

Structure of Police Administration : What It Is and What It Should Be

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Abstract

The purpose of this research paper is to forecast for a new police structure based on the present Police structure and will try to evaluate the people's perception of Police and problem areas of present Police functioning. This paper discusses the reform areas which are required to be addressed and tries to review the recommendations of various committees and commissions related to the Police reforms in the past. This paper also tries to identify the principles which should govern the reform process of Police administration and tries to establish those principles which suit our needs as a democratic polity and strengthen the functioning of Police administration so it can cope with emerging challenges which are encountered by our Police. Further, this Paper suggests about the organizational structure of the Police of future. This paper also suggests some reforms which can enhance the effectiveness of the Police and which rejuvenate the structure of Police administration so it can benefit people and Police personnel equally.

Key Words: Police Structure, Police Administration, Police Reforms, Police Effectiveness, Police and People

Introduction

Indian civilization is one of the most ancient civilizations of the world, and so are its various systems and subsystems. Accordingly, the Indian Police has a long past and has reached its present state passing through various social, political and cultural vicissitudes. The existing police system in India appears to be a

unique and peculiar amalgam of various features of Ancient, Mughal and British police and policing systems.

The present police system structurally and functionally owes its existing to the various Acts and Enactments promulgated by the colonial rulers. The Indian Police Act, 1861 is the basic foundation of the present day Indian Police. 'Public order' and 'Police' figure as Entry 1 and 2 respectively, in List II (State List) of the Seventh Schedule of our Constitution, thereby making State Governments primarily responsible for maintaining public order. Invariably, police, which is a part of the civil administration, is at the forefront of maintaining law and order. It is, therefore, correctly said that the present day Indian Police System, in the contemporary contexts, has become old, archaic and out-dated. There is an urgent need to replace this system. The Honourable Supreme Court of India has, therefore, issued directions to the Central Government and the State Governments to enact new Police Acts. Consequently, a Model Police Act has been formulated and circulated to the various State Governments, and the State governments are preparing to enact new Police Acts for their respective police organizations.

Features of the Indian Police

1. The State List: Police in India primarily belong to the State List of the Constitution and, therefore, police, policing and various police matters basically fall into the jurisdiction of the respective State governments. Police organizations are identified by the name of the State to which they belong, and even their nomenclatures are given after the names of the respective States, i.e. Rajasthan Police, Assam Police, Bihar Police, Kerala Police etc.
2. Concurrent List: The police are organized, maintained and directed by the States of the Indian Union. The Indian Police System is horizontally stratified like military forces and is organized into various cadres. The police in each State are divided vertically into armed and unarmed branches.
3. The CPOs: There is no concept of federal police in India, though, the Central Government maintains various Central Police Organizations (CPOs). The CPOs is mostly Para-military in nature and is assigned specific nature of duties which are peculiar and specific to their operations and

functioning. The CPOs do not discharge duties of civil police, but they help and assist the State Governments in exceptional cases.

4. **The Common Parameters and the Specificity:** There are quite a number of structural, functional and operational parameters, which are common to all police organizations of the country indicating the element of the universality of the Indian Police. However, there are some aspects, which are specific and peculiar to each State police organization, which establish its individual existence rendering it independent and autonomous.

