

Common Cause-India International Centre

Seminar on “Making our Police Effective & People-friendly”

July 4, 2009

Background Paper

Introduction

The role assigned to the police in 1861, when the Indian Police Act was enacted, was to safeguard the interest of the British colonial masters against a hostile local population whose uprising a few years earlier, had thoroughly shaken the British. Although many states have enacted their own versions of the Police Act since independence, the basic framework of these Acts and their supporting structure, namely the Indian Penal Code, the Criminal Procedure Code and the Civil Procedure Code, remain largely unchanged. These laws are premised on distrust, suppression, lack of accountability to people or the law and worst of all, intolerance of dissent. Naturally, the mindset of the police in our country also continues to be frozen in the pre-1947 colonial period. The faces of their masters keep changing, but the mindset remains, for most part, either utterly servile or mindlessly brutal, depending on who is in front of them. The focus has not shifted to providing citizen-centric police service – the police still sees its role as protecting the interest of their current masters, however illegitimate and even unlawful these interests may be. This needs to change urgently to meet the needs of a democratic society. Only when the police transforms itself into a citizen-centric service which respects and upholds the rights of citizens as enshrined in the Constitution, it be able to win the support, co-operation and respect of common citizens.

2. History of Police Reforms in India

The need for reforming the police system in India has been recognized for many years. Decades before Independence, the Indian Police Commission (1902) found concrete evidence of rampant corruption in the police department. The transition from colonial rule to democracy did not bring about any improvement in the functioning of the police and its public image. In a letter dated April 3, 1997 addressed to all the State Governments, the then Home Minister, **Mr. Indrajit Gupta** articulated the popular perception all over the country that many of the deficiencies in the functioning of the police had arisen largely due to an overdose of unhealthy and petty political interference at various levels, starting from transfer and posting of policemen of different ranks, misuse of police for partisan purposes and political patronage extended to corrupt police personnel.

Police reforms have been the subject of a number of commissions and committees appointed by various State Governments as well as the Government of India in the post-independence period. At the national level, the Gore Committee on Police Training was set up in 1971 to review the training of the police from the level of constables to IPS officers. A National Police Commission was set up in 1977 under the chairmanship of Mr. Dharma Vira. The Commission submitted eight reports over a period of four years, covering different aspects of police administration in the country. The Ribeiro Committee (1998), Padmanabhaiah Committee (January, 2000), Malimath Committee (on Reforms of Criminal Justice System in 2003) and the National Human Rights Commission and the Law Commission in their various reports, also looked at various issues concerning the existing police system and made their recommendations. For instance, the Ribeiro Committee

recommended setting up of Police Performance and Accountability Commissions at the State level, constitution of a District Complaints Authority and replacement of the Police Act, 1861 with a new law. The Padmanabhaiah Committee made recommendations on recruitment procedures for the police force, training, duties, responsibilities and behaviour of police officers, police investigations and prosecution.

All these erudite reports authored by eminent experts have been gathering dust in the shelves of the Ministry of Home Affairs.

3. Supreme Court Directives

The Supreme Court of India pronounced its landmark judgment on police reforms in 2006 in a PIL filed by Mr. Prakash Singh, Common Cause and another, issuing seven clear and time-bound directions to the Centre and State governments. These directions enjoined the following actions on the part of the state governments and the Union of India.

- i. Constitution of State Security Commissions in every State;
- ii. Notifying the procedure for selection and minimum tenure of DGP;
- iii. Security of tenure for other Police officers;
- iv. Separation of the investigation function from law and order;
- v. Constitution of a Police Establishment Board in each state;
- vi. Establishment of State and District Complaints Authorities;
- vii. Constitution of a National Security Commission;

Most of the state governments have largely ignored these orders. The governments of the smaller states in the North East and a few others have complied with the directions, more on paper than in practice. The Central Government figures in the list of non compliant governments.

