% and 61 %) were registered more regularly than theft and vandalism (12% and 17%).

4. Victim Satisfaction:

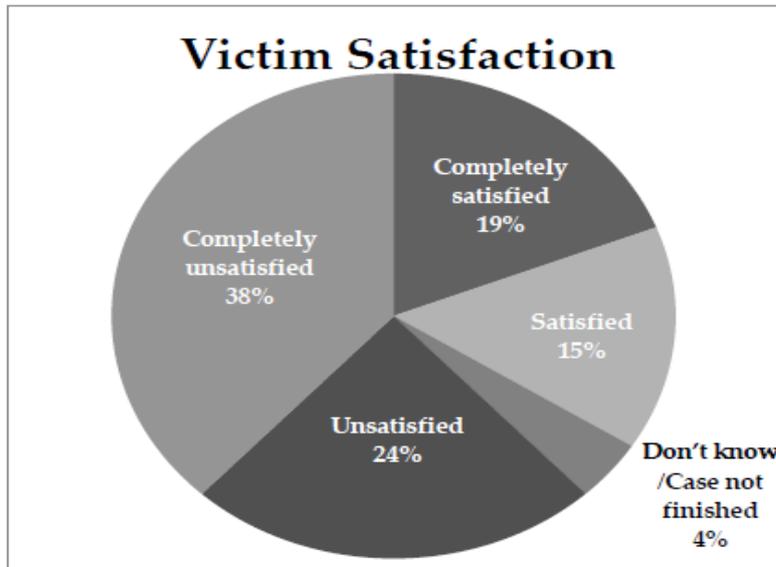


Figure 3: Victim Satisfaction (Before the project)

Police Performance and Morale:

1. Police Staff Complaints:

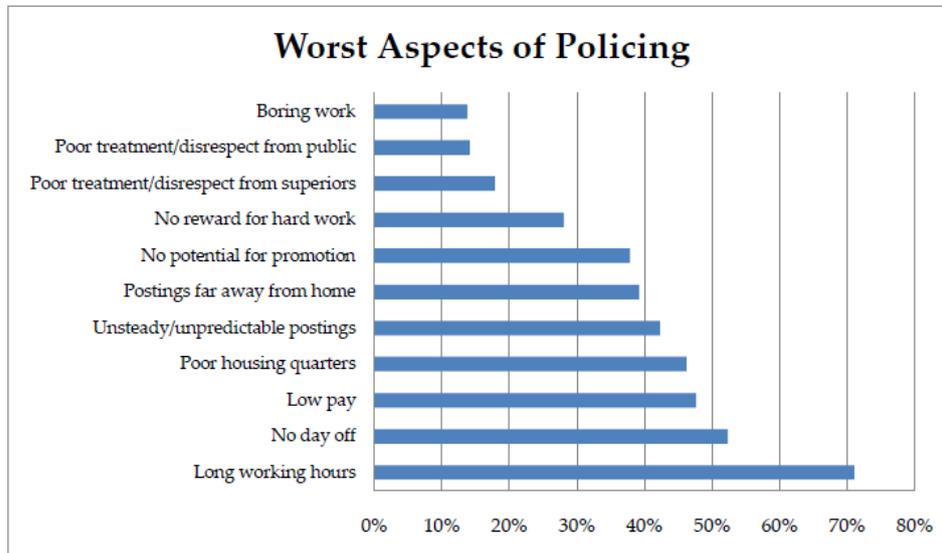


Figure 4: Police staff Complaints (Before the Projects)

2. Use of scientific aids in Investigation: Only 19 % of cases investigated in Rajasthan during 2006-07 made any use of scientific investigation and majority of them were accident cases.

Decoy Surveys:

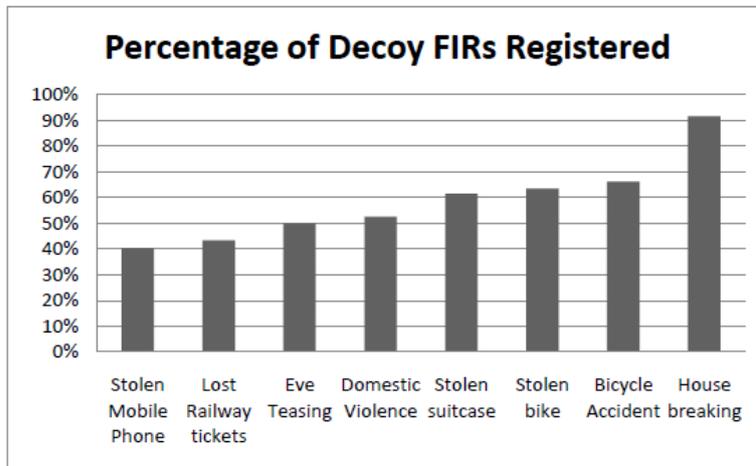


Figure 5: Result of Decoy Survey (Before the project)

3.10.4 Final Status:

1. Public Perception of Police:

	Police Responsiveness to Citizens			
All Interventions	-0.020 (.077)	-0.024 (.075)	-0.025 (.074)	-0.032 (.071)
No Transfer	-0.038 (.082)	-0.019 (.088)	-0.017 (.087)	-0.023 (.086)
Weekly Off	0.152* (.082)	0.148* (.086)	0.154* (.086)	0.144* (.085)
Community Observer	0.107 (.087)	0.090 (.092)	0.093 (.093)	0.090 (.092)
Percentage staff trained	0.085 (.070)	0.069 (.072)	0.070 (.071)	0.061 (.069)

	Lack of Police Corruption			
All Interventions	0.085 (.083)	0.088 (.085)	0.087 (.085)	0.074 (.084)
No Transfer	0.003 (.075)	0.034 (.079)	0.035 (.079)	0.021 (.079)
Weekly Off	-0.026 (.074)	-0.046 (.076)	-0.042 (.075)	-0.051 (.074)
Community Observer	0.045 (.067)	0.036 (.067)	0.039 (.068)	0.045 (.068)
Percentage staff trained	-0.001 (.060)	-0.031 (.062)	-0.029 (.061)	-0.035 (.061)

	Lack of Fear of Police			
All Interventions	0.195* (.108)	0.210* (.109)	0.211* (.108)	0.212** (.108)
No Transfer	0.184* (.099)	0.228** (.100)	0.229** (.100)	0.227** (.100)
Weekly Off	-0.188** (.078)	-0.206** (.076)	-0.204** (.075)	-0.203** (.074)
Community Observer	0.001 (.088)	-0.021 (.089)	-0.020 (.089)	-0.021 (.089)
Percentage staff trained	-0.059 (.081)	-0.073 (.082)	-0.073 (.082)	-0.073 (.081)

	Increase Police Resources			
All Interventions	0.010 (.084)	-0.026 (.063)	-0.028 (.063)	-0.021 (.063)
No Transfer	-0.043 (.080)	-0.045 (.063)	-0.046 (.063)	-0.035 (.063)
Weekly Off	-0.092 (.082)	-0.030 (.054)	-0.035 (.054)	-0.033 (.054)
Community Observer	-0.068 (.096)	-0.024 (.061)	-0.026 (.060)	-0.032 (.059)
Percentage staff trained	0.088 (.077)	0.037 (.054)	0.039 (.054)	0.041 (.053)

Figure 6: Public Opinion (After Project)

2. Victim Satisfaction:

Police Station Fixed Effects			
All Interventions	-0.128 (0.169)	-0.091 (0.130)	-0.077 (0.138)
No Transfer	0.156 (0.157)	0.159 (0.132)	0.158 (0.135)
Weekly Off	-0.111 (0.136)	-0.024 (0.164)	0.024 (0.166)
Community Observer	-0.271 (0.220)	-0.266 (0.222)	-0.363 (0.221)
Percentage staff trained	0.383** (0.157)	0.354** (0.139)	0.499** (0.156)

Figure 7: Victim Satisfaction (After Project)

