

POLICE PUBLIC INTERFACE: MAKING IT HAPPEN

PROCEEDINGS OF SEMINAR AT MUMBAI

NOVEMBER 2004



MINISTRY OF HOME AFFAIRS
HUMAN RIGHTS DIVISION - NEW DELHI
&

COMMONWEALTH HUMAN RIGHTS INITIATIVE

This report has been jointly prepared by the **Ministry of Home Affairs (Human Rights Division), Govt. of India** and **Commonwealth Human Rights Initiative (CHRI)**. The report in its present form is the result of several rounds of deliberations between the various partners. Since the report has been printed several months later some of the designations, addresses and telephone numbers may have changed.

CHRI is an international, independent, non-profit, non-governmental organization headquartered in New Delhi. Its objectives are to promote the practical realization of human rights in the countries of the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards. For more details please visit <http://www.humanrightsinitiative.org>.

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PROCEEDINGS OF SEMINAR
HELD AT MUMBAI
ON

POLICE-PUBLIC INTERFACE: MAKING IT HAPPEN

November 2, 2004

Organised by
Ministry of Home Affairs
&
Commonwealth Human Rights Initiative
in association with
State Government of Maharashtra
&
Peoples' Concern for Governance Trust, Mumbai

CONTENTS

INTRODUCTION.....	1
BACKGROUND TO THE DISCUSSIONS.....	2
PROCEEDINGS AT THE SEMINAR.....	9
SESSION I - Good Practices in Police-Public Interface.....	9
- Benchmarks for police performance.....	9
- Good practices in policing.....	11
- Benchmark for people's satisfaction.....	12
SESSION II - Peoples Participation in Policing.....	14
- Initiatives in community policing in Kerala.....	14
- Initiatives in Community policing in Madhya Pradesh.....	17
- Police Accountability: Best Practices.....	18
SESSION III - Problems of common citizens vis-à-vis police in Mumbai.....	20
- Action Plan.....	21
CONCLUSIONS AND RECOMMENDATIONS.....	23
ANNEXURES	
- AGENDA.....	28
- LIST OF PARTICIPANTS.....	30

INTRODUCTION

A day long seminar was organized at the World Trade Centre in Mumbai on November 2, 2005 on "Police-Public Interface: Making it Happen". This is a part of a series of workshops that the Ministry of Home Affairs, Government of India and the Commonwealth Human Rights Initiative¹ (CHRI) are organizing in different parts of the country. This series has been organized by the Ministry of Home Affairs in Chennai and Kolkata, and with CHRI in New Delhi and Mumbai. The main aim of this series is to catalyze discussions between the police and the people on how to develop better cooperation and good policing and how to "Make it Happen".

The main objectives of the seminar were:

- ◆ To serve as a forum for an interface between the government, the police and the civil society.
- ◆ To deliberate on important policing issues which have an impact on the people.
- ◆ To bring in the best practices taking place in different parts of the country.
- ◆ To build a stronger police-public interface through workable solutions.

The interface was designed to bring together the vibrant civil society of Mumbai and a few groups from outside the city, the government and the police establishment² and reduce the present vacuum, which is evident in the communication channels between the police and the public by developing workable solutions and good practices for Maharashtra.

The discussions centered on three thematic areas:

- ◆ Good practices in police-public interface
- ◆ People's participation in policing
- ◆ An action plan for Mumbai

The Seminar was facilitated by the Ministry of Home Affairs, CHRI, the Maharashtra State Government and People's Concern for Governance Trust (PCGT)³, Mumbai.

¹ Over eight years, CHRI has been strongly advocating for the urgent need to bring in systemic changes in the police under the slogan "Police reforms too important to neglect, too urgent to delay". As a part of this initiative it has been urging state governments to recognize the need to take serious steps in introducing police reforms.

² A list of participants is provided in annexure - II

³ A civil society group actively working on issues related to governance and corruption. The members of PCGT are retired senior bureaucrats and renowned police officers. The organization is based in Mumbai.

Background to the discussions

As a part of its commitment to the Human Rights Education Decade, the Government of India in its National Action Plan has implemented its human rights education programme in 2001. For this there is an inter-ministerial monitoring committee in the Ministry of Home Affairs. Regular meetings are held to see how the programme is being implemented. The programme has different dimensions where there is involvement of strategic groups for sensitization and awareness building, eg. for the general public, schools, colleges, judges, police and security forces. In each of these areas some work is being done. This present series of seminars are a part of these same efforts.

This report summarises the discussions, key concerns raised and recommendations made during a dialogue between the Ministry of Home Affairs, Government of India, the State Government of Maharashtra, the police and the civil society.

INAUGURAL SESSION

Welcome Address

Mr. P.P. Srivastava emphasized the need for creating awareness amongst the police personnel and stated that a number of schemes have been taken up in Maharashtra to ensure greater police-public interaction. He also stated that the Government had initiated several schemes to further police-public relations. In an attempt to create greater awareness amongst the people about the functioning of the police organization, a **Citizen's Charter has been prepared by the government with information on the role and responsibilities of the police while interacting with the citizens.**

Inaugural Address

Mr. P.V. Bhide emphasized that the security of the state and human rights were not incompatible objectives but entirely consistent with each other and stressed the importance of spreading awareness of human rights to achieve the objectives of the National Action Plan for Human Rights Education adopted by the Government of India in 2001.



