Accountability is at the heart of every government regardless of its precise form or pattern in which it is organised even though what varies is its focus, structure or mode of its articulation. There are two forms of accountability in the administrative system. In the first form of accountability is designed on the terms dictated by the top ruler. On the other hand, accountability inevitably acquires a much larger dimension for the fundamental reason that it derives its legitimacy from the people at large and its basic parameters, too, change.¹

The word "accountable" seems to have come in the English language for the first time in the year 1583, and the context was financial. Even today, financial accountability is an important part of accountability. The concept is a comprehensive one and covers all the activities undertaken by the govt. Sorcer Oxford English Dictionary defines 'accountable' as "Liable to be called to account, responsible (to, for)".

Webster's New International Dictionary of the English language gives a similar definition, explaining it as "Liable to be called on to render an account". This definition is important, in the sense that it distinguishes it from a term like control'.

In broad terms the issue of accountability arises as part of the process of delegation. There is a need for accountability when a principal seeks to
get an agent to do something for him or her. The principal gives the agent
resources or delegates power for a purpose and wishes to constrain or
incentives the agent to provide value-for-money in the use of those resources
or that power. The flow of resources from principal to agent therefore
creates a desire in the principal for a flow of accountability in the opposite
direction. In this discussion, the principal is "the one who holds to account"
and the agent is the one who "accounts and is held to account".

In the word of Stewart, "The relationship of accountability, involving
both the account and the holding to account, can be analysed as a bond
linking the one who accounts and is held to account, to the one who holds to
account". Stewart therefore stresses that accountability consists not just of
the giving and receiving of information, although this is an important part,
but also the action of holding to account.

There seems to be a paradox in the development of the democratic
welfare system. As the state groups more and more powerful in order to
serve the people, more and more the people feel to have been pushed into the
background by the growing powers of the social service state. As public
administration machinery expands and becomes more complex, the need for
holding it properly accountable is more acutely felt. In recent times, there
has been substantial agreement among scholars to public administration that
the principal problem of governmental administration today is not one of securing efficiency but one of insuring accountability; some scholars view it as the classic problem of public administration.\(^2\)

Varies expressions like 'control', 'responsibility', and 'accountability' are used to pinpoint the need for insuring subservience of the public officials who, in democratic political system, must not be allowed to have their own way, never was administrative accountability so momentous a necessity as in this era.

In a democratic system, the all civil servants work in govt. for the welfare of people. There is a problem in a democratic system, accountability becomes acute because of the nature of the job performed and power exercised by the public officials. Today, there is a main role of public administrators in a welfare state, to implementing the policies and to making the policies. They consciously make loves and even adjusticate laws. More often than not laws are made now a days by legislatures in terms of the broad objectives to be pursued or the machinery to be set up, and the task of providing the details of making rules, regulations and bye-laws for filling up the gaps left in the legislation, is given to the administrators in order to facilitate the process of executing the laws.

Thus the nineteenth-century problem of keeping watch over the
execution of laws has today grown into the more complex task of exercising control over policy formulation and policy execution.

The basic issue of administrative accountability relates to that part of public administration which has something concrete to contribute towards not only policy adjustment. Perhaps, the most critical and most often overlooked dimension of public administrators and public sector agencies are responsible to the democratic system. Administrative accountability has, therefore, to be understood in relation to making of public policies and their implementation. It means accountability of those administrators who, in some ways or other, contribute to the decision-making process. And this accountability is to the political system as a whole.3

Until recently, the basic measurement of administrative accountability has been efficiency meaning the greatest output from the least input. This meaning is no longer valid. Today, efficiency must relate to the satisfactory accomplishment of given programme goals as attested to by the persons affected by the said programmes. It is because of this expanded meaning that the concept of administrative accountability has acquired multiple dimensions.
Majors Forms of Accountability

Accountability, has two facets, some what separate but inter-related. The first one is basically political accountability, and in a parliamentary system of govt. like ours the executive is kept under an obligation to give an account of its performance to parliament, and the latter has many devices and instrumentalities to this end. The second is primarily administrative and the executive in its turn holds the administrators in departments and other public agencies accountable for how they carry out their responsibility. These two are complementary and they together constitute the foundation of a responsible government.

