

# A Critical Study on the Problems Faced By the Police

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**Abstract:** "The fact that training in police was neglected even 20 years after the report of the Committee on Police Training (1972) became clear to me while attending a training programme on social tensions at the National Institute of Rural Development in Hyderabad, in the mid-1990s. During one of the sessions, a few "surrendered Naxalites" who had been invited, were requested to share their experiences. They began with a description of torture in police custody. As the description became more and more graphic, the atmosphere in the training hall slowly became more tense. The silence of the audience was suddenly broken when a senior woman IPS officer from the nearby National Police Academy, also a participant, burst out loudly and uncontrollably at the participating Naxalites.

**Keywords:** Police, Police Act, Police Custody, National Police Academy.

*"When I hear you people talk, I wish I had brought my revolver!" That session of the training programme came to an abrupt end!" -K.S Subramaniam*

## I. INTRODUCTION

Structurally and functionally, the present day Police in our country owes its existence to **The Police Act of 1861 (hereinafter referred to as "the Act")** which was enacted by the British colonial rulers to suppress the revolutionary freedom movement of the Indian masses after the revolt of 1857 and other state-specific rules (for example The Punjab Police Rules of 1934) of the pre-independence regime. However, even after 74 years of attaining independence that have hedged in a myriad of democratic changes, the said act continues to be in force in many of our states. Though most of the colonial institutions have undergone restructuring and have accommodated change, the state of affairs within our police force has seen very little change; apart from just apprehending the convicts of crime, several other responsibilities have been entrusted to the Indian Police to meet the challenges of contemporary times. The Act on the other hand, assigned a very negative and restrictive role to the police. Various problems, such as a rigid bureaucratic structure and over-centralization, high disciplinary procedures, hampered communication, poor image, high disciplinary procedures, public alienation etc are endowments of the colonial legacy. Additionally, persistent understaffing and a rapid increase in crime rates incessantly add to officers' burden. For instance, from the year 2014 to 2018, the cases that were pending for investigation before the Indian police forces increased by 22.51% (with a compound annual growth rate of 5.21%), amounting to 1,646,296 as on 1<sup>st</sup> of January 2019 (Kumar, 2020).

All these characteristics of the inherited police structure came out sharply during the 1957-77 Emergency and were duly documented in the Shah Commission Report, following which a reform process was initiated in the year 1977 and was outlined in detail in the **eight reports of the National Police Commission (1979- 81)** and in the report

of the **L P Singh Committee on the role of the Intelligence Bureau (IB), the Central Bureau of Investigation (CBI) and the Research and Analysis Wing (RAW)**. However, all these reports were rejected by the Congress government when it came back to power in 1980. The 1984 anti-Sikh riots witnessed the participation of the police in the violence against the Sikhs and the 2002 Gujarat carnage witnessed the active participation and facilitation by the police in the mass violence against the minority community. In large parts of the country, the criminal justice system had been reduced to a sham.

Governments till date have neglected action on the needed police reforms. In 2005, the Ministry of Home Affairs made a symbolic gesture by setting up a narrowly conceived committee chaired by Dr. Soli Sarabjee to redraft the Act: a gesture till date stuck in the shackles of red-tapism.

## II. POLICING IN INDIA: THE STATE OF AFFAIRS

### A. STAGNANT SYSTEM

The stagnancy in our system is primarily due to the "three design features" of the police system laid down by the British:

- a. authoritarian and ceremonial character of the administration;
- b. the priority accorded to the role of the armed police; and
- c. "dual control" of the police by the district magistrate and the district superintendent of police. While police station was the central point of the police administration, the Station House Officer (SHO) was the key functionary and supervising the work of the SHO was the main task of the superior officers: a system that continues unchanged in independent India and so does corruption, brutality, inefficiency, and blatant exercise of authority by the SHO over citizens.

**Role stagnation:** The police personnel in our country frequently complain of fewer opportunities for growth and

they display feeling of staying stuck in the same role. Most of the police constables retire at the same level after 35-40 years of job. There is also a perceived feeling of lack of fairness and objectivity in the promotional process as unfair discipline, policies and promotion often diminish values and self-esteem in police officers who wholly invest themselves in their work.

### **B. INADEQUATE INFRASTRUCTURAL FACILITIES**

Inadequate infrastructural facilities like transport and communication network, modern weaponry and equipment and absence of need-based training have affected the confidence and professional excellence of the officers, hampering their ability to challenge the might of organized and motivated criminals, militants etc. Sadly, most often the approach of the police is not from crime to criminal but from criminal to crime, indicating that they are inadequately equipped with the modern devices. In the guest lecture delivered to us by **Mr. Avinash Mokashi**, a retired police officer, it was mentioned how most of the police stations in our country are so sub-standard that they sometimes do not even have access to chairs and blank sheets of paper. Accommodation facilities are also less than expected.

