**INDIA IN DIRE NEED OF PUBLIC FRIENDLY POLICE SYSTEM**

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**Abstract**

An efficient criminal justice system is essential for a thriving democracy. It not only contributes to the growth of the economy but also to the welfare of the nation. Since Police are an intrinsic branch of the criminal justice system, so, they have to be professionally sound that requires trust and cooperation of the communities. But The Indian police system which is still predominantly governed by the colonial era the police Act, 1861, has been struggling to achieve public trust and consequentially they failed to develop an amicable relationship with different communities of India. The reasons for this may be due to unfettered control of police executives over the police, lack of accountability, Training, lack of diversity, inherent personal biases towards some section of society and particularly the colonial legacy that we still follow even after the seven decades of independence. Thus, the purpose of this article thereby lies in examining present structural and performance aspects of Indian police force that makes it so unfriendly that people feel anxious whenever police are around them and endeavours to suggest some recommendations, so that the police can come up with a more friendly approach towards the public.

Keywords: Indian Police System, Public friendly laws, Inadequate Training, Community policing.

**I Introduction**

**II Drawbacks of the Indian police system**

**III The path of reform**

**IV Conclusion**

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**I Introduction**

India is the largest democratic country in the world and we all are very well versed with the fact that police have a very crucial role in democracy, where they act as a bridge between the people and the government. In order to fulfil their role effectively police need to earn the trust of the public, as it enhances their effectiveness and legitimacy of police functions. But even after seven decades of independence, we have deplorably failed and still shrugging off that very aspect where the government needs to focus on building trust in police

Our police forces are still largely governed by The Police Act of 1861 which was drafted by the British Coloniser after the occurrence of Indian Mutiny of 1857 and it is not a difficult thing to understand why the police laws were not made public friendly. For the British crown, the risk of losing power especially after the Indian Mutiny of 1857 never went away from their mind and it also reflected in subsequent laws. Thus, British officers had an objective while enacting police act that through this act they need to infuse fear in the mind of the public in order to prevent them from organising any further movement which could pose any challenge to the rule of the British government and in doing so they might have needed the use of excessive power against Indians that’s why they inserted such laws by which they could create a defence mechanism for their police officers to save them from any kind of accountability and gave them a free hand to use excessive force against the public in order to suppress and infuse fear in the mind of common people.

And due to these draconian laws police held only accountable to their superior officers or to the political executives but nowhere to the public that’s why they become a mere puppet in the hands of the political executives and they used police for their political interest rather than nation’s interest and that’s why we have witnessed so many instances where police could be seen using of excessive force to suppress protests all over the country from time to time.

The use of excessive force is not only confined to the suppression of protest but the incidences of using brutal force by police can be seen more frequently in the daily lives of the common people especially against the weaker section of society the situation is so gloomy that common people are afraid in the presence of police instead of feeling safe.

Therefore, if states government wish to improve the performance of the police, then primarily they need to understand the significance of amicable relationship with people, though it present or absent, is innately linked to the performance of police and should priorities those reforms which focus towards making public- friendly police system.

**II Drawback of the Indian Police System**

The Present Indian police system has several drawbacks which makes it difficult for the police to perform their duty professionally and that’s why Indian police have miserably failed to evolve a system which is public friendly not a ruler friendly. It is not that India did not feel the need to improve the police system so, efforts were made to bring reforms in the Indian police system consequently multiple commissions and committees were set up after independence.

In 1979, National Police Commission was set up to recommend reforms and it has produced eight reports including Model police Act, between 1979 to 1981, but most of the recommendation of NPC remain unfulfilled after that many other commissions and committee were set up like Ribero Committee, Padmanabhaiah Committee, Vohra Committee, Malimath Committee, etc. has submitted multiple recommendations and report, but no concrete action was taken by any government in power for the implementation of these reforms and The frustration of non- action could be seen in the report of Malimath committee in which at the end of the report they said that, “ *Everything has been said already, but as no one listens, we must always begin again.” [[1]](#footnote-2)*

Past conduct of political parties regarding the implementation of recommendations made it clear that no political party was interested in bringing reforms. This persuaded two director general’s of police (DGP) to file a PIL in 1996 the Supreme Court asked them to direct the government to implement recommendations by several committees. It was only a decade later Supreme Court delivered its judgement in *Prakash Singh Vs Union of India* [[2]](#footnote-3)where court sought to achieve functional autonomy to police and enhanced police accountability through its directives after this judgement politicians feared that they could lose their control over police which directly affect their power. Therefore, eight states tried to overturn this judgement by review petitions. However, all these petitions were dismissed by the Supreme Court on August 23, 2007.