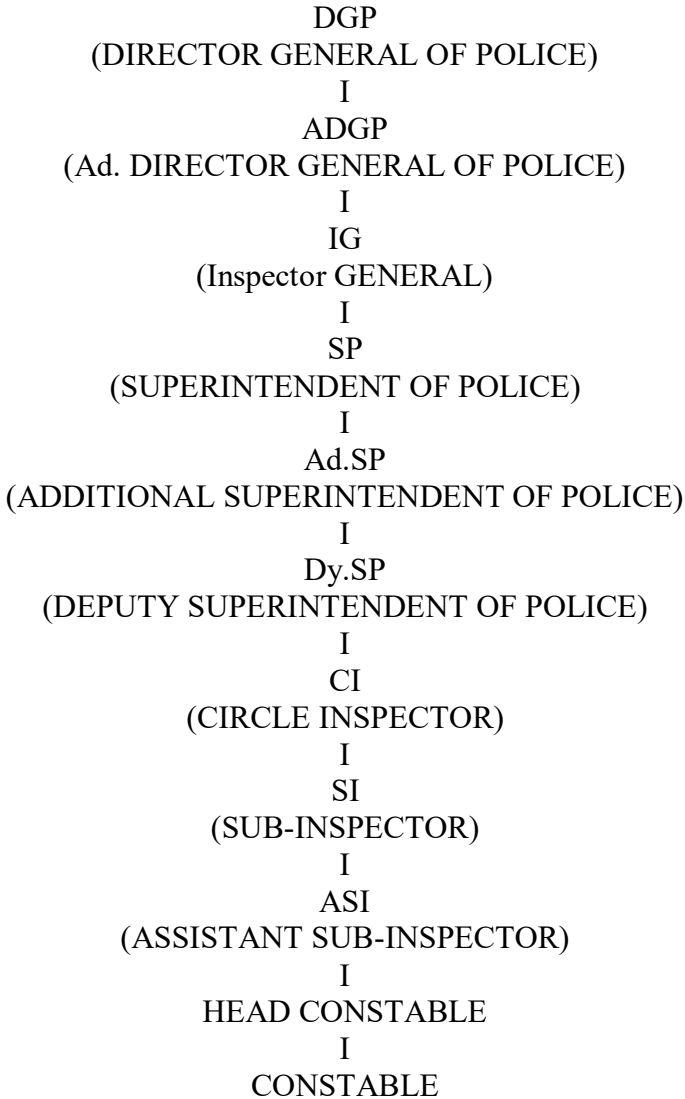
Ailments & Paradoxes

The Police in India suffer from a variety of organizational, procedural, personnel and behavioural ailments and paradoxes. Efforts have been made to identify these ailments and paradoxes for evolving remedial measures to remove them. Various Committees and Commissions, at the State and Central levels, have been set up from time to time in these contexts. Some of the ailments and paradoxes revealed through these efforts are narrated below:

- a) **Colonial Stigma:** In spite of their functioning in a democratic set up for more than six decades, the Indian police have not been able to wipe off the colonial stigma attached to them.
- b) **Poor & inadequate Police community relations (PCR):** PCR in India are normally brief, contextual and even negative in nature.
- c) **Poor Image:** The functional image of police in India is not satisfactory.
- d) **Over Centralization:** Indian Police is a functionally centralized organization and no efforts have been done to decentralize the police functions.
- e) **Over burdened organization:** There is an extra ordinary workload on an average policeman, which has adversely affected his/her efficiency and performance.
- f) **Ailments and paradoxes identified:** The findings of the various committees and commissions constituted to suggest measures to reform the Indian Police have indicated that the Indian Police suffer from a number of

organizational paradoxes, procedural, anomalies, personnel shortcomings and behavioural deviances which have impinged upon their performance, functioning, efficiency, image and public relations.

**GENERAL STRUCTURE OF INDIAN POLICE
ADMINISTRATION**



People's Perception of the Police

The police have faced and continue to face many difficult problems. In a country of India's size and diversity, maintaining public order at all times is indeed a daunting task. It is to the credit of the police that despite many problems, they have by and large been successful in maintaining public order. Despite this, the police are generally perceived to be tardy, inefficient, high-handed and often unresponsive or insensitive.

The National Police Commission (NPC) examined the issue of police-public relations in great detail. It came to the conclusion that police-public relations were in a very unsatisfactory state and police partiality, corruption, brutality and failure to register offenses were the most important factors contributing to this situation. People also felt that police often harass even those who try to help them; and while by and large people did not think that police are inefficient, they want a change in the style of their functioning. Policemen, in general, did not believe that they are at fault and blamed the system for deficiencies and deviations.

RECOMMENDATIONS OF POLICE REFORMS IN THE PAST

The indigenous system of policing in India was very similar to the Anglo-Saxon system; both were organized on the basis of land tenure. The village responsibility was enforced through the headman. If a theft was committed within the village bounds, it was the headman's business to trace the guilty. If he failed to recover the stolen property, he was obliged to make good the amount to the extent his means permitted. To reform the then existing system, the first step taken by the British was to relieve the zamindars of their liability for police service and their place was taken over by the Magistrates in the district. Although several attempts were made to reform the police during the British Rule, the first major step was the constitution of the Police Commission of 1860. The Commission recommended the abolition of the military police as a separate organization and the constitution of a single homogenous force of civil constabulary. The general management of the force in each province was to be entrusted to an Inspector General. The police in each district were to be under a District Superintendent. The supervision and the

general management of the police by the District Magistrate were continued. The Commission submitted a Bill, based on the Madras Police Act, to give effect to these recommendations, and this became a law.

The Indian Police Commission was constituted in 1902. It found concrete evidence of rampant corruption in the police department. The commission recommended the police force should consist of a European service, a provincial service, an upper subordinate service and a lower subordinate service. It recommended a single police Act of the whole of India.

In the post-independence period, 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.