The accountability of executive to parliament gives to such a system of political arrangements the nomenclature of parliamentary govt. why should the executive be accountable to parliament? The supreme executive authority in India is vested in the President of India, and the most important acts of state are performed of his name. But the president of India has been put under a firm constitutional obligation to act in accordance with the 'aid and advice' given by the council of ministers with the prime minister at its head. As the president is bound by the advice given by the council of ministers the latter alone may be called to account.
Thus there are many forms of accountability in democratic system as

1. Political Accountability

2. Legislative Accountability

3. Judicial Accountability

4. Informal Accountability

5. Representative Bureaucracy

Political Accountability

The administration in a democratic state is accountable to the political executive in the first instance. India is the best example of political accountability. If accountability of any individual administrator is to be insured, the practice is to criticize the political executive to whom he is attached. The chief executive in the USA is the departmental chief or the minister in India and no policy decision can be taken without the concurrence of the political executive. Formally speaking, this is a main role of bureaucracy as a adviser to the political executive on matters connected with policy execution and policy formulation. By the training, to bureaucrats, the govt. makes to them a specialized officer. They serve to the people by the govt. job. They are responsible to the govt., and indirectly they are responsible to the people.
As the political executive is a temporary tenant in the secretariat and seldom gets any opportunity to gather expertise, the bureaucrat's hold over administrative details relevant for policy decisions is significant. The common experience suggests that the political executive usually decides the way he is advised to do by his servants. Unless committed by political ideology or compelled by some other party political considerations, the political executive has no reason to overrule the decision of his officials. Politically the administrator remains anonymous, but he uses the greatest influence on policy-making in normal circumstances. So far as political authority for policy-making is concerned, it is the monopoly of the political executive. But so far as practice is concerned, this political authority is virtually exercised, in most cases, by the bureaucracy. It is as much true in parliamentary democracies, like the British and the Indian, as in political systems like that of the limited states. The political executive is accountable to the legislature but the administrator is politically accountable to the political executive, one has to look to the legislature in order to know the other dimension of administrative accountability.

**Legislative Accountability**

"The dimension of administrative accountability becomes larger if we take into account the parliamentary institution of interpellation." It is the
ancient right of the members of parliament to ask the questions about the state of public administration. When the minister is asked to answer put any MP, the questions are really directed to the department concerned. Every top administrator knows that whatever policy-decision his department takes likely to be questioned in parliament if the matter happens to be serious enough to draw the attention of any member of parliament. The principal function of questions in parliament is not to inform ministers of public reaction to policy but to discipline administration. Administrative responsibility, therefore, indirectly means accountability to parliament.

Today, almost every legislature has developed the practice of functioning through its various committees. Apart from the standing committees, like public accounts committees and estimate committee, there are a host of other committees like committee on subordinate legislation, committee on government assurances and so forth, where the government officials have to meet the queries made by the legislators.

Besides these, there is the system of parliamentary committees of investigation. When any committee functions, it is empowered to ask for files and other relevant documents and call for evidence by the govt. officials. Science independence, there have been quite a free such committees in India Congressional Committees are very effective in the
United States for effectuating legislature's supervision over the administration. Administrative accountability becomes very much meaningful in the proceedings of these committees over the administration. Administrative accountability becomes very much meaningful in the proceedings of these committees as public administrators are put hard to defined their policies and actions on grounds of leaves, rules and their own perception of public interest.6

The financial control exercised through the budget is a potent instrument to legislators. The sharpness of this instrument is, however, more theoretical and potential than practical and real. Post-audit of the govt. accounts is another means of insuring administrative accountability. The comptroller and auditor-general reports to parliament about his findings in India; similar is the practice followed on Britain, Germany, Italy and other countries. France is an exception in this respect, where the 'course des comptes' reports to the National Assembly but primarily serves the president.7

The system of post-audit seeks to ensure that funds sanctioned by legislature are spent by the executive for the purpose for which they are appropriated. That is to say, actual spending is compared with authorized expenditure in order to find out the extent of administrative accountability
for public spending. Today the social service state is so much involved in the economic activity of the nation that almost every nation has found it advisable to allow sufficient latitude to the govt. in planning public spending, shifting the heads, and even aggregates, of govt. expenditure.

**Judicial Accountability**

In a democratic political system, citizens are provided with the necessary legal means to challenge the policy decisions as well as administrative decisions of the government. In India and other former British colonies, before their independence, administration's role was limited. Administration was responsible for taxation and law and order. Today, the dimensions of administration has been changed. The role of administration has become very important in social service, provided by the govt. If dispute still persists, citizens can approach regular courts of law challenging the decisions of the govt. In other countries, like France, Germany and Sweden, there is the system of administrative courts to handle disputes concerning public administration and bureaucracy.

