

Dear Shri

Common Cause has campaigned for governance reforms since its establishment in 1980 by the legendary Shri H. D. Shourie. Since police reforms are an essential component of the governance reforms agenda, I am soliciting your support to the campaign for making our police more effective and people-friendly.

The role assigned to the police in the Indian Police Act, 1861, was to safeguard the interests of the British against a hostile population in the wake of the 1857 uprising. Although many states have enacted their own versions of the Police Act, the framework of these Acts remains unchanged. They are premised on distrust, suppression, lack of accountability to people or the law and, worst of all, intolerance of dissent. Consequently, the police in our country still have a colonial mindset. Conditioned to be utterly servile to their masters and insensitive to the needs of the common man, the police consider themselves as protectors of the interests of those in authority, however illegitimate and even unlawful. This has to change urgently to meet the needs of a democratic society. The police must transform themselves into a citizen-centric service, which upholds the constitutional rights of citizens, to win their support, co-operation and respect.

The need for reforming the police system has been recognized for over a century. The Indian Police Commission (1902) found concrete evidence of rampant corruption in the police. Freedom from colonial rule did not bring about any improvement in the functioning of the police or its public image. While police reforms have been on the agenda of various State Governments and the Union Government since Independence, the establishment has ensured that the status quo is not disturbed and the police remain unanswerable to the people.

The issue of complete disregard of the recommendations of various expert bodies which had deliberated over police reforms was agitated before the Supreme Court of India in a PIL filed by Mr. Prakash Singh, Common Cause and another. The Apex Court pronounced its landmark judgment on police reforms in September 2006, issuing seven clear and time-bound directions to state governments and the Union of India to ensure the functional autonomy of the police and to provide an institutional mechanism for enforcing accountability and redressing public grievances.

Meanwhile, a Police Act Drafting Committee headed by Mr. Soli Sorabjee was constituted by Government in September 2005. The Committee

drafted a model Police Act keeping in view the changing role and responsibility of police and the challenges before it. The new "Model Police Act, 2006" (MPA), containing comprehensive provisions for enhancing the effectiveness of the police system from the top to the cutting edge level, bringing about attitudinal changes in the police and eliciting the cooperation and assistance of the community, was submitted to the Government in October 2006.

The Second Administrative Reforms Commission (ARC), set up in August 2005, prepared a detailed blueprint for revamping the public administration system in the country. Its 5th Report, titled "Public Order", contains its recommendations on police administration. Having regard to the requirements of policing in a modern, democratic State, the ARC lays down eight core principles, which should form the bedrock of police and criminal justice reforms. Copies of the MPA and excerpts from the 5th Report of the ARC are enclosed for your reference.

As the happenings of 26/11 have demonstrated, the police need to be properly trained and equipped to shield the citizens from terrorist threats and buttress national security. Unfortunately, the state governments, which have control of the police under the Constitution, often fail to appreciate the importance of the role of the police in the national security framework. This has serious implications in the context of an undeclared war by inimical neighbours and disaffected elements within the country. There are urgent lessons to be drawn from the unending succession of terrorist strikes and the violence engendered by extremist political philosophies and struggles for assertion of various sub-national identities.

The core principles of police reforms identified by the ARC are quite unexceptionable. The Commission has also endorsed the broad framework proposed by the MPA for making the police a useful instrument of public service in the 21st century. "The draft Bill prepared by the Committee encompasses virtually all areas of police functioning. The Commission agrees with the formulations in the proposed legislation on grant of functional autonomy, treating police as a 'service', underscoring the functional insulation of the service, security of tenure, insistence on minimum level of infrastructural facilities and the attempt to lay down a broad charter of duties for the police personnel etc."

The MPA and the recommendations of the ARC, taken together, form a credible base for police reforms. The Supreme Court directives in Prakash Singh's case are largely covered in the MPA. The ARC has suggested further strengthening of the citizen-centricity aspects of the MPA. Thus, a

substantial degree of consonance in the thrust, form and content of police reforms has now been established. This consonance needs to be harnessed to hasten the reforms, which, by common consent, are urgently needed to make our police more effective and citizen-friendly. These will entail an overhaul of the legal framework governing the set up and operations of the police. The MPA, with further strengthening of citizen-centricity as recommended by the ARC, needs to be adopted by Parliament for the Union Territories. Thereafter, public opinion can be mobilised to persuade state legislatures to enact similar legislations, or extend the Central Act to their respective states.

As an enlightened Member of Parliament, you are expected to play a key role in building a political consensus that can overcome the administrative inertia that has so far stymied all efforts to improve the state of policing in the country. We are banking on your sagacity and initiative.

With warm regards,

Yours sincerely,

(Kamal Kant Jaswal)

Director