The UP Police Commission, headed by Shri Ajit Prasad Jain, M.P., was appointed in 1960. The Commission came to the conclusion that crimes were increasing but the official statistics for the period 1950 to 1959 showed a decline of 10% in the incidence of crime. It observed that concealment and minimization of recorded crimes is a natural corollary of a system where the work of the Station House Officer is judged by the number of crimes committed in his jurisdiction. Some of the reasons identified by it for the increase in crime are a decline in respect for law, breakdown of the old village police system, the ineffectiveness of police, poor quality of investigation and prosecution, political interference, factionalism in the ruling party and association of criminals with political parties. The Commission opposed the proposal to transfer some police functions to local bodies.

The Bihar Police Commission, 1961, made wide-ranging recommendations ranging from registration of FIRs to the welfare of police personnel. It observed that the general impression seemed to be that the incidence of corruption was considerable in all ranks up to the Inspector of Police; it was rare in the rank of Deputy Superintendent of Police and insignificant in the rank of Superintendent of Police and the administrative ranks of the police force were free from blemish. It emphasized the importance of public cooperation and concluded that principal support to the police should come from the society itself.

The Tamil Nadu Police Commission was appointed in 1969 to go into the conditions of service, duties and responsibilities, modernization etc. of the police force. It made recommendations for reconstitution of the Service Cadres, improvement of service conditions, reorganization of police establishments, modernization and improvement of operational efficiency and the relationship between police, public and politics. It came to the conclusion that the constables were heavily overworked (some of them had to work for over 14 hours a day on an average).

In 1977, Government of India appointed the **National Police Commission** (NPC) under the chairman of Dharamvira. The Commission submitted eight Reports covering different aspects of police administration in the country.

In the First Report issues relating to the constabulary and internal administration Such as pay-structure, housing, orderly system, a reprisal of grievances, career Planning for constabulary, complaints against police etc. were analyzed.

The Second Report dealt with welfare measures for police families, police roles, duties, powers, and responsibilities; interference in the working of police; Gram Nyayalayas; maintenance of crime records and statistics and how to avoid political and executive pressure on the police force. The recommendations included the constitution of state security commissions and security of tenure for officials.

The Third Report focused on the police force and the weaker sections of society, village police, a special law for dealing with serious and widespread breaches of public order, corruption in the police, economic offenses and modernization. The Fourth Report addressed the issues of investigation, court trials, prosecution, industrial disputes, agrarian problems, social legislation and prohibition.

The Fifth Report analyzed and made recommendations on issues pertaining to recruitment of constables and sub-inspectors, training of police personnel, district police, and the executive magistracy, women police and police public relations.

The Sixth Report dealt with police leadership – the Indian Police Service, police and students, communal riots and urban policing.

The Seventh Report discussed the organization and structure of the police, state and district armed police, the delegation of financial powers to police officers, traffic regulation, ministerial staff, and performance appraisal of police personnel, disciplinary control and the role of the Union Government in planning, evaluation, and coordination.

The Eighth Report covered the subject of accountability of police performance. It also recommended a draft Police Bill which incorporated several recommendations of the Commission.

The Julio Ribeiro Committee was set up in 1998 on the orders of the Supreme Court following a Public Interest Litigation (PIL) on police reforms. It recommended the setting up of Police Performance and Accountability Commissions at the State level, the constitution of a District Complaints Authority, replacement of the Police Act, 1861 with a new Act.

In 2000, the **Padmanabhaiah Committee** on Police Reforms was constituted to study, inter alia, recruitment procedures for the police force, training, duties and responsibilities, police officers' behaviour, police investigations and prosecution.

The Government of India constituted in September 2005 Police Act Drafting Committee (PADC) with Shri Soli Sorabjee as Chairman, to draft a new Police Act to replace the Police Act of 1861. The Committee has drafted a model Police Bill keeping in view the changing role/responsibility of police and the challenges before it, especially on account of the growth and spread of insurgency/militancy/Naxalism etc. The new Act also has measures for attitudinal changes of police including working methodology to elicit cooperation and assistance of the community. Some of the major features of the draft Act are:

- Superintendence of State police to vest in the State Government; State Government to exercise superintendence over police through laying down policies and guidelines, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.
- Appointment of the Director General of Police by the State Government from amongst three senior most officers

empanelled for the rank. Empanelment to be done by the State Police Board.