Following the order, seventeen states government have passed new Acts while twelve have issued executive orders. But no one complied with the recommendations in letter and spirit. Unfortunately, these Acts were passed to circumvent the implementations of the court’s directions and only cosmetic changes have been made in the administrative system from time to time failed to bring substantive reforms. Thus, one can broadly categorize these problems under the following heads:

1. Inadequacies of the Indian police laws.
2. Inadequate staff and funding.
3. Inadequate training.
4. Lack of diversity in the Police force.
5. **Inadequacies of the Indian Police Laws**

In India police and public order are state subjects under the seventh schedule of the Indian constitution and therefore each state has its own police forces that are governed by their state laws and regulations.

Since Independence, almost every state have enacted new legislation to govern their police force but none of the States’ legislation has not brought about any significant improvement in the organisational structure, performance and behaviour of police force because the new enactments were patterned on Indian police act 1861 and the Core principles of Indian police laws still remains almost intact. Thus, the administration of Indian police still majorly governs by the provisions of Indian Police Act 1861 that has several inadequacies which make it easier for others to abuse and misuse the police organisation. There has been always a probability that people in the position of power to do so due to the following reasons:

* Present laws entrust political executive with authority to exercise superintendence over police and it also does not define the scope of this superintendence thus it encourages arbitrary actions and become easy for political executive to misuse police for their interest and it also reflected in the recent incidents happened in Delhi where political leaders can be seen giving hate speeches in public and no action has been taken by police even FIR is also not lodged against them.
* Present Police laws do not set up any institutional and other arrangements which would ensure the insulation of the police from undesirable and illegitimate outside control, pressures and interference.
* Present laws do not perceive community in positive terms, nor seek community involvement and participation in police work which is very important for any democratic country.
* Present State laws do not have provisions for an Independent Complaints Authority as directed by the Supreme Court in *Prakash Singh Vs Union of India* [[3]](#footnote-4)to ensure accountability of police personnel for their misdeeds and wrong behaviour. And the consequences of this failure are reflected in arbitrary arrest, illegal detention, custodial torture and extra judicial killings.

How inefficient our current laws are in determining the accountability for abuses committed by police personnel, it is depicted by the following table (1.1) in which it reveals that from 2014 to 2018, 452 custodial deaths were reported and only 192 cases were registered in this period, and 118 charge sheets were filed and no Police personnel were convicted in this period.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **Custodial Death Reported** | **Case Registered** | **Policemen****Charge sheeted** | **Policemen Convicted** |
| 2014 | 93 | 28 | 26 | 0 |
| 2015 | 97 | 33 | 28 | 0 |
| 2016 | 92 | 25 | 24 | 0 |
| 2017 | 100 | 62 | 27 | 0 |
| 2018 | 70 | 44 | 13 | 0 |
| TOTAL | 452 | 192 | 118 | 0 |

Table 1.1: Custodial Death in India from 2014-18[[4]](#footnote-5)

Despite so many custodial deaths, India is yet to ratify the united nation convention on torture (UNCAT) which is signed in October 14, 1997. UNCAT is an International human rights treaty that aims to prevent torture and other cruel, inhuman or degrading treatment or punishment and its “article 4” requires the adoption of domestic law to criminalize all acts of torture, attempt to torture and participation in torture. It shows insensitiveness of Indian police towards the protection of human rights.