3. Decoy FIR registration:

	FIR Registration		Politeness of Police	
	All Interventions	-0.276 (0.232)	-0.211 (0.196)	-0.14 (0.11)
No Transfer	-0.055 (0.055)	-0.044 (0.049)	-0.03 (0.04)	-0.01 (0.03)
Weekly Off	0.045 (0.058)	0.043 (0.052)	0.03 (0.03)	0.04 (0.03)
Community Observer	0.052 (0.063)	0.046 (0.061)	0.00 (0.03)	-0.01 (0.03)
In Project	-0.232 (0.219)	-0.188 (0.192)	-0.09 (0.11)	-0.03 (0.16)
Percentage staff trained	0.004 (0.054)	0.000 (0.050)	0.02 (0.03)	0.02 (0.03)
Number of previous decoy visits to police station	0.078* (0.042)	0.076** (0.037)	0.02 (0.02)	0.02 (0.03)
Time (in months)	0.002 (0.035)	0.008 (0.030)	-0.02 (0.02)	-0.02 (0.02)
Controls				
Crime story used, whether staff suspected decoy, surveyor name	No	Yes	No	Yes
N	837	834	837	834

Standard errors in parentheses. ** denotes significance at 5% level, * denotes significance at 10%

Figure 8: Status of Decoy FIR (After Project)

The results have been obtained using regression method for each table. Major take away from the experiment is the impact the small interventions can have. In present day scenario where States are not implementing major reforms, Rajasthan Police took such a bold initiative.

Important takeaways:

1. Weekly day off seem to have best impact on police functions. Next is placing a community observer to witness day to day functioning of police which also had a similar impact.
2. Same intervention seem to have different impact on different issues. E.g. policy of no transfer does not affect Police responsiveness but as far as lack of fear of Police is concerned, it seem to have a great impact. So, there is no need to implement all the interventions at the same time. For this purpose, the most severe problem need to be found out and related intervention can be implemented.
3. The impact of interventions can also be seen in the decoy FIR registration. Here also it can be seen that not all the interventions lead to improvement in the statistics.

3.10.5 Challenges:

1. Poor implementation of the interventions: Due various reasons like no benefit to SHO, Gujjar agitation, terrorist bombings in Jaipur etc. led to unsustained level of interventions in longer run.
2. Lack of punctuality on part of the community observers (less than 15% attendance).
3. Measures like freezing transfers and weekly off were not 100 % followed.

3.10.6 Recommendations:

1. **National Crime Victimization Survey (NCVS):** The project strongly highlighted the need to conduct crime surveys regularly. It helps in identifying sensitive areas.
2. **Freezing of Transfers:** Increasing transfer time always had a positive impact on all aspects of Policing so it should be followed regularly even though it is politically difficult to implement.
3. **Training:** The impact of training of Police officers and constables can be seen by the positive effects the project had on public satisfaction and crime investigation.

(Note: All the figures and data from the same case study as mentioned: Making Police Reform Real: The Rajasthan Experiment, A Collaboration between the Rajasthan Police and the Abdul Latif Jameel Poverty Action Lab, MIT, USA. By: Abhijit Banerjee, Esther Duflo, Daniel Keniston, Nina Singh)

4. Results and Discussions

4.1 Findings from the literature

Some of the important concepts which need attention in India is discussed below:

4.1.1 Judicial Independence and its importance: one important aspect to ensure this is the provision of long or life time tenure. The state with its powers of appointments, budget planning and other privileges can be asked questions of corruption. With the ever changing scenario of the country the courts have become social institution rather just some dispute resolving place. Collective independence can be ensured in three levels:

1. Consultancy: in this system executive is not supposed to follow the instructions while it may take some of its suggestions as an option.
2. Joint Responsibility: In this system both the judiciary and executive share the responsibility.
3. Exclusive judicial responsibility: the most independent system of all in which judiciary become an institution of social change as well.

The fundamental values of a good working judiciary are 1. Efficiency, 2. Fairness of justice, 3. Access to the common man, 4. Public Confidence, 5. Judicial Independence. Even though the system of independent judiciary has been in our system for last 40 years we see increasing questions being asked of the judiciary as well so the culture of full judicial independence should be introduced and the system of accountability should also be in the Judicial system. The steps required to develop such cultures 1. Institutional Structure, 2. Infrastructure, 3. Legislative Provisions, 4. Ethical traditions and code of conduct.

Proper functioning of the Judiciary is very important to Policing as they are very closely related. Any investigation carried out by police is eventually evaluated by the courts so judiciary must be free from all forms of intervention if we seek fully efficient criminal justice system.

4.1.2 Municipal Policing:

The basis of such system assumes that by giving more powers to local bodies like Municipality will result in better and quicker decision making process. In current system the local bodies will have to ask to their seniors for all such decisions so by appointing a local officer like Mayor would ensure quicker decisions. On the other hand it would affect the local budget drastically. Another issue is the regional representation in Police bodies. Another suggestion is that the main station should be located in the maximum impact place. It would ensure the fulfilment of local policing priorities and keep the issue of regionalization in mind. The requisites are 1. Leadership, 2. Willingness, 3. Demand of effectiveness from Police, 4. Public trust in such system.

The major problems faced are 1. Home rule mentality (desire for control), 2. Level of expectation from locals, 3. Political Willpower.

4.1.3 Plea Bargaining:

Criminal Law (Amendment Act) 2005 introduces the concept of Plea Bargaining in India. The most successful model of plea bargaining system exists in USA where the pre-trial negotiations counts to almost 75% of decisions. It has three varieties where a person can plead 1. Guilty- here the accused admits the offence fully, 2. Not-Guilty- here the accused denies all the charges, 3. Nolo-contendre- here the accused admits to the offence but this admission cannot be used for further claims.

Bargaining is of three types 1. Charge Bargaining – dropping some charges or settling for some lesser charge. 2. Sentence Bargaining – Settling for lesser punishment. 3- Fact Bargaining- here.

The prime motive behind this is the increasing number of pending cases especially civil case where the accused are aware of their crime but they fight on to reduce the sentences. Also sometime the time period of trial exceeds maximum punishment which are grave violation of Human Rights. If plea bargaining is introduced and followed in right spirits it would also save a lot of state resources.

It is covered under Chapter XXI-A and the main provisions are:

1. Only applicable to the crimes where the maximum punishment is 7 years (which ironically is its biggest criticism).

2. Can only be used in pending cases.
3. It should always be voluntary without external pressure.
4. The case should not affect socio economic condition of our country.

The major concerns against plea bargaining are:

1. In case of over reliance on it the Police may not give proper efforts into investigation.
2. Lack of acceptance on the part of courts as many courts have rejected or not implemented it due to non-traditional way of dealing.
3. Criminals may escape in this system so a fully detailed and full proof structure should be discussed and implemented.
4. Prosecution pressure has been identified as a stumbling block which is genuine concern as to avoid long trials they may force the accused into submission.

The recommendation for the same are as follow:

1. Prisoners should be set free after some time depending upon the type of crime he/she has been accused of.
2. Better clarity on socio-economic issues as they are contradictions within themselves.
3. Not only must the length of crime but severity of it also be taken into account.
4. There should be a separate system to deal with just the pleas and similar issues.
5. There should be fixed time frame for mutual satisfactory disposition.

4.1.4 Measuring Police efficiency using DEA model

As the crime control and law and order maintenance are not quantitative characteristics so such issues cannot be directly calculated. The main proposal of the scheme is to come up with a proper technique to calculate efficiency of the department. Main two modes of measuring police performance can be either citizen surveys or police statistics. The citizen surveys will prove to be very expensive to the state considering the size of our country and cities. The second mode of collecting police statistics has its own problems. The police does not have a set of clearly defined set of boundaries and roles/functions. The usage of crime rates, arrests, clearance rate etc. also have their own share of problems. Crime rates/ reporting FIR is not a very reliable measure because mistrust in the organization from the public side lead to underreporting of the cases. Moreover different levels of cooperation between Police and Public in different areas also affects the reporting of cases. Arrests rate is often politically motivated so it is also unreliable. Moreover large scale arrests in mass demonstrations and protests also disturbs the genuine number of arrests made. Clearance rate which is the indicative of sufficient evidence to charge the offender is a better measure of measuring efficiency. But as it is closely associated with the crime rate/ FIR so it again becomes politically/externally motivated.