Based on the French model, these courts are staffed by judges who themselves were former administrators or, at least, trained as administration in the Ecole National de Administration. In India, Supreme Court and the
high courts can issue a variety of writs challenging the decisions of the
government. The public administrators, therefore, have to advise on policy
formulation and policy implementation keeping in view the probable
reaction of the court, if and when their policies and/or actions are challenged
in a court of law.

To the extent that administration has to give a proper explanation and
produce sufficient justification for its policies and actions before a court of
law, the judicial dimension of administrative accountability becomes clear.

In the second place, a quasi-judicial institution, like the ombudsman,
has been rendering useful service for insuring administrative accountability
in a large number of democracies. Originating from the Swedish model,
set up in the nineteenth century, the ombudsman is basically an agent of
parliament for defending the public interest and public morale against any
sort of malfeasance, non-feasance and overfeassance of the executive. In
Sweden, this institution has practically become a part of the national
political culture and has been successfully defending the public interest by
enforcing administrative accountability for policies and actions of the public
officials. In Britain, the Parliamentary Commissioner of Administration,
compared to his Swedish counterpart, enjoys limited powers but has
already proved to be an useful instrument for insuring administrative
accountability. In India, on the other hand, the case for Lokpal, an ombudsman like institution at the national level, has been much advocated but not pursued seriously up till now. The experiences of the state level lokayukta have so far been most disappointing. This fact provides further evidence that administrative accountability could be insured only when the political system is sufficiently democratised.

**Informal Accountability**

An informal way of enforcing administrative accountability is always open to the elected representatives of the people. Members of legislature, for the purpose of their 'constituency service', often approach public administrators with complaints and requests on behalf of their clients. To act as an ambassador of grievances is one of the essential jobs of an elected representative. But this method of enforcing administrative accountability is inefficient in that such intervention is usually made on behalf of particular cases and, after a while, such intervention issue is involved in constituency service, nor any general solution of the problem could be found by such a means.

Publicity of administrative policies and actions is yet another informal way of achieving administrative accountability in a democracy.
Administrators basically feel an obligation to meet the queries of the press and other public media for two reasons: first, refusal to meet would be interpreted as arrogance and may give rise to avoidable suspicion; secondly, if the press and other public media can be adequately fed with appropriate information, the task of implementation of administrative policies and decisions becomes easier as the public obtains the necessary perspective of the administration's point of view. Sometimes, a reliable and workable rapport with the press and the public media helps the administrator to wage his battles against undesirable and vested interests or corruption. Hence, the public administrator in a democratic system must remain accountable to the press and other public media.

Thirdly, informal accountability of the administrator can also be noticed in his relations with interest groups, lobbies and pressure groups, whose existence is a characteristic feature of the pluralist structure of a democratic society. A great responsibility for monitoring the regulatory process in a democratic political system devolves on these competing interest groups. By identifying issues, making them generally understandable, and increasing public scrutiny of administrative policies and actions, these groups hope to bring a great impact on public administration for the public good. Publicity is a major tool for the advocates of the 'public
interest' which is, after all, a complex and elusive notion. As Harmon has shown, four sets of conflicting values regarding the public interest can be compared by viewing the 'public interest' as: (1) unitary of individualistic, (ii) prescriptive or descriptive, (iii) substantive or procedural, and (iv) static or dynamic. From this comparison he has defined the public interest as "continually changing outcome of political activity among individuals and groups within a democratic political system." This is to say, the public interest is seen through the operation or process of public administration rather than its substance. And in shaping the operation of administration, both the public media and the interest groups play important roles. No administrator can afford to forget his accountability to these agencies.

These informal groups very often enter into correspondence and consultation with public officials and demand changes in public policies and administrative decisions. In dealing with these groups, the administrator plays the role of a negotiator willing to listen to their arguments and viewpoints and trying to discover if and how far these can be accommodated in public policy. For proper performance of this job, the administrator is expected to possess knowledge about the affected interests and some amount of diplomatic skill. In a democratic political system, the government and public sector agencies can hardly afford either to neglect these groups or to
become arrogant in dealing with them because the very existence and functioning of these groups set a limit to the making of public policies.

