

Role of Police in Promotion of Good Governance in India: Issues and Reform

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Good Governance is associated with efficient and effective administration in a democratic framework. It implies high level of organisational effectiveness. Since ancient times Good Governance has been conceptualised as an ideal state or ram rajya. It is seen to bring in happiness and welfare of the people. It is associated with efficient and effective administration in a democratic framework. In good governance focus has been shifted from maximising the quality of development funding to maximising of development outcomes and effectiveness of public service delivery. Ensuring 'goodness' in governance and raising its level has been an inspiration of the people and a persistent demand of the articulate sections in any society.

According to World Bank Governance is defined as the manner in which power is exercised in the management of a country in economic and social resources for development. Good governance is an attempt to widen the scope of Public Administration and a genuinely democracy intensifying concept. In today's complex world of governing, government alone is not capable of coping up with the myriad problems. A degree of networking with other societal organizations will enhance the capacity of governance. These societal organizations include private business organizations and civil society organizations.

Good governance is an essential ingredient for socio-economic development of the country.

Characteristics of Good Governance are:

- **Participation:** to participate in the decision-making process and its implementation, by all segments of the society, irrespective of gender, caste and economic status.
- **Rule of law:** means fair legal frameworks that are enforced impartially. Complete protection of human rights, particularly those of minorities.

- **Transparency:** Decision taken and their enforcement are done in a manner that follows rules and regulations.
- **Responsiveness:** All the stakeholders are served within a reasonable time by governing machinery with due care and without discrimination.
- **Equity and Inclusiveness:** To ensure that all members of the society feel that they have a stake in its affairs and do not feel excluded from the mainstream. This requires all groups and especially the most vulnerable to have opportunities to maintain or improve their well-being.
- **Effectiveness and Efficiency:** Good Governance needs to aim at effectiveness and efficiency in usage of resources in consonance with the societal needs and demands. Result-orientation needs to be the key concern.
- **Accountability:** The norm of accountability has to ensure answerability as well as proper enforcement of correct procedure in case of violation of certain laid down norms.
- **Consensus Orientation:** Arriving at solutions that would be fair to all and ruling out extreme actions to the extent possible. Need of mediation of different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved.

These characteristics reinforce each other. A proper governance strategy needs to take cognisance of these features. Good Governance has two major goals. First is making administration accountable and citizen friendly. The Second is ensuring transparency and right to information. For majority Good Governance implies presence of the Rule of law, safeguarding of basic human rights, presence of honest and efficient government.

Policing:

Effective Policing and maintenance of law and order are essential components of good governance. The state is a distinct identity, apart from other organisational structures, essentially because of its police powers. Take away the police powers of the state and it becomes a very different entity. Public criticism varies at one end of the spectrum for its alleged brutalisation to allegations of ineffectiveness in enforcing the Rule of law at the other. India has reasons to be proud of its democracy, but what is happening in the name of

democracy in various parts of the country is thinkable. In the face of mounting violence and crime, police performance is bound to come under public scrutiny.

Each state and union territory of India has its own separate police force. Article 246 of the Constitution of India designates the police as a **state subject**, which means that state governments frame the Police Acts, rules, and regulations that govern each police force. There is also central legislation in place; states which have not passed their own Police Acts are governed by the central Police Act. In addition, different aspects of police work and procedure are governed by a multiplicity of laws. Case law and jurisprudence also lay down procedure to be followed. The detailed rules and regulations, which set out duties, policies, and operational procedures, are contained in state Police Manuals.

Role of Police in Good Governance

- To work within the ambit of our constitution and ensure implementation of constitutional provisions particularly relating to fundamental rights.
- To help in strengthening democracy by contributing their best in the conduct of free, fair and peaceful elections.
- To ensure rule of law and ensure proper registration, investigation and prosecution of cases.
- To maintain order and help in ensuring peace so that caste, communal and social harmony is maintained and conducive climate prevails for economic development.
- To implement anti-corruption laws and take effective measures in giving clean administration within and outside the department.
- To render proper and prompt services during crisis situations particularly natural and other calamities.
- To help in bringing social changes by properly implementing social laws like (1) preventing commission of Sati 2) Prohibition of Child Marriages 3) Dowry 4) Infanticide 5) Abuse of women and girls 6) child labour 7) Atrocities on SC/STs
- To help in maintaining unity and integrity of the nation by taking effective action against anti-social, anti-national elements and terrorists.

