Ancient India

A historical study of the police administration unfolds the different degrees of accountability of the Indian police during different periods. Police existed in India even during the Vedic times i.e. prior to fourth century B.C. The laws of Manu (200 B.C. to 200 A.D.) carry some references to what may be identifiable as a police function. The momental work of Kautilya, the Arthashastra which is regarded as a treatise of the contemporary criminal justice system brings forth that law and order was maintained through threat of punishments like the multilation of limbs arid the death penalty. The responsibility of preventing thefts and other crimes was entrusted to the village Headman. During Chandragupta Maurya's period popularly known as the "Golden Period" of Indian history, Megasthenese, the Chinese visitor, wrote that people were law abiding and crime was very rare.

The entire Mauryan administrative system was bifurcated in Pranta (Terminal), now known as province, Pradesh now known as commissioners, Vishaya now known as district, Nagar now called cities and Gram i.e. villages. The head of such district used to be known as Vishayapati. He was responsible to maintain peace while preventing and detecting crimes in the district. The district was further divided in Sthaniya, generally constituted on 800 villages and functioning under the charge of an officer known as
Sthanik. Sthaniya was further divided in the administrative units of Kharvatik, Dronmukh and Sangrahan, Gop was the officer at this stage and his responsibility was to maintain law and order in his area of operation. The village head-man known as Gramini was responsible for the police activities in the village. He used to discharge his duties with the help of village community. Thus, at the grassroot level, a collective policing was in operation. Each officer was accountable to his superior one and thus he used to report about the problems to his senior officers, who were supposed to take proper action. Apart from this general police structure, the special police with a functional specialization was also operative. For instance, officer like Chaur Rajjuka and Vivitadhyaksha were considered to be an expert in apprehending thieves. The officer may be considered as predecessor to present times C.I.D. Briefly, this was the district police organization. In the district generally a few towns were also functional which had a different police organization. Normally, the cities or towns used to be set up for strategic and economic reasons and they used to be called according to their nature. For instance, if a city had a fort it used to be known as Durg Nagar. Similarly, a fiver town may be called as 'pattan' and a general town; as Sthaniya. The chief of the town police was known as Nagaradhyaksha or Nagarik. He may be considered as the counterpart to the
commissioner of police of the present days. The entire city used to be divided into four parts, each part being headed by an officer known as Sthanik, a counter part to the present superintendent of police. On a unit of 10 to 40 houses there used to be an officer known as Gop and his duty was not only to provide security to the residents but also keep a close eye on their activities. Guards known as Rakshak used to patrol the lane and bi-lane of the city and stationed at Chatushakhas (Chaukies) and Gulm (Gumaties). Apart from this Vivitadhyaksha, Navadhyaksha and Mudradhyaksha used to patrol with their force in the forests, Water ways and out skirts of the city to prevent the commissioning of crime, and project citizens from disorder. Besides this Chaur Rajjukas also used to operate. An intelligence force was also operative but not at the district level. In nutshell, this was the organizational structure of police at district level Mauryan times. The facts have been corroborated by great Manu in his epic Manu Smriti. By and large, this police system remained in vogue during Gupta, Vardhana and Rajput periods. Though the designations of the officers changed a bit, the prime characteristic of ancient police system was its community orientation, functional specialization, de-centralization and expertization. To a great extent, the accountability of police was towards the masses. However, this scene changed with the advent of Turk and Mughal rule in India.
Police Administration During Medieval Period

India witnessed great political instability in the country. War was common in those times. In a vain bid to establish their primacy the princes used to fight amongst themselves. This chaotic situation invited the barbaric clans of Central Asia in India. Right from the invasion of Mahamood Ghaznavi to the exile of Bahadur Shah Zafar. India remained under the dominance of Turks or Moghuls. The object of alien ruler was to establish and cement their dominance in the country through centralized military administration. In such circumstances there was hardly any need of police organization. However, they maintained the policing activities with the help of military personnel.

Administratively, during the period of Turks the entire state system was divided into provinces known as Suba or Khalsa. The head of this unit was recognized as Naib Sultan or Vail and he was considered responsible for the security of the area. The province was further sub-divided in the Parganas and Siqs. The officer-in-charge of the Siq was known as Sidqar. He was responsible for the maintenance of security in Siq. Similarly, Fauzdar used to head the Pargana and Pargana further divided into Kasba, Sadi (a group of 100 villages). From the policing point of view at district level, Fauzdar was the chief administrator. Yet except during emergency, he
used not to interfere in the affairs of rural or urban security system. At rural level, village chief known as Mukaddam or Sarpanch was the chief police officer and used to maintain law and order with the help of village community. At this level the government official Muhasil or Gumastha, representatives of Fauzdar, Khwaza and Musarif (representative of the state) used to help 'the community policing.9