The change in the existing system can be brought by the including other factors like number of only law and order incidents, time spent by the deployed officers, number of demonstrations etc. carried out and combining all of them to improve the level of Police performance evaluation. Data Envelopment Model (DEA) model used by the Banks, Schools and Restaurants etc. is an innovative idea to measure and compare the condition of Policing in different states. The model is applicable to institutes which performs similar functions in terms of resources they use and outcome they produce. As the Police uses taxpayer's money and deploy trained officers so the statistics should be reflection of the inputs and outputs. As the crime control is not quantitative so the police efforts in such directions can be used. For example parameters like Total Expenditure in Crores, Number of Police officers, Number of Investigating Officers, Total number of investigated cases, Number of Persons

arrested, Number of Investigated cases etc. can be related to actually see that the how much usage of already available resources are being made.

DEA Technique for Policing: Unit is anything which we wish to compare with similar other units on the basis of performance. For this resources (called inputs) and outcomes (called outputs) are identified. The ratio of output to input is computed and largest ratio is the most efficient one. DEA is a linear programming based method for evaluating relative performances of sub units.

⁴As an example, consider a situation that has K DMUs, with each of them having M inputs and N outputs. Let X_i^k be the level of input i at DMU k and let Y_j^k be the level of output j at DMU k. Without loss of generality, it will be assumed that the inputs and the outputs are defined in a manner such that lower inputs and higher outputs are considered better. The relative efficiency of DMU k, denoted by w_k , is computed by solving the following linear program:

$$\text{Maximize } w_k = \sum_{j=1}^N \beta_j Y_j^k$$

Subject to following constraints

$$\sum_{i=1}^M \alpha_i X_i^k = 1$$

$$\sum_{j=1}^N \beta_j Y_j^t - \sum_{i=1}^M \alpha_i X_i^t \leq 0 \quad \forall t = 1, 2, \dots, K$$

$$\alpha_i, \beta_j \geq 0$$

Here α and β are weights to inputs and outputs.

Main idea of using DEA in such units is that for each smaller unit the weights can be assigned value which maximize the efficiency. So for different states we can solve the programme and find weights which can give an idea to spend the resources in a particular aspect of Policing.

⁴ Measuring police efficiency in India : an application of DEA by Arvind Verma

The graph of parameters like TECR, NPA, NPC etc. is plotted. Efficient barrier is derived from the best data and its efficiency is called to be 100%. The relative efficiency of any state is defined by drawing a line that connects the origin and the position of the given state to the efficient barrier. The ratio of line bisected at the position of state is called the efficiency.

State	Efficiency	Target TECR	Target NPA	Target NPC
Andhra Pradesh	67.54	419.59	1,417,306	72,173
Arunachal Pradesh	3.96	1.86	57,042	8,210
Assam	7.91	33.17	752,544	61,719
Bihar	32.19	181.11	782,272	93,983
Goa	18.45	4.40	28,906	4,157
Gujarat	37.12	189.13	1,021,742	68,208
Haryana	30.33	77.86	525,982	33,637
Himachal Pradesh	12.81	12.36	194,651	12,831
Jammu and Kashmir	6.82	16.39	402,130	37,251
Karnataka	100.00	343.52	1,135,419	17,372
Kerala	46.41	122.25	363,627	44,119
Madhya Pradesh	80.77	516.01	755,045	112,330
Maharashtra	22.71	259.28	3,026,759	105,554
Manipur	0.86	0.82	316,180	4,838
Meghalaya	4.40	2.80	60,429	11,831
Mizoram	8.99	4.54	55,324	9,052
Nagaland	2.28	2.81	123,222	22,676
Orissa	26.30	46.59	346,784	24,262
Punjab	7.54	33.14	711,811	69,125
Rajasthan	100.00	406.57	254,781	80,999
Sikkim	4.90	1.04	29,616	3,549
Tamil Nadu	100.00	539.51	902,794	83,691
Tripura	3.05	2.99	212,978	12,105
Uttar Pradesh	36.90	624.87	2,118,073	292,858
West Bengal	72.10	311.02	1,425,818	21,815

Figure 9: Efficiency and Target Parameters

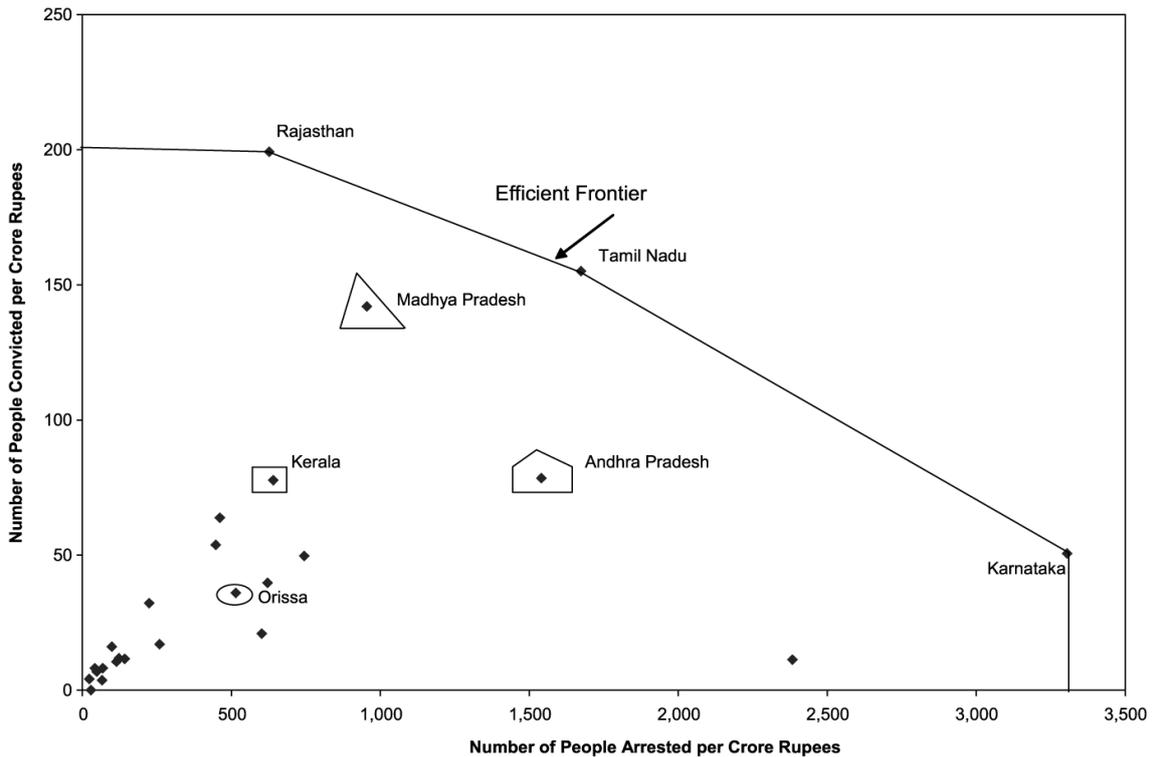


Figure 10: NPC per crore vs. NPA per crore Source: <http://www.emeraldinsight.com/journals.htm?issn=1363-951X>

According to the table, purely upon basis of expenditures, Gujarat must reduce its expenditure to 189 crores or increase arrests and convictions to 1 million and 68208 respectively. The table however does not mean that Andhra Pradesh is most efficient and Tripura is least. The analysis only suggests ways of identifying best and poor practices.

Main point of discussion here is that to be considered efficient based only on expenditure (input) and arrests and convictions (outputs), state must either decrease expenditure (inputs) to a certain value (to obtain efficiency barrier) or increase outputs to certain value (to obtain efficiency barrier). This process can serve as indicators to what practices any state should adopt to maximise the efficiency.

The method comes with its limited interpretation. The graph does not show that state closer to origin are less efficient. It only tells that adopting practices in states closer to efficient barrier, any state can improve its efficiency. Some states like the Bihar or Uttar Pradesh do not have very poor efficiency as per popular opinion. It might be due to wrong collection of data or underreporting. Another explanation

which can be given is that the states are in fact using the resources to the full and practicing good administrative practices contrary to public opinion. But the resources available are not sufficient and practices being followed are not enough.