- ◆ While human rights and sensitivity has grown over the last few decades their actual application and realization on the ground have been rather modest. The need for an arrangement includes a system of internal checks and balances to minimize the scope of excess or omission and expose it promptly for penal and corrective action.
- ◆ Among several essential prerequisites for public acceptance of the police, legitimacy of all their actions depends upon the extent to which **the public judges the police to have been behaving properly in accordance with the basic rules and values. The central aspect of this facet is Rule of Law.** If the police behave and are seen as strictly behaving according to law then the legitimacy ascribed to them will be enhanced. This is often interpreted as accountability to law.
- ◆ In order to ensure better implementation of the laws and human rights the Government of India had in 1993 passed the Protection of Human Rights Act which led to the setting up of the National Human Rights Commission (NHRC) to receive complaints on human rights violations and suggest appropriate remedies after investigation. This institution has, over the years, gained the confidence of the people as large numbers of complaints are registered with it. The Commission has

also issued important guidelines on some key human rights issues such as custodial deaths, death in encounters, procedures during arrest etc.

- ◆ The Government of India in order to spread awareness of human rights has adopted the National Action Plan for Human Rights Education in 2001. This plan envisages spreading the human rights awareness to general public through both visual and audio visual methods, as well as identifying target groups in creating human rights awareness. As a result of this, human rights education has been introduced as a school and university curriculum in the form of specialized courses. Messages on human rights have also been broadcast using the visual media to create mass awareness.
- ◆ Training institutions for civilian officials and police have also introduced human rights modules as a part of training. As a result of these efforts there is much more awareness in both the general public as well as selective target groups in human rights. This increasing public awareness is a welcome and informal pressure on government agencies and the police to function more humanely and with respect for the human rights of citizens.
- ◆ Exceptional situations of militancy, cross border terrorism and organized crime are challenges on our efforts. The threat of left wing extremism, insurgencies in the north-east, religious radicalism, organized underworld activities with transnational linkages make the task of policing much more difficult.
- ◆ Terrorism, as a form of organized crime and violence has hardly spared any continent. It has posed a serious threat to democratic institutions. Infact, an organized crime, itself constitutes a violation of human rights or the fundamental rights of an individual - the right to life. It is in this context that in 1999 the UN General Assembly adopted a resolution in which it has recognized that the most essential and the basic human right is the right to life and terrorism creates an environment that destroys the rights of people to live in freedom from fear. It called in all states to adopt further measures in accordance with the relevant provisions of international cooperation on combating terrorism. The government believes in this principal and that the war against terrorism must be fought boldly in one, but this has to be accomplished in a manner that accords with adherence to the provisions of the Constitution, the laws of the land and the relevant international instruments including those on human rights.

Government Initiatives on Human Rights



Mr. A.K. Jain in his presentation gave a broad overview of the steps initiated by the Government and the institutional framework which has been established over the years for protection and promotion of human rights in India. He also highlighted the objectives of the Seminar and the need for Government, police and the NGOs to sit together and deliberate on key human right issues vis-à-vis policing. He highlighted the need to bring in change in attitude, secure greater involvement of the people in policing and spread human rights awareness and education as amongst the core issues for consideration.

- ◆ Based on the objectives special measures have been taken by the Government of India to request several state governments to participate and attend these seminars so that this can become a forum where experiences and knowledge may be exchanged about various good practices, which have been initiated by the state governments so that others can benefit and identify systemic deficiencies and proceed forward.
- ◆ There is a strong institutional framework for the protection and promotion of Human Rights Act and we feel that this is one of the strongest frameworks on human rights existing today. Despite that there are certain gaps and the problem is that of implementation and realization of these values which are required to promote them. This is an important reason for us to sit together with the non-governmental organizations (NGOs) to put across the perspective of the people and also the cutting edge ranks of the police and the administration, so that views are exchanged frankly and in the process the systemic deficiencies and their possible solutions may be found.
- ◆ Since human rights awareness and education is the core issue for all concerned, this will help in creating greater awareness and appreciation of the issues and spread the message through out the country.
- ◆ Unfortunately there is a kind of hesitation amongst the NGOs to meet at a forum such as this, where there are police officers and government officials. The reason perhaps for this hesitation is that there seems to be a view that the government and NGOs are adversaries. However, this perspective may be changed. **There is an absolute need to work together to try to bring in an understanding for human values, find out the problems and seek solutions and see if these can be implemented in practice.** This aspect will also help us in balancing the needs of the society as well as the needs of the individual. This has been clearly brought out in

the case of Joginder Kumar vs State of Uttar Pradesh. The Supreme Court has observed that while dealing with the question of power of arrest the "horizon of human rights is expanding and at the same time the crime rate is also increasing of late." The court has been receiving complaints about violation of human rights because of indiscriminate arrest. But, how can a balance be made between the two? Needless to say, a realistic approach has to be made in this direction, the law of arrest as one of the balancing individual rights, liberties and privileges on the one hand and individual duties, obligations and responsibilities on the other and of balancing this with the rights and privileges of the society. Indeed **the quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of criminal law, which must be carefully balanced to ensure fulfillment of the objectives while acknowledging and honouring the values embodied in human rights.**

