

SEMINAR ON
POLICING A DEMOCRATIC SOCIETY
MARCH 09, 2012
INSTITUTE OF SOCIAL SCIENCES AND TRANSPARENCY
INTERNATIONAL, INDIA CHAPTER
Summary of the proceedings – by S. Banerjee, IPS (Retd)

Welcoming the participants in the Seminar, Shri Sankar Sen, Head of the Human Rights Division and Senior Fellow at the Institute of Social Sciences stated that the subject of the Seminar was so chosen because it was felt that the success or otherwise of the functioning of the Indian democratic system depended very much on the manner in which the police was able to discharge their functions. Elaborating on the subject, Shri Sen pointed out that society's frustrations were often directed against the Police. It was, therefore, important to deliberate on what should be the response of the Police, what should be the training and more importantly, what should be the organizational values and culture of the police. It was also important to discuss how to bridge the gulf between the police and the community by bringing in the concept of community policing. The Police and the community should work together to enforce law in an efficient manner for better results. These issues needed to be discussed during the course of the Seminar.

Dr. George Mathew, Chairman, Institute of Social Sciences

At the outset, Dr. Mathew, spoke about the humble beginnings of the Institute and its focus on the people at the grass root level. He stated that 80% of our people lived in the villages and their rights were needed to be protected from the vested interests. Since the poor at the grass root level were not capable of protecting their rights so the concentration of the Institute was on decentralization and support to the democratic values from below.

Deliberating further on the issue of governance, Dr. Mathew said that if this country had to survive, everything could not be done under a centralized system. Many good ideas have been put forth with regard to the police reforms but the accountability of the local police to the local government was not one of them. Police reforms were thought of as a series of positive measures that would flow out of the Union Home Ministry. There was a lot of thinking as to whom the police was answerable. To the people or to the higher authorities? In other words, whether the police should be concerned with human rights or the police should remain outside the purview of the human rights. He concluded by stating that we need to create a new ethos for police and a new generation of policing so that law and order and a peaceful atmosphere in the society could be ensured. The whole issue of democracy, policing and human rights were very important, and expressed his happiness that the Institute could provide a platform in this regard. He emphasized that learning and not teaching; from each other was the best way forward.

Shri P.S. Bawa, former DGP, Sikkim & Chairman, Transparency International, India Chapter (T.I.)

Shri Bawa started by giving a short history of the emergence of the Transparency International and indicated that the Indian Chapter was started in 1997. He defined corruption as use of public authority for private gains. He mentioned that it was not only the public authority which was corrupt but the corporate sector and the business sectors were corrupt as well. The basic mandate of the Transparency International was anti-corruption. But it was expanded to good governance. He was confident that there was a positive co-relation between good governance and development.

Shri Bawa outlined the studies conducted by the Transparency International and indicated that they had also conducted a study for below the poverty line. He indicated that the T.I. moved various governments under the Right to Information Act for various matters and had helped to get the Right to Service Act passed.

The T.I. had also entered into Integrity Pacts with various Public Sector Undertakings. This contract envisaged that all major procurements would follow a transparent procedure. The Transparency International also had a Development Pact in which they asked the people to seek mandates from elected representatives. The T.I. had also established help lines for legal centres. He concluded by stating that the T.I. was keen to interact with police officers and was happy that this platform had been provided. He emphasized that the police was the only agency which could investigate into the wrong-doings of others.

Shri V.N. Rai, IPS, Director, N.P.A., Hyderabad

Shri Rai introduced the subject by indicating the various types of societies that exist in different types of “democracies” in the world. In India the people were the focus in the system and the “fundamental rights” were enshrined in the Constitution of the country.

In the interactive session, the Director, N.P.A., stated that communication channels between various levels of the force need to be streamlined. It was important to relate with the force and sort out the problems that exist within it. It was important that the strong points of the people in the force have to be given space and the weak points have to be addressed; that will help them to remain free of stress. He mentioned that the morning workout of the trainees in the N.P.A. had been reduced from two-and-a-half hours to one hour. He emphasized that it was in the interest of the trainees to raise themselves to the desired level of fitness.

