

## **POLICE REFORMS**

*(text of the speech delivered by Justice R. C. Lahoti(Fr CJI)  
on February 6, 2013 at Seminar on Police Reforms  
organized by Foundation for Peace, Harmony and Good Governance)*

Between the years 2002 and 2005, I had the privilege of participating in Seminars on Global Constitutionalism held every year at Yale School of Law. The seminars were attended by the Judges of top Constitutional Courts of leading democracies of the World. The discussions were close door. No minutes. No reporting to media. At the time of one of such seminars, very recently a British Court had rejected an application filed on behalf of the Government of India for extradition to India of a wanted notorious criminal. In an informal discussion with a very senior English Judge, I asked as to why such applications were rejected? The Judge answered - we have the evidence of gross violation of human rights at the hands of Police in India and, therefore, we are not inclined to hand over the prisoners to police in India. He also made some critical observations on the way the Police functions in India. I ventured to make an observation which, I thought, would silent the Ld. Judge. I said – ‘our police system is the legacy of the British. How can we be found fault with?’ The answer given by the Judge there left me silent. Rather curtly he said – ‘yes, it was our system, developed by us, to rule a colony of ours. We left India in forties. More than 55 years have passed. Who stopped you from changing or reforming the system?’

This live anecdote not only emphasises the need for reforms but also poses a pertinent question- is it not already too late?

A few features of any police system need to be noticed: (i)in order to maintain order and to protect people from unlawful acts, it is indispensable to any mode of governance, whether monarchy or democracy, and to any society, (ii) in the very nature of duties entrusted to it, it wields enormous power; it can deprive any person of its liberty; it can search; it can arrest; and, can also legally subject the people to use of force, (iii) the range of police activities is quite broad; it includes areas of patrol, detective work, traffic control, crime prevention and special tactical forces, (iv) the lowest rank of the police i.e. the constable comes in direct contact with every class and section of the society, from the highest to the lowest, from the rich to the poor, (v) the task entrusted to police personnel is arduous and very demanding; they

have to work day and night, at odd places under threatening circumstances and face situations posing danger to their own safety and liberty; when the city sleeps they are at work – on roads, in jungle – in heavy rains, scorching heat, freezing cold.

This is a generalized version applicable to police forces the world around. Peculiar to India are a few additional features; (i) our police is not so well equipped as it ought to be, (ii) its learning and training is abysmally low compared with the criminals, who are certainly better off and better equipped, (iii) the numerical strength of the police force is far less than needed, (iv) there is no rigorous check on quality at the time of recruitment, (v) the living conditions and perks are not commensurate with the nature of duties and power vesting in police personnel, and (vi) training, and continuing training, so as to uplift their quality of performance is a neglected area, especially at the lower ranks of the force.

The police is often subjected to criticism, for instances of corruption, brutality, racism and not complying with the laws of the land in discharge of their duties. It cannot be denied that the police as an institution and the police personnel as individuals too do not enjoy popularity in people's eyes.

From the point of view of a common man, the reasons for wrath of the people are two. Firstly, anyone apprehending commission of crime or a victim of crime when approaches the police, the response is not very encouraging. Secondly, once in custody even innocent suffer torture. The report of Working Group on Human Rights in India and the UN, a coalition of human rights bodies has in its report on Kashmir and the North-East pointed out the wide-spread and routine use of torture in conflict areas, leading to both physical and mental disabilities. The letters written by Soni Suri, a school teacher in a tribal district of Dantewade, at the hands of Chhattisgarh police narrate a harrowing tale of most inhuman torture inflicted on her. So are the prison diaries of social activist Arun Ferierra arrested on grounds of being a Naxalite and released several years later for nil evidence, which narrate the worst instances of brutality in custody. These instances are tip of the ice-berg. The worst for India as a country is that it has not yet ratified the UN Convention against Torture of the year 1984. A couple of years ago the Prevention of Torture Bill was drafted and cleared by Lok Sabha, but it had so many loopholes that human rights activities launched a campaign in protest. The Bill was withdrawn and a new one was drafted. The revised bill is now stuck in some dark corner of a deep freezer.

NHRC has reported an average of 43 deaths in police or prison custody everyday in the decade of 2001-2010. Many of these deaths are as a result of torture. This figure of 43 reflects only the cases registered before the NHRC.

Police do have their own difficulties and have much to say in their defence. They must also be listened to. But the fact remains that the relationship between police and people is not friendly. Civilians are mortally afraid of police, while law evaders are not. Howsoever bitter it may sound to be, but that is the truth. Police as an institution undoubtedly needs reforms.

We are a welfare state and largest democracy of the world. The singular condition upon which God grants liberty and freedom to man, called democracy, is to protect it by eternal vigilance.

According to Grolier's Encyclopaedia, the quality of police was low in the late 19<sup>th</sup> and early 20<sup>th</sup> Century. Inefficiency and corruption dominated the police. The primary source of the problems was the political machines that controlled most city governments and consequently the police. History records that a few – but only a few - changes have followed.

By the 1920s a campaign to 'professionalise' the police began to emerge. With professionalization came demands for better selection of police officers, centralization of commands, more technology for aiding crime prevention, and the elimination of politics from policing. Almost a century has passed. We are yet to take any serious step.

This is high time for the power-that-be to listen to the *vox populi* and assign the Police Reforms the requisite priority. Recent mass agitation following the incident of gang rape has at least five notable features writ large : (i) the youth, specially the girls have taken to streets, (ii) the middle class of the society, generally apathetic otherwise, has become volatile, (iii) the agitation had no political overtones; (iv) there were no leaders; and (v) in spite of all efforts made at suppressing it agitating youth did not lose their calm and cool; remained peaceful. If the party in power still continues to blink eyes and fails to read the message written on the wall, the day is not far off when the people will take the law in their own hands and resort to mob lynching of the offenders.

I may sum up by listing what needs to be done, in my humble opinion, in the direction of reforms:

- (a) strengthen the police both qualitatively and quantitatively;
- (b) free the police from the clutches of political control , so that (i) the police is not misused for settling political scores, (ii) its independence and objectivity in conducting fair investigation is not adversely impacted, (iii) it acts professionally and not politically.
- (c) insulate the police from misuse and from being wasted. A young energetic police officer told me on condition of anonymity that he feels highly demoralised and frustrated when he finds himself officially deputed to take care of safety of someone who, in his view, far from being protected, deserved to be behind the bars.
- (d) scientifically study and divide the police force into a minimum of three wings (i) law and order; (ii) detection and investigation of crime; (iii) VIP Security.
- (e) aim at creating and cultivating such institutional character that the common man finds in police a friend in need and a friend indeed.

Let us not merely criticise the police; police too needs our sympathy and appreciation of good work they do.

It is said - strike the iron when it is hot. This is high time to raise voice for reforms. Heavy price has been paid to generate an urge for reforms. Happily, the police itself is not opposed to reforms. I would appeal to organisers that this seminar should not be the end but beginning of peaceful, systematic and lasting movement meant to continue till the goal has been reached. And, let us all pray to god to bless our voice with such strength that it is heard. It has been very aptly said : *Yaarab yeh iltiza hai gar tu karam kare; woh baat de juban ko jo dil pe asar kare.* (Oh God, if you are kind to me, bless my voice with such strength that it touches the heart of one who listens.).

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References:(i) Glorier International Encyclopaedia, Deluxe Home Edition, Vol. 1.

(ii) Anahita Mukherji, *43 die in police custody daily*, ToI, ND Edition, 28-06-2012.