* Present police laws, which are based on colonial laws, completely ignore the concerns of the lower ranks police personnel, who constitute around 85% of state police forces.
1. Current police laws do not provide constables enough opportunities to thrive in their career as they are ordinarily promoted once in their whole service, and usually they retired as head constable. This could also affect their performance as they do not get enough motivation to perform well.
2. Constables do not have Operational authority and Advance training skills that are fundamental to crime investigation.
* The duties which have been provided in present police acts are very myopic and limited as they majorly concern about prevention and detection of crime in their Preamble[[5]](#footnote-6) which is not sufficient in a modern democratic country where police are expected to perform some additional duties in order to preserve peace and harmony in the society like play a meditative role to minimize conflicts.
1. **Inadequate Staff and Funding**

In a democratic country, the police are expected to uphold the law impartially and protect life, freedom, Property, human rights along with its primary function, i.e. prevention and detection of crime, all these responsibilities require adequate staff and basic infrastructure to fulfil.

In India police is extremely understaffed and poorly funded, a report published in the united nation on drugs and crime (UNODC) shows that in 2017 shows that India’s ratio of 144 police personnel per 100 thousand[[6]](#footnote-7)of the population which makes India police one of the weakest in the world. India police to population ratio lag behind the united nation recommendation that is 222 per 100 thousand, further the problem of unfilled vacancies also exacerbate the problem of an overburdened police force that is the root cause of physical and mental weariness.

How grave the problem of unfilled vacancies in police organisation is, can further easily be understood by the following table:

|  |  |  |  |
| --- | --- | --- | --- |
| **States** | **Overall strength:****Actual to sanctioned percentage (%)** | **Constable strength:** **Actual to sanctioned percentage (%)** | **Officer strength:****Actual to sanctioned percentage (%)** |
| Andhra Pradesh | 80.7 | 80.2 | 84.1 |
| Assam | 84.9 | 84.9 | 85.5 |
| Bihar | 70.5 | 72.1 | 64.3 |
| Chhattisgarh  | 79.9 | 81.5 | 66.9 |
| Gujarat | 67.4 | 67 | 69.3 |
| Haryana | 67.6 | 66.6 | 74.3 |
| Himachal Pradesh | 86.7 | 87.1 | 84.1 |
| Jharkhand | 74.8 | 76.3 | 67.3 |
| Karnataka | 71.5 | 71.1 | 74.2 |
| Kerala | 95 | 96 | 86.8 |
| Madhya Pradesh | 85 | 86.2 | 79.2 |
| Maharashtra | 93.2 | 94.4 | 87.9 |
| Nagaland | 102 | 102.7 | 94 |
| Odisha | 84 | 86.8 | 71.8 |
| Punjab | 89.4 | 89.4 | 89.3 |
| Rajasthan | 86.7 | 89.7 | 65.3 |
| Tamil Nadu | 84.4 | 85.4 | 76.5 |
| Telangana | 76 | 75.1 | 82 |
| Uttar Pradesh | 46.9 | 46.7 | 52.5 |
| Uttarakhand | 90.9 | 92.3 | 77.6 |
| West Bengal | 66.8 | 66.9 | 66.6 |
| Delhi | 94 | 94.6 | 91.4 |
| All India | 75.2 | 75.6 | 74.2 |

Table 1.2: Strength of Police Forces across States (2012-2016)[[7]](#footnote-8)

Average of actual strength to sanctioned strength of police force in India from 2012-16 reveals that how less important for state governments to rectify the problem of overburdened police that affect their efficiency, it also reflected in the data published by NCRB, according to it, In 2017, 21% of criminal cases were closed without investigation and this becomes the biggest reason for the mistrust between the public and the police.[[8]](#footnote-9)

It is not a secret anymore how Indian police of every state is poorly funded, at an average every state of India spent around 4% of their budget expenditure, but this is also reduced to around 3% in last four years according to PRS legislative research[[9]](#footnote-10). Already the budget of states for police is so low and that too is also not fully utilised by state police, which aggravates the existing problem and due to lack of funding it resulted in low salary and few perks which foster the culture of corruption which directly affect their credibility and efficiency.