The technique is able to suggest ways to improve the relative efficiency. For example (after solving linear program) Punjab will have to reduce police strength from approx 67000 to 12000 while Sikkim should have only 71 investigating officer as compared to 248. This only reflects that states have poor outputs in terms of the input i.e. police personnel. The analysis suggests that police may attain good performance by demanding more convictions from investigators or better use of money provided to the department.

4.1.5 Police performance technique in Belgium:

Policing in Belgium and its scientific way of Performance Evaluation: The Belgium model act came in 1998 and police functions were divided into two bodies, Local Police and Federal Policing. The local police looks into matter of Municipalities or a part of a large city. Its highest officers are the Chief Constable and the Mayor. On the other hand federal police is assigned supra-local assignments or across the borders of state cases. Even though their jurisdictions are different but they are common to each other as they come under same National Security Plan. The selection or recruitment procedure are the same and training is also very common. The code of ethics and conducts are common which helps in proper interaction of between two police bodies. Local Police work can be divided into six major functions:

- Community work and support- it includes listening to the grievances and complaints of the public and building relation with them.
- Accessibility and availability of the local forces to the citizens.
- Intervention during fights or acts of aggression and quality of services provided during such cases along with the speed of intervention.
- Providing first aid in cases of emergencies and cooperating with medical staff.

- Carry out Investigation in cases of crime and submit the report to prosecution.
- Traffic system and maintenance of security for Transport system.

In context of the project “Police Reforms in India” the classification of jobs among two different bodies is vital. Even though the model might not work in India due to its size and cultural differences between states but the same model can be used for separation of Law and Order and Investigating Body.

Another important aspect of the Policing in Belgium is its innovative Police Performance Evaluation. First of all the data is collected by the Security Monitor. A large scale population survey is conducted in which the safety related topics like victimization, insecurities etc. are treated. In the process 43000 telephonic interviews were done in the first half of 2006. 68 Police zones participated in the process. The response rate was as high as 67 %. The mechanism is known as the BD Model. This model is only applicable to similar sized zones. Among the six basic functions listed above there were a total of 21 questions. Then specification of weights were allotted to depending upon the questions. The overall index was calculated by using weighted mean model.

This shows the importance and the effort to the evaluation process. Again the model is difficult to apply in India but we can include the surveying process and take the help of the NGOs and media houses. The NGO with better Public relation can help in the surveying process a lot. Also it will lead to better image of Police. The media houses need to show bit more sensitivity towards police and work in the surveying process as they reach out to widest audiences. This will lead to building police-public relations and improvement in the overall standard of the Police.

4.2 Finding from the fields and impact on the theoretical focus of the project

4.2.1 Field Visit to Darya Ganj (Crime Branch and Missing People Centre):

The place was selected randomly and questionnaire was made. The views of two Officers (Name withheld) and their concern over modern policing in New Delhi were noted. I also saw the network Zipnet which is database of missing people of 8 states. The various technologies being used to keep track of all the dead people found (unclaimed) and their identification by their relatives.

The major points raised were:

1. Lack of infrastructure like electronic surveillance.
2. Lack of penalty and magnitude of crimes.
3. Issues related to constabulary as it interacts with common men so their proper training and education is necessary.
4. Salary issues and resulting corruption.
5. Lack of respect towards Police in the society leads to absence of enthusiasm among Police officers. The Dante Wada incident was mentioned where no one mourned the death of 80 officers while on the case of Damini rape whole country was united (even though it was justified). So the contrast reflects the pain Police officers feel about being neglected.
6. Too much of Political interference also destabilizes the existing system.
7. Instability can be accounted for with fixed tenures (while it is followed in New Delhi according to Police).
8. Importance of Public Police relations and its proper introduction in training of all officers. They claimed that it is a vital part of training and even many capsule courses are organized time to time.
9. Local Area peace committees which exist today do not invite proper public involvement and people with their vested interests join such bodies.

Missing People Squad: We were shown the existing system to track down the unclaimed dead bodies which was really state of art. Also we saw some reports and how the grievances are disposed of. The Zipnet (a record of all reported missing people and unclaimed dead bodies) and some technical issues related to it were discussed.

4.2.2: Field Visit to Jawaharlal Nehru University:

The purpose of the field visit was to observe the citizens' interest in police and related government initiatives. Another objective was to take the view of public upon the standard of policing in New Delhi. We also sought answers to the questionnaire we made prior to visit. The response we got was very weak due to various reasons like low attendance because of heat and semester break. However we managed to talk to some of the students. One of the shocking revelations from one of the girls was that police are helpful when you tell them that you are from colleges like JNU, IIT etc. otherwise they do not behave properly. Also questions were raised about facilities available in the police station and are they sufficient enough in modern age.

4.2.3: Police Training Center (PTC), Jharoda Kalan, Nazafgarh Overview of the Police Training Centre (PTC) as per informal conversation with staff:

1. Established in 1968 as Police Training School and upgraded to Police Training College in 1998. Spread over 220 Acres at Jharoda Kalan in South West Delhi.
2. The trainees include constabulary and Sub-Inspectors mainly for Delhi Police but it also sometimes include trainees from other states as well.
3. Courses are divided into four categories, Basic, Promotional, Refresher and Specialized. Scientific training is also imparted with the help of many modern facilities.
4. Firing simulators were available where even the senior officers are supposed to come once in a year to practice shooting.
5. There were total 8 departments headed by specialized officers like the department of law is headed by Senior Public Prosecutor.
6. Total capacity is around 3000 including all the courses of different durations. In total there are 8-9 courses with duration ranging from 4 months to 1 year.
7. Courses for senior officers are also offered as refresher courses and specialized courses.

8. Fully residential campus with various sports facilities like football, volleyball etc.
9. Various centers for technical education like computer labs, forensics etc. are present in the campus.

4.2.4: Field Visit to National Investigating Agency, Jasola.

Table 2: Contact Information of the People met

	Person 1
Full Name	Shri Venkata Rama Sastry Pidaparathi
Designation	IG, NIA
Contact No.	7838651529
Time Duration	2 Hrs. 30 Min (4:00 – 6:30 PM)
Email Address	pvrssastry@gmail.com

Discussion Details with Mr. P.V. Rama Sastry:

Separate Investigation Agency: One of the major reasons of the poor image of the police is the slow investigation process like the Aarushi case which has been dragging on for many years. It affects the trust of public in the Police and investigation. One popular demand has been that of a separate investigation agency. The reason given behind this is the fact that the same person should not handle investigation and Law and Order functions at the same time. But there are many hurdles in the process. Major constraint is the availability of officers in investigation. It would need a lot of new officers at the time when police numbers are already well short of vacancy and much lower than the required UN standard. Lack of training centers also contribute to the problem. There are only 6 CDTS, the specialized training centers. The major training is done at the PTCs. Also the investigation is less concerned with the day to day dealing with the Public issue so the mindset and attitudinal problems poses challenges to make it better. The growing issues in daily functions compels the Government to ignore the investigating bodies. Main bottleneck in the implementation of the separate investigation agency would be the level of separation. As the investigation is of two types Desk and Field Investigation. The latter type is most important as it is the basis of whole investigating process. So

for proper investigation the coordination with the Police is very important. If it is separated at the police station level then who would be the responsible officer for it, coordination between law and order and investigating bodies, use of investigators in Law and Order problems etc. are the major questions. If the higher authority is assigned responsibility then it would be affecting his law and order maintenance which is major issue socially and politically as well. So the level of separation i.e. station level or district level need to be analyzed.

SSC and PEB recommendations: The process of auditing in the Police is of three types mainly Financial, Performance and Technical. The first one is generally covered in the process but the latter two often lags behind. As the Policing is funded by the taxpayer's money so it needs to be accountable to the public for all of its functions. The SSC and PEB has been recommended by almost all the commissions and Supreme Court as well unanimously but due to "conflict of interests" it has not been yet formalized. The Police will always be accountable to the government but it should have functional autonomy.

