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# RIGHTS-INDIA: Clamour for Police Reforms Louder

## Post Mumbai

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**BANGALORE, Jan 26 (IPS) - Following the Nov. 26-29 terror attacks on the port city of Mumbai, which exposed lack of coordination among various security forces, the clamour to implement long-pending police reforms in India has become louder.**

A 2006 Supreme Court (SC) directive to India's 28 states and seven union territories to reform their police systems is now being dusted out and many see an opportunity to arrest a trend in which police forces are subjected to undue political interference that has taken a toll on efficiency and professionalism and fostered corruption.

Although several police intelligence units, drawn from Maharashtra state - of which Mumbai serves as capital - and from the central security agencies were supposed to have been tracking terrorist activity, they were taken by surprise when a group of ten terrorists sailed in and took over two luxury hotels for nearly four days.

Among the 180 people who died in the Mumbai attacks were five police officers, among them Hemant Karkare, chief Mumbai's anti-terror squad. They were apparently outgunned by the terrorists who were well-trained and armed with assault rifles.

Earlier this month, a group of eminent Indian citizens, including well-known advocates, journalists, academicians, police chiefs and one former prime minister issued an open letter to the government calling for reforms as part of a movement spearheaded by the Delhi-office of the international NGO, Commonwealth Human Rights Initiative (CHRI).

"Indians are angry", says the open letter, " that those tasked with protecting them have failed miserably, and they are angry that politicians of all parties have willfully allowed policing to deteriorate to a point where it cannot provide citizens protection in ordinary circumstances let alone in emergencies."

The letter, signed by Delhi's former police chief and Magsasay award winner, Kiran Bedi, former attorney general of India Soli Sorabjee and former prime minister Inder Kumar Gujral, says that the clear and practical recommendations made by a committee ordered by the Supreme Court and headed by attorney Soli Sorabjee, are quite possible to implement speedily.

Sorabjee's recommendations, which became the SC directives, have largely endorsed the country's National Police Commission's recommendations, set as far back as 1979, which were dithered upon for years by local state administrations that jealously guard their police forces against central government authority in New Delhi.

While there is a Central Bureau of Investigation (CBI) this body cannot take up cases on without permission from state governments. It has been shown from various high-profile cases that by the time the CBI is called in evidence may have been tampered with and witnesses compromised.

A key SC recommendation is doing away with political interference in the appointment of the director general of police (DGP) in each state and fixity in tenure of not less than two years.

"An independent merit based procedure to select the DGP and a fixed term should be ensured so that they can do their job without the fear of getting transferred," Sorabjee said.

The recommendations call for the setting up of state security commissions with full powers to lay out policy and deflect unwarranted influence and an authority to deal with serious complaints against police functioning and the separation of investigation from law and order functions.

CHRI's Maja Daruwalla says the SC directives address the reasons for bad policing in India and the 'canard' that the police force cannot be controlled if they are independent. "A policeman belongs solely to the law", she says.

But, while the SC's directives have been welcomed by civil society and by many conscientious police officers, there have also been suggestions of 'judicial activism'.

"Do the states have the wherewithal to deliver the services expected of them?" asked Kamataka's newly appointed DGP, Ajai Kumar Singh, "The Supreme Court guidelines do not look a this point".

Singh believes that what the police system needs foremost is revamping of workloads, infrastructure improvements and more money for daily administration. Currently most police systems in various states are cash-strapped, with most of their budget allocations going towards payment of staff salaries.

A constable receives no money for even work-related expenses, leading Kamataka's DGP to say that it is inevitable that the constable will find "other means to pay for his work expenses".

"How do you expect to deliver in an accountable fashion under these circumstances and without some guidelines on the police-population ratio?" asks Singh.

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"Very importantly, there should be a police welfare board to take care of the housing, health and other needs of police personnel," said Sorabjee.

CHRI's Maja Daruwalla believes these are details that can be addressed by the state security commissions which the SC has ordered each state to set up.

Many states have said they support the spirit of reform behind the SC's directives, but argue that they undermine the power of the regional government. They have argued that establishing separate police boards will duplicate existing systems and that a complaints authority will demoralise the forces.

Nevertheless, at least 63 percent or 22 Indian States and Union Territories are partially compliant with the SC's directives, while six states, mainly in northeastern India and Goa have fully implemented them.

Karnataka is part of eight Indian states and territories that have not complied at all with the law.

The meeting among civil society and police in Bangalore drew a wide spectrum of complaints.

Mavalli Shankar, president of the Dalit Sangharsh Samiti, an organisation that supports the interest of dalits, former 'untouchables' on the lowest rung of India's social strata, said that abuse of dalits in local police stations and in the system was rampant. " The police are so casteist that the abuse is turning witnesses hostile", said Shankar.

According to Ved Marwah, former chief of India's elite National Security Guard (NSG), much of the problem has to do with the fact that Indian policing has deep roots in India's colonial past with the bulk of laws dating back to the Police Act of 1861.

"Unfortunately, we hear about police reform only when there is a crisis - the latest being the terrorist attack in Mumbai. There are seminars, conferences and committees but nothing concrete happens," Marwah said.

One of the influential voices calling for reforms, former chief justice J.S. Verma, demanded an end to massive deployments of police forces to protect dignitaries as well as to indicate their high status. "We are already depleted of manpower and a chunk of what we have is overburdened and distracted from their real work because of this."

"Give the Supreme Court orders a try," says M.N. Venkatachaliah, another former chief justice who has been pushing for police reforms at public forums. " We have this one last opportunity."

(END/2009)

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