Police Reform: A Necessity for Safeguarding Human Rights in India

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Abstract: The 7th schedule of the constitution lays 61 items which are subject of state authority. Every state and the Union territories have their police force. Police accounts about 3% of the total government spending which is huge considering the large population but still the police force is the least trusted institution in India. A democracy is about rights and duties and accountability of every institution. Checks and balances are necessary in police system in order to protect the basic human rights of the citizens. The present police system lacks public trust and confidence. It needs to be reformed and made accountable. Police reforms to form good police public relation will not only help in maintaining law and order but also in protecting the rights of individuals.

1 INTRODUCTION
The police force is an agency of the state as well as a social institution. The State is primarily responsible for ensuring peace and security in the society. For the purpose of providing security and maintaining peace in society the State establishes an administrative mechanism or system, the police is one of the parts of this administration. The police wing is one of the main and an important agency of the government that is responsible for providing peaceful and secure atmosphere in the society. The ideal purpose of police has been described in the International Code of Enforcement Ethics that says “As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and peaceful against violence and disorder; and to respect Constitution rights of all men to liberty, equality and justice.” The control and superintendence of police has been a debatable issue in India. As per the existing Police law structure, the Central Police force as well as the State Police force comes under the control of political executives which results into the lack of Democratic functioning of the police system. Practically, the priority of police is influenced by the desire and will of political establishment. There has been a long debate on police reforms in India. Government has appointed many commissions which have submitted their reports but the recommendations are not implemented properly and even the directives of the Supreme Court are not complied with.

THE CURRENT SCENARIO
The nexus of control over police affects its credibility. There are a large number of vacancies in many states department of police and the force is overburdened with work. The Police training schools which have the responsibility to build ideal police force are mostly starved of funds. The ill equipped training centre with unwilling instructors does not provide a good learning atmosphere. There exists gender disparity and representation of women in police force is low. It suffers from lack of proper intelligence required to control crimes. The NHRC reports have specified the need for major police reforms to improve the human rights situation in India.

POLICING IN A DEMOCRACY
Police is the primary agency of the criminal justice system and the first visible contact to the citizens which has the duty to maintain rule of law and to protect the rights of citizens. It is basically a public service and this institution is created for strengthening law in the society so, the police must be very responsible to the citizens. Police need the cooperation and confidence of the citizens to maintain law and order in a democracy. The negative image of inefficient and corrupt police affects this relation. Community policing is one of the way to maintain good Police - public relations and preventing crimes. Many states have experimented with this model that includes ‘Meira Paibi’ in Assam, ‘Joint Patrolling committees’ in Rajasthan and ‘Friends of Police’ in Tamil Nadu among others. Violations of Human Rights by police are widely criticized and it loses support and sympathy by disrespecting people in daily policing. Studies show that people hesitate to interact with police and the percentage of interaction of women is even lower. The right to equality guaranteed by the Indian Constitution under article 14 and the right to life and liberty under article 21 includes right against arbitrary use of power and requires the police to act in a just, fair and reasonable manner. The protection of fundamental rights guaranteed by the constitution is must for healthy society. The National Police Commission has recommended that the police station should appeal and function in a manner to provide ready relief to people in distress. The whole police culture and attitude should work in this direction.

SUPREME COURT JUDGMENT AND DIRECTIONS ON POLICE REFORMS
In Prakash Singh vs Union of India, a petition was filed before the Supreme Court against misuse of power by Police. It highlighted the discrimination in application of laws, unlawful detentions, torture and harassment against common citizens.

The apex court issued directions to the Centre and State in the year 2006 which includes:
1. To constitute State Security Commission in each state to lay policy for the functioning of police and evaluate its performance. Also to ensure that the police is not influenced in functioning by the governments.
2 Setting up of Police Establishment Board in states which shall comprise of Director General of Police and other senior officers to decide postings, promotions, transfers of police below the rank of Deputy Superintendent of Police and to give recommendations to government in case of high rank officers.

3 To constitute police complaints authorities at state and district level for looking at complaints against and inquire in matters of abuse of power.

4 To separate investigating police form law and order maintaining police for obtaining expertise in investigation and improving rapport with people by providing speedier results.

5 The minimum tenure of DGP and other police officers should be fixed for at least 2 years in order to avoid arbitrary transfer,

6 The state police DGP should be selected from the senior most 3 officers based on good record, service and experience.

7 At Union level the Central government shall constitute National Security Commission for the selection and placement of chiefs.

2 POLICE ACCOUNTABILITY
Indian Constitution provides for the Institution of police. Police is governed by states though the Centre is also allowed to maintain police in order to assist the states. The central police forces and other police organizations are specialized for this purpose. The police both at the Centre and State level is under the control of executive i.e. ministers of governments. It is largely being misused for political and personal benefits. The accountability of police can be separated for different purposes. To check misuse of power the Police should be made accountable to different people at different levels, to senior police officials for internal matters and to independent authorities for oversight. The political control should be kept at minimum.

Max Weber has defined 'State' that has power to use physical force and police as an instrument for this purpose. But in a democratic and welfare state like India the police must act as a public service institution and not as a force only. It must work in a manner to gain public trust and it is achievable by making it accountable to separate and reasonable authorities. The transparency of police working must be maintained and their accountability should be checked in the diameters of law, its impact on general public and its internal discipline.

COMMISSIONS FOR POLICE REFORMS

The committee on Police Training:
It was constituted on 10th November, 1971. It came to be known as Gore committee as it was headed by Professor M.S. Gore a Social Scientist.

The Committee made following recommendations:
- Necessary knowledge and skills should be imparted under training and a right attitude should be created
- Innovative and critical thinking should be developed with the ability to take effective decisions.

National Police Commission:
It was appointed in 1977 and covered the organization of police, its functioning, role, accountability and political influence under the study. It took into account public relations with police and also the misuse of power. The commission gave 8 reports in between 1979 and 1981 and suggested wide range of reforms.

Ribeiro Committee:
This committee was set up in 1998 under the chairmanship of Shri J.F. Ribeiro IPS (retd.) by the directions of Supreme Court in Prakash Singh case. It submitted its 1st report in October 1998 and the 2nd report in the year 1999. The committee proposed to set up Security Commission under the name of PPAC which shall have recommendatory and advisory powers. It also specified minimum education for recruitments and also provided for qualitative change in the training process.

Padmanabhaiah Committee:
Under the chairmanship of Padmanabhaiah this committee was formed in the year 2000. It focused that philosophy of community policing should be adopted. The ratio of sub-inspectors to constables should be 1:4 and to attain this more recruitment of sub-inspectors is required.

Malimath Committee:
For reforms in criminal justice system this committee was formed. It gave 158 recommendations in 2002 and felt that existing system is in favor of accused and there is need to focus on victims.

3 CONCLUSION
Human rights are the basic rights of the individuals and needs to be protected and not compromised at the hands of police which has the primary duty of protection of law and order and maintaining rule of law. Police training should be focused on bringing a change in attitude of the force to make them more sensitive towards respecting the rights of citizens. Community Policing should be promoted in every state and platform should be provided for informal interaction of public and police. The second administrative reform commission has recommended that representation of women at every level of police should be increased. Focus should be on more use of advanced technology for prevention of crime and investigation. Forensic facilities needs to be upgraded for solving cases and for building trust and confidence in society police-public relations should be improved. The ideal situation will be when a common person can feel comfortable while entering a police station and interacting with police as the case is with other government departments. Implementation of policy and guidelines framed by different commissions and the directions given by the apex court to ensure standard of quality policing in a professional manner are need of the hour.
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