Infrastructure: The lack of funds has been an issue for the Police. Policing has never been included in the five year plans. It is covered under the Non-Planned section so the proper funds required for major overhaul of the machinery is not available. Moreover as the Police is in the state list (Seventh Schedule of Constitution) so the constraints on the state results in poor funding. Underutilization of the funds is also major issue. GFR 2005 has proved to be a main reason behind underutilization.

Municipal Policing: Decentralizing of the Police has been a constant demand for the quicker decision making process and for this handling the local policing can be handed over to the municipality and mayor. But the main problem behind its implementation is the lack proper culture of municipality or community model of administration in general. This proved to be a hindrance to not only Policing but many other decentralizing plans.

Plea Bargaining: It was introduced in India in 2005 but it has still not found its way into common practice. It has been successful in countries where punishment is certain. As per the saying "Certainty of Punishment is more deterrent than the severity of punishment". As it is restricted to case where the punishment is less than seven years (where bail is easy to take), the accused is ready to prolong the case in hope to break the witnesses and victims. If it is extended to the more serious crime where the bail is difficult to take the accused might be tempted to plead guilty. In this way a lot of time and money can be saved. In less serious cases there are less incentives for the accused to plead guilty. So this aspect need to be analyzed. Also the Judiciary should advocate this system and the clauses in the constitution need to be simplified.

Public Role: The public should make sensible judgment regarding policing and should not be influenced by media houses and propagandas. As the public is always reluctant to be controlled so this mindset need to be changed. The scope of community and beat policing should be implemented via pilot tests to see its impact on the Police-Public Relations. Initiatives like citizen report cars and citizen grievances forums can be additional steps. There is a need to publish the good work being done by the Police to make people aware of it. This can lead to trust building and mutual respect.

4.2.5: Field Visit to Naraina Police Station and meeting with Miss. Usha Rangnani, IPS Officer Trainee of AGMUT cadre

Table3: Contact Information of People Met during field visit to Naraina Police Station

	Person 1
Full Name	Miss Usha Rangnani
Designation	IPS Officer
Contact No.	9873964161
Time Duration	25 Min (12:30 – 12:55PM)
Email Address	Not Available

Discussion details with ms. Usha Rangnani, IPS Officer trainee.

Training: The importance of public dealing was stressed upon even with the marginalized communities like LGBTs. The matter related to the women is also stressed upon. In light of recent incidents, sexual assault on women is very seriously considered.

Delhi Police Initiatives: Various initiatives like Yuva, Parivartan, Dedicated Help Desk for Women (24×7), Crime Against Women (CAW) Cell, Women Help Line, Anti-

Stalking/Obscene Squads, Special Unit for Women and Children (SPUWC) etc. The online FIR records and increasing transparency measures has been initiated. Self-defense training to elderly and women are given. The youth are given training and sports activities are organized.

Recommendations: The ARC report was recommended for reforms in modern India. Moreover Justice Verma and Usha Verma report in aftermath of December case were also suggested. Moreover Delhi Police website was also suggested to remain updated with the Transparency Schemes which have been implemented. The presence of Police on social platforms was also discussed.

4.3 Gap analysis

For the GAP analysis, directives of the Supreme Court as the ruling in the Prakash Singh vs. Union of India case have been used. The Directives are the result of various commissions and reports so they can be used the step forward towards the Police Reforms.

Table4: GAP Analysis

Directive	Compliance by the States	Problems	Solutions
State Security Commission	21 % partially 79% Non-compliant	No definition of political supervision and control.	Inviting minister opposition leader and imminent citizens will lead to better performance evaluation.
Appointment of DGP and his/her tenure	15 % fully 11% partially 74% Non-compliant	Arbitrariness in appointments due to political interference.	DGP should be appointed among 3 most senior officers and following set of suggested criteria in various reports.
Fixed tenure of Higher Officers (SP and SHOs)	29 % fully 7 % partially 64 % non-compliant	Transfers done on the basis of influential third parties.	At least 2 years tenure should provide stability and fearless attitude in officers.
Separate Investigating Body	18 % fully 25 % partially 57 % non-compliant	Slow investigation and inadequate training.	Separate body and funds to improve its status

Police Establishment Board	7 % fully 25 % partially 68 % non-compliant	Transfers subject to patronage and fear and uncertainty among officers	Senior police officers only should deal with transfers and promotions.
Police Complaints Authority	21 % partially 79 % non-compliant	Too little accountability of police	Need to look into public grievances
National Security Commission	Not Available	Similar to DGP, too much preferential appointment	Following recommended process and fixed tenure

5. Recommendations, Scope and Strategy for Implementation

5.1 Recommendations & Scope

Table5: Recommendation and Scope

S. No.	Recommendation	Scope
1.	New Model Police Act	In western countries the act is reviewed regularly. As it is based on act of 1861 so it is outdated and it should keep up with time. Review of Indian penal code can be additional step.
2.	State Security Commission and Police Establishment Board	It will reduce arbitrary and illegitimate transfers of police officers and increase stability in the department.
3.	Infrastructure	It will help police to increase forensic and technical levels of the department.
4.	Separate Investigating Agency	It will reduce burden on police regarding maintenance of law and order and improve the level of investigation.
5.	Municipal Policing	It will decentralize police which can speed up decision making process. To start with we can hand over traffic system to Municipality.
6.	Plea Bargaining	It will reduce the number of pending cases and swift disposal of cases can be done.
7.	Public Police Relations	Mutual trust and respect for each other between public and police is vital for proper law and order system.
8.	Transparency	Public should be made aware of initiatives and task being done by Police. It will improve relations between Public and Police.

5.2 Flowchart (Strategy) for implementation

5.2.1: New Model Police Act: The basic aim of the overhaul is the fact that the current model is outdated and it has lost its relevance. The Indian Evidence Act and Indian Penal Code also date back to 19th century so the basis of our criminal justice system is very old. As observed in Britain the Police Act is reviewed time to time despite having one of the best Policing system in place, hence this practice must be followed in India as well. Major stumbling block is the amount of work involved in the process and political will power required. The process can be initiated by appointing a committee of retired/senior Police officers, DGPs, Judges and eminent citizens which will be headed by Home and/or Law Minister. Also the committee's work should be acknowledged by implementing the changes instead of just recommendatory powers.

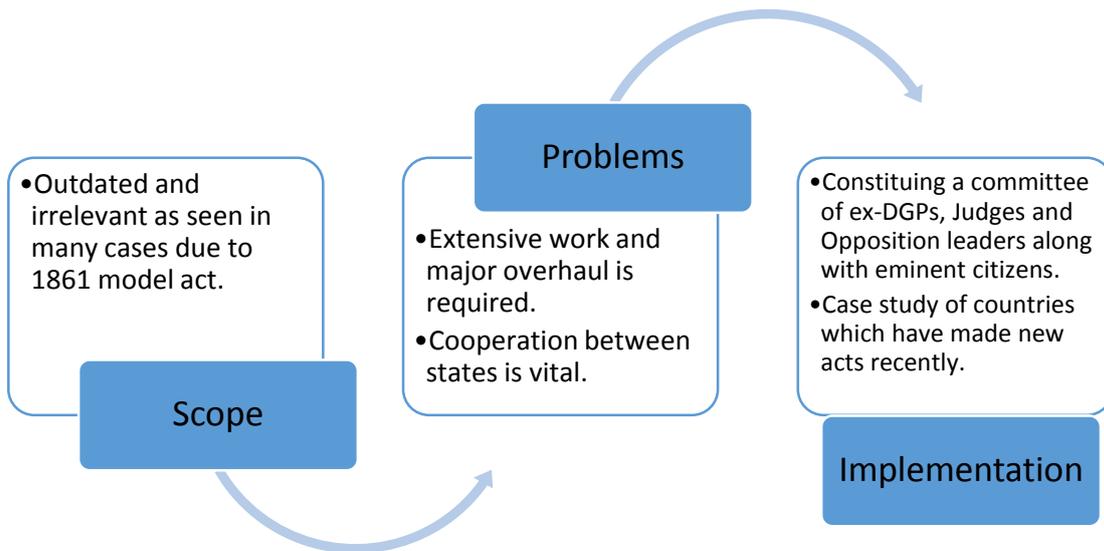


Figure 11: Recommendation 1

5.2.2: State Security Commission and Police Establishment Board: The establishment of SSC or PEB is aimed at the reduction of arbitrary and frequent transfers. This will help in improving stability and fearlessness in the department. The autonomy of the department can be ensured in this way. Major problem would be to convince the states to implement this system as it directly challenges the political patronage enjoyed by politicians and their agents. This can be implemented by following the guidelines of the NPC 1979 and the subsequent commissions. The number of members may vary as the size of department and the state have increased since that time but the core of the research done by NPC is still relevant. The Police shall always remain accountable to the government but it should at least have functional autonomy.