When the Mughals took over the rule, their main objective was to sustain their empire and authority. They introduced only those changes, which suited their objectives. They made all higher appointments hereditary. The provinces were out under the Subedars or Governors. Subedars were responsible for the administration, including the system of criminal justice and keeping peace and order in their jurisdiction. Under the Subedars, were Fauzdar incharge of Sarkars or roughly the present Districts. Their responsibility was the suppression of crime and rebellion, keeping peace keeping and providing protection to the law-abiding citizens. In actual practice, the Zamindar or the grantee of the land of the villages, was made responsible for peace and security of the area under his charge. The Fauzdar acted as a check on them. Every area under the charge of a Fauzdar was divided into Thanas and Chowkies; each placed under the charge of Thanedar. The Thanedars were paid by the Zamindars, though the Faujdar
appointed them. Roughly each Faujdar had 500 to 1500 Sepoys under his charge, depending on the size of the district or Sarkar. The Chaukidars, or village watchmen, employed by the village community, were expected to maintain peace and provide security. In big urban centres, the chief of city police was called Kotwal. The duties of Kotwal included the arrest of thieves and criminals and guarding the life and property of the citizens. According to *Ain-I-Akbar*, the Kotwal was to maintain a record of the houses and inhabititants. The Kotwals were to appoint spies and keep a record of happenings.¹⁰

In some respect, he may be considered as the counter part of the police commissioner of present times.¹¹ Generally, the city use to be divided in Mohallas and the local nobles were asked to maintain peace in the areas while keeping strict watch on the anti-social elements. Thus, as lower level even in the cities the policing activity was community oriented. A highly centralized intelligence set-up was also operative in those day. The Quazis dispensed the justice according to the Muslim laws and Quazi-ul-Quazat was the name given to the chief justice. The criminal of Faujdari courts or Adalats were presided over by the local landlord who was called Zamindar. Strictly speaking, a highly centralized police organization with a functional specialization was in promulgation during those days.
The policing system of the Sultanate period and Mughal period is marked with tyranny, unnecessary secrecy and repressive attitude, administration was basically exploitative in character and the interest of the throne was always given precedence over the interest of the people. The Thandears maintained law and order with the help of garrison. The Thanas were military command posts rather than civilian police outposts set up to look for the safety security and well living of the people.

As the Mughals were preoccupied with conquests and collection of revenue, the task of maintaining law and order was assigned to the Zamidars-who in turn exploited & terrified the poor villagers for their own benefit. In fact, they became terror personified.

Shivaji also adopted the Mughal system of administration except that he modified it on Hindu traditions by giving Sanskrit names in place of Persian names. He also abolished the hereditary system of recruiting-officials and in their place appointed officials who could be transferred from one place to another. Shivaji also had a good system of spies and intelligence collection system.

According to Manu Smriti, the village head man was responsible for preventing and detecting crime under the control and supervision of the King. According to Fahein, a Chinese Buddhist, anybody in that reign could
travel to any part of the empire without fear.

A close study of this period shows that the authority having the power to prevent and detect crime was accountable only to the king (who represented both as the organizational head and the law).

**British Period**

It was in 1772 Waren Hastings had set up a Police Administration in Bengal with the appointment of Foujdars. In 1793, Lord Cornwallis the then Governor General of India took police administration out of the hands of the zamidars and established in their place a uniform police force responsible to the agents of the company. Under the new scheme, the post of Darogha was created in every district. Daroghas were made responsible to the district judges and it was their responsibility to supervise the village landowners and headmen policing the villages.

Professor Bailey quotes John Beames\(^{12}\) to give a graphic account of the personality and power of the darogha:

"They ruled their territories like little kings. Their misdeeds were legion and always went unpunished, for who would have the temerity to repost him to the collector. The darogha's powers of harassment were enormous; he could have a person indicted for harboring a bad character or
failing to assist an officer in arresting a criminal. Obtaining witnesses presented no problem to the darogha. They were close to the people and were themselves and unscrupulous enough to meet the criminal on his own ground." Beames has also credited the daroghas for being splendid detectives. The darogha system failed to deliver the goods, in particular they failed to supervise the village police. Thus, the police were answerable only to the company and to nobody else.¹³

This system was also a failure and had been explicitly acknowledged in the Preamable to Regulation XII of 1807, as a result of which in 1814 the system was abolished, and the government returned to the traditional method of village policing, thereby proving the importance of present day policing wherein the police needs to be accountable to the people.