### **C. POLITICAL INTERFERENCE**

The Act has assigned a very negative and restrictive role to the police, the result of which is a police-politician nexus as the police is reduced to be a servant of the government and not the servant of law. The politicians in our country extensively use the police to maintain the hegemony of the ruling party and smother opposition, as a result of which a quid-pro-quo system has been created in which the politicians have forfeited their right of supervision over the police for the favors done. Political interference at the stage of investigation has become a matter of routine affairs, a concern also expressed by the National Police Commission that political parties, irrespective of their views, routinely abuse their power and authority regarding the promotions and transfers of the officers to compel the force to serve their interests of personal rivalry and manipulation. It is reported that when the Babri masjid was about to be demolished, the chief minister of Uttar Pradesh issued instructions to the state DG of police that no police firing should take place without his orders and the Director General; reportedly complied by issuing written instructions in this regard.

Growth of organizational accountability in police is directly proportional to freedom of action and non-interference by the political elements as political interference jeopardizes impartiality, efficiency and integrity. Maximum involvement is seen to come from the local politicians. Referring to the Godhra riots of Gujarat where a lot of police officials accused of encounters and killings were subsequently acquitted under political patronage, former DGP of Punjab Police had remarked: *"Within the police, there are conscientious officers who would check fake encounters, but in a place like Gujarat they'd be immediately shunned out. If the power of transfers was not in political hands, officers would be able to put their foot*

*down. That's why I feel that the police must be freed from political control."*

Political interference with the police systems has the following forms:

- a. **Public:** When the citizens seek political help to get some police action taken, which has been neglected due to organizational mismanagement and police indifference to the legitimate concerns of the citizens.
- b. **Special:** When the politician, with a vested interest or while seeking to make money, intervenes with the police for some favour or the other on behalf of his client.
- c. **General:** When the politician seeks to elicit the public support essential to win the next election or protect criminals and power brokers from police action or seeks to influence the internal management policies of the police organization. It is because of the shortcomings of leadership amongst our Indian Police that these interventions occur.

### **D. EXCESSIVE WORKLOAD, PRESSURE, STRESS AND LACK OF WORKFORCE**

In today's time, there is hardly any public activity of significance in the country which does not call for police help or presence and in many cases, police intervention. As a result of such workload, police officers, particularly, at the lower level, are not easily available for in-service training courses or even for regular parade. Additionally, for every 1,037 Indian residents, there is just 1 civil police officer, a ratio far below Asia's regional average police officer for 558 people and the global average of 333 people. **A survey by the Administrative Staff College of India (2014)** which covered 12,156 police station staff, 1,003 station house officers (SHOs), and 962 supervisory police officers from 319 police districts in 23 states and 2 union territories revealed some alarming statistics:<sup>15</sup>

- a. 82.93% staff reported working for more than 8 h a day for over 15 days in a month
- b. 73.60% reported no weekly off, even once a month
- c. 73.60% reported no weekly off, even once a month
- d. 46.70% reported recalls for emergency duties during their rare days off work for 8 or more times in a month

The survey also highlighted that **"High Quantitative Demands"** relating to the amount of work to be done include long working hours, working overtime, work intensity or workload, work pressure, and work overload. A low QD work context leads to 'fatigue-like' states such as reduced vigilance, satiation, and/or boredom. Conversely, when QD are above the optimal level, the employee has to manage tension levels to maintain performance. A high QD induce extra efforts and energy for accomplishing work goals and for averting falling performance but this extra activation costs the employee physically and/or psychologically (e.g., in the forms of tiredness and irritability). In short term, the employee may recover (e.g.,

by taking a break, or performing less exhausting activities). However, sustained activation over a prolonged period makes recovery increasingly difficult. The inadequate recovery, then, starts taking a toll on employee's vigour leading to an accumulation of fatigue-based symptoms. Accordingly, the long-term effects of sustained activation may be a gradual depletion of employee's physical and/or mental resources, eventually leading to exhaustion. The employee, alternatively, may resort to withdrawal behavior (as a self-protective strategy to stop further energy depletion) that goes with a fading of dedication, eventually leading to *cynicism*.

#### **E. POOR PERFORMANCE APPRAISAL SYSTEM**

The performance appraisal system in the police organizations is based on quantity and not quality of service rendered, rendering the policeman a prey to the tyrant-statistics where a policeman is under a almost inhuman persona and hierarchical pressure to achieve the results target wise.<sup>20</sup> Since personal advancement is dependent upon quantitative results, the organizational sub-culture nurtures the credo that ends justify means.