Crime in India:

Maintenance of law and order is perceived as the foundation for a democratic system of government in any civilised and developed society. The origin of our structured legal system in the country dates back to 1860. For maintenance of law, public order and peace, three major and governing laws were enacted. These are The Indian Penal Code 1860, The Indian Evidence Act 1872 and the Code of Criminal Procedure 1898. The legal system is now more than a century old. After Independence, to realise the constitutional obligations under various articles several special laws and local laws have been enacted from time to time to meet the growing crimes. Following are few types of crimes prevalent in India:

1) Violent Crimes

According to figures on Crime in India in 1995 about 60 lakhs cognisable crimes were reported as against 6.5 lakhs offences in 1951. Violent crimes were 14.5 percent of the total crimes committed in 1995. Compared to 1994, such crimes recorded an increase of 4.3 percent.

2) Violence by Militant

Militant Violence in Jammu and Kashmir, insurgency in North East, Leftist extremist violence in Jharkhand, Bihar, Chattisgarh, Maharashtra and Andhra Pradesh has increased the crime numbers by manifolds.

3) Urban Crimes

Urbanisation influenced by population increase, unchecked migration and heightened industrial activities gave rise to rapid growth in economic activities and unorganised settlements. Lack of opportunities, uneven distribution of incomes and diverse socio-religio-cultural disparities make urban areas a breeding ground for criminal activities.

4) Ethnic Violence

The most potent threat commonly faced by a number of industrialised and majority of developing nations today is the 'intra-state' conflicts. Mainly conflicts arise out of sub-national identities based on religious, sectarian, linguistic, racial and ethnic differences among people.

5) Communal Violence

In India, the problem of communal violence is endemic. Communal violence is linked to communal ideology. There are immediate and long term causes in which government fails to intervene, leads to communal violence. Precautionary and Preventive measures taken by police in communal violence are inadequate and intelligence machinery of police is a total failure during these times. Also the response of the police after violence is also not proper. The perception of a Partisan attitude of police against a particular community and unsatisfactory investigation by police shows the unprofessional way of working by Police.

Public Evaluation of Police

- **Integrity:** In public perception Police lack integrity and majority of them are dishonest and thus are not able to give clean administration.
- **Efficiency:** Police do not act as a highly professional body and lack efficiency. During crises management majority of them rise to occasion but some bring bad name.
- **Effectiveness:** They are very effective most of the time but become ineffective due to vested interests.
- **Transparency:** Police department lacks transparency; particularly at the cutting edge levels mainly Police stations levels.
- **Accountability:** Though they are accountable to courts, magistracy and to their own senior level but ultimate accountability to people is subverted.

Problems and Challenges before Indian Police

- Capacity deficit plaguing policing in the country. According to a report, only 1 out of 22 states for which data were available, was able to fully utilize its police modernization fund.
- Over the past five years, in just 14 of the 33 states and UTs for which data are available, police expenditure grew more than the state's overall expenditure.
- On an average there were more than 20% vacancies in the police.

- Government of India had adopted a target of 33% reservation for women in police. As of January 2017, women make up just 7% of police.
- Police forces have the authority to exercise force to enforce laws and maintain law and order in a state. However, this power may be misused in several ways.
- Both the central and state police forces come under the control and superintendence of the political executive (i.e., central or state government). The Second Administrative Reforms Commission (2007) has noted that this control has been abused in the past by the political executive to unduly influence police personnel, and have them serve personal or political interests.
- Qualifications and training: The constabulary constitutes 86% of the state police forces. A constable's responsibilities are wide-ranging, and are not limited to basic tasks. Therefore, a constable is expected to have some analytical and decision-making capabilities, and the ability to deal with people with tact, understanding and firmness
- Promotions and working conditions: The Second Administrative Reforms Commission has further noted that the promotion opportunities and working conditions of constables are poor, and need to be improved.
- Housing: Importance of providing housing to the constabulary (and generally to the police force) to improve their efficiency and incentive to accept remote postings has also been emphasised by expert bodies, such as the National Police Commission.
- Crime investigation requires skills and training, time and resources, and adequate forensic capabilities and infrastructure. However, the Law Commission and the Second Administrative Reforms Commission have noted that state police officers often neglect this responsibility because they are understaffed and overburdened with various kinds of tasks.
- Modern policing requires a strong communication support, state-of-art or modern weapons, and a high degree of mobility. The CAG and the BPRD have noted shortcomings on several of these fronts.
- Weaponry: The CAG has found that weaponry of several state police forces is outdated, and the acquisition process of weapons is slow, causing a shortage in arms and ammunition.
- Police vehicles: Audits have noted that police vehicles are in short supply. New vehicles are often used to replace old vehicles, and there is a shortage of drivers.