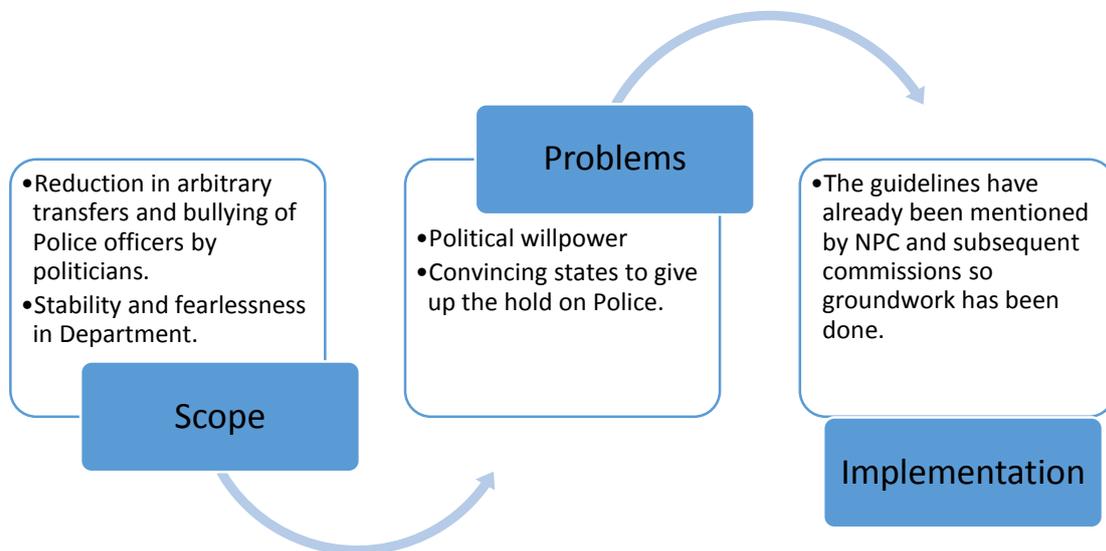


Figure 12: Recommendation 2

5.2.3: Infrastructure: Lack of funds has been a major issue for Police for a long time. The effect can be seen in slow increment in technical level of Policing. On the other hand, strict rules of Government Financial Regulations (GFR) 2005, has also led to underutilization of funds which in turn hampers the progress of the Police overall. Another important aspect is the improvement in the modern forensics and interrogation techniques. This will speed up the investigation process and thus reduce the burden on judiciary.

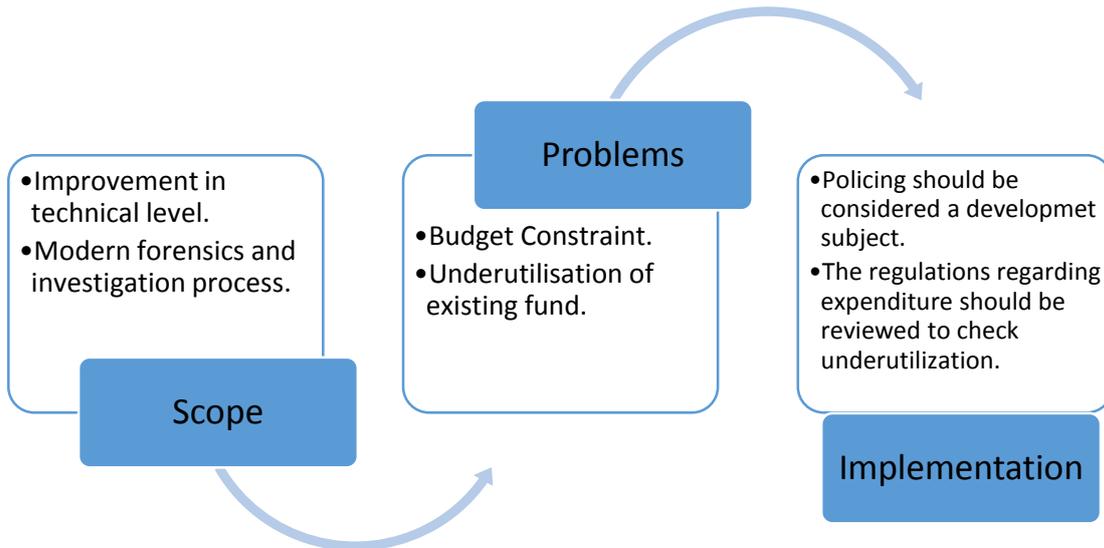


Figure 13: recommendation 3

5.2.4: Separate investigating agency:

One of the major reasons of the poor image of the police is the slow investigation process like the Aarushi murder case which has been dragging on for many years. It affects the trust of public in the Police and investigation. One popular demand has been that of a separate investigation agency. The reason given behind this is the fact that the same person should not handle investigation and Law and Order functions at the same time. But there are many hurdles in the process. Major constraint is the availability of officers in investigation. It would need a lot of new officers at the time when police numbers are already well short of vacancy and much lower than the required UN standard. Lack of training centers also contribute to the problem. There are only 6 CDTS, the specialized training centers. The major training is done at the PTCs. Also the investigation is less concerned with the day to day dealing with the Public issue so the mindset and attitudinal problems poses challenges to make it better. The growing issues in daily functions compels the Government to ignore the investigating bodies. Main bottleneck in the implementation of the separate investigation agency would be the level of separation. As the investigation is of two types Desk and Field Investigation. The latter type is most important as it is the basis of whole investigating process. So for proper investigation the coordination with the Police is very important. If it is separated at the police station level then who would be the responsible officer for it, coordination between law and order and investigating bodies, use of investigators in Law and Order problems etc. are the major questions. If the higher authority is assigned responsibility then it would be affecting his law and order maintenance which is major issue socially and politically as well. So the level of separation i.e. station level or district level need to be analyzed.

To start with it can be implemented in major cities and then it can be expanded like the NSGs.

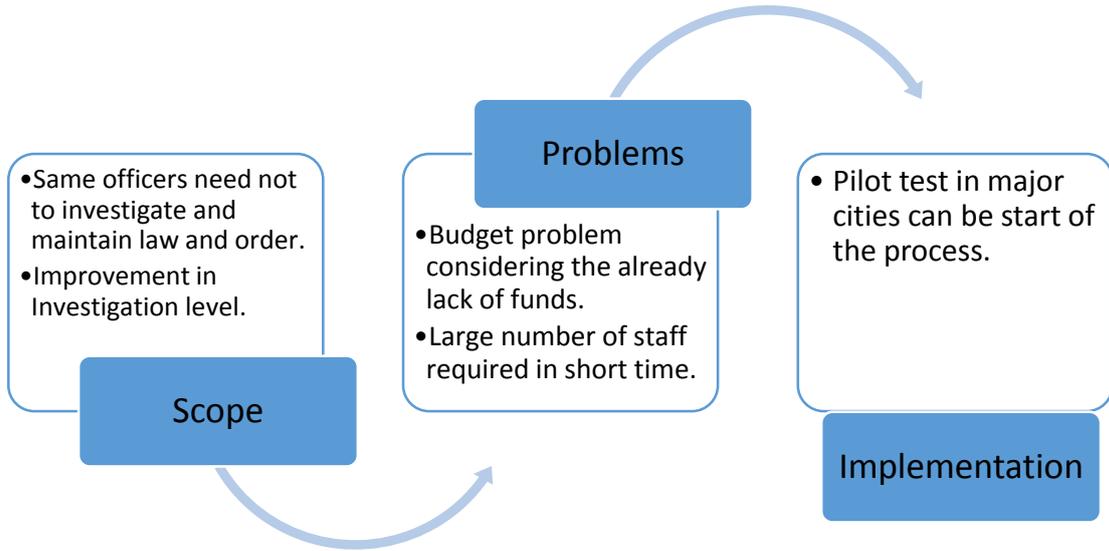


Figure 14: Recommendation 4

5.2.5: Municipal Policing: One of the major criticism of the Police has been its inability to take quick decisions. This can be done with decentralization of the Police. This would lead to greater decision making powers for the local bodies. This power can be handed over to the municipality. Even though the culture of municipality is in very early stage in the country it can be handed over some of the responsibility of the policing. This would reduce the dependency of the department on the state high command for every small decisions. The main problem would be the budget constraint which can be easily overcome by the state giving extra funds for the same. To begin with the traffic police department can be handed over to municipality as it does not require too much decision making processes every day.