#### **F. PROBLEMS PECULIAR TO GENDER, RANK AND AGE**

Stress amongst the police personnel also depends upon their **rank, gender and age**. Traditionally, law enforcement occupations have been dominated by males as a result of which the female police officers face a constant "hostility" from their male colleagues who try to maintain control and dominance at the work place. Hence, they are more prone to feeling more isolated and facing discrimination and sexual harassment from their male counterparts. Female officers report higher stress levels than their male counterparts. Female officers are expected to fulfill their homely responsibilities first. Females belonging to nuclear families are the worst affected.

While police officers report stress due to responsibility for persons, overload and unprofitability and strenuous working conditions while constables report stress due to powerlessness and under-participation. Stress is also reportedly more amongst the younger and more educated officers posted in rural areas with less work experience. Non-gazetted police officers (middle level) reportedly suffer medium level of stress while the senior officers are least stressed, staff at the lower level forming the base of the pyramid with highest level of stress. Lower rank officers also encounter conflicts due to ambiguous expectations of the seniors and their own, while the middle and senior level officers do not experience Role Expectation Conflict in that intensity.

Overall, for both minority and female officers, the road leading to their full acceptance in police forced still appears to be long and uncertain. After attaining independence, it took our country almost 25 years to recruit the first *female IPS officer, Smt. Kiran Bedi*.

#### **G. WORK-FAMILY CONFLICT**

Work-family conflict is bidirectional, implying that work

issues can cause conflict at home or home issues can cause conflict at work. Law enforcement agencies are expected to *always be on duty*. For those on leave, colleagues work over-time. In situations of emergencies, officers work past their normal shift hours. The nature of problems faced by officers at work (violent and disturbing situations, confrontational and unwilling suspects etc) can make them irritable and argumentative at home, which can result in strain that the flows back to work.

Officers are expected to be in control, suspicious, detached, and forceful: roles not in sync with roles needed for supportive, friendly, and nurturing relationships with family members and friends. It is not always easy to switch between these roles.

#### **H. EMERGING CHALLENGES**

The traditional structure of the police does not correspond to the modern challenges being faced. New forms of crime are on the increase, which include white-collar crimes like bribery and corruption, evasion of taxes, violation of fiscal laws etc., which are eroding the socio-economic well-being of the country while organized crimes in communal riots, terrorism, and caste and class conflicts are putting the very unity and integrity of the country in jeopardy. Even though maintaining law and order is the paramount duty of the police, they've also assumed the role of social service in the era of modern welfare state.<sup>23</sup> Even though democracy has reduced the oppressive character of the police to make it more responsive to the people, it has also placed a greater discretion in the hands of police, which they use to gain room for maneuver in the management of law and order situations.

#### **I. OTHERS**

In comparison to other occupations, police work has been identified as one of the society's most stressful occupations.<sup>24</sup> Stressors that are inherent to police work include physically or psychologically threatening events, such as physical attacks, high speed chases and the death or injury of another police officer. Organizational stressors include policies, procedures, shift work and inadequate support mechanism from superiors. Reports also suggest that racism remains deeply embedded in the police culture. A study carried out in 2006 on 60 Traffic Police officers and 68 constables from Kolkata revealed that constables experienced more stress than Traffic Police Officers. Police officers often lie away from their families and therefore do not spend enough time with them, on top of that grant of leaves on time has also been a matter of concern.

### **III. RECOMMENDATIONS OF THE NATIONAL POLICE COMMISSION**

The National Police Commission, which was established by the Janata Government in 1977, submitted in its eight reports recommendations for improving the efficiency and efficacy of the police. Briefly, their contents were as follows:

**1. First Report:** It dealt with the constabulary, its pay

structure, welfare measures, housing, recruitment, machinery for redressal of grievances of its personnel and modalities for inquiry into complaints against the police.

2. **Second Report:** It covered the duties, role, responsibilities and powers of the police and interference with and misuse of police by illegal or improper orders or pressures from political, executive or other extraneous sources and remedial measures against these.
3. **Third Report:** It covered the relations of the police with the weaker sections of the society, corruption in police, corruption in police, economic offences and modernization of law enforcement.
4. **Fourth Report:** It focused its attention on communal riots, police and students and urban policing.
5. **Fifth Report:** It dealt with the recruitment, performance evaluation and control of the District

people-friendly, independent, accountable”;

Magistrate.

6. **Sixth Report:** It dealt with promotions, reservations and communal riots.
7. **Seventh Report:** It covered organization and structure of police, traffic regulation, home guards and disciplinary control etc.

#### IV. LEGISLATIVE APPROACH

As mentioned before, the Government of India in September 2005 took the initiative to replace the 145 year old Act and constituted a ten member committee for the same under the chairmanship of Dr. Soli Sarabjee. The committee was given a time period of six months to prepare a draft of the new Model Police Act.