After the forenoon session was over, Shri Sankar Sen highlighted the following points made by the speakers: -

- It was important to introduce the culture of “human rights” in the police so that it developed a feeling of empathy with the public. He elaborated that human rights meant respect for human dignity. It also meant that the police should be more sympathetic and develop a neutral attitude while dealing with various situations.
- The time was ripe to think of a much greater democratic culture in the Police instead of regimentation within the force.

- Learning will be effective only when it enabled the trainees to understand the situation and helped them to do their jobs properly.
- It was often seen that the good work done by one officer was undone by another. This culture was flawed and needed to be remedied. In other words, good work done by somebody must be continued.
- Training for transformation was necessary to be imbibed in the trainees as well as respect for the rights of others and very importantly respect for human rights.
- The forces have to be sensitized about the fact that some of them were trigger happy. This could be done by frequent interactions with the officers as well as the personnel. Further, certain standards of integrity should be shown by the leadership which would flow down and would have a positive effect.

Shri Jacob Punnose, I.P.S., D.G.P., Kerala

Speaking on the subject of the seminar, Shri Punnose gave a detailed account of the experiments in Kerala with regard to community and participatory policing. He started by indicating different scenarios in which a woman landed in a railway station alone and found that the streets were deserted, while she had to walk some distance to reach her home. She met a policeman. How the policeman and the woman would respectively react, would depend on the democratic maturity of the society in which she lived. Dilating on the challenges of policing in a democratic society, he indicated that the first challenge was to prevent those elected to power from misusing the police for unlawful purposes or for suppressing

dissent. Secondly, the challenge was how to devise a system of policing which would ensure that citizens effectively enjoyed all democratic rights. Fundamentally, democracy was not only a form of governance but was actually a way of life. It envisaged an organized society which considered that all were equal and behaved accordingly. He emphasized that for democracy to survive, the system of governance must accommodate participatory policing and accountability. The earlier colonial regime resulted in suppression which gave rise to protests and ultimately loosening the control of the police over the community. Therefore, participatory policing was important. People need security and it was their right to do so. The Police was the only agency who could ensure that all persons enjoyed freedom and secure their rights available under the law.

The first principle of democratic policing was that the police must secure the willing cooperation of the public. Elaborating on the fact that the Indian Police used coercive methods, the DGP indicated that the Police and the politicians inherited the system from the British. But could we have a Police which was free from political control? He answered by stating that in a democratic system political control was unavoidable. The National Police Commission (1977-92) held that in a democratic society the police were accountable to the public as well as to the law. There was, however, a paradoxical situation in the society in which, though the people wanted police protection yet they stayed away from the police and the law. This was because of the weaknesses within the policing system. Therefore, it was necessary to bring about a system by which people-friendly policing could be evolved. With the change in the attitude of the police, and with the co-operation of the public, it would be possible to effectively deal with

major crimes. 94% of the police in the country consisted of the constabulary. It was, therefore, important that their attitudes must be changed in this regard.

The D.G.P. went on to say that with this background, the concept of Janamaitri Policing was evolved. In this system the community was involved in decision-making keeping in view the local security concerns. Wherever Janamaitri Policing had been introduced, the beat officer had become the most recognized face of the law in the community. The local activities of the Janamaitri scheme were devised by a 25-member Citizens Committee constituted by the District S.P. The beat officer in the Citizens Committee consulted the community and worked with the Police Station which helped in transforming the traditional alienation and converted the fear of the police into confidence as well as trust in each other. It was interesting to note that the DGP during his tour was informed by the beat constables of the problems of security in their beat areas and not personal matters as normally was the case. It was to be noted that crime investigation and dispute resolution were totally outside the scope of community policing.

The Janamaitri scheme had also helped in securing the fishing villages by starting Coastal Village Committees in 74 police station areas along the coastline of Kerala. They were sensitized by being trained on coastal security matters and have had joint exercises with the Navy and Coast Guard. The Italian ship which was apprehended recently could be caught only because of the prevalence of this system.