The next major development in the history of police administration took place in 1808 under Regulation X, with the appointment of a Superintendent of police analogous to the modern Inspector General of Police. He functioned under the general control of the judicial Secretary and Sadar Nizamat Adalat. This facts also established through a judicial of the Judicial Letter to Bengal on 20-10-1824, wherein the Court reminded the then Bengal Government, that "We desire you will remind the Superintendent of the primary object of this appointment as described in
Regulation 8 of 1810. We except him to be vigilant and active for apprehension of robbers, and to proceed to himself to their districts, which appear to require his presence"… the court further continued that 'The very simple power of arrest, vested with them, if judiciously applied can be really productive, otherwise it is of great mischief….In endeavouring to suppress crimes, and to apprehend offenders, harassing to a community should be carefully avoided," but the police became a burden to the people.14

The Judicial Letter to Bengal as earlier discussed, brings forth, that the police administration at their point of time was accountable to the judiciary, but not towards the people. In 1852, a select committee of the Parliament enquired into the affairs of the company with regard to police administration. It included that the subordinate police officials were low paid, corrupt, inefficient and oppressive. This observations of the Select Committee, especially the factors of inefficiency and oppression, shows that the police were not people friendly vis – a vis unaccountable for its act and omission, at least towards the people. The fact is also evident, as in 1854, the Torture Commission was appointed to enquire into the allegations of inhuman torture inflicted on the mass for collection of revenue. On 16th April 1855, the Torture Commission submitted its report suggesting wide range of changes in the police system because the Commission found,
"Corruption and bribery reign paramount throughout the whole establishment, violence, torture and cruelty are their chief instruments for detecting crime, implicating innocents and extending money."\textsuperscript{15}

Thus, the East India Company was being run on commercial basis and no wonder its prime objective was to earn money. The entire administration system was only to guard the interest of the company. Therefore, policing was more exploitative. For them, Maintenance of Law & Order was necessary when it was to add to the income of the company.

The mis-management of the affairs and their cruel & immoral ways to dealing with the people led to the uprising in 1857. The Sepoy Mutiny of 1857 shows that there was no system to evaluate individual performance, an essential ingredient of organizational accountability of a disciplined police force. By that time, the reports of the 1\textsuperscript{st} & 2\textsuperscript{nd} law Commission were also available to the Government and therefore the first Police Commission took only 22 days to submit a draft report of the Indian Police Act which was subsequently passed on 16\textsuperscript{th} March 1861 and eventually resulted in making the Indian Police of 1861.\textsuperscript{16}

The reforms introduced by 1860 Commission did not produce the expected results. This promoted the Government of India to appoint another Police Commission in 1902 (Fraser Commission). The Commission passed
severe strictures on the police. Everywhere they went the Commission heard the most bitter complaints of the corruption of the police. The Commission observed "The corruption of the constable is more intolerable because of the greater opportunities of oppression and extortition which police powers afford.. The inspectors themselves generally indulge with all the corruption…” The Commission felt that as "The police force is far from efficient… It has utterly failed to procure the confidence and co-ordinal cooperation of the people.” It also realized that as the police was involved in ruthlessly carrying out the repressive policies of the colonial Government, 'It was an autocratic vertical, administrative set up\textsuperscript{17}, the rank and file of the police was used in anti revolutinay operations. Hence, police was at its best the loyal coercive arm of the state, and policing was blind toward the people, and only accountable to the government. With no responsibility towards the public at large, for them Independence was only the day of change of Government without any change in their uniform, mode of recruitment, curriculum of, code of conduct, disciplinary control and most importantly in their towards public.

After Independence, India adopted and continued with this colonial enactment of 1861 which was created in the backdrop of the Sepoy Mutiny and thus was heavily influenced by the prevailing thinking of reformers and
till date the Act of 1861 popularly known as the Police Act of 1861 is the bed-rock of police administration in India.

Although India adopted the colonial police Act and police manual but the beginning of police reforms had began in the English rule.

At the National level, to understand the National perspective of the Police Commissions, a glance at the observations and recommendation of National Police Commissions on different occasion is essential.

**National Police Commissions**

**The First National Police Commission** under the Chairmanship of Dharamvira observed that one of the fundamental requisites of good governance in a democracy is an institutionalized arrangement for effectively guarding against excess or omissions by the executive in the exercise of their powers or discharge of their mandatory duties which cause injury, harm, annoyance or undue hardship to any individual citizen. This arrangement has not only to include internal checks and balances to minimize the scope for such misconduct but also to ensure an effective inquiry into any specific complaint of an alleged excess or omission and expose it promptly for corrective as well as penal action. This is specially necessary in the police who have vast scope for exercise of powers
by a large number of personnel affecting the rights and liberty of individual citizens in daily life. Powers of arrest, search, seizure, institution of a criminal case in court, preparation of reports on the alleged anti-social conduct of any specified individual, etc., mark several stages in executive police action which afford vast scope for misconduct by police personnel in different ranks, particularly at the operational level, causing harm and harassment to the citizens, (para 10.1)

The Commission found the police far from efficient, defective in training and organization, and one which was generally regarded as “corrupt and oppressive.” The Commission perceived that “Police performance in India today is under close review and critical assessment by a demanding public in far greater measure than at any time in the past.” . . . and “In public estimate the police appear as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as an independent and impartial agency”. (para 1.1) The Commission concluded the “the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, that this involves great injury to the people and discredit to the Government and that radical reforms are urgently necessary. (para 1.2)

The report further emphasized for an effective check of custodial
deaths. It felt, that it is imperative to ensure that all complaints against arbitrary and high handed police actions and misconduct should be enquired in the manner which will be seen by the public as impartial and effective, through this mechanism the Commission has tersely brought forward the concept of Police Accountability towards the people, towards its organization (by coining the concept of impartial organizational enquiry) and the law of the land.