- ◆ The first and the most important basic background for this is the question of attitudes, and the need to bring in a change amongst those who wield power. **The police are embodied with a symbol of state power and this makes it more vulnerable to misuse.** It is here that the question of attitude comes in. 150 years ago the Metropolitan Police in London issued some guidelines to the constabulary that they are expected to behave in a certain manner, that "he will be civil and obliging to all people of every rank and class. He must be particularly cautious, not to interfere ideally or unnecessarily in order to make a display of his authority. When required to act, he will do so with decision not boldness. On all occasions, he may expect to receive full support in the proper exercise of his authority. In the present establishment if a particular case is to be taken, the constables of the police do not have any false notions of their duties and powers."
- ◆ Amongst all the present strategies, community policing is a complete approach which should take place in a non-political environment. However, the moment this gets politicized, there is failure. People's participation in policing needs to be through a two way communication where it is necessary for the community to help the government in maintaining crime records, serve as a forum to understand mutual problems and also try and redress those issues.

Objectives of the seminar for Maharashtra

Mr. Ribeiro like the earlier speakers emphasized on the need for change in attitude because public servants are to serve the people and not to act as masters.

- ◆ One of the main problems of policing in Mumbai today is the concept of encounter and encounter specialists.

- ◆ The problem also lies in the fact that the judicial system and the different elements of the justice system - such as investigation, prosecution, the continuous adjournments in the courts due to witnesses not appearing, delays in justice and all this has failed and unless these are made functional there is going to be no dent on human rights issues.
- 
- ◆ **It is important for the civil society to be alert to ensure that the police provide proper service.**
 - ◆ One of the main objectives of the Mohallah committee movement was to build a trust between the police and public and also to develop communal harmony. However, there is a lot of resistance on the ground as the staff in the police stations do not completely understand the importance of the concept of close interaction between the police and the community.
 - ◆ **No police force can be without people's support.** There is need for coordination. However without the change in the attitude it is not possible to get this partnership.
 - ◆ Along with a functioning judiciary, proper implementation of laws and working partnerships which can provide practical solutions, both the police and the people can help in reducing human rights violations.

NGO Perspective on Police-Public Interface



In her speech Mrs Daruwala emphasized that it is partly due to the civil society in this country that today human rights has been accepted as a central issue to any kind of discourse with the government or within the civil society or with vulnerable groups.

It is important to acknowledge that naming, shaming, criticizing, research, year long or life long initiatives have brought everyone on to the common ground that human rights is the matrix and the lens through which to dialogue. **The essence of all this dialogue lies in equality and this is the gap which needs to be bridged.**

- ◆ It is true that sometimes the perspective which is brought in by NGOs is limited to complaints or criticisms without going a step further to find solutions. Also there is a reluctance to come to the table to dialogue because, as yet, a sense of confidence has not been built. The resistance may perhaps be that the civil society may perceive that it is being talked down to, which builds in further resentment.

- ◆ A system must be such that privileges ordinary people, provides them with incentives and also punishes those who are bad. There should be no room in a democracy to help the bad as it is happening today. Infact the rule of law to which the ordinary people are committed must rule the day.
- ◆ There is need for legal and lawful ways to make the principle of rule of law function. As mentioned earlier today both by policemen and the government that illegal methods cannot undermine the rule of law. So right now everyone is on common ground to which to work.
- ◆ The present discussion is a platform which has been brought together by people who ten years ago would not have spoken to each other and it is perhaps a success of such platforms.
- ◆ Mohalla committees and police performance evaluation boards which have taken place in other countries have leap-frogged our own thinking. However, these are still experiments in policing or in police-public interface. **The need of the hour is to persuade the governments, the legislatures or municipalities that these efforts are not anecdotal but need institutionalization.**
- ◆ It is important to remember that police performance is no longer to keep a colonial power in place, but to keep the state and its citizenry within the bounds of safety and security.

PROCEEDINGS OF THE SEMINAR

Session I

Good Practises in Police-Public interface

This session included:

- ◆ Presentation on Benchmark for police performance
- ◆ Presentation on Benchmark for people's satisfaction
- ◆ Presentation on good practices in policing
- ◆ Discussion on participants' views on benchmarks for police, citizens and what in their view is good policing

While chairing the first business session of the seminar, Mr. A.K. Jain observed that different state governments have initiated several practices to enhance police-public interaction and cooperation to secure better policing. He shared some of the initiatives taken by the state governments of Tamil Nadu, Karnataka, Madhya Pradesh and Maharashtra related to establishment of a detailed computerized control room facility with online interaction with the public, introduction of mobile counseling centres for women in Tamil Nadu; participation of NGOs and other vulnerable groups in Karnataka; the constitution of Mohalla committees for communal harmony backed by a scheme of reward and recognition for promotion of communal harmony and prevention of communal violence (as in Maharashtra) were some of the examples of programmes involving people's participation successfully.

Benchmarks for police performance

Mrs Borwanker made a presentation on behalf of the Maharashtra police and listed a few ongoing measures:

- ◆ Police helplines.
- ◆ Mohalla committees for communal harmony.
- ◆ Slum policing.
- ◆ All districts in Maharashtra have traffic committees which facilitate interaction with citizen's on traffic related problems.
- ◆ Constant dialogue is maintained with women's organizations and other vulnerable groups.