An under- resourced and overburdened police force means that both essential police functions that are enforcing daily law and order and more long criminal investigation being compromised.

1. **Inadequate Training**

Training requires resources but it also reproduces them manifold as it helps to improve the human potential and equip the persons with necessary skills and approach to perform their functions in a more productive manner, but unfortunately the training of Indian police personnel is generally in dismal state there are no consistent standards across the whole country and most of the training institute lacks basic facility and sufficient instructors.

In a country like India where discrimination prevails in various form like gender, caste, class and religion in such country police’s responsibility increase manifold towards society to form such a public- friendly environment where every person regardless of his background can come to the police and tell their problems without hesitation or fear, but sadly our present police training approach is just opposite of that which tends to be militaristic, stressing how to use force rather than being responsible towards society.[[10]](#footnote-11)

Recently, a study conducted by Common Cause and the Centre for Study of Developing Studies (CSDS) in 2019 titled as Status of Policing in India Report 2019 which disclosed that police personnel who has more than five years of experience in service or more, half of among them either received their training in human rights at the time of joining or never received it. The situation is similar with respect to the other training as well i.e. caste sensitisation and crowd control.

 The following table will portray the position of police training system more clearly.

Question asked: When was the last time you received training about

 a. Human rights b. Caste sensitisation c. Crowd control.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Years of experience in police** | **During last 2-3 years** | **Before that** | **At the time of joining** | **Never** |  |
| Human rights | Less than 5 years (17%) | 22 | 12 | 49 | 14 |
|  | More than 5 years (83%) | 27 | 18 | 38 | 13 |
| Caste sensitisation | Less than five years (17%) | 19 | 12 | 52 | 13 |
|  | More than 5 years (83%) | 25 | 17 | 44 | 11 |
| Crowd control | Less than 5 years (17%) | 24 | 10 | 58 | 6 |
|  | More than 5 years (83%) | 31 | 14 | 50 | 4 |

Table 1.3: Training in human rights, caste sensitisation and crowd control (experience wise in %)[[11]](#footnote-12)

These data reveal that how our training approach is at fault which tends towards the use of force rather than focuses on soft skills which are fundamental for the development of an amicable relationship with the public in any civilized country and especially in India where the population is so diverse.

 A major consequence of this approach is that it fosters a culture in which police consider themselves agents of state more than friends of the public. There is a paradox in this system in which training to serve the public supports the service of state that’s why citizens see khaki with dread and it’s also reflected in non- registration of crime. A study conducted by the Tata Institute of social science (2018) reports that unruly behaviour of police deters about three-fourth of the Indian Population from reporting complaints[[12]](#footnote-13).

1. **Lack of Diversity in Police Organisation**

A diverse police force lead to a capability that helps to understand the perspective of communities who are not part of mainstream communities and it also encourages more internal dialogue within the police force that helps to develop a mature and balance perception about the different communities that are fundamental to the development of a public- friendly police system.

A study carries out in the year of 2000 by Ronald Weitzer, a US based researcher, that was concerned with the importance of diversity in the police force and found that a more diverse police is seen by the community as more legitimate and people are more interested to participate in policing when the police department is diverse[[13]](#footnote-14). And for a country like India where people of different ethnicity reside, it becomes more important for the police force to be seen by the public as a legitimate institution for the subsistence of law in society. Thus, legitimacy and amicable relations intrinsically linked together and if the states government want to amplify legitimacy of the police then they needs to ensure that police forces must represent the diverse groups of the society in which they serve.

In Indian Police, The Representation of marginalized sections like Schedule castes, Schedule Tribes, Other Backward Classes and women that constitute a large part of the Indian population are under- represented that’s the one of the important reason why Indian police is not able to gain the necessary trust, confidence and respect of public at large which is fundamental for effective policing and to tackle with the problem of under representation of marginalized sections framer of Indian Constitution made provisions for reservation for the marginalized section in jobs at both state and central level under article 15, 16. So, that they can also get adequate representation originally it was only for SCs and STs and later on it was extended to OBCs and women. But unfortunately, even though there are provisions for reservation for marginalized sections in Indian Constitution Indian governments at both state and central level aren’t able to fill even reserved vacancies for SCs, STs, OBC and Women.