As per Ministry of Home Affairs, around fifteen states had formulated their state police act and two states had amended their existing police Act in accordance with the Model Police Act, 2006 which were Karnataka and Gujarat. The primary objective of the Model Police Act 2006 was to have accountability for conduct and performance and functional autonomy for the police, but either these were not being considered by the respective state governments while drafting their Police Acts or the basic idea on functional autonomy and police accountability were being diluted further. It was in this backdrop that the Ministry of Home Affairs studied the Model Police Act 2006 again in line with the changing realities and for making police more responsive, efficient and citizen friendly, and prepared a draft model police bill, 2015 (DMPB-2015) which was also placed in public domain for comments.

#### V. JUDICIAL APPROACH TO THE PROBLEMS FACED BY THE POLICE

##### PRAKASH SINGH AND ORS. VS. UNION OF INDIA

In 1996, a retired Police Officer and a Director General of Police filed a petition in the Supreme Court of India for issuing directions to the Central and State Governments, to

draft a new Police

Act based on the Model Act/Bills. The apex court in the said matter issued directions which culminated into landmark reforms in the law enforcement system of the country. These directions were held as binding on the governments until a law was drafted and were supposed to file an affidavit of compliance. These directions can be broadly divided into two categories: Increasing Functional Autonomy and Increasing Police Accountability. Afterwards, the GOI constituted various committees to study the grey areas of the police system, including Julio Riberio in 1996, Padmanabhaiah, Malimath committee and Soli Sarabjee committee.

##### LATEST PETITION

Recently in the month of September 2021, a Petition has been filed in the Apex Court of our country by the former spokesperson for Bhartiya Janata Party Delhi Ashwini Upadhyay, who is a senior advocate

- a. constitution of a ‘model police bill’ in order to make the police system “transparent,
- b. directions to the Centre for constituting a ‘judicial commission’ or an expert committee for the purpose of examining the Police Act of developed countries particularly that of the U.S., France and Singapore and drafting the ‘model police bill’
- c. a similar direction to the Law Commission in order to make the police system “*efficient, effective, transparent, sensible, accountable and techno-savvy, and to secure ‘rule of law’ and right to life, liberty and dignity of citizens*”.

The Petitioner has alleged “*that the 1990 Kashmir killings did not only happen in the dark of the night but in broad daylight as well because what we have is ruler’s police not the people’s police*”.

#### VI. CONCLUSION AND SUGGESTIONS

It is nothing but a sordid reality that till date no sincere attempts have been made to introduce necessary reforms for our law enforcement agencies in the light of the growing responsibilities, and challenges thrown open to them. Undoubtedly and without further ado, the need of the hour calls for immediate reforms to address the multidimensional problems faced by the present day police organizations. Reduction in the stress levels of our police officers will make the police organizations more effective, in turn reducing crime as their stress levels impact the society as a whole. In this regard, some of the suggestions are as follows:

- a. **Independent Annual Evaluation:** The said evaluation must be introduced at the tehsil/taluk, district and State levels based on a scientific criterion.
- b. **Representation in the Parliament:** As suggested by **Mr. Pankaj B Dhotre**, a former sub-inspector, during his guest lecture with us, our police forced need

representation in the Parliament and State Legislatures to ensure that their demands and needs are addressed the law making level.

- c. **Increase in manpower and Fixed Reasonable Working Hours:** As was aptly remarked by Mr. Pankaj B Dhotre, it happens more often than not the police forces are shifted from their paramount maintenance of law and order duty to serve the security convoys of politicians and bureaucrats, consequently affecting their main job, not to forget that our country already has a deplorable police officer-citizens ratio. Therefore, there is an urgent requirement to sufficiently strengthen our forces which will in turn allow every police officer to deliver his best for a maximum of eight hours.
- d. **Infrastructural Improvements:** These include equipment, transport, housing, medical insurance etc.
- e. **Modernization with Technological Advancements:** This will make our law enforcement agencies more efficient and effective. It includes computerization of complaints and FIR's.
- f. **Role of Judiciary, Civil Societies and Media:** All three should continuously work as beings the means to these ends, i.e. the reforms.
- g. **Innovative Schemes:** Introduction of innovative schemes directed towards registration of maximum number of *genuine* cases, departmental actions against corrupt police officers, incentives to honest and brave police officers with rewards or medals will boost their morale and incentivize their efforts.
- h. **Human Resource Management:** The combined approach of human relationship expertise and human resource management could help address the issue of stress among police personnel.

Lastly, it is needless to state that no attempts to reform the police will be fruitful without the interface of the society. As has been aptly remarked by K.K Puri and K. Nityanandam:

*"If it is true that a country gets the government it deserves, it is equally true to say that the society gets the police it deserves. Surely, we deserve a better police";*

*"There are systemic failures and we all contribute to it one way or the other, we bribe because we want to get out of a self-created situation - breaking a traffic rule being one simple example. It is a combination of our greed and someone's willingness for exploitation"*

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