- **Police Telecommunication Network (POLNET):** The POLNET project was initiated by the central government in 2002 to connect the police and paramilitary forces of the country through a satellite-based communication network that will be significantly faster than the existing system of radio communications.
- **Underutilization of funds for modernization:** Both centre and states allocate funds for modernization of state police forces. These funds are typically used for strengthening police infrastructure, by way of construction of police stations, purchase of weaponry, communication equipment and vehicles.
- **Police requires confidence, cooperation and support of the community to prevent crime and disorder.** The Second Administrative Reforms Commission has noted that police-public relations is in an unsatisfactory state because people view the police as corrupt, inefficient, politically partisan and unresponsive

Suggestions for Improvement

- **Deregulation:** Simplify rules and regulations so that policemen and the public are confronted with minimum of them making things easier to understand.
- **Personnel Management:** It needs improvement. Set principles be followed and lot of serious effort is needed to improve training and professionalism.
- **Effective Public Grievance Redressal System:** It should be redesigned to make it more people and personnel friendly for speedy redressal. The authority responsible for disposal be made accountable but be kept free from undue pressures so that guilty do not go unpunished.
- **Improve Internal Administration:** Lot of effort is needed to improve the internal administration including financial management as the senior level officers are not giving their best and external forces are always active to subvert the set norms of good management.
- **Improve Decision Making:** With the proliferation of senior levels of management not only in police but also in the state secretariat, there have been inordinate and undue delays in decision making. This needs to be remedied.
- **Stricter Anti-Corruption measures:** Corruption needs to be combated strictly by strengthening preventive measures and also anti-corruption agencies.

- **Improving Public Police Relations:** Let there be greater involvement of public in co-operating with police. Community policing be introduced in urban areas. Greater interaction of police with public and more transparency will go a long way in giving good governance.

Examples of community policing in India (Best Practices)

1. JanamaithriSuraksha in Kerala

This project is an initiative of the Kerala Police to facilitate greater accessibility, close interaction and better understanding between the police and local communities.

2. MeiraPaibi (Torch-bearers) in Assam

The women of the Manipuri Basti in Guwahati help with improving the law and order problem in their area, by tackling drug abuse among the youth.

- **Curb Criminalisation:** Criminalisation of politics, politicisation of police and nexus between criminals and police are the main impediments in providing good governance. The nexus and the unhealthy trend need immediate reversal.
- **Improve Work Culture:** Present work culture needs urgent changes and a very healthy work culture at all levels, particularly at the cutting edge levels, need to be created, which may meet the aspirations of the common man.

Various Commissions and its Recommendations

There has been almost 30 years of debate on policing and reform in India, with several government-appointed commissions submitting reports and recommendations for police reform to government. The most comprehensive recommendations came from the National Police Commission (NPC), which from 1979-81, completed eight reports and drafted a Model Police Bill. Two more official Committees have drafted model police legislation. These model draft Police Acts have not moved forward. In 2006, the Supreme Court of India ordered directives on police reform, but the central and state governments are either not complying at all or complying by moving away from the Court's framework. Prominent commissions on police reforms are:

1) **Gore Committee on Police Training:** The Gore Committee on Police Training was set up to review the training of the state police from constabulary level to IPS level. The committee made 186 recommendations, 45 of those were related to police reforms. The recommendation that relates to the police training has mostly been implemented however the reforms relating to the structure of the police system has on the other hand been overlooked.

2) **National Police Commission:** The National Police Commission (NPC) was the first commission to exhaustively review the Indian police system. NPC wrote eight reports in four years. The eight reports suggested all together 291 recommendations all related to police reforms. Most of the recommendations have not been implemented. The **First Report** addresses the constabulary and administrative issues such as pay-structure, housing, redressal of grievances, career planning for constabulary etc. 28 recommendations were suggested but the most important recommendations still need to be implemented in the states.

The **Second Report** deals with welfare measures for police families. Also it deals with how to avoid political and executive pressure on the police force. The recommendations propose a new police act to reclassify police duties and responsibilities, postings and tenures of Chiefs of Police, constitution of state security commissions, protection against subjective transfers/suspensions. 33 recommendations were made in the second report, where both the central government and the state governments need to take action. The **Third Report** focuses on the police force and weaker sections of the society, village police, and corruption in the police, economic offences and modernization. Some of the 54 recommendations are related to postings of Station House Officers /Superintendent of Police, how to combat corrupt police officers as well as guidelines for making arrests. Most of the recommendations have not been implemented.

The **Fourth Report** concentrates on the issues of investigation, trial and prosecution, industrial /agrarian issues, social legislation and prohibition. The suggestions deal with registration of the First Information Report (FIR), recording of statements of witnesses, arrest, remand and confession, amongst others. Recommendations were suggested, most of them have not been implemented and many of them need amendments of laws. The **Fifth Report** attends to issues like recruitment of constables and sub-inspectors, training of police personnel, district police and magistracy, women police and police public relations. 27 recommendations were made in this report. The commission has once again raised the demand for a new police act.