The following data will depict the lack of commitment of states government towards the diversification of the police organisations:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **States** | **SCs in police (%)** | **STs in police (%)** | **OBCs in police (%)** | **Women in police (%)** |
| Andhra Pradesh | 77 | 75.2 | 123.8 | 3.74 |
| Assam | 95.3 | 93.1 | 117.1 | 2.51 |
| Bihar | 66.8 | 122.5 | 70.6 | 5.22 |
| Chhattisgarh | 55 | 64.1 | 67.8 | 4.62 |
| Gujarat | 98.5 | 54.1 | 51.4 | 4.36 |
| Haryana | 57.1 | 3.6 | 50.9 | 7.13 |
| Himachal Pradesh | 98.8 | 127.1 | 58.2 | 11.29 |
| Jharkhand | 97.2 | 81.9 | 127.6 | 4.96 |
| Karnataka | 83.3 | 109.2 | 136.4 | 5.4 |
| Kerala | 86.5 | 57.9 | 87.5 | 6.08 |
| Madhya Pradesh | 65 | 52.1 | 62.5 | 4.85 |
| Maharashtra | 91.6 | 98.8 | 132 | 10.82 |
| Nagaland | NA | 101.7 | NA | 3.26 |
| Odisha | 88.9 | 92.1 | 118.5 | 8.66 |
| Punjab | 101.8 | 0 | 136.6 | 6.44 |
| Rajasthan | 75.4 | 88.9 | 55.7 | 7.77 |
| Tamil Nadu | 70.4 | 49 | 66 | 13.62 |
| Telangana | 79.3 | 144.6 | 145.3 | 2.83 |
| Uttar Pradesh | 40.2 | 38.8 | 49.3 | 4.1 |
| Uttarakhand | 100.8 | 152.5 | 105.3 | 8.08 |
| West Bengal | 62.1 | 67.1 | 22.6 | 6.47 |
| Delhi UT | 90.9 | 88.7 | 73.6 | 8 |

Table 1.4: Vacancies in Reserved Post {Actual percentage of marginalised section in proportion to the reserved percentage of post in police force (2012-2016)} [[14]](#footnote-15)

Data reveals that only four states for SCs and eight states each for OBCs and STs being able to fill reserved vacancies and several states are not able to fill even 50% of reserved post and condition of women is even worse, as no state has been able to fill posts reserved for women.

Not only there are a high number of reserved post are vacant, but the chances for promotion of SCs, STs, OBCs and women personnel are lower than the chances of general personnel at officer level. And it also reflected in a survey conducted by CSDS that discloses the proportion of SC, ST, OBC and Women in officer rank (ASI TO DySP) is much lower than general personnel. As against 13.4 general officers, there are only 11.5 SCs Officers, 11.6 STs Officers, 11.1 OBCs Officers and 10.1 Women Officers.

After analysis of above data it is found, despite reservations for marginalized sections in police force, not a single state tries to bring diversity in the police force with complete sincerity and commitment which led to the formation of such police organisation where the control over the core function of the police is in the hand of certain sections of society that’s affect the police response and performance, particularly in its dealing with marginalized sections of society, thus access to justice for such marginalised sections, becomes difficult, as their complaint neither understood nor appreciated which adds further misery to their lives. As a consequence, Indian police forces are less effective and lack the trust of the public.

**III The Path of Reform**

In any Functional democracy, the police are expected to function with the cooperation of public along with accountability towards the citizens of that country for their action and the irony is that both the cooperation and the accountability are missing in India and this becomes more evident in the present scenario. Thus, the author proposes several recommendations that could help in developing the public- friendly police system.