The Second Report of National Police Commission observed that the basic role of the police is to function as a law enforcement agency and render impartial service. For this, it recommended that this basic role of the police may be specifically spelt out in categorical terms in the Police Act. (para 14.28)

In para 18.37 of Chapter XVIII, the Commission aired its disagreement with clause (12) of the Code of Conduct for the police in India as was adopted at the Conference of Inspectors General of Police in 1960 and recommended that “The police should recognize that their full utility to the people of the country is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience of duties in accordance with law and implicit obedience to the directions of commanding ranks and absolute loyalty to the force and
by keeping themselves in a state of constant training and preparedness. (para 14.29).

With respect to the Constitutional provisions, the Commission felt that Police should act in a manner upholding the dignity of the individual i.e. by safeguarding his constitutional and legal rights and must work for safeguarding the fabric of society and the unity and integrity of the nation.

The Commission noticed that the vast scope for exercising discretion at various stages of the discharge of police functions, particularly in regard to preventive measures. It observed that the exercise of discretion in all such situations should be based on the assessment and judgment of the police functionaries concerned only and it recommended that “To prevent freakish or shimsical decision in such matters some broad guidelines should be laid down to cover all such conceivable situations.” (para 18.46)

The Commission felt that Rule of Politics is trying to replace the Rule of Law – in certain situations as listed below:

(i) Arrest or non-arrest of a person against whom a case is taken up for investigation by the police.

(ii) Deliberate handcutting of a person in police custody merely to humiliate him.
(iii) Release or non release on bail after arrest.

(iv) Suppression of material evidence that becomes available during searches by police

(v) Inclusion or non-inclusion in the charge-sheet placed in court on conclusion of investigation.

(vi) Posting or non-posting of police force in an area of apprehended trouble to create an effect to the advantage of one party or the other.

(vii) Talking persons into preventive custody to immobilize them from legitimate political activity in opposition to the party in power.

(viii) Making false criminal cases against political functionaries for achieving political ends.

(ix) Discretionary enforcement of law while dealing with public order situations, with emphasis on severity and ruthlessness in regard to persons opposed to the ruling party.

(x) Manoeuvering police intervention by exaggerating a non-cognizable offence or engineering a false complaint to gain advantage over another party in a situation which will lie outside the domain of police action in the normal course.

(xi) Preparation of malicious and tendentious intelligence reports to
facilitate action against an opponent (Para 15.13), to achieve the ends, and is the most potent weapon in the hands of the politician to bend down the police to his will (para 15.14), and that the threat of transfer or suspension of Police Officers is the greatest instrument in the hands of the Politicians. So it recommended to insulate the Police from Political and other interference and felt the there was an urgent need to develop a mechanism of control and supervision of the Police and hence the formation of State Security Commission was suggested.

**Third Report of National Police Commission** observed that Police has a special role and responsibility towards the weaker section of the society and as it is practically not possible to evolve precise parameters for identifying and labeling any particular section of the society as weak in absolute terms. There is an immediate requirement for adopting a parameter by the police to identify the weaker section in any given context and determine police response to their situation.

Thus, it recommended the formation of “Special Cells may be set up in the police department in each State to:-

(i) monitor the progress of investigation of cases under the PCR Act or other atrocities against Scheduled Castes/Tribes registered in district police stations,
(ii) make inquiries or investigations into complaints from Schedule Castes/Tribes or other weaker sections of the people that may be received directly in the cell,

(iii) discuss with the prosecution staff the progress of cases pending trial to ensure satisfactory marshalling and presentation of evidence in court,

(iv) collect statistical and other relevant data for the reviewing the state of implementation of the PCR Act from time to time, and

(v) collect intelligence regarding the actual ground situation and identify areas which require special attention for protecting the Scheduled Castes/Tribes and other weaker sections of the people from exploitation and injustice.” (para 19.12) The Commission observed that ‘a lot of corrupt practices in the police are centered round the activities at the police station level under the control/command of the officer-in-charge of the police station’ and it is at this level that the system is most vulnerable to pulls and pressures from extraneous sources. . . and for weeding out corruption it recommended that while the basic responsibility of maintaining honestly and integrity of the force should rests on the supervisory levels, and that there should be surprise checks and
inspections by honest and well motivated officers at the different levels of command. And in extreme cases action should be taken under Act. 311(2)(C) of the Constitution of India. Further, it observed in para 26.13, police headquarters in each State should periodically compile and circulate among the field officers a detailed note indicating the scope and responsibility of the police for the investigation of specified offences under several Central and State Acts meant for the economic and social upliftment of the weaker sections of the society.