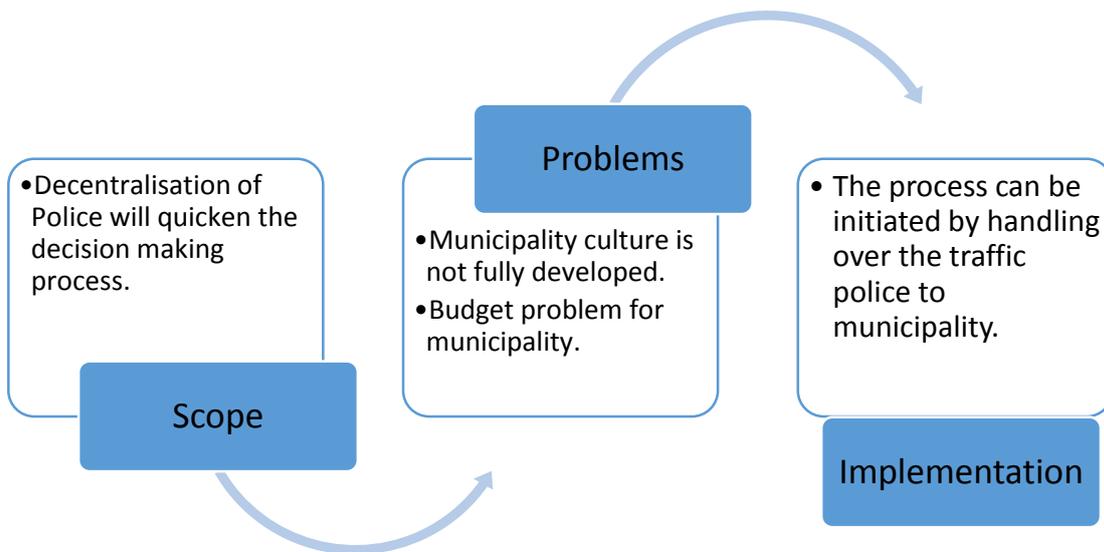


Figure 15: Recommendation 5

5.2.6: Plea Bargaining: Major criticism of the judicial model has been the time it takes to dispose the cases. Many times the amount of time spent on trial exceeds the punishment. The excessive stress on the evidence rather on truth has left our system in a very passive stage. One of the techniques used to overcome this in USA is Plea Bargaining which has already been discussed in detail. This would result in swift disposal of cases without putting a lot of burden on the state machinery. Also the amount of pending cases can also be reduced. Even though it has been included in our constitution there is lack of awareness about it even among the Law scholars. They have hesitant to accept its applicability. One major criticism of the model is the fear of weakening of prosecution and investigation bodies. The problems can be overcome by appointing a committee of experts to suggest their recommendations. Also the present model is not very clear so there is a need to simplify the act and include more cases into its jurisdiction.

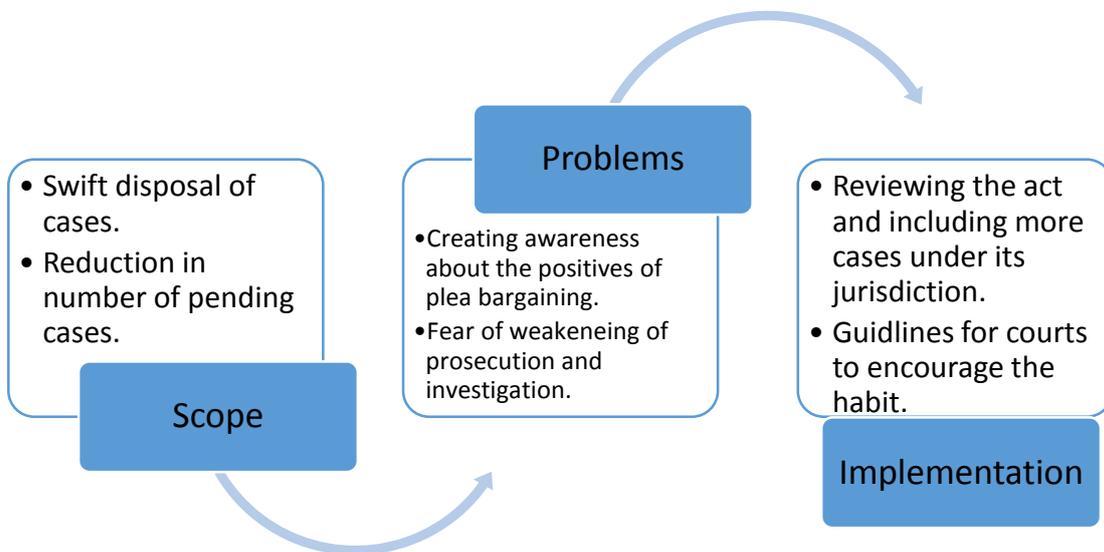


Figure 16: Recommendation 6

5.2.7: Public Police Relations and Transparency: In light of recent incidents of police brutalities and act of violence especially on women and old age people, the police has been facing a lot of criticism. Lack of public trust has been a problem for some time and it has reached a breaking point. The importance of mutual trust and respect between Police and Public should be highlighted. Main problem has been the “fear of police” which is still the mentality of the police while common man does not want take up issues with police rather looking for alternatives. For improving relations innovative efforts like Mohalla Committee in Mumbai should be explored. The various Lok Darbars have been popular with the public. In such forums the SHOs or senior officers must be present so that the “fear of police” can be removed. Also the police should be made aware that it is their duty to talk and take care of public. This aspect should be severely stressed during training of Police officers and constables.

Transparency in public departments in general is still lacking in India even after RTI Act of 2005. The same thing applies for the Police department. Through the usage of various social and web based platforms the people should be made aware of the initiatives taken by the police which should boost the trust of Public in the Police. This aspect can be very closely associated with improving the Public Police relations. Major problem is the reluctance on behalf of police and in general of any public department. In such case we can take the example of USA/UK where the kind of reports and actions/initiatives taken by them are regularly published and people are interested in them. The condition of websites are poor and the presence of police in social media is negligible. To overcome this problem, the police need to make itself visible especially to the youths. The proper usage of social media has emerged as a very important tool in western countries. This model can be used by the Indian Police as well.