The **Sixth Report** takes up the issues of the IPS, police and students, communal riots and urban policing. 23 recommendations were made, some of them dealing with creation of IPS cadres for central police organisations, compulsory training for promotions for IPS officers. The **Seventh Report** focuses on the organisation and structure of the police, state armed police battalions and district armed reserves, delegation of financial powers to police officers, traffic regulation, performance appraisal of police personnel, disciplinary control, role of the centre in planning, evaluation and coordination and policing in the North-East of India. 60 recommendations were made, some of them related to restructuring of police stations, separating crime investigation from law and order. The **Eight Report** addresses the subject of accountability for police performance. This report suggests amongst other 7 major recommendations such as complaints against the police should be defended at governments cost, it also contains a draft bill of a new police act.

3)The Ribeiro Committee on Police Reforms: The Ribeiro Committee was set up in 1998 on the order of the Supreme Court following a Public Interest Litigation (PIL) on police reforms. The committee proposed five major recommendations related to state security, selection of DGP and complaints against the police, the recommendations have not been implemented.

4) The Padmanabhaiah Committee on Police Reforms: Former Union Home Secretary Shri K. Padmanabhaiah was appointed chairman of the Padmanabhaiah commission in 2000 by the Home Ministry of Affairs. The commission inspected the recruitment to the police force, training, duties and responsibilities, police officers behaviour, police investigations, prosecution, amongst others. The committee suggested 99 actionable recommendations, of which 54 need to be implemented by the central government and 69 needs to be implemented by the state governments.

5) Prakash Singh Vs Union of India – SC directives for Police Reforms: When the recommendations of the National Police Commission were not implemented, a petition by Prakash Singh and others (Prakash Singh & Others v. Union of India), was filed before the honourable Supreme Court in 1996, praying for the issuance of directions to the Government of India to frame a new Police Act based on the model drafted by the NPC. On 22nd September, 2005, the Supreme Court of India delivered its historic judgment instructing the

Central and the State Governments to comply with a set of seven directives that laid down practical mechanism to start reforms of police. The seven directives are:

1. Constitute a State Security mechanism- This is to ensure that the State Government does not exercise unwarranted influence or pressure on the State Police and for laying down the broad policy guidelines so that the State police always act according to the laws of the land and the Constitution of the country.

2. Selection and Minimum Tenure of the Director General of Police- The DGP of the State shall be selected by the State Government from amongst the three senior-most officers of the department who have been compelled for promotion to that rank by the UPSC on the basis of their length of their service, very good record and range of experience for heading the police force. And, once he has been selected for the job, he should have a minimum tenure of at least two years irrespective of his date of superannuating.

3. Minimum Tenure of the Inspector General of Police and Other Officers- Police officers on operational duties in the fields like the IG of Police in-charge zone, the Deputy IG of Police in-charge range, the Superintendent of Police in-charge district and Station House Officer in-charge of a police station shall also have a prescribed minimum tenure of two years unless it is found necessary to remove them prematurely.

4. Separation of investigation- The investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. It must, however, be ensured that there is full coordination between the two wings. The separation, to start with, may be effected in towns/urban areas, which have a population of ten lakhs or more, and gradually extended to smaller towns also.

5. Police Establishment Board- There shall be a Police Establishment Board in each state which shall decide transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. The Board shall comprise of the Director General of Police and four other senior officers of the Department.

6. Police Complaints Authority- There shall be a Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of the DSP.

Similarly, there should be another Police Complaints Authority at the state level to look into the complaints against officers of the rank of the SP and above. The district level authority may be headed by a retired District judge while the state level authority may be headed by a retired judge of the High Court/Supreme Court.

7. National Security Commission- The Central Government shall also set up a National Security Commission at the Union level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organizations, who should also be given minimum tenure of two years. It could be headed by the Union Home Minister and comprise heads of the CPOs and a couple of security experts as members with the Union Home Secretary as its Secretary.

Conclusion

Protection of life and property is the primary function of a government and no government can hope to survive if it cannot perform this role. To a large extent, the police image determines the image of government. People want an effective police not brutal police which respects human rights of individual. In order to strengthen the governance and achieving the goal, clean and efficient administration is of paramount importance. Public/Police administration needs to be based on probity and accountability. In order to give better governance to our people, the system needs to be overhauled. The vested interests are to be eliminated. The aspirations of the common man as enshrined in our constitution are to be met. Police must rise to the occasion and become efficient organ of administration to safeguard Rule of Law.

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