4. Model Police Act, 2006

A Police Act Drafting Committee (PADC) was constituted by the Government of India under the Chairmanship of Mr. Soli Sorabjee in September 2005. The Committee drafted a model Police Bill keeping in view the changing role and responsibility of police and the challenges before it. The new Bill, which was submitted to the Government in October 2006, also made recommendations for bringing about attitudinal changes in the police and eliciting the cooperation and assistance of the community. The salient features of the draft Bill are given below:

- a. State Government to exercise superintendence over the police in such a manner as to promote professional efficiency and ensure respect of the law at all times. This objective is to be achieved by laying down policies and guidelines, setting standards for quality policing, and ensuring that the police performs its task in a professional manner with functional autonomy.
- b. State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire state.

- c. Appointment of the Director General of Police by the State Government from amongst three senior most officers empanelled by the State Police Board.
- d. Terms of office of key police functionaries to be minimum of 2 years and maximum of 3 years.
- e. All further recruitments to the police force to be at the level of Civil Police Officer II, with assured career progression for meritorious officers.
- f. Establishment of State Police Board to frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law; to identify performance indicators, including operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards; to evaluate the functioning of the Police Service and organisational performance of the Police Service in the state as a whole as well as district-wise; and to prepare panels of officers for promotion to the rank of Director General of Police.
- g. The State Government to constitute a Police Establishment Committee comprising the Director General of Police and four senior-most police officers to recommend names of suitable officers for postings at the level of Assistant Superintendent of Police and above. The recommendations shall normally be accepted by state government. The PEC will also examine complaints from police officers about being subjected to illegal orders.
- h. Training-cum-Education policy to be laid down for all ranks and categories.
- i. Definition of the role and functions of the police.
- j. Dedicated police set up for villages and metropolitan cities and major urban centres.
- k. Creation of special security zones to deal with terrorists and insurgents.
- l. Separation of crime investigation units from routine policing.
- m. Provision of training to all police personnel so that they are able to perform adequately at their jobs and develop the proper attitude. Training to be linked to a scheme of career development for different ranks and categories.
- n. The State Government to take appropriate measures to harness cutting edge technology in the investigation and detection of crime, and other policing tasks. The State Government to establish a State Bureau of Police Research & Development with provision for appropriate staff, funds and other resources to undertake research and analysis, leading to improvement in the standards of police functioning and performance. The State Government may also outsource special studies and research relevant to policing.
- o. Constitution of a Police Accountability Commission, its composition, procedure of selection of members, role, functions and powers.
- p. Constitution of District Accountability Authority in each district, its composition, procedure of selection of members, role, functions and powers.
- q. Provision for review of police performance at regular intervals.
- r. Delineation of the social responsibilities of the police:

“Every police officer shall:

- (i) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
 - (ii) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection.....”
- s. Welfare and grievance redress mechanisms for Police Personnel- establishment of a Police Welfare Bureau, free insurance cover, introduction of eight hour shifts and weekly day off, or compensatory benefits in lieu of it, effective system for redress of grievances, etc.

5. Administrative Reforms Commission – II

The Second Administrative Reforms Commission (ARC) was set up by the Government on August 31, 2005 to prepare a detailed blueprint for revamping the public administration system. Its 5th Report, titled “Public Order” contains its recommendations on police administration. Recognising the need for police reforms in keeping with the requirements of a modern, democratic State, the Second ARC lays down eight core principles which should form the bedrock of police and criminal justice reforms and posits that once these principles find acceptance, a reform package can be evolved in an integrated manner. These principles are summarized below.

5.1. Responsibility of the Elected Government

In a democracy, the government is elected to serve the people. People transfer a part of the right over their lives to the government in order to serve the common goal of ensuring public order and protecting the liberties of all citizens. It is but natural that such an elected government must exercise full authority over its instruments and be accountable to the elected legislature. The power of broad direction and supervision vested in the duly constituted government cannot be diluted. Any reform proposal must recognise this requirement of democratic accountability and the responsibility of the political executive and elected legislatures. A police free from political direction can easily degenerate into an unaccountable force with the potential to undermine the foundations of democracy. The coercive power of the police can easily extinguish liberty, unless it is tempered by responsible political direction. A corollary or welcome consequence of responsible political direction will be the much needed de-politicisation of the police.