Normative Accountability

As Carl Friedrich argues, there is mind of some elasticity in the power of the administrator, some discretion to be used by him, and some inner check upon his own behaviour. Hence, he has stressed the normative or moral aspect of administrative accountability by arguing that internal 'informal controls, like the professional standard, codes of ethics, and social values possessed by individuals are very much necessary. Once these normative controls are strengthened, administrative accountability would increase. These norms, as and when developed and internalised by the administrator, become an efficient form of control in that these can serve as 'preventive' rather than 'correcting' measure against administrative malfeasance. The best such norm that one can think of is the administrator's commitment to public service. With the help of two broad dimensions of the administrator's 'responsiveness' to the democratic process and his 'advocacy' or active support for the adoption of policies, Harmon has identified five degrees of commitment to public service and correspondingly five styles of administration in matters of policy formulation in public organisations. He has termed these styles as survival (low responsiveness combined with low
advocacy), rationalist (high responsiveness combined with low advocacy), reactive (compromising responsiveness with advocacy), prescriptive (high responsiveness combined with high advocacy). Of these, the 'rationalist' style produces no policy initiative and the 'proactive' style asks more of the right questions. In a dynamic situation, say, for example, development administration, the proactive type may be preferable.  

The norms of administrative behaviour constitute the values affecting the accountability of public officials. Ilchman has rightly emphasised the need for role congruence between the expectations of the people and the behaviour of administrators. The value system of the civil service is essentially built up in response to what may be called the public image of public administration. Sheer public expectations about public administration sometimes compel individual administrators to behave in a particular way.

The values like equity and propriety are highly prized in western liberal democracies but these are not so prized in the developing societies. In the rigidly structured societies, which are sustained by family or clan membership, the public official would be viewed by the people as a misfit if he tries to uphold the values of equity and propriety in opposition to kinship affiliation.

On the other hand, the environment of political culture also helps the
public administrator to develop his perception of his own role. If the administrator is obsessed with responsiveness to the democratic process and prefers not to do anything which he is not legally expected to do, vigorous administrative leadership can hardly be expected from this style of administration in the tasks of managing the economy, running public enterprises, administering development projects and so farth.

The concept of administrative accountability is, therefore, culturally oriented, and it varies with varying nature and degrees of public expectation about the administrative system. But certain administrative values can, however, be generated within the administrative system at any point of time. If the administrative class can be moulded and trained in such a way as would help generate a strong esprit de corps, a sense of commitment, to public service can be generated so that administrators consider themselves normatively accountable for their decisions and actions. It is, of course, difficult to generate such normative and ethical values among the lowest cadre employees in public service, who hardly feel any difference between themselves and their counterparts in private organisations. The British administration in India somewhat succeed in generating a strong esprit de corps among the ICS officers; the picture is not the same in the successor service of IAS. Deprived of the enormous powers, discretion and privileges
enjoyed by the ICS officers, the IAS officers appear to be lacking in a high professional commitment. Whatever standard of professional ethics was inherited by the Indian administrative class has been eroded over the years. The low mark was reached during the Emergency period (1975-77). The norm of professional ethics of the Indian administrative class has not developed to such extent that erring administrators can be pulled up by their professional organisations. Hardly any value-sense in careerism is generally uncritically appreciated. Certainly, this is not the picture in western liberal democracies. But there also one can notice some difference between the high status and prestige enjoyed by the administrative classes in Britain, France and Germany, on the one hand, and not-so-high prestige enjoyed by the administrative classes in the United States and Australia, on the others. The difference is explained by their different histories and cultures. In those civil service system, where professional norms and ethical standards are well-developed, the legal-institutional control mechanisms are needed for dealing with deviant cases only. Normative control, thus, appears to be a tolerably reliable means of effectuating administrative accountability.

**Representative Bureaucracy**

Another approach to administrative accountability would be to make administrative processes and policies more reflective of citizens' desires by
making the bureaucracy 'representative' of the significant groups in society. The thesis of representative bureaucracy, first developed by Kingsley, grew out of a recognition of the inadequacy of the traditional legal-institutional controls for insuring administrative accountability in a modern social services state. The argument runs like this: public administration are not simply neutral tools to carry out policies laid down by the legislature, but they are in fact deeply involved in formulating policies, concerned as much with ultimate results as with efficiency. Moreover, legal-institutional controls, if carried too far, make the administrators rigid and the administrative machinery becomes ineffective. Hence, the accountability of an administrator depends ultimately on the values, attitudes, beliefs, and interests which underlie his behaviour. These behavioral factors are shaped by the socio-economic and other groups of which he is a member.