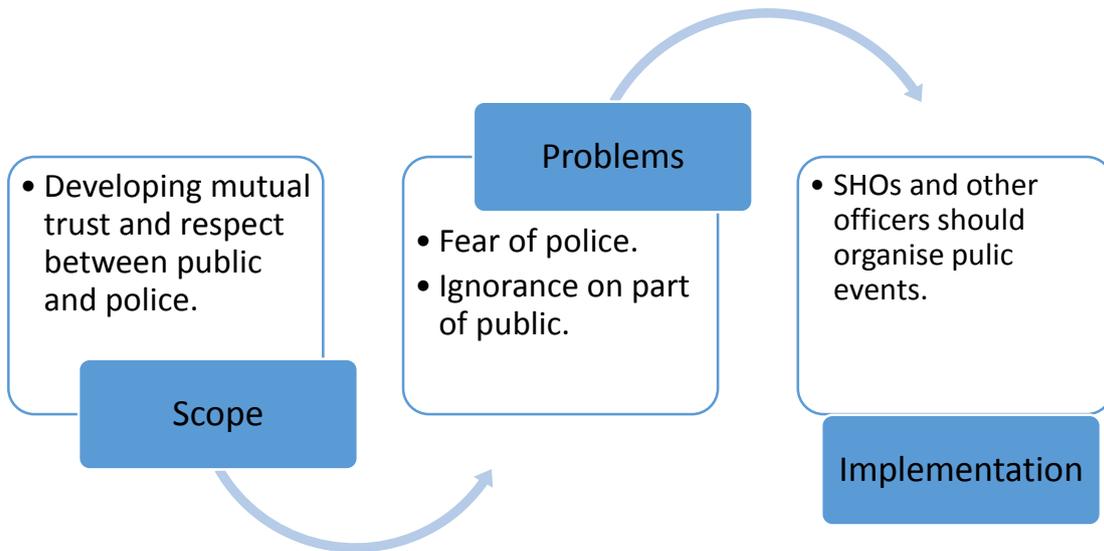


Figure 17: Recommendation 7 (For Police Public Relations)

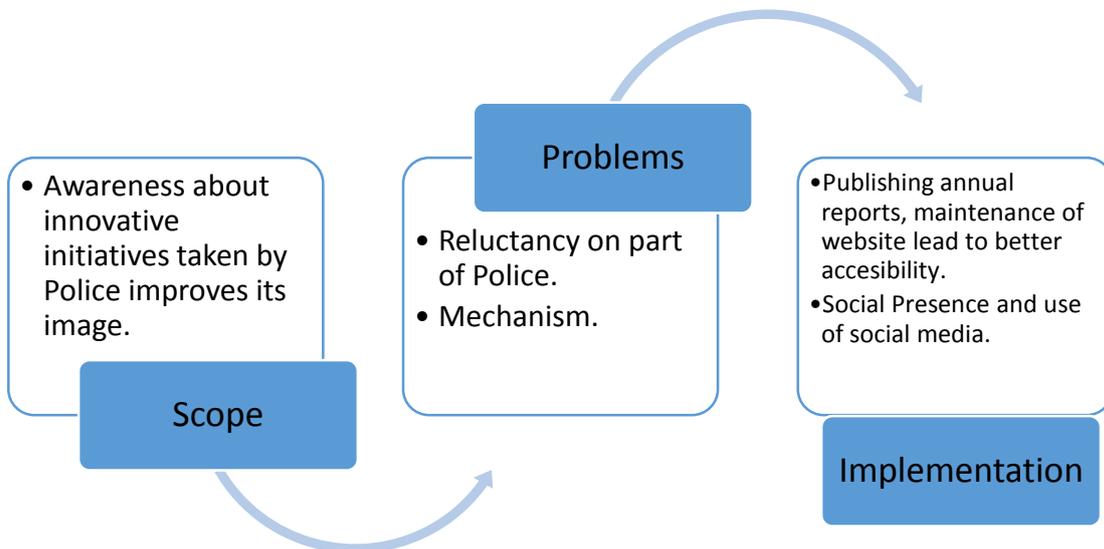


Figure 18: Recommendation 7 (For Transparency)

6. Conclusion:

It is well known fact that in any society, police are seen as an authority with immense powers. It is more so evident in India where people are scared to approach the police many times, particularly in smaller cities. So for the police to not misuse their powers there must be some guidelines and controlling authority. But controlling such an important institution can be in itself a source of great power which can be misused in favor of partisan interests. On the other hand criminals have no fear of police as they are guaranteed of safety by their patrons. So to keep such elements in check there should be a strong and very active criminal justice system. This report examines both the aspects of policing i.e. making police accountable and ensuring swift justice. Another important question being raised is ensuring police autonomy and getting rid of external interference. Report also looks into some of the recent developments like Plea Bargaining and checking their scope in current system.

Moreover some methods like DEA model and the performance evaluation during Rajasthan Police Reforms experiment need to be used more as accountability measuring method. Even though such methods rarely reflects the true state of Policing in a state but they can still be a used to compare the performances of two states and come out with suggestions regarding better policing practices.

In the end some recommendations have been mentioned which may address major problems faced by Police today.

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8. Appendix A

Meetings and Interviews

8.1 (With Mentor)

Date: May 20, 2013

Time: 10:00 am

Duration of Discussion: 25 minutes

Discussion:

- Primary objective of the discussion was how to move towards police autonomy (may not be to the scale of western countries)
- To study the schedule 7 of the constitution of India and three lists i.e. union, state and concurrent.
- Discussion about the first Police Act in India i.e. Police Act of 1861.
- I was suggested to go through the 1861 Act to understand the circumstances under which it was brought in and how it remains the spine of present policing.
- I was suggested to read about various Policing strategies adopted in some of the developed nations like UK and USA.

Action Items before next discussion:

- Examining the Police Act of 1861.
- Understanding the accountability system in India.
- Accountability programme used in countries like UK and USA and to check whether they can be applied to India or not.
- Studying the Police reform steps taken after independence.
- Finding ways to incorporate internal as well as external enquiry system for Police Department.

8.2 (With Mentor)

Date: May 29, 2013

Time: 3:00 pm

Duration of Discussion: 45 minutes

Discussion:

- Concept of municipal police like NYPD in India and problems that can arise.
 - 1973 amendment to separate judiciary and executive body.

- Prosecution and criminal system- role of prosecutors.
- Separate investigation wing from Law and Order.
- Plea bargaining.
- RTI suggestions about Police transfers, HRA, accommodation and weekly working hours.

Action Items before next discussion:

- Understanding 1973 judiciary reforms.
- Studying criminal justice reforms of 2003 by Justice Malimath.
- Understanding the concept of municipal police and its pros and cons.
- Preparing a questionnaire to ask questions to both public and police.
- Examining the judicial process and its disadvantages.

8.3 (With Mentor)

Date: June 11, 2013

Time: 7:30 pm

Duration of Discussion: 30 minutes

Discussion:

- Discussion about the last weekly report and field visit.
- Discussion about plea bargaining and its scope in India.
- Suggestions for next field visit.
- Observing training trends and facilities in India by visiting one of them in New Delhi.
- Infrastructure of Police Station and issues like cash in Station.
- Importance of Police Public relation and interaction.

Action Items before next discussion:

- Studying training model of Indian Police.
- Visiting one of the training centers in New Delhi.
- Finishing midterm report and presentation.
- If possible then plan another field visit to one of the Police Station to observe day-to-day working and infrastructure

8.4 (With Mentor)

Date: July 1st 2013

Time: 10:15 am

Duration of Discussion: 15 minutes

Discussion:

- The usage of language which need to be corrected and incorporated in the final report as the view of public should not influence neutral reports.
- The major discussion was on the mid-term report and changes need to be made.
- The main cause of corruption in the police is the lack of funding
- The results and discussions should be in light of police reforms not just judiciary.
- Second Administrative Reforms and its recommendations.
- The municipal policing and its break down considering the state of municipalities in India.
- Use of IT in day to day functions. It can help in bringing transparency in the system.

Action Items before next discussion:

- Meeting with Miss Usha, IPS officer of 2011 batch at the Darya Ganj police station.
- Working on the feasibility of the recommendations made in the mid-term report.
- Studying 2nd Administrative Reforms.
- Studying some of the best practices followed in western countries.

“The highest measure of democracy is neither the
‘Extent of freedom’ nor the ‘extent of equality’ but
Rather the highest measure of participation.”
- A.D. Benoist

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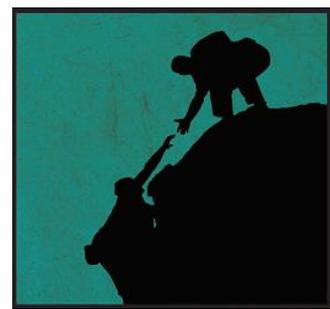


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