5.2. Authority, Autonomy and Accountability

The various wings of police should have the authority and resources to fulfill their responsibilities. Each wing should have functional and professional autonomy commensurate with its requirements. For instance, the intelligence wing needs to have the flexibility to recruit personnel at short notice through summary procedures and the authority to procure sensitive intelligence-gathering technology without having to go through normal procurement processes. The traffic police need the resources to deal with the increasingly complex urban transport challenges and a quasi-judicial authority to impose fines on offenders when facts are incontrovertible or uncontested. The police for riot control need a clear and unambiguous framework in which to operate, ready reinforcements when necessary and the confidence that bona fide use of force will not lead to victimisation. For each arm of the police, these requirements of authority and autonomy need to be spelt out clearly and codified. However, such autonomy and authority should be accompanied by clearly defined formal and verifiable systems of accountability, so that the citizens are protected from an abuse of authority. In a

democracy struggling to reform its colonial institutions, there is nothing more frightening and enfeebling to a citizen than to be at the receiving end of police excesses. Any reform will yield dividends only when the efficacy of the system is enhanced while ensuring that the propensity for abuse of authority is curbed.

The mode and manner of accountability of public servants, including police personnel, has however, to be laid down by law for the obvious reason that without the enabling framework, accountability would be rendered meaningless. In our sovereign democratic republic, the citizen is the focus of all public service and it is imperative that the accountability of all government functionaries is laid down in sufficient detail in the laws of the land. The Commission, therefore, feels that apart from being accountable to law, public servants are also accountable to the public and public institutions established by law.

5.3. Disaggregation and Deconcentration

One of the major problems impeding police reforms stems from the traditional approach of clubbing a variety of disparate functions in a single police force and concentrating all authority at one level. A single, monolithic force now discharges several functions: maintaining law and order, riot control, crime investigation, protection of State assets, VIP protection, traffic control, ceremonial and guard duties, service of summons and production of witnesses in courts, anti-terrorist and anti-extremist operations, intelligence gathering, *bandobast* during elections, crowd control and several other miscellaneous duties. Often, even fire protection and rescue and relief are treated as police functions. In addition, giving support to state functionaries in removal of encroachments, demolition of unauthorised structures and such other regulatory activities are also treated as police responsibilities. Aggregation of all these functions in a single police force is clearly dysfunctional for four reasons: First, the core functions are often neglected when the same agency is entrusted with several functions. Second, accountability is greatly diluted when duties cannot be clearly and unambiguously stated and performance cannot be measured and monitored. Third, the skills and resources required for each function are unique and a combination of often unrelated functions undermines both morale and professional competence. Fourth, each function requires a different system of control and level of accountability.

As already stated, mere mechanical and uniform application of law in all situations will do irreparable damage to public interest. Therefore, the elected government and executive magistracy should broadly guide the use of force in riot situations. Crime investigation is a quasi-judicial function of the police, and painstaking professional methods are involved in interrogation, gathering of evidence and forensic examination. There is no case here for supervision by the political executive or executive magistracy.

The Commission is of the view that three broad categories of functions can be clearly identified and the police force can be structured on those lines, while setting up mechanisms for effective coordination to prevent water-tight compartmentalisation; no agency of state can be an island, and each must support and draw strength from others. The three functional categories are:

- i. **Crime investigation**
- ii. **Law and order**
- iii. **Local policing**

The Commission is of the view that many functions like enforcement of civic laws, traffic control, investigation of petty crime, patrolling and management of minor law and order problems can be effectively supervised by local governments. Apart from these local functions, many other functions performed by the law and order police can be progressively

transferred to elected local governments over a definite period of time, but with adequate institutional checks and safeguards to prevent abuse of office.