- Security of tenure for key police functionaries.
- District Magistrate to have a coordinating role.
- Initial appointment at Civil Police Officer Grade-II and Sub-Inspector levels.
- Constitution of a State Police Board, headed by the Home Minister. The State Police Board to frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with law; prepare panels for appointment of the Director General of Police; identify performance parameters to evaluate the functioning of the police services and review and evaluate organizational performance of the police service in the state.
- Constitution of Police Establishment Committee.
- Definition of the role, functions, duties and social responsibilities of the police.
- Constitution of a village police system.
- Creation of Special Security Zones.
- Constitution of a State Police Accountability Commission to inquire into public complaints against police.
- Constitution of a District Accountability Authority.

The Commission has examined the important recommendations of the Soli Sorabjee Committee. The Commission appreciates the comprehensive exercise undertaken by the Committee; the broad framework proposed by PADC is very relevant to making the police a useful instrument of public service in the 21st century. The draft Act prepared by the Committee encompasses virtually all areas of police functioning. The Commission agrees with the formulations in the proposed legislation on the 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. While endorsing the broad direction indicated by PADC, the Commission is of the view that a holistic examination of the functioning of the police and criminal justice system is needed for comprehensive reforms.

The PADC Draft Act advocates 'One Police Service' for each state. The Commission is of the view that 'police functions' are not performed only by the police.

The Supreme Court has directed the Union and the State Governments to take

Immediate steps for the following:

- i. Constitution of the State Security Commissions;
- ii. Notifying the procedure for selection and minimum tenure of DGP;
- iii. Security of tenure for other Police officers;
- iv. Separation of investigation functions 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;

State Governments have started taking action as per the directions of the Supreme Court. A comparative analysis of the Supreme Court's directions, the PADC formulations and the provisions of the Kerala Police ordinance and the Bihar Police Act, 2007

In India, recommendations pertaining to police reforms, as mentioned earlier, have been made by a number of Commissions/Committees. However, the follow-up on these recommendations has been somewhat ad hoc and mostly minimal. Therefore, in the absence of a comprehensive approach to police reforms, the police system in most of the states continues to be beset with many shortcomings and the transformation of the Force as envisaged by various Commissions into an effective instrument of public service governed by the rule of law and safeguarding peace and order has not really taken place.

PRINCIPLES OF POLICE REFORM

Police reforms must ensure minimal dislocation. Reform must meet the growing challenges of urbanization and emerging threats to constitutional order, even a humane, effective, citizen-friendly police are institutionalized. On the basis of the analysis and recommendations of various expert bodies and inputs from

citizens, civil society groups, and professionals, the Commission is of the view that the following eight core principles should form the bedrock of police and criminal justice reforms:

□ **RESPONSIBILITY OF THE ELECTED GOVERNMENT**

It is a responsibility of the elected government to reform proposal must recognize 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.

□ **AUTHORITY, AUTONOMY AND ACCOUNTABILITY OF POLICE**

The various wings of police should have the authority and resources to fulfil their responsibilities. Each such wing should have functional and professional autonomy commensurate with its requirements. For each arm of police, requirements of authority and autonomy need to be spelt out clearly and codified. The However, such autonomy, and authority should be accompanied by clearly defined formal systems of accountability. Ours is an evolving democracy and our institutions need to be constantly refashioned to suit changing needs.

□ **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, which is not required. At the same time, disaggregation and deconcentration are the must but they cannot be pushed to the extreme. There is needed to strike a balance between authority and accountability, and between autonomy and coordination. Excessive fragmentation of the police force is as detrimental to the public good as over-concentration.

□ **INDEPENDENCE OF CRIME INVESTIGATION**

The police are essentially crime prevention and investigation agency, which 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. The lack of professionalism in an overburdened,

under-funded and poorly-skilled police force, coupled with undue interference has led to the lower level of trust in law enforcement. Many honest and hard-working policemen and officers do their best to serve society, but they are powerless to reverse the decline in standards of crime investigation. As a result, enforcement of the rule of law and prosecuting and punishing the guilty has become major challenges in our governance. Given these circumstances, the view that a separate, elite crime investigation agency of police should be created in each state and it must be completely insulated from undue political and partisan influences.

□ **SELF-ESTEEM OF POLICEMEN**

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 up gradation of their calibre and skills.

□ **PROFESSIONAL, 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.

□ **ATTENDANT CRIMINAL LAW REFORM**

Police reforms by themselves, though necessary, are not sufficient. There is a growing perception in the minds of people 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.

□ **POLICE TO BE A SERVICE**

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.