Apart from the above, there is a Student Police Cadet Project in which an Inspector of Police interacted regularly with the students once a month. They also have training for school students. Funds were given from various departments of the Government of Kerala. The scheme had met with success and had been commended by various authorities.

Prof. Dipankar Gupta, Sociologist

Speaking on the subject Prof. Gupta said that when we talk of corruption and transparency we have to pay attention to the level of the civil society in the country. Every society, whether it was tribal, ancient, or modern, was subject to laws. The distinctive feature of the modern democratic society was that these laws were universal in character and bound everyone. Countries which ranked very high in terms of transparency were those which were egalitarian in character. And because of this, almost the whole country was middle class. In India, however, the element of patronage was very strong which led to corruption. This was not just a situation where money exchanged hands but which influenced people and was widespread in the country. This was the basic structural impediment in the country. Democratic societies were extremely artificial, extremely contrived and extremely delicate. In view of these characteristics, we have to be vigilant lest we should transgress the norms of democracy. Changing things overnight was not possible. We have to recognize the problem and take steps to deal with these issues. For example, education and health were problems which affected society. In a

democratic society honest people with calibre can make a difference. In Punjab the Governance Reforms Commission had brought about digitization of land records in 10,700 villages. Therefore, now any land record office would resolve the problems of the people. The Kerala model addressed issues relating to health, education, standard of living, etc. Further technology could make a very big difference particularly in the area of financial reform. This would be very important when we enter the sector of the unorganized working class where corruption was rampant. Therefore, in order to make things work we have to understand the problems and address those issues.

Shri K.S. Money, IAS (Retd), former Secretary General, NHRC

Shri Money started by talking about democratic policing which according to him meant that policing should protect society. He indicated that civil societies, or NGOs, have to develop the capability to deal with the relevant subject. These organizations need to research and guide the policy decisions including those relating to the fundamental rights. Police can play a crucial role in maintaining the good image of the Government.

Concluding interactive session

A review of policing: vision for future

S/Shri Sankar Sen, IPS (Retd); P.S. Bawa, IPS (Retd) and S. Banerjee, IPS (Retd)

The following points were made during the concluding session based on the discussions during the day:-

- The police had an important role to play in strengthening the roots of democracy.
- The police should be able to meet the expectations of the society with the effective participation of the people.
- Police statistics relating to crime were erroneous and did not exactly reveal the actual level of incidence of crime. The Tata Institute of Social Sciences had carried out a “Victimization Survey” to assess the actual situation. One such survey was being carried out in Gurgaon in Haryana. This was a good strategy and could be tried in the districts.
- In order to function efficiently the police needed to adopt a democratic style. It was important that the complaints against the police personnel should be dealt with properly otherwise the people would lose confidence in the police.
- The training provided to the police was inadequate. This could be done through technology. The Planning Commission had introduced a scheme of computerizing the records of all State Human Rights Commissions. Initially this work had been taken up in four states.
- Research work on police issues needs to be taken up seriously. It was recommended that every training institution should have a research unit.
- At present the police in the country was by and large reactive and not proactive. The presentation by the DGP, Kerala, clearly indicated the

successful initiatives that have been taken by the Kerala police for community policing. A survey was also conducted to ascertain the experiments in community policing in various parts of the country. It revealed that in some places like Tamil Nadu and Andhra, very good community policing initiatives were taken. A big drawback was that no follow up action was taken. The biggest drawback however was the fact that the police officers themselves did not believe in community policing. Perhaps they were not yet prepared to be held accountable to the community.

- It was a fact that unless cases were disposed of quickly in the courts of law, and unless punishment was given for the crimes committed, the police would be limited in its effectiveness. In fact, there was a need for fundamental improvements in the whole of the Criminal Justice System. Mere improvements in the system of policing would not suffice.

- It was also important that the state governments cooperate in the efforts to bring about police reforms. The directions given by the Supreme Court in Shri Prakash Singh's case have either not been implemented by the state governments, or have been implemented in parts, and some have enacted laws which were totally contrary to the directions of the Supreme Court. This was, therefore, nothing short of subversion of the directions of the Supreme Court.