5.4. Independence of Crime Investigation

Unearthing evidence in a crime, identifying the culprit, establishing the means, motive and opportunity, presenting evidence in a court of law through the prosecution, and securing a conviction are all critical functions of the police. Unfortunately, this core function is often relegated to the background. Excessive reliance on 'brawn' in other areas has blunted the professional skills required for effective investigation. The use of third degree methods sometimes replaces analytical investigation. The failure to link all the threads in a criminal case and produce clinching evidence often leads to over-reliance on oral testimony in court.

Over the years, the failure of the criminal justice system has led to a pervasive atmosphere of lawlessness. There has been a proliferation of criminal groups providing rough and ready justice through brutal means. There is a growing 'market demand' for such gangs to 'settle' land disputes, 'enforce' contracts, or collect 'dues'. There are instances of financial institutions hiring musclemen to recover dues from borrowers. Over time, these 'crime lords', who make a profitable career out of dispensing rough and ready 'justice', have found politics attractive as a second career. This is because experience has taught them that once a person dons political robes, he can 'control' the police and influence crime investigation to his advantage. What is worse, the police can at times even be protectors and allies of crime syndicates. This process has led to the criminalisation of politics. It is in this background that many expert bodies and jurists have been urging that crime investigation should be separated from other police functions and that the police should be provided the autonomy, professional skills and improved infrastructure to deal with the challenges of rising crime.

When a police force is believed to be unresponsive to common citizens and pliant to politicians, the innocent victims of crime are forced to seek the help of politicians and middlemen even for the registration of an FIR, or pursuing an investigation. The lack of professionalism in an overburdened, under-funded and poorly-skilled police force, coupled with undue interference, has lowered the level of trust in law enforcement. Many honest and hard-working policemen and officers do their best, but they are powerless to reverse the decline in the standards of crime investigation. As a result, the enforcement of the rule of law and prosecuting and punishing the guilty have become major challenges in our governance.

The Commission is of the view that a separate, elite crime investigation agency of police should be created in each state and that it must be completely insulated from undue political and partisan influences. It is advisable to entrust only specified cases to the separately created elite crime investigation agency. It must not be burdened with petty offences. Such an investigative agency must be well-trained and supported by adequate infrastructure, including a network of forensic laboratories. This would in effect mean that the existing set-up for special investigation of crimes (crime branch/CID/COD etc) would be replaced by an autonomous crime investigation agency with a statutory jurisdiction.

The crime investigation agency will be impervious to political and partisan influences only when the recruitment, placements and supervision are professionally managed in a transparent and efficient manner.

5.5 Self-esteem of Policemen

Nearly 87% of all police personnel are constables. The constable is the lowest level at which recruitment takes place. The educational requirement for selection of a constable is a school leaving certificate. A constable can generally expect only one promotion in his career and normally retires as a head constable. An average constable has little hope of becoming a Station House Officer (SHO). The statutory powers of investigation are with the Station House Officer who is usually a sub-inspector in rural police stations, and an inspector in urban police stations. As a result, constables mechanically carry out the directions of their superiors with little application of mind or initiative. Constant political interference in transfers, placements and crime investigation, long and difficult working hours, the menial duties they are often forced to perform as orderlies to senior officers, and the emphasis on brawn rather than brain in most situations tend to brutalise and dehumanise policemen. A constable devoid of dignity, lacking opportunities for vertical mobility, constantly pilloried by superiors and politicians, often derided by the public and habituated to easy recourse to violence and force cannot generally be expected to sustain his/her self-esteem or acquire the professional skills to serve the citizens.