ORGANIZATIONAL STRUCTURE OF FUTURE POLICE

Based on the core principles outlined in the paper, the future police organization and functioning should address the emerging challenges in a competent, honest, humane and fair

manner Piece-meal attempts must give way to a comprehensive and holistic approach. The interest of the State must be balanced by protection and promotion of constitutional values, respect for human rights, and recognition of victim's rights. The police of the future should focus much more on crime investigation and prosecution. Centralized, hierarchical control should yield place to functional specialization, local accountability, and a citizen-centric approach. Hierarchical relationships and a culture of unquestioned obedience should be balanced by horizontal linkages and focus on tasks and teams.

The police station should be the first point of contact for citizens. All crimes should be investigated by the law and order police, and more serious offenses will be transferred to the independent Crime Investigation Agency. There should be effective mechanisms for coordination between local police, crime investigation agency, and riot control police. A system of local courts should ensure speedy justice through fair, but summary procedures (covering cases entailing prescribed punishment of up to one year). These local courts should be an integral part of the independent judiciary and should function under the full control of the High Court and Subordinate Courts. Many functions which need not be discharged by the police directly – service of summons, escort, and general duties, etc. – should be outsourced or transferred to appropriate agencies. Duties under special laws should be transferred progressively to the concerned departments.

Local police (under local authorities), in addition to the investigation of petty crimes, should attend to other local police functions including traffic management and minor local law and order maintenance. More police functions would be progressively brought under the supervision of local governments.

There should be a strong forensic division, with well-equipped laboratories in each district; to support the Crime Investigation Agency (and other police agencies) The Forensic division should be under the control of a Board of Investigation which is discussed later in this Report.

The rest of the police (excluding crime investigation and local police) should constitute the law and order agency. Metropolitan cities with over one million populations can be

entrusted with some of these duties immediately. Until the local police are transferred to local governments, the law and order agency would continue to supervise all local police stations. This agency should be headed by a police officer and supervised by an autonomous State Police Performance and Accountability Commission. As law and order cannot be fully insulated from the political executive, this Commission should have both official representatives and independent members and the elected government should have a legitimate say in decisions to the extent required for effective maintenance of law and order, and democratic accountability.

With the functional restructuring of police as proposed about, and the creation of three distinct agencies, there should be the need for a coordinating mechanism among these agencies to ensure harmonious functioning. Within each agency, the day to day operational control should vest with the chief of the agency, and an Establishment Board should advise on transfers, postings and service matters and would deal with internal complaints.

All the police wings, except the armed police battalions, should be staffed by officers. The Crime Investigation Agency should be an officer corps since inception, and in other wings, there should be a progressive shift by attrition (retirement, promotion, and transfer to armed battalions) of constables. There would be no future recruitment of constables, except to the required extent in armed police battalions, including at the cutting edge level where the constable would be replaced by an officer (Assistant Sub Inspector of Police).

There should be State and local Police Complaints Authorities to investigate serious complaints of abuse of authority, corruption and obstruction of justice. These Authorities should have adequate resources and powers to investigate, summon, and punish, and direct prosecution their decisions would be binding.

The Central armed police units form part of the national security apparatus and have no day-to-day interaction with the public except when deployed for law and order duties. Their structure and top management should continue to remain as at present, with certain mechanisms to ensure professional management, proper selection of chiefs and centurial security.

When deployed on law and order duties, they should be accountable in the same manner as the state law and order police and should be subject to Police Complaints Authorities.

It is painfully aware that changes in the structure and methods of management, however comprehensive, would not; in themselves bring about the needed basic changes of culture and mindset among the concerned players. To the extent such organizational and methodological reforms help restrain partisan and unprofessional conduct and provide for checks and balances as well as disincentives and penalties, there should be a change in the desired direction over a period of time. What is necessary to bring about this change is an honest and fulsome effort to adopt and implement the entire package of reforms and not dilute it in any way.

Concluision

The study findings showed that the present structure of Indian police system structurally and functionally owes its existing to the various Acts and Enactments promulgated by the colonial rulers. After passing the 68 years of independence the time has come to replace the Indian police Act of 1861 to modern police Act. The principles are must be included in police reforms because they would make good policing. All Suggested reforms of the organization structure of the police of future, can benefit people and police personnel equally. In changed circumstances it is needed that Police reforms its structure and procedure so it can better tackle the issues of law and order. As we know that the nature of crime has become so complex and technologically advanced so it's a need of the hour that police take cognizance of these growing challenges and reform their functioning. In this regard, various commission's reports and Supreme court directions can show the path of reform which police administration should take into consideration. Moreover, above mentioned Principles should govern their reform process. Police system established by Colonial power for their benefit is no longer suitable for present circumstances, hence, it's a dire need that our police system must be such which is suitable to our democratic polity and enhances Social justice.

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