- ◆ Regular interaction is held with NGOs on matters related to narcotics, drugs, problems related to women, and the issues on bar girls etc.
- ◆ The Mumbai police website also encourages interaction with the citizens.
- ◆ Beat marshals and beat patrolling is given adequate importance.
- ◆ Mrs Borwankar stressed that professional handling of law and order situations and maintenance of peace is a very crucial benchmark for performance evaluation of the Mumbai police. Prevention and detection of crime, investigation and maintenance of internal security and not mere control of statistics are other standards and high priority areas for the organisation.
- ◆ Certain problems were highlighted, such as the problem of overwork, lack of training, lack of refresher courses etc. She emphasized that one or two day workshops cannot change the working pattern, working systems or the attitude.
- ◆ During the discussions a member of the audience shared his views that presently under Commissioner Mr. A.N. Roy, an initiative has been taken up where a multi-disciplinary team in his office deals with problems related to Juvenile justice. It had students, social workers, councillors, psychiatrists and police officers. More of these initiatives need to be replicated.
- ◆ Mr. Subhash Autey, IGP of Maharashtra State Human Rights Commission also shared that in Nagpur, Family Counselling Centres were started and presently there was a counselling centre in all police stations in the city. The Government of India had been approached for supporting grants for these centres but this was not approved.
- ◆ However, Ms. Anjali Dave of TISS informed the audience that there is a memorandum of understanding with the Tata Institute of Social Sciences (TISS), the Department of Women and Child Development of the Government of Maharashtra and the UNIFEM for three years to initiate counselling centres in the state. These centres will be set up by April 2005. Presently these centres which are something like the Family Counselling Centres but called Special Cells are functional in seven districts and three are in Mumbai.

Good Practices in Policing

Mr. Radhakrishnan a recipient of several awards given both in India and outside, related some specific experiments that had been conducted by him in Tamil Nadu.



- ◆ He discussed how Area Committees had been set up in the district of Coimbatore to tackle the problem of communal violence after the bomb blasts of 1998. **These committees were entrusted with the task of collecting intelligence with the regular interaction and cooperation of the local people.** Their cooperation was taken to conduct searches for illegal weapons. Youngsters were mobilized for this purpose and were given specific tasks of patrolling along with police officers and volunteers of the NSS. Before inducting someone's help the police also conducted character verification for the people who would assist the police. According to Mr. Radhakrishnan the experiments were very successful in preventing law and order problems and generating faith and confidence in the community, in overcoming allegations of bias and high handedness through active involvement and participation of the people. Perhaps one reason for the success of this experiment was that the political functionaries were kept outside the programme, the meetings of the committees took place in non controversial areas such as wards and streets and not at police stations. This programme helped in building police-public relationship.
- ◆ Other experiments also exist in Tamil Nadu such as helplines have been set up in all police stations in the state. Police Assistance Centres on the pattern of a beat zone which empowers constables or beat officers in each of these centres have also been set up. The beat officers are expected to interact with the community, identify local problems and provide solutions to help them to gain the confidence of the community and also provide the personnel with valuable pieces of information.
- ◆ In Trichy special groups such as women, senior citizens and the poor gained enormously while interacting with the police. Together they built trust, provided free flow of information and the familiarity helped in isolating and identifying criminals. Roughly 262 criminals were arrested in this process.
- ◆ The Wide Area Network Scheme was launched in 2000. As the people are concerned with the lack of transparency of information, a technology was launched to make the police more people friendly. Rs. 30 Lakhs was taken from the constituency development fund of each Member of Parliament and all police stations were networked to computerize crime and administrative records and this data was disseminated from a centralized server. The result was that the complaints

received at any terminal through email would make police functioning more responsive, transparent and interactive.

- ◆ Another important programme was the Mobile Counselling Centres. Over the 30 districts, the Tamil Nadu Government has provided 18 mobile vans. These vans are equipped with a public address system, television and computers. A group of police officers, counsellors and doctors travel with this van every Saturday or any one day of the week, spend the entire day with the people. The village where the mobile van should visit is decided by the Superintendent of Police of the district. The mobile counsellors try to provide redressal to local problems. Both counselling and awareness building is created in the process.
- ◆ Other than this a child helpline was also formed in each police station in the state. Presently there are about 195 women police stations staffed by only women officers all equipped with helplines. It was found during this period that gender-based violence had gone down. A separate software was also developed to handle women related issues. A CD has also been developed for dispute resolution.

Benchmarks for people's satisfaction



Mr. Shailesh Gandhi in his presentation highlighted that **the people do not want their police to become a complete state or a social service agency providing education or dispensing with medicines etc.** What the people really expect is that **the police should enforce the law and work according to the law.** It is unfortunate that a lot of people have forgotten and it is definite that the police alone cannot be held responsible for all the problems. Today citizens are also equally responsible as they have wrong expectations and it is a part of an entire social

problem. When there are problems related to oneself, people are willing to go to any extent and will not fall short of adopting or asking the police to adopt illegal means.

- ◆ **An area of great concern is the political influence on police transfers.** This is also a common line that is adopted even by senior police personnel that the directive has come from the boss or that permission of the boss is required even if a particular task is under the legal framework. **What a citizen wants is that the police must function as per the law without being influenced by outside pressures.** An example may be the way certain departments function. For example the Anti-Corruption Bureau of Mumbai has only registered 232 complaints in three years in spite of the fact that there are at least a hundred people working there. The total amount of money recovered by them is Rs. 1934420 in three years. In other words as per simple calculations show each employee of the Anti-Corruption Bureau has

recovered only Rs. 6448 a year. We may either forget the existence of the Anti Corruption Bureau with 100 people working in it or question their existence. If they say that they have trapped only Rs. 6 or 7 lakhs per year then it is better to forget them.