In contrast to the lack of promotion avenues at the bottom, there is a problem of plenty at the top. The police force is top heavy with over-crowding at the top and no real strength at middle-management levels. Recruitment in most states is at several levels – constabulary, sub-inspector, deputy superintendent of police, and the Indian Police Service. Multiple tiers of recruitment have diminished the opportunities for promotion and the level of recruitment by the accident of an examination often determines career progression; not competence, professionalism, integrity and commitment. Lateral entry to the police is not feasible, as rigorous training, experience, expertise and knowledge of peers and colleagues are vital to the police service. Since this is a sovereign function, no agency or experience outside government prepares outsiders for police work. At the same time, incentives for performance within the police agencies are feeble.

The Commission is of the view that police recruitment needs to be restructured significantly in order to enhance motivation and morale, professionalism and competence of the personnel. This would require empowerment of the cutting edge functionaries and commensurate upgradation of their calibre and skills.

5.6 Professionalisation, Expertise and Infrastructure

Effective crime investigation, competent law and order management and useful intelligence gathering demand high standards of professionalism and adequate infrastructural and training support. Specialised training facilities are vital to hone skills and constantly upgrade them. Forensic laboratories need to be established for every district or a group of districts – at least one per 3 to 4 million population. Only such well-endowed forensic facilities will help police agencies to meet the growing challenge of combating crime in a rapidly urbanising society. Strong communications support, state-of-the-art weapons, non-lethal, modern tools for riot control and a high degree of mobility are prerequisites for modern policing. Adequate resources, technology and manpower need to be deployed on a continuing basis to meet these requirements. Like national defence, internal security and public order cannot be compromised under any circumstances, if the integrity of the State and constitutional values are to be protected.

5.7 Attendant Criminal Law Reform

Police reforms by themselves, though necessary, are not sufficient. There is a growing perception that getting a criminal punished is a difficult proposition. The low conviction rates

and the delays in disposal of cases reaffirm this belief. It is, therefore, necessary that other parts of the criminal justice system are also made effective and efficient.

The number of courts in India is inadequate to meet the requirement of justice. The resultant inaccessibility, coupled with archaic and complex procedures, has made our justice system slow, inaccessible and in reality unaffordable. The pendency of over 2.5 million criminal cases is a testimony to this. It is therefore not surprising that people, particularly the poor and vulnerable, have little faith in the system's capacity to deliver justice or enforce their rights. Consequently, they hesitate to approach courts and are often forced to accept injustice and suffer silently. Some even resort to extra-legal methods to obtain rough and ready justice through musclemen and organised gangs. This is leading to a culture of lawlessness in society and is a serious threat to public order in the broader sense of the term. Therefore, enhancing the strength of judges and creation of local courts to settle disputes and punish crimes swiftly are vital.

5.8 Police to be a Service

The preamble of the United Nations Basic Principles on the use of Force and Firearms recognises that "the work of law enforcement officials is a social service". The European code of Police Ethics states that the police shall be organised with a view to earning public respect. During the colonial era, the police was primarily used as a 'force' in the hands of the government of the day to suppress any uprisings by the locals. Even today, the police is not totally free from this stigma. In a democracy, the police has to function as any other public service, which renders services to the community and not as 'force'.

Prime Minister Dr. Manmohan Singh has observed:

"Today, police forces have to serve the interests of the people, not rulers. In a democratic framework as we are in today, there is a need to have in the police forces a managerial philosophy, a value system and an ethos in tune with the times. I had emphasized the need to ensure that police forces at all levels change from a feudal force to a democratic service. The spirit of public service, of respect for the rights of individuals, of being just and humane in one's actions must permeate the entire police force".

The Commission is also of the view that this transformation (from a police force to a police service) is an urgent necessity. But this would require both legal and structural changes that would bring people closer to the police, involve citizens in policing and give citizens some say in policing. Besides, a total change in the mindset of the police as well as the citizenry would be required. The reorientation of all police would be essential.