The above recommendations were aimed to make police more accountable for their actions with respect to any given situation concerning the weaker sections of the society.

The Commission further observed that, there is an erroneous impression that an arrest is mandatory under the law while investigating a cognizable case and Section 170 CR.PC may be amended to remove the impression that it is mandatory to make an arrest in non-bailable cases. In the amended form as recommended in the report, the section would also provide for taking security from an accused for appearance before the investigating officer or the court, without a formal arrest as such. (para 22.26)
An analysis of the observations and recommendations reveal that (a) the Commission proposed to fix parameters for effective policing with respect to weaker sections (b) in suggested for the formation of special cells to monitor police actions (c) it preferred segregation of investigating officers from officers doing general law and order duty (d) it recommended that all arrests are not necessary. Through the recommendations, it is clear that the Commission preferred for a Police Force accountable to the people, to the organization and towards the Rule of law.

**Fourth Report of National Police Commission** especially dealt with non-registration of complaints as police stations.

In chapter XXVII, para 27.3, it observed that “A complaint often heard against the police is that they evade registering cases for taking up investigation when specific complaints are lodged at the police station. . . .

“This malpractice of non-registration arises from several factors, including the extraneous influences and corruption that operate on the system besides the disinclination of the staff to take on additional load of investigational work in the midst of heavy pressure of several other duties. Among all such factors the most important one which, in our view, accounts for a substantial volume of crime going unregistered is the anxiety of the political executive.”

It pointed out that, apart from malady of non-registration arising from these
factors, police officers are also known to evade registering a case by merely pointing out that the offence has taken place in the jurisdiction of some other police stations. On this account alone the victim of an offence is made to run from pillar to post to locate the particular police station which has jurisdiction and then plead with them to register the case.

In the sphere of investigation the Commission felt that “the code of investigation has to be increased” (para 34.3) and subsequent amendments of S100, 161, 162, 167, 172 was necessary.

The most striking recommendation is given in para 34.10 and 34.16 of chapter XXXIV. In Para 39.10 to stop police malpractice, the Commission recommended that ‘to ensure honesty and cleanliness in investigating a copy of the statement of facts as recorded by a police officer after examination of a witness may be provided to the witness if desired by an acknowledgment.’

The Commission observed that due to inadequate staff for investigational work, there is impediment in daily investigational work. It found that an officer can devote only 37 per cent of his/her time to investigational work while the rest of his time is taken up by other duties connected with maintenance of public order, VIP bandobust, petition inquiries, preventive patrol and surveillance, court attendance, collection of intelligence and other administrative work.
Regarding the procedure of Arrest, the Commission observed that “The present police practice of making arrests indiscriminately in the course of investigations is a source of considerable harassment and annoyance to the persons arrested and their families.” Referring to paragraphs 22.20 to 22.28 of Third Report where the commission have dealt at length with the scope for corruption and malpractices arising from the power of arrest, it recommended the amendment to section 170 Cr. PC and the guidelines for making arrests which it felt would help in changing the existing attitude of the police towards arrests and ensure that the arrest of a person is governed by public interest and the actual requirements of an investigation and not by a mere desire of the police to show off their power. (para 27.24)

Regarding the use of Third Degree Methods the Commission felt that “Police are frequently criticized for their use of third use of third degree methods during investigations while examining suspected or accused persons.” It observed, that interrogation of a person, whether to be a witness or suspect or accused, is a different and delicate process and requires enormous patience and considerable understanding of human psychology, but most unfortunately several police officers under pressure of work and driven by a desire to achieve quick results use third degree methods.

As remedial measures, the Commission suggested that:-
(i) There must be surprise visit to police stations and similar units by the senior officers.

(ii) A magistrate or Judge before whom an arrested person is produced by the police for remand to custody should be required by administrative rules of criminal practice question the arrested person specifically if he has any complaint of ill-treatment by the police, and if he has any complaint the Magistrate or Judge should get him medically examined and take appropriate further action.

(iii) It referred to Chapter X of the First Report, where already it has recommended a scheme for mandatory judicial inquiries into complaints of death or grievous hurt caused while in police custody.

(iv) It felt that all adhoc and short cut methods of investigation should be avoided and recommended that, adequate emphasis should be laid on the honesty and cleanliness of investigations and the adoption of proper methods while handling all the connected work.

(v) It opined that, training institutions should pay special attention to the development of interrogation techniques and imparting effective instructions to trainees in this regard.
Fifth Report of the National Police Commission has dealt with Code of Behaviour of Police Officers where it has given the guidelines as to the aspects of (1) Neglect of duty, (2) Disobedience to orders, (3) Discreditable conduct, (4) Misconduct towards a member of a police force, (5) Falsehood, (6) Corrupt or improper practice, (7) Abuse of authority, (8) Neglect of health, (9) Improper dress and untidiness, (10) Drunkenness, (11) Being an accessory to a disciplinary offence, (12) Damaging the unity of the force, (13) Anti-national Conduct. Thus bringing out the aspect of organizational accountability towards the people and the organization of the police.