- ◆ Something similar is the fate of the police department, but since statistical details are not available a simple test may be relied on. In the office of the DCP HQ1 in Mumbai there have been 24 transfers between 1984 - 2004. In other words in 20 years 24 people have been transferred. This may not be only due to the political interference alone, it may reflect complete incompetence. Officers have also been attached to a post for 2 days while others have spent a good amount of time. In that case as citizens the question may arise as to how a person may function during such short durations? How much is the government spending and how much effort is being spent and what is the purpose of this? In these circumstances it is difficult to believe how India has got its freedom. **Instead of the white masters today, there are brown masters ruling.** What both citizens and the police need to do is adhere to the rule of law in every place.

Session II

People's Participation in Policing

Initiatives in community policing in Kerala

The presentation was made by Mr. P.K.H. Tharakan on how community policing in Kerala is seen as a productive collaboration between the police and community which is used to identify and resolve community problems. This partnership helps in pinpointing and mitigating the underlying causes of crime by getting the community involved. This leaves the police with more available resources for crime prevention activity.

- ◆ It is certain that the public evaluates the quality of services it receives by the nature of the response of the police personnel at the level of the police station. When the staff of the police station distances themselves from the public, the latter gets more and more disillusioned and dissatisfied with the entire police machinery. The Kerala police have been taking efforts in improving the facilities in the police station both for the public as well as for the police. Under the Asian Development Bank supported scheme of modernization of government programme, the government of Kerala is planning to execute a state wide project in improving the core government functions and improving the delivery of government services. 57 out of the 417 police stations have been selected in implementing this project. Infrastructural facilities as well as training facilities will be considerably improved under this scheme. Requirements to measure the improvement of this programme have been identified by the police station staff. So after a year it can be seen if there is any improvement at the 57 police stations, and in that case this will be replicated through out the state.
- ◆ Apart from this the Kerala police has also initiated several police-public contact programmes which were introduced in Trivandrum in 2000, and are known by the term "CAATCH or COMMUNITY ACTION AGAINST THIEF CULPRITS AND HOOLIGANS". Under this scheme the resident associations meet regularly with the officers of the station and the commissioner of police once a month. This is a successful project and the response has been enthusiastic. However, these types of projects are more successful in a city than in rural areas.
- ◆ In Trivandrum a web portal has been launched by the police to make it more accessible. Every police station in the city is online and they can be accessed. The people also come up with a lot of suggestions and several complaints and petitions are also brought in. This is again a recent innovation, which has the support of the modernisation scheme of the government. Besides this several initiatives have also been taken up by the Superintendent of Police of various districts in Kerala. It

depends on the SPs and the junior level staff to make these innovative programmes and introduce systems which may improve police and community relations.

- ◆ However, this does not mean that all the problems of the police have been sorted out. As mentioned above these are a few steps only towards them. **The effectiveness of the public contact programmes are critically dependent upon the adoption of objectives of the project by all the members of the police organization. It is necessary for police personnel at all levels to participate in such programmes.** The Kerala police have also developed a booklet for police personnel with suggestions for improvement of discipline, uniform behaviour, self confidence, public interaction and media relationships. Various welfare measures have also been implemented with special emphasis on health care.
- ◆ In Kottayam a pilot project with an NGO is being conducted with doctors, where health problems of personnel are identified. The personnel are handed out a performa in which they are expected to provide information. There was an initial level of resistance, but with counselling and psychiatric attention over two or three sessions it is hoped that the suicide rate in the force will go down.
- ◆ However, the training facilities are quite poor at the moment inspite of the newly inaugurated Kerala Police Academy which is a state of art kind of academy. For this the Government of Kerala has received support from the police modernization grant provided by the Government of India and the Finance Commission.
- ◆ There are other smaller schemes such as the alert service; extensive highway patrolling system which provides instant assistance and is a popular crime-reduction strategy; a crime stopper call system which is a special telephone number where information regarding any crime which is committed can be given and this is relayed to the patrol team; a motor cycle patrol system called Kerala Rangers is used to deal with problems of eve-teasing. Kerala is yet to introduce the child/women's helplines in the state.
- ◆ There are several other good systems that have fallen in disuse, yet care is being taken to put it back to use. This system gives the SHO and the staff of the police stations a great sense of responsibility. However, **when there is any talk on community policing several officers are skeptical about this as these are all "fancy and new ideas."** But when the personnel are told that this is a part of the old system, it is adopted more quickly.
- ◆ While talking about good policing, it is also important to speak on the problems of such initiatives. Way back in 1999 at the DGP's conference it had been decided that the community policing system may be introduced in all the states. In Kerala too it was launched with a lot of fanfare. A government order was issued mentioning that committees would be formed in each police station to interact with

the police on a regular basis. However, this had led to a controversy as the opposition had seen this as an effort by a ruling party to dominate the police. The tremendous resistance led to the closing of this programme. Now the same opposition is in power in the state and if at anytime the word community policing is mentioned, there is reluctance.