Administrative accountability can, therefore, be insured only if the bureaucracy could be made representative of all important groups in society through appropriate methods of recruitment. However, the pertinent question is: which groups in the larger society are to be represented? Obviously only those groups which are politically significant. But it is easier in a structural society than in a pluralist society to identify the politically significant groups. Furthermore, it has not yet been proved through research that
administrative behaviour is influenced by group membership of the parents. What representativeness of bureaucracy seeks to achieve through the opportunity system can be obtained by suitable reform of the academic training of candidates for the public service so that public administrators may develop their understanding of the social, political and economic forces and problems of the society with which the policies they formulate and implement must deal.
REFERENCES


4. This has been done most explicitly under the 42nd Amendment of the Constitution, Passed on 1995.


The accountability of the bureaucratic executive at the various levels be defined and a degree of immediate proximity to the people introduced. The concept of anonymity of the bureaucratic executive cannot wish away the necessity for fixing his accountability for the performance of his duties. While the above is true for the entire administrative machinery, it has an extra significance for the police organization, which is entrusted with the task of preservation of the basic order in society which is essential for the stability of a Constitutional Government. Unlike the other executive wings of the Government, the police has maximum visibility. Visibility by itself waters down anonymity. The accountability of the police has to be viewed in this light.¹

"Accountability means answerability for the proper performance of the assigned task. It means more than mere responsibility to discharge the duties involved in a job and include that the discharge of duties shall be to the satisfaction of the party for whose benefit the duties are being discharged.

Therefore, accountability pre-supposes two parties, one under obligation to render account for the proper performance of the task assigned and the other having a right to ask for and receive such an account.²

It is, therefore, essential that the departmental functionaries should
know clearly the source of authority to which they have to account for their performance. A clear understanding of the concept would indicate to them their various roles and functions, the level of expectations and the limits and constraints within which they have to function. A similar understanding is essential on the part of the source of authority to which the police is accountable. Lack of understanding by either side will result in misplaced goals and objectives and consequent displacement of accountability.

This leads us naturally to the next issue as to whom the police is accountable. In a democratic society, each department of the Government including the police is ultimately accountable for its performance to the people. However, direct accountability to the people in a society like ours may prove difficult. It has, therefore, been constitutionally laid that the public service is accountable to the elected representatives of the people at the forums of Parliament and State Legislatures through the Minister/Ministers concerned. We have already stated that in the modern world ministerial responsibility of this kind waters down the administrative efficiency and fails to provide the necessary satisfaction to the people. It has become urgent and essential to devise new mechanisms of accountability to ensure a certain amount of direct responsibility to the people at the various levels of administration.
While the ultimate accountability is to the people, the police have a proximate accountability to the law of the land, which is essence is the expression of its will. As the prime law enforcing agency, the activities of the police not only centre around the enforcement of various laws, but their free functioning is also governed by the processes of laws. The action of the police is, therefore confined to the laws of the land while enforcing the same. Every stage of their activity is given, governed and judged by provisions of law. In this area of accountability to the law of the land the police activities come under very close scrutiny of the judiciary. In other words, the accountability to the law is ensured by judicial review at several stages.³

We have spelt out in the preceding paragraphs the three-fold accountability of the police i.e. to the people, to the law and to the organization. We would emphasise that the concept is in fact inter-related and ultimately points to one and the same principle. The laws are the collective will of the people expressed through various legislative bodies and put into a formal shape. The department functionaries are found to act according to the laws as enacted. Finally, it is the people who have created and authorised the supervisory hierarchy of the department to control and direct the functionaries at police station and other levels so that the latter
discharge their statutory duties in accordance with the procedures established by law.  

**Accountability to the People**

Another distortion noticed by us in preferential attention of the police to the urban areas at the cost of the rural areas. Since the urban population is more vocal and more demanding, the public services have tended to neglect the rural population. We understand, in several States, departmental instructions provide compulsory stay of district level officers in the rural areas for at least 90 days every year. We notice that these instructions are seldom complied with. Police functionaries of and above the level of Dy. Supdt. of Police/SDPO, therefore, do not come into contact with the rural population as frequently as they should.