While dealing with the aspect of Police Organization, it felt the presence of cynicism.

It observed that policemen have a tendency to become cynical and cynicism develops within very few years of service and policemen very rapidly picks up the knowledge that what the law requires is one thing but what has actually to be done in practice is another. It felt, that once this dichotomy takes root in their minds, all training, all exhortations are wasted. Thus, although legally third-degree is not permitted, but in practice it is the only way. To eradicate such cynism, the Commission has preferred on the job training to police constables and Sub-Inspectors keeping in mind that the
nature of police work requires politeness, courtesy while interacting with the public. Moreover, it recommended that a specially designed course must be introduced to develop the necessary attitude to the police.

In para 41.33 – For better communication with the people, the Commission felt that police will have to give up, to a considerable extent, the secrecy which surrounds their functioning, keeping in mind that they should be accountable to the people and not to the organization only. An analysis of the 5th Report shows, that the 5th National Police Commission has supplemented the Code of conduct for the police with a set of Principles under the caption “Code of Behavior for Police Officers” with the expectation that Police Personnel will imbibe the Code both in letter and spirit. And has given particular stress in the areas of code of behaviour, mental health and improving police-public relationship, thereby bringing forth the aspects of Police Accountability towards the people and the organization.

The Sixth Report of National Police Commission observed, in para(6) that the fundamental requisites of any democracy are the rules of law and the Fundamental Rights and freedoms granted to the citizens under the Constitution. The police as the premier law enforcement agency has a major role to play in ensuring order and peace. Therefore, law enforcement in a
democracy has to be carried out with extreme care and caution so as not to transgress the Fundamental Rights and liberties of people. The police have to be constantly aware of the limits within which all police action must be made under the law. It is, however, seen that, in practice, policemen at the levels of Constable/Sub-Inspector and even/Inspector working amidst the dust and din of public order situations, and under the stress and strain of rapidly changing field situations, sometimes tend to overlook the legal requirements of police action.

It felt that the police performance at the cutting edge level of constable and middle operational and supervisory levels of sub-inspector and inspector largely depends on the quality of leadership and professional competence of the officers of the rank of IPS and that new knowledge and skills have to be imparted to effectively deal with the new problems and requirements. (para 45.3)

It referred to the suggestions of the Kothari Committee which suggested “that officers be assigned to the various services on the basis of aptitude and suitability, after the completion of the foundational course, a subsequent examination and more specialized interview to provide for individual psychological and aptitude tests. (para 44.23)

In chapter XLIX of 6th Report, it observed, there is persistent public
criticism of the police and its role in society which is in contradiction to the glamour associated with services. (paras 44.20, 44.21 and 44.22)

As a remedial measure, it recommended that Police should interact with public especially students in non-conflict situations, as it will remove the impression among all that the police are generally hostile to them. A close look on the observation of the 6th National Police Commission shows that it emphasized for safeguarding the fundamental Rights of the people and stressed on professionalism of policing, thereby emphasizing on the need of police accountability towards the law of the land, towards the people and towards the organization.

In 7th Report of the National Police Commission observed that “In restructuring the existing police system, a very high priority should be given to the strengthening of the basic unit of all police work and policing the Police Stations. As Police Station is the most important unit of the police administration, the public expectations from the police can only be fulfilled if the public are satisfied with integrity, professionalism, fortitude, impartiality, promptness in the services rendered by the jurisdictional Police Station. The fulfillment of the organizational roles of the police departments will have its acid test at the level of Police Station and so any reform to strengthen policing either for rural or urban area should start at the
organizational, location and working of the Police Station. (Para 50.2)

The Commission continued that in order to earn the acceptance of the people, prevention and detection of crime and handling public order situation, which are onerous duties, should be performed efficiently by the Police Station staff.

In a service like police force, the integrity of the personnel should not only be kept at a high level, but the people’s confidence in their integrity should be created and continuously maintained.

The Commission observed that performance appraisal forms the basis for making managerial decisions in an organization. It can be punitive and reductive or it can be developmental and constructive. The use of annual confidential reports for disciplining the employees should give way to treat them as a source of information for administrative purposes and for organizational development through improving the performance of the employee and the employee should be made aware of the quality of his performance, his shortfalls and failures, if any, so that he can correct himself.

It further felt that, a monthly or a quarterly counseling session for constables, sub-inspectors and Inspectors should be made compulsory. The
police leadership should ensure that the counseling sessions are carried out systematically.

The objective of the appraisal interview should be aimed at encouragement of persons behaviour or correcting behaviour based on assessed information. It should not be converted into a disciplinary drill.