- ◆ However, the problem still remains when it is mentioned that the police needs to reach out to the community. But whom do they need to meet? Traditionally there was the concept of prominent people in the village. This concept changes with time. Earlier, prominent people were those people who owned property. But today no longer this criteria maybe used. These are certain dilemmas. Also there is the problem where there are sharp divisions of opinion between political parties and this is reflected even at the level of the police station. There is also a conflict when the community, the police officer consults, is a part of political agitations. So often there is a sense of hostility between the station house officer and the same community leaders. Within all of this it would be of great advantage if we can successfully introduce the elimination of middlemen so the degrees of corruption may be reduced. However, in India not every one has access to computers or access the internet portals as mentioned. So the Akshaya Project in Malappuram district was a part of the efforts by the government, which took up 673 booths where computers were installed and people have been trained to use the computers. This is linked online to the collectorate and to all police stations.
- ◆ The community policing initiatives in the State have also been linked in a big way with the police reforms programme there. The Chief Minister and the then DGP Mr. K.J. Joseph had made a bold experiment of distancing the politicians from the police. Mr. Anthony had said that no politician should go to a police station with an undue request and no police officer would be transferred because an MLA had complained to the Chief Minister. This has built up the morale of the police. But there is a flip side to this experiment. All the MLAs were unhappy with Mr. Anthony. When the Kerala government went in for parliamentary elections and the party fared badly, all the blame was put on the Chief Minister and his "police policy".
- ◆ The police performance and accountability board which was set up in November 2003 is not the same kind of committee as suggested by Mr. Ribeiro in his committee report. The Kerala police had visualized that the DGP would be a member secretary of the Board. However, this did not happen for some reason. The accountability machinery has not been institutionalized and also the police performance that the Chief Minister had taken was not institutionalized with the result that it can be undone⁴ by anyone at any time. For these reasons it is important to speak on both successes and failures.

⁴ The Police Performance and Accountability Commission has submitted its report in early 2005.

Initiatives in community policing in Madhya Pradesh

In Madhya Pradesh 17 initiatives have been taken so far in building police-community relations: gram raksha samitis, family counselling centres, de-addiction camps, nagar suraksha samitis, mobile police stations, help for the visually impaired, child friendly police, trauma management, childline, verification of domestic help, care for senior citizens, victims assistance for weaker section and empowerment, help for physically challenged and regulation of private agencies.

- ◆ However all these initiatives are a legacy of the 19th century as it was during the rule of Jiwaji Rao Scindia that the gram suraksha samitis had been formed in the princely state of Gwalior.

Today to make these efforts sustainable the Madhya Pradesh police has carved out an administrative structure and has identified vulnerable areas through proper methodology and by taking the help of NGOs and universities have initiated best practices which have been taken up by individual officers as pilot projects. The Madhya Pradesh police have also taken efforts to redesign the policing system in accordance with the modernisation plan for the police so that the community policing initiatives may also be supported.

- ◆ In Madhya Pradesh community policing was developed due to the inherent dacoity problems and to add value to the anti dacoity measures that were taken up by the government. Initially the village defense force helped the police and community to fight the problem in the Chambal and other adjoining areas. Through a series of legislations the gram suraksha and the nagar suraksha samitis have been formed. Today more than 4.5 lakh people are members of the gram suraksha samitis. An annual convention is held every year of the suraksha samitis and this is sometimes chaired by the chief minister. However, during the discussions concern were voiced over the fact that the suraksha samitis were armed and that there was no way that accountability could be measured. However, the speaker clarified by saying that the arms were provided for private defense only. Also the nominations to become members were at the hands of the superintendent of the police. It was also sometimes believed that the members of the suraksha samitis were given political patronage. It was agreed at the deliberations that there is no foolproof method in nominating the suraksha samiti members as yet. Mr. Mishra however, emphasized that the names of the persons are only placed after going through criminal records or character verification. The names are usually forwarded by the office of the Superintendent who under the Act is empowered to nominate people to be a member of the gram suraksha samiti or nagar suraksha samiti. Also only persons

between the age group of 20 to 45 years can become members of this group for a maximum period of 3 years.

- ◆ Efforts have been made to dialogue with the NGOs and civil society groups to understand each other's strengths. Providing support to each others efforts have improved some of the problems of the community. The constant interaction with the civil society has helped in solving crime. Mobile police stations care for senior citizens, verification of the antecedents of domestic helps and regulating private security agencies have been initiated. These mobile police stations also visit the villages from time to time.
- ◆ The condition of women is quite deplorable in Madhya Pradesh. In the year 2000, 14% of the crimes against women in the country were reported by the NCRB (National Crime Records Bureau). In order to combat the problem 81 Family Counselling Centres or parivar paramarsh kendras with over 600 volunteers have been opened to resolve cases with the help of NGOs. These family counselling centres have psychologists, social workers and legal experts to counsel people when they face domestic problems. In the slums too children are counselled to not to take to crime. A child line is available both in Bhopal and Indore. In Indore the police have taken up the effort to develop programmes for the physically challenged and visually impaired and the first deaf and dumb police station was also opened in Indore so that the disadvantaged are able to access the police station so that their actions maybe translated by the police more easily.
- ◆ Today in Madhya Pradesh every district has a nodal officer for community policing and there is also a post for a senior officer at the police headquarters in the state. A community policing data base has also been created with the help of the National Police Academy, Institute for Social Sciences and other state level universities. In the state too certain problems have been faced such as allegations made by the opposition as also mentioned in the case of Kerala. But efforts have been made at all points to make the institutions apolitical.