The concept of police as a 'Service' instead of a 'Force' encompasses the ideas of effective accountability, citizen centricity and respect for human rights and the dignity of the individual, these values should permeate all aspects of policing. Arguably the inordinate emphasis on police as the coercive apparatus of the State and its undeniable role in crime investigation contributes to an impression that the cherished rights of individuals are somehow subsidiary to the classical concept of police duties. It must be recognised that the power of the State to use force is not an absolute power. It is tempered with the Fundamental Rights incorporated in Part III of the Constitution. A balance needs to be struck between the imperative to use force, to uphold the law and respect the human rights of all concerned – the victim, the accused and the society at large. This is the essence of the rule of law.

The recommendations of the Commission have been formed by this perspective of police as a service and the inviolability of human rights in a civilised, modern democracy.

5.9 Some Other Recommendations of 2nd Administrative Reforms Commission

5.9.1 Role of Civil Society

The Commission has recommended that citizens should be involved in evaluating the quality of service at police stations and other police offices and the government should incentivise citizens' initiatives. It has further recommended that formal mechanisms should be set up at the cutting edge level to involve citizens/ citizen's groups in various aspects of public order management.

5.9.2 Role of Media

The ARC has recommended that

- a. The Administration must make facts available to the media at the earliest about any major development, particularly activities affecting public order.
- b. In order to have a better appreciation of each other's viewpoints there should be increased interaction between the Administration and the media. This could, inter alia, be in the form of joint workshops and trainings.
- c. The Administration should designate points of contact at appropriate levels (a spokesperson) for the media which could be accessed whenever required.
- d. Officers should be imparted training for interaction with the media.
- e. A cell may be constituted at the district level, which may analyse media reports about matters of public importance.

6 Police and Human Rights

Human rights issues have been placed centre stage in the last decade or so in discussions on police reforms. It must be emphasized at the outset that a police person does not lose his human rights because of his uniform. The violation of the human rights of a police person at the hands of naxalites and other terrorists is no different from the violation of the human rights of other citizens. At the same time, as stated by the Supreme Court, "*State terrorism is no answer to combat terrorism. State terrorism would provide legitimacy to 'terrorism'. That would be bad for the State, the community and above all for the Rule of Law. The State, therefore, must ensure that various agencies deployed by it for combating terrorism act within the bounds of law and not become law unto themselves. That the terrorist has violated the human rights of innocent citizens may render him liable for punishment but it cannot justify the violation of his human rights except in the manner permitted by law*" (D.K. Basu vs the State of West Bengal [1997(1) SCC 416])

Other matters related to policing and human rights are concerned with custodial deaths, encounter deaths, torture and custodial rapes. The NHRC has made it very clear that "*with every passing year, the evidence before the Commission mounts that there must be major police reforms in the country if the human rights situation is to be improved...*"

A greater emphasis on human rights during training period of police persons is essential to bring about an attitudinal change in police while the complaints authorities would provide an effective grievance redressal mechanism against police high handedness.

7. Protecting Disadvantaged Sections of Society

Since the police is the primary agency of the criminal justice system which protects human rights, it is essential to sensitise police personnel to issues relating to protection of the disadvantaged sections of the society, such as women and children, members of Scheduled Castes & Tribes, minorities and other disadvantaged sections of society.

7.1 In spite of the constitutional, legal and institutional provisions, women continue to be victims of crime and oppressive practices. It is unpardonable that quite often police personnel at various levels use their position to sexually exploit the victims instead of protecting them. Various surveys and research studies have revealed that women are often reluctant to approach the police in matters relating to violence/cruelty against them. A well designed gender training, which internalises responses, can play a major role in changing mindsets, biases and entrenched attitudes.

7.2 Scheduled Castes and Scheduled Tribes are more vulnerable to exploitation, social atrocities, discriminations and prejudices and are often easy victims of crime. In these cases, maintenance of the established order or the status quo which may be exploitative, does not promote peace or justice. At times, the assertion of civil rights by the Scheduled Castes and Scheduled Tribes is met with hostile reprisal against them by other sections of the society and the enforcement agencies are often reluctant to enforce the civil rights of the weaker sections for fear of further trouble. This tendency in the administration and the enforcement agencies needs to be strictly curbed. The administration and the police have to play a more proactive role in the protection and enforcement of the rights of these sections.

