Suggestions
And
Recommendations
SUGGESTIONS AND RECOMMENDATIONS

To improve the performance of police during communal violence situation has been a matter of concern of all those committees, commissions and tribunals, who were earlier set up to study the role of police in the communal violence, and almost all of them came out with more or less similar suggestions to be adopted to reform police. We found that there is a convergence in the views of almost all the panels, be it National Police Commission, the Padmanabhih Committee, the Soli Sorabji Committee and the Malimath Committee which were set up to look into implemented practically.

The following are the recommendations:

1). Recommendations made by the National Police Commission (1979-81), in order to establish the autonomy of the police and free it from undue political control, should be accepted and implemented immediately, especially in relation to:

a). The setting up of a composite State Security Commission to deal with, among other things, the selection of the police chief, to ensure his autonomy, independence and professional functioning, and to confer on him the fixity of tenure to remove fear of punitive transfer and to empower him to act within the ambit of his statutory authority;
b). The evaluation of the performance of the police and receipt of complaints from police officials about illegal and irregular orders from above;

c). Recasting of the Police Act of 1861.

2). An independent Police Complaints Authority should be created, on the lines of the British model, to hear complaints from the public against police misbehavior. In the recent violent incidents in Gujarat, a large number of complaints about human rights violations by the police had to be registered with the very same police authorities who had committed the violations in the first place, creating a very bizarre situation.

The creation of an Independent Police Complaints Authority is essential to obviate such a situation in the future.

3). It is the urgent need of the hour that Law-enforcement be made impartial, effective and humane. For impartial law enforcement, the functioning of the police must be independent of political direction and interference. Courses on human rights, the eradication of caste and communal prejudices, and humane riot control methods should be included in the training programme for police and other law-enforcement agencies. Training of police personnel especially, on the sensitive matter dealing with communal violence is also necessary. The examination of video footage of telecasts by local TV channels as well as of police videos, should become mandatory, to identify and prosecute those found guilty of making provocative speeches/statements and indulging in acts of violence.
4). The social composition of all law-enforcement agencies should be diverse, wherein the presence of at least 25 percent of the personnel from among the minorities and women should be ensured. For this purpose, a study should be undertaken to assess the present representation of these categories in the police and the deficiency should be made up.

5). Recommendations of the Committee on Police Training, 1972, should be implemented, especially in relation to social justice and attitudinal reorientation of the police through appropriate training on social justice issues.

6). The need for the existence of centralised All India Services, such as the IAS and the IPS, should be examined in the light of increasing democratic decentralisation in the country. An Administrative Reforms Commission with a comprehensive mandate, should be set up to examine a gamut of issues that arise in this connection.

7). Official and NGO inquiries and investigative reporting by eminent persons have noted the partisan role of the police during riots. These reports include those of Justice Madon Commission (1970), National Police Commission (1981), studies by Shri NC Saxena (1983) and Shri VN Rai (1996), and finally, by the Justice Shri krishna Commission on the Mumbai riots (1992-93).

The extremely partisan role of the law-enforcement agencies has been generally attributed to the following four factors:
a). A culture of governance which makes the police function as a subordinate body, carrying out orders and directions of the political executive.

b). Deeply entrenched communal prejudices in the minds of a section of officials and police personnel.

c). Social composition of the police and of the other wings of the law-enforcement and criminal justice system, wherein minorities are persistently under-represented.

d). Lack of training in humane and effective mob control by the police. This is a state of affair that needs to be rectified and rectified quickly. It is matter of pity, anguish and concern that no political party has ever paid heed to the urgent need for radical police reforms. It is recommended that this be a matter that is debated and legislated upon with the utmost urgency. Let it not happen that more carnages take place and are condoned by the political class, simply because they lack the moral courage to initiate and push for an independent police authority in the country.

8). Legal provisions must be enacted to ensure restitution of rights and compensation to sufferers/victims of the riots. (The rationale and modalities for taking these measures have been discussed in the National Commission on Minorities Report on Communal Riots: Prevention & Control (1999).

9). The recent response of the government in setting up the Police Act Drafting Committee (PADC) is a case of too little, too late. Not just the police Act of 1861 but the entire paramilitary police structure needs to be revamped.
The penal laws must be altered to enshrine human rights as the core of the legal edifice of the country.

10). Good Salaries and emolument must be given to the police personnel so that the corrupt practices for the sake of money could be controlled and an effort to improve their working and living conditions that will automatically raise their self-esteem.

These are some well-founded recommendations that could help to remove the ailments of police system in our country, if implemented. The main thing is the willingness to change in our political class. Until and unless our politicians, cutting across the party ideology, strongly desire to change the police it is not going to happen. And all these recommendations and suggestions will remain paper work and gather dust only. It will be of no surprise that in the near future we witness another Gujarat-2002. To prevent this, Police must not remain a puppet of politicians and break the shackles of subservience of the ruling politicians in modern independent India.