Police Accountability: Best Practices

This presentation highlighted some of the best practices which are available outside the country. These practices have a component of accountability mechanisms which help the state or the city to deal with systemic problems faced by the police department.

- ◆ **It is important to emphasize systemic reforms.** It is not only holding the police accountable, but forcing the governments to introduce reforms so that the instances

of police misconduct are minimized if not removed altogether. How do we deal with police misconduct in this country? The officer concerned is suspended. An inquiry is instituted and depending on the results of the inquiry action is taken or a criminal prosecution against the concerned persons is initiated if there is sufficient evidence.

- ◆ Even in the USA they were taking the same actions and it was always difficult to take any action against a police officer and obstacles were being faced. This happened till the Rodney King case in 1991. For the first time they realized that there was a need to change the strategy or the policy to deal with this problem. **They filed civil suits not against the police officers involved but against the city or state government which was responsible for providing good policing in that area.** They introduced in 1994 the Violent Crime Control and Law Enforcements Act, which carried a provision which allowed the Attorney General in that country to bring the city or the state governments along with the concerned police departments to the court of law and asked them to introduce reforms in their police forces. A consent decree is also signed between the department of justice and the city or state governments concerned which promise to correct the systemic deficiencies existing in the law enforcement agencies with proper monitoring of the reforms undertaken in order to correct the deficiencies. This information is being discussed as experiences from outside so as to enrich our learning.

Session III

Problems of the common citizens viz-a-viz the police in Mumbai

The presentation by Ms. Shyama Kulkarni talked about the relationship between the common citizen and the police, which is a very peculiar love-hate relationship. Seeing a man or woman in uniform brings out different emotions in different people. The uniform is a symbol of authority, discipline, power at times leading to fear and at other times the police is a symbol of trust, safety and reassurance. A feeling that if the policeman is around we may be protected. For a citizen, when all doors are close at night the doors of the police station are open and if the man behind this door is not receptive to people's needs, if the victim is not reassured then what is the use of these open doors?

Action Plan

- ◆ The Maharashtra Government has a citizen charter which lays down a time table to be followed by the police with reference to the complaint received by them. This should be displayed for public viewing at all police stations.
- ◆ The Human Rights Cell which has been set up at State Police Headquarters is not very visible in Maharashtra and more publicity to be given to it.
- ◆ There should be cooperation between the Mumbai Municipal Corporation and other civic agencies and the Police, so that community efforts can be made effective with greater coordination.
- ◆ School children and university students should be educated on human rights and for this police personnel along with NGOs should undertake with the schools and colleges for this purpose.
- ◆ Police personnel are not fully aware of the Court judgment or directives issued by the Human Rights Commission. It is, therefore, necessary to send such information to all Police Stations and personnel working at the grass root level.
- ◆ Basic problems of police personnel, particularly in Mumbai, which has lack of housing for the subordinate ranks, poor working condition etc. should be redressed.

Mr. A.N. Roy initiated the discussions with the fact that he was always skeptical about such discussions on human rights because there is always a certain amount of "police bashing". According to him such type of seminars tend to lead to loose criticism of the police in its day to day functioning and there is a tendency to exaggerate the faults of the police. But inspite of all this, he is open to constructive and actionable suggestions which may be implemented.

- ◆ However, often criticism of the police does not lead to improvement as the morale of the police goes down. Inspite of several problems and criticisms the Mumbai police has taken up several initiatives as mentioned earlier.
- ◆ Although today it has been mentioned that the Citizen's Charter is not displayed in the police stations, people are ill informed. On the contrary they are exhibited both in English and Marathi at each police station. The most prominent place where the citizen goes to file a complaint. The Charter does mention that a person does have a right to file a complaint free of cost and if there is any complaint regarding this then please contact 123. The three next superior officers names are also mentioned with their telephone numbers.
- ◆ There is a mission statement which says that the " Mumbai police shall uphold the rule of law and enforce the law of the land without fear or favour and it ends by saying that making Mumbai a safer and better place to live is our mission and we shall achieve it in close partnership with the people."
- ◆ Presently there is an elaborate training and sensitization program in the police, which is an in-service training for officers and men of all levels. The organization would welcome any feedback to find out if the training programmes have helped in changing the behaviour and attitude of the police personnel while they enforce the law.
- ◆ However, sometimes the Mumbai police does come under criticism because the police personnel are called upon to act in situations which do not fall within the clear cut definition of criminal law as many of these cases are of civil and non-cognizable in nature.
- ◆ There has been an effort to practice community policing, yet it needs to be institutionalized and this is possible with a broader base which may be applicable



to all states. It has been suggested to provide a draft legislation on community policing for the DGP's conference. Initiatives are also focused on different groups of people. For example, slum police panchayats have been initiated in Mumbai. Since slums form a very large section of population in Mumbai, this particular panchayat is now well established and is able to deliver the goods where representatives of the slum dwellers and a small dedicated team of police form the slum police panchayat. They sit down at a local level and try to resolve disputes locally. Only where disputes cannot be resolved the matter gets registered as a complaint to the police. This has also helped in bringing better harmony, less confrontation and bringing down the crime in the area.