It felt that the people expect from the police a certain capability for response both to act as a deterrent to potential criminals by bringing the culprits to book and to enhance their own skills of investigation. Police will be required to pay the required degree of attention and promptness in the conduct of investigations. Manpower commensurate with the volume of work should, therefore, be available at the police stations and each state should set up a Committee aided by Organizational and Method personnel and operational research personnel to work out suitable norms.

Operational research must be taken up by every state police force to evolve new norms of yard-stick based on the new job content of the posts of various ranks. The requirements for investigations, law and order, traffic and other police duties differ from State to State. Each State will have to evolve its own yardstick keeping in view their own needs.

The Commission noticed that the operative job content needs to be
developed in each rank of Police and every State should undertake an exercise to re-design the job contents of the existing ranks of constables, head constables, Assistant Sub-Inspectors, Sub-Inspectors, Inspectors and Deputy Superintendents of Police.

The Seventh National Police Commission looked deeper into the aspects or organizational accountability by stressing the elements of integrity professionalism and counseling session for police. It also looked into the aspects of accountability toward the public with the view that public acceptance of method of policing is a must for any democracy. The Commissions also referred the aspect of accountability towards of the Rule of law.

**The Eight and the concluding Report of the National Police Commission** have dealt widely with the aspect of Police Accountability.

The Report observed “our experience in the preceding three decades after independence has shown that a Constitutional system of Govt. based on democracy cannot function without the support of an effective, efficient and accountable administration.

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 includes that the discharge of duties shall be to the
satisfaction of the party for whose benefit the duties are being discharged.

It is, therefore, essential that the departmental functionaries should
know clearly the source of authority to which they have to account for their
performance. Lack of understanding by either side will result in misplaced
goals and objectives and consequent displacement of accountability.

In a democratic society each department of the Government including
the police is ultimately accountable for its performance to the police. 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.

While the ultimate accountability is to the people, the police have a
proximate accountability to the law of the land. Action of the police is,
therefore, the law of the laws of the land. The accountability to the law is
ensured by judicial review at several stages.

Apart from the above two sources of authority to which the police is
accountable, they have a direct accountability to the organization. This
accountability is ensured under the various regulations and departmental
procedures apart from the inspections and periodical review of
administration.

**Accountability to the People**

The Commission observed that unfortunately the concept of ministerial responsibility has given a wrong impression to the political executive that they are authorized to guide or intervene in police functions. Furthermore, various pressure groups and elite groups have developed who have tended to divert police accountability from the people to themselves.

It also observed in para 61.9 that “a distortion noticed by us is preferential attention of the police to the urban areas at the cost of the rural areas” and it recommended strict compliance of the existing instructions would emphasis that officers of the level of SDPO and SP must reside in the rural areas for at least 90 days in a year.

In para 61.10, the Commission felt that the assessment of the police performance has two facets the first facet consists of the examination of records during inspections, which constitutes the visible part of accountability as prescribed, but more important is the invisible part which can be gathered only by interaction with the people by the inspecting officers. It observed that such interactions enable the police to assess the actual qualitative performance of policing, its impact in that area on citizens.
and the feeling of security. It noted that of such, inspection is essential, but officers should not make such inspections a routine drill. It should be made when necessary so that the public will be able to elicit the maximum possible information about the views of the people in regard to the functioning of the officials in the area.

It mentioned in para 61.12 that the Annual Administration Report is insufficient for an objective assessment as such is based on unreliable statistics. Further, as the Annual Administration Reports generally project only a quantitative assessment it is not possible to have an accurate idea of the qualitative satisfaction of people from such reports. Therefore it observed, that, apart from the State Security Commission an independent cell should also to evaluate police performance, both in quantitative and qualitative terms. This cell should not be a part of the police and may include experts from other disciplines according to requirements. So, in addition to the two reports mentioned above, the state security commission would also be receiving an assessment report, though not so detailed, regarding the state of policing from the Central Police Committee. It felt that these three reports, each emanating from different channels, should provide a reliable base to enable the State Security Commission to assess the police performance objectively and with an amount of certainly, enough to inspire
public satisfaction.

In para 61.15 it felt the need to create the awareness of direct accountability to the people at the various levels in the police hierarchy.

To get the necessary feed-back and to assess the functioning level policing. This measures of getting report is preferred both at district and at the Station House level.

Lastly in para 61.19 it observed “we have in our earlier Chapters expressed the hope that at present, people hesitate to go to police stations but with the introduction of training we have recommended for the police personnel, and the quality recruitment we have envisaged and the constant sensitizing of the police personnel to the problems of the people by the superior officers, it should be possible to convert the police stations into ‘service centres’ for people with problems.

Accountability to the Law

In para 61.26 of chapter LXI, the Commission observed while police functionnaries 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 exercise 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.

Organizational Accountability

While dealing in length with the topic of organizational accountability, the Eighth National Police Commission felt that in a hierarchical system like the Police, accountability is determined at various level with reference to the next higher level.