We would have liked the accountability of the police to the people to be made more direct and visible by vesting the power in the people to ensure accountability directly to the people themselves. But in a representative democracy like ours, we are aware that ensuring such a direct accountability, though desirable, is beset with various difficulties. We are, however, convinced that it is not impossible to introduce a near-direct accountability of the police to the people whom they serve. This does exist in a way even
today. The Superintendent of Police of a district and the Range DIG get regular feed-back from the people and the press. This enables them to assess the performance of the officers at the Station House and other operational levels.

In other words, this awareness of accountability to people should not only permeate the system but the officers individually as well as in groups should be sensitized to the idea of the importance of accountability to the people. We have stressed the aspect in our Chapter on Training of Police Personnel also.

Inspections are instrumentalities in introduction of direct accountability to people. Officers, therefore, have to take inspections seriously and make them more meaningful by conscious and constant interaction with the people. They should not hesitate to meet the people and the press, nay, they should seek out people during their inspections to get the necessary feed-back to assess the functioning of operational level policing. This should be both at the district and at the Station House level. During the inspections, the inspecting officers should call meetings of the cross-sections of the people and discuss their problems with them. At the district level they should hold meetings not only with the cross-sections of the people but with the representatives of the people at the Municipal, Zila Parishad levels and
with the MLAs and MPS of the constituency. Selective inspection should be carried out so that the complaints as well as the reasons therefore could be ascertained in detail.

We would like to lay emphasis on the point that officers at the level of Superintendent of Police and above should be required to watch the reputation of Station House Officers. Responsibility in this regard must be squarely fixed on them and any failure on their part in this regard should be viewed seriously. However, there may be circumstances where the supervisory ranks may either fail to assess the reputation of the SHO or fail to take appropriate action even after a case of bad reputation has come to their notice. In such circumstances, the people have a right to petition to the State Security Commission. In such cases the State Security Commission should cause appropriate enquiries to be gauge the reputation of the SHO concerned and take such action thereafter as may be required.\textsuperscript{5}

**Accountability to Law**

The principal criminal laws in the country are the Indian Penal Code and the Criminal Procedure Code. There are also some special/local laws making certain acts. Police accountability therefore, is to the law as established by the people in all areas of law enforcement. In the area of
investigation they are exclusively governed by the laws, both substantive and procedural. They are not subject to the directions of any authority not recognised by the law. In other areas of law enforcement, the police accountability continues to be to the law as enacted. In the latter areas, however, their functions are subject to such broad policies as may be laid-down under the law by the recognised authorities. Even here the broad policies as may be laid-down under the law by the recognised authorities. Even here the broad policies can be laid-down only under the law and not beyond or against it.

The above-mentioned factors are essential for ensuring police accountability to law; but we observe that there has been a continuous erosion by undue interference in the exercise of the discretionary authority and statutory duties of the police. Extraneous interference is damaging the police accountability to law. In this context Professor David H. Bayley expressing his views on the subject has observed:-

"In India today a dual system of criminal justice has grown up - the one of law, the other of politics. With respect at least to the police, decisions made by the police officials about the application of law are frequently subject to partisan review or direction by elected representatives. This autonomy of police officials in specific and routine applications of law has
been severely curtailed. This is not only true of law and order situations. People accused of crimes have grown into the habit of appealing to political figures for remission from sanctions of law. Police Officers throughout India have grown accustomed to calculating the likely political effect of any enforcement action they contemplate. Fearing for their careers and especially their postings, they have become anxious and cynical... But everywhere officers expect to be held personally accountable by politicians even more than by superior officers for enforcement actions taken in the course of duty.”

While police functionaries have been accorded wide powers under the law, many of them affecting the freedom and liberty of an individual, provision has also been made for strict scrutiny by the courts over the manner in which the police exercises these powers. Almost all preventive and investigative activities of the police are subject to scrutiny by law and adverse observations by courts on police conduct call for a mandatory enquiry attended with follow-up action. At the same time any member of public who feels that the police in a particular situation has acted contrary to the law, can move the courts for redress. In order to secure fuller accountability of the police to the laws.

