The Indian Police System – A Reform Proposal

Summary

The current governing instrument of the Indian police force is the Police Act of 1861. Together with the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure it forms the current but outdated police system in India. In India, police is a State subject under the constitution.   The police force in modern India is typically burdened with the handling of disparate responsibilities: 1) maintaining routine law and order; 2) riot control; 3) crime investigation; 4) protection of state assets; 5) VIP protection; 6) Traffic control.

The structure in the police force is strictly hierarchical and the decision making is centralised with a few high ranking police officers. Currently there is a four-level entry system to the Indian police force with little or no scope for a fresh recruit rising from the very bottom to the very top within the hierarchy. The minimum age to be recruited is 18 years and the upper limit is 20-27 years depending on the State. Postings and transfers are commonly interfered in, by political influence.

There have been many attempts to reform the Indian police system both on a State level and on a central level. Since 1971 there have been six major reform committees. 1) Gore committee 2) National Police Commission (NPC); 3) Riberio Committee on Police Reforms; 4) Padmanabhaiah Committee on Police Reforms; 5) Group of Ministers on National Security; 6) Malimath Committee on Reforms of Criminal Justice System. However the reform proposals have mostly dealt with the *symptoms* of the crisis rather than with the problems sourced from its *structure* and design. This report has analysed the current structure of the Indian police system and listed 5 structural and design defects with the system: 1) unwarranted political interference and politically driven appointments, transfers and promotions; 2) disparate functions performed by an overburdened police force hindering efficiency and domain specialization; 3) lack of genuine empowerment of personnel; 4) lack of an independent oversight body; 5) inadequate collaboration between the police and the prosecutor.

This report also address issues related to the functional inefficiency in the police system with respect to: 1) hiring of adequate numbers of police personnel 2) training of police personnel 3) technical infrastructure 4) financial resources. In India one police officer is serving approximately 700-750 citizens, while in the UK that number is 1:268 and 1:382 in South Africa. In the Andhra Pradesh only 12% of the state police force is empowered to investigate a criminal case whereas 88% are not. This report also suggests that the current training of the police personnel needs to be strengthened in the regard of specialisation.

Surprisingly, India was also the first country in the world to have a finger print forensic laboratory in 1897. Today there are only 23 labs in the country compared to 203 in the US. Currently there are only three Central Detective Training Schools in India. The low number of schools causes a problem to ensure continuous training for the Indian police force. Greater resources need to be allocated towards enhancing the capacity of forensic laboratories.

The relation between the police and the public has reached a point where the citizens rather avoid reporting a crime to the police. In a survey done by Transparency International India in 2005, 87% of the respondent to the survey agreed with that there was corruption in the police force, 74% felt that the quality of service they received was inadequate and 47% felt compelled to pay a bribe for their FIR to get filed.

A brief chapter has been included in this Report regarding statistical data, both international and national. While comparing international crime statistics it is important to keep in mind that an absolute comparison can not be made since the definition of the crime can vary from country to country. The crimes compared in this report is 1) homicide; 2) violent crime; and 3) robbery; and is limited to the following 14 countries 1) India; 2) Australia; 3) Canada; 4) Japan; 5) New Zeeland; 6) Russia; 7) South Africa; 8) USA; 9) England and Wales; 10) France; 11) Germany; 12) Italy; 13) The Netherlands; and 14) Spain. It showed that the average annual rise of crime in India between the years of 1991 to 2001 is 0.4% while the same was 4.8% in Japan and -1.8% in Canada.

A brief section is also dedicated to the rate of disposal of cases by the police and courts in India. It clearly shows that the courts in the country are backlogged with 84.4% of the murder cases pending trial in the end of 2005. In the police force 40.4% of the murder cases were pending further investigation in the same year.

To substantially improve the functioning of Indian police force and enhance its public accountability the report suggests a three way division of functions into: an independent crime investigation mechanism, maintenance of law and order and local police force (district level) units. To ensure the necessary independence of the police from unwarranted political interference it is suggested that a collegium be set up to appoint a few key officers. Simultaneously, there is a need to constitute an independent oversight body that will have jurisdiction over complaints of obstruction of justice and abuse of authority by the police. At the local level this can be ensured by a local police ombudsman. For a schematic overview see annex A.

Thus it is high time to bring in a new police system in India to ensure greater accountability, efficiency and a citizen service minded approach.