7.3 Children, particularly street children, are the prime and most vulnerable targets of cruelty and sexual abuse. There is a general increase in all categories of crimes against children particularly trafficking of girls for prostitution. Tackling crimes directed at these most vulnerable sections of our society requires a combination of professionalism and sensitivity to ensure that the victims are not subjected to secondary victimization, even as they suffer from post traumatic stress. Unlike other victims, children often do not even realise that they are being wronged, and even if they do realize this, very few would complain about it to the authorities. Therefore, the enforcement agencies should themselves detect such violations and book the guilty. The normal approach of beginning an investigation only on receipt of an FIR would not suffice for dealing with crimes against children.

8. Dealing with Political Violence

A number of groups, obsessed with a political or religious ideology incompatible with the basic tenets of democracy have taken to trying to impose their ideology on the country through violence and mindless terror. Such activities need to be tackled with a far improved intelligence network so that the real perpetrators are punished and normal citizens, some of whom may have been blackmailed at gun-point by these perpetrators into helping them with food or shelter, are not only not harassed, but are also given protection and, wherever necessary, economic assistance.

9. Police and National Security

As the happenings of 26/11, among others, have shown vividly, the police needs to be trained and equipped; weapon and infrastructure-wise as well as mentally, to provide the innermost shield to the citizens and the country from terrorist threats to the national and personal security. Very little thought and work has gone into this because the states, which have the control of the police under the provisions of the Constitution, often fail to appreciate the important role that the police must play in ensuring national security in the face of

undeclared war by inimical neighbours and disaffected elements within the country. There are urgent lessons to be drawn from a succession of terrorist strikes culminating in the outrage of Mumbai and the festering violent struggles for the assertion of subnational identities aided by terrorist infrastructures across the borders.

10. Conclusions

The core principles of police reforms identified by the Second Administrative Reforms Commission are quite unexceptionable. The Commission had also endorsed the Model Police Act, 2006 and has stated, “The Commission appreciates the comprehensive exercise undertaken by the Committee, which has been of considerable value to the Commission in formulating its views. The broad framework proposed by PADC is very relevant to making 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 three latest formulations on Police reforms, viz. the Supreme Court directives, the Model Police Act, 2006 and the recommendations of the Second Administrative Reforms Commission, **taken together**, form a very credible base for police reforms. The Supreme Court directives are largely covered in the Model Police Act, 2006. The Second ARC report on “Public Order” has also supported the vision and the form of the legal frame work suggested in the Model Police Act, 2006. If anything, the Administrative Reform Commission has suggested further strengthening of the citizen -centricity aspects of the Model Police Act, in conformity with the eight core principles enunciated by it. Thus, a substantial degree of consonance in the thrust, form and content of police reforms exists now. This consonance needs to be fully utilised to hasten the reforms which, by common consent, are urgently needed to make our police more effective and citizen friendly and which can only be implemented by bringing about major changes in the legal framework governing the set up and operations of the police. The Model Police Act, 2006, with some strengthening of citizen centricity as recommended by the Second ARC, should be adopted by the Parliament as well as the state legislatures at the earliest. This can be accomplished within six months, if we succeed in building a political consensus for police reforms.

It has to be kept in mind that the State and the civil society must arrive at an agreement to overcome the vested interests opposing and impeding the urgently needed police reforms. An informed debate within the civil society to further reduce the remaining areas of doubts and misgivings over the sense and direction of police reforms is desirable so that the civil society may provide its unstinted support to the elements within the State who understand the criticality of effective and citizen-friendly **police service** and are working relentlessly towards it. It is our hope that this seminar would help us all progress further towards a coherent position on police reforms, which each of us can take forward, individually and collectively. The media has a valuable role to play in disseminating relevant information, raising public awareness and building a constituency for good governance, including good policing.