We feel that officers of and above the rank of Superintendent of
Police should be empowered to order defence of their subordinates. The Government orders should be necessary only in case when a complaint is filed against an officer of the rank of Inspector General of Police or Director General of Police and also in case the complaint against the police officer is of rape or murder.⁸

**Organisational Accountability**

In the system of accountability internal to the organization also we have noticed equally serious drawbacks which have led to distortions and which would require suitable corrective measures. In a hierarchical system like the police, accountability is determined at various levels with reference to the next higher level. For instance, the SHO is accountable for his individual performance as well as collective performance of the Police Station to the Superintendent of Police. So far as the performance appraisal of individual functionaries are concerned, we have dealt with that in a separate chapter in our Seventh Report. In this chapter we are confirming ourselves to evaluation of collective performance. This is because in our opinion individual performance appraisal requires a more detailed and exclusive discussion and the evaluation of group performance may be more appropriately dealt with in the context of police-accountability. Evaluation of group performance is conducted by various levels of supervisory police
officers by the exercise of periodic inspections. For instance, the District Superintendent of Police inspects police-stations under his charge periodically. Similar inspections are carried out in respect of the District Police by the D.I.G. and the Chief of the State Police. We note that the yardsticks adopted for evaluation of group-performance are generally similar in most States with regard to the major areas of police activities. For instance, the most commonly used parameter relates to assessment of police efficiency by comparison of crime-statistics of the period under review with those of the previous years. If the number of offences registered during the period under review is more than those in the preceding years a facile conclusion is drawn that the police of the area has failed to control crime. Firstly, statistics of reported cases of crime do not reflect the true position regarding police efficiency, as the police by themselves do not exercise control over all crimo-genic factors. Secondly, adoption of this parameter leads to large-scale non-registration of offences at the police station level.

Since free-registration of all cases reported at Police Station would mean swelling of crime figures, under-registration at the Police Station level has become a prevailing practice. We would like to add, even at the risk of repetition, that suppression of crime-statistics is not a malady afflicting the Police Station level only; it has taken into its sweep the supervisory
authorities at all levels also. Since the crime situation is discussed every year on the floor of the State Legislatures primarily on the basis of crime statistics. State Governments in the majority of the cases are also interested in presenting a rosy picture of crime incidence. Therefore, the State Governments and the senior police-officers frequently connive at under-reporting of cases.\textsuperscript{9}

With regard to the departmental accountability, we would like to lay down as a guiding principle that a functionary in the department at a particular level should be held accountable only with respect to functions and duties assigned to him; conversely the accountability should not extend to duties over which he has no direct control. Such duties and functions are assigned to police-officers at various level from time to time by virtue of various laws and departmental rules. Great damage has been done, in our view, by not taking note of this important principle, and holding functionaries at each level responsible for everything happening throughout his jurisdiction. To elaborate our point, the Inspector General of Police is responsible for generally maintaining law and order throughout the State, generally maintaining integrity and morale of the force, personnel management including training of personnel etc. But he cannot be held responsible for each isolated incident in a particular district unless it is
proved that the particular incident occurred because of some acts of omission or commission on the part of the Chief of Police, or such incidents have been widespread and the latter has failed to react adequately. In a similar manner, it would be wrong to hold the SP or the SHO accountable for each isolated in their respective jurisdictions.

The necessary for accountability of the police organization is not far to seek. As mentioned earlier, it is too much to expect the political executive alone to account for the acts of the Government departments under their control and the individuals in those departments. The vary remoteness of the political executive from the grass-root functioning of the Governmental agencies makes it imperative that the accountability has not only to be defined but prescribed precisely for various levels of the Government organization. Again the concept of ministerial responsibility to the people through the Parliament and Assemblies presupposes anonymity of the Governmental agencies. In progressive democracies, the concept of anonymity has given way to direct accountability of the various constituents of the Government to the people.10

We want to emphasise that accountability can be ensured only by active supervision. Accountability also depends upon the awareness of the people of their rights and their willingness to exercise the same in a
responsible manner by activating the mechanisms worked out by us. At the same time that awareness should also include clear understanding of the limitations and constraints within which the police has to function. Police on their part should also clearly understand that the ultimate accountability is to the people and to the people alone. Their accountability to law and to their organization are only complementary to the ultimate objective of accountability to the people. If the people are not prepared to assert their rights through the various agencies prescribed by us apart from the Courts, if the State Security Commissions are not established, if the media remains biased and not constructive and inspections continue to be a farce, nothing much can be expected from the mechanism of accountability.
REFERENCES

1. Vadackumchery, James, Activism, Accountability and Justice, Jan 2004 A.P.H. Pub. Corp. p-54