The Commission observed that the commonly used parameters for evaluating police efficiency are faulty and have not only failed to control crime but also have resulted in gross malpractices by the Police like non-registration of offences, burking of offences, making higher number of cases in local and special laws, staging fake encounters, planting fire arms etc.

As a result of this, great harm has been caused to the image of the police and so it recommended the below mentioned determinant to be adopted by the State Police.

1. For Prevention of Crime
   i. Sense of security prevailing in the community.
ii. People’s cooperation and participation secured by the Police in preventing crime.

2. Investigating of Crime

i. Correct registration of crime.

ii. Prompt visit to the scene of occurrence.

iii. Speedy investigation.

iv. Honestly and impartiality in investigation.

3. Law and order

i. Extent to which law and order is maintained, taking into account the forces which promote lawlessness.

ii. The manner in which law and order is maintained. Two factors have to be judged- (a) People’s cooperation (b) Use of force.

4. Traffic Management

i. Smooth flow of traffic in Urban areas and control of fatal and serious accidents by prosecution of persistent offenders.

5. Service
i. General spirit of service, especially to weaker sections, physically handicapped, women and children.

ii. Quality of service rendered in a distress situation like cyclone-havoc flood-damage, famine etc.

iii. Specific instances of service-oriented functions performed by the Police which drew special appreciation and gratitude from the public.

6. Reputation of integrity and courtesy

i. General reputation.

ii. Police collusion with criminals organizing illicit distillation, gambling economic crimes, prostitution etc.

iii. Promote and satisfactory enquiry into complaints against policemen.

Lastly it felt that with respect to departmental accountability only the functionary who has been assigned to do a particular work should be accountable and it can be ensured only by active supervision.

State Police Commissions

The Kerala Police Commission (1959) observed that "the greatest

The first UP Police Commission (1960-61) observed "one thing, which has struck us, is the lack of an integral connection between the agencies, for prosecution at different level..."

The UP Police Commission (1970-71) page 512-17 noted that the performance of the prosecuting agency was far from satisfactory. The Commission observed that due to lack of knowledge of Law, lack of sense of duty, there was a huge number of acquittals taking into cognizance the steep degradation of investigation standards, together with the interference by political or money or muscle power.

Punjab Police Commission (1960-61) had suggested the same view and had opined that a Deputy Superintendent of Police trained in investigation should lead such staff.

The Maharastra Police Commission (1964) and the Delhi Police Commission (1968) also suggested a similar action.
The Second West Bengal Police Commission (1998) observed that, with urbanization, information, explosion, improvement in communication technology, highly competitive and consumerist life style and other socio-economic changes, the nature of crime is changing as its incidence is increasing simultaneously. Curiously enough, the crime statistics maintained by the police do not reflect this reality.

The Commission strongly felt that it was necessary to insulate the police at the police station level from extraneous pressures including political influences. It observed, "Efforts should also be made to remove the inhibition of officers to register crimes as reported to them. To motivate the public to register all crimes in the police station, senior officials in the police force should take effective steps for closer public contact."

The Commission further observed that "the primacy of investigation work in the police stations has been lost almost as a matter of culture change." And "one of the reasons for such unsatisfactory results of investigation is inadequate time and attention devoted by Sub-Inspectors towards investigation due to pressure of non-investigation duties like law and order, V.I.P. security etc."

It continued that, "apart from poor investigation, another problem arises from non-registration of complaints made by the public at the Police
Stations. Reasons therefore are many viz., unwillingness to work, eagerness to present favourable crime statistics, extraneous pressure and plea of jurisdiction etc. Administrative will to ensure full registration of reported crimes through supervision and merit assessment is required.

It felt that, overemphasis on VIP and other official security has created an adverse impression among the people and "Rule of law has virtually been changed into rule of status."

It further felt that "cynical doubts are expressed today if the police is genuinely interested in serving the people or has it been subverted, over the years, into an inward-looking power-wielding and self-aggrandizing organization. The suspicion about police-criminal nexus and a growing feeling of studied inaction by the police have led to increasing public apathy regarding approaching the police for crime recording and investigation."

The Commission concluded that, a new public management philosophy is currently discernible throughout the word that calls upon government agencies to be result oriented, cost-effective and more accountable than ever before to the public. 'Value for money', 'citizens charter' etc. are some of the building blocks of the new public management philosophy.
There are growing demands for transparency, impartiality, accessibility, ready response, honesty, professional efficiency under effective leadership, and ethics in operational management. Public discontent in a democracy needs to be understood as timely signals for change.

The Delhi Police Commission observed "that though different commissions have made different recommendations about the prosecuting agency, they are all unanimous, of the view, that the agency requires to be radically improved..."

Thus by going through the reports of the different State Police Commission it is understandable that by and large the Commissions agreed on the view that the aspect of functional independence of Police should be apolitical, unbiased as should be based on the cherished goal of service to community.
REFERENCES

1. Ramakant, Police Administration, Om Sun Publication, New Delhi, 1966 p. 44.