1. State Governments need to establish autonomous statutory institution at every district comprising of retired judges and a retired police officer and a representative of the citizens which would ensure that the control of superintendence of the political executive over the police force is limited and will guarantee that police’s actions are in strict compliance with the rule of law not with the rule of politician. And this would require insulation from any illegitimate control from outside and we need to give them functional autonomy.
2. Once the police are independent in its functions, then it would be easier to ensure accountability for their wrongs committed in the course of their duty by them.
3. Police training needs to be seen as an investment rather than expenditure and should be addressed from the perspective of developing a police system that aims to meet the emerging needs of society. So we need to emphasis on the development of soft skills components such as:
4. Emphasis on attitudinal and behavioural training.
5. Emphasis on sensitization towards the vulnerable group.
6. Emphasis on communication and interpersonal skills.
7. Any organisation that comprises of diverse communities has been found to be more trustworthy and cooperative than an organisation that comprises of only certain sections of communities. Since police are a law enforcement organisation, it becomes more important for them to be seen as trustworthy and cooperative in order to discharge their duty effectively, so the police department will have to diversify its workforces.

First, to increase diversity in the police organisation, state governments need to fill existing vacancies in reserved categories, followed by finding more effective ways to attract the candidates from the marginalized sections.

Police department can attract diverse candidates in their workforces by portraying the positive aspect policing in recruitment prospect such as:

1. The impact officers can make in the community.
2. Challenges and rewards attached to the police service
3. Highlighting the long term career prospects of police service.
4. State governments need to encourage the concept of community policing in police system in which community takes initiatives in recognizing the issues of crime and order in that area with police performing the role of facilitators for enabling the community to attend to those issues thus basically maintenance of law and order in society depend upon public and police partnership and this would definitely help the police in developing a positive relationship with public and win their trust back[[15]](#footnote-16).
5. State governments need to increase police budget and ensure that the allocated budget must be fully utilized. So, they can get enough salary by which they can live their life with dignity, but present salaries of police personnel are very low that compels them to find out another way to earn money and this encourages the bribery system which affects their credibility among the public.
6. State Governments should create a new post in the each force, whose main function would be furnishing prompt information to the public about the good work done by police that goes unnoticed at present. It would definitely help bring the public and the police to come closer.

**IV Conclusion**

The basis of the authority of any police force must be public trust in a democratic country and being a law enforcement organisation, involved in the sphere of security and justice, it is crucial for them to be seen as a reliable organisation by people and the success of the police in all their work is highly dependent on the voluntary cooperation from the public and the lack of communication between police and the public led to misinterpretation about the police that affect the credibility of police force among the public.

In order to achieve confidence, trust, and respect of public it is essential for a police department that it must mirror the different communities of the nation it serve but unfortunately no state police force being able to ensure the adequate representation the marginalized section of society over the years that’s why people do not trust the police force and feel afraid in the presence of police that’s become one of the major reasons why police have failed to develop a public- friendly image as a result police not able to perform one of its main duties that is the registration of complaint because most of the people finds the police force unfriendly. It’s also reflects in the report of TISS on non- registration of complaints where 75% of people do not file an FIR due to unruly behaviour of the police. [[16]](#footnote-17)

A democratic country cannot afford a violent relationship between the public and the police. But in recent years, we have witnessed many instances full of violence where the police are using their powers to suppress the voice of dissent of common people instead of suppressing crime, as a consequence, the trust of the common people in the police force is declining day by day, that’s why they are also afraid to ask for help from the police. Therefore, there is a dire need to bring reforms in police system which would ensure the amicable relationship between the police and the public and the focus of these reforms should be on enacting such laws which would ensure political superintendence over police is limited, police’s accountability towards the public, sensitization towards vulnerable groups and most importantly diversification of police force. So, even a person who comes from weakest strata of society can enjoy fundamental principles of democracy in their true sense.

In summing up of my article, I would like to mention a quote of Sir Robert Peel, who is considered as father of modern democratic policing, which focuses on the significance of the friendly relationship between the police and public for the welfare of society.

“*The police are the public and the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interest of community welfare and existence*.” [[17]](#footnote-18)

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3. Ibid. [↑](#footnote-ref-4)
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11. Supra note 7 at 17. [↑](#footnote-ref-12)
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