- ◆ Other small efforts have been preventing minors from being trafficked. However, this is not very successful as the police personnel after the rescue operation do not know where to place the minors. The domestic violence cases are taken care of by the Mahila Dakshita Samiti or the women vigilance cells in all districts and these are working well. Nearly 85% of the family disputes are settled by the police here.
- ◆ The Mumbai police firmly deals with cases of victimization by the police of an ordinary citizen. There is a proper independent and impartial inquiry which is conducted when such complaints are brought against senior police officers and personnel. Even senior officers who have been offenders in serious violations have been dealt with by policemen themselves and brought to book.
- ◆ The last but not the least there is a need to pool all resources and energies to bring a better deal for the common people. Mumbai police does support the human rights of individuals in every way possible. It is making efforts to create systems of transparency in their functioning and would like to improve the functioning as well as police -public interface qualitatively. Seminars such as the present one should lead to more specific and concrete action programmes which can be implemented.

Conclusions and Recommendations

1. Police Public Interface

Core Issues

- ◆ Among several essential prerequisites for public acceptance of the police, legitimacy of all their actions depends upon the extent to which the public judges the police to have been behaving properly in accordance with the basic rules and values. The central aspect of this facet is Rule of Law.
- ◆ The need to bring in change in attitude, secure greater involvement of the people in policing and spread human rights awareness and education are amongst the core issues for consideration.
- ◆ The police are embodied with a symbol of state power and this makes it more vulnerable to misuse it.
- ◆ Emphasize on the need for change in attitude because public servants are to serve the people and not to act as masters.
- ◆ The problem also lies in the fact that the judicial system and the different elements of the justice system-such as investigation, prosecution, the continuous adjournments in the courts due to witnesses not appearing, delays in justice and all this has failed and unless these are made functional there is going to be no dent on human rights issues.
- ◆ It is important for the civil society to be alert to ensure that the police provide proper service.
- ◆ Another form of poor policing is poor or lack of supervision of cases by senior officers especially in far flung police stations in the state.

Some experiments:

- ◆ Different State Governments have initiated several practices to enhance police-public interaction and cooperation to secure better policing. Some of the initiatives taken by the state governments of Tamil Nadu, Karnataka, Madhya Pradesh and Maharashtra related to establishment of a detailed computerized control room facility with online interaction with the public, introduction of mobile counselling centres for women in Tamil Nadu; participation of NGOs and other weaker sections in Karnataka; the

constitution of Mohalla committees for communal harmony backed by a scheme of reward and recognition for promotion of communal harmony and prevention of communal violence (as in Maharashtra) were some of the examples of programmes involving people's participation successfully.

- ◆ Help line: Some State Governments have established 'Help-Lines' computerization and networking of Police Stations with facility of on-line registration of complaints and inter-active sessions with citizens as well as establishment of Women Mobile Counselling Centres.
- ◆ A crime stopper call system which is a special telephone number where information regarding any crime which is committed can be given and this is relayed to the patrol team has been set up in Kerala.
- ◆ However, in India not every one has access to computers or access the internet portals. The Akshaya Project in Mallappuram district of Kerala as a part of the efforts by the government have taken up 673 booths where computers are installed and people have been trained to use the computers. This is linked online to the collectorate and to all police stations.

2. People's Expectations:

- ◆ People do not want their police to become a complete state or a social service agency providing education or dispensing with medicines, etc. What the people really expect is that the police should enforce the law and work according to the law.
- ◆ What a citizen wants is that the police must function as per the law without being influenced by outside pressures.
- ◆ It is certain that the public evaluates the equality of service it receives by the nature of the response of the police personnel at the level of the police station. When the staff of the police station distance themselves from the public, the latter gets more and more disillusioned and dissatisfied with the entire police machinery.
- ◆ Performance Evaluation Survey of Mumbai police needs to be conducted with reference to the Citizens' Charter and the promises made by the Police to the citizens.
- ◆ Several participants and speakers voiced concern that there was an immediate need to change the attitude of police personnel. This is because only an alert civil society can ensure the police to provide proper service.

- ◆ Awareness also needs to be created amongst the public on the High Court and Supreme Court guidelines and directions of the National Human Rights Commission through seminars, workshops and publications.

3. Community Policing

- ◆ However, these are still experiments in policing or in police -public interface. The need of the hour is to persuade the governments, the legislatures or municipalities that these efforts are not anecdotal but need institutionalization.
- ◆ Area Committees had been set up in the district of Coimbatore to tackle the problem of communal violence after the bomb blasts of 1998. These committees were entrusted with the task of collecting intelligence with the regular interaction and cooperation of the local people.
- ◆ The experiments were very successful in preventing law and order problems and generating faith and confidence in the community, in overcoming allegations of bias and highhandedness through active involvement and participation of the people. Perhaps one reason for the success of the experiment in Kerala was that the political functionaries were kept outside the programme, the meetings of the committees took place in non controversial areas such as wards and streets and not at police stations. This programme helped in building police -public relationship.
- ◆ The Kerala Police have several police-public contact programmes which were introduced in Trivandrum in the year 2000, and are known by the term "CAATCH" or COMMUNITY ACTION AGAINST THIEF CULPRITS AND HOOLIGANS." Under this scheme the resident associations meet regularly with the officers of the station and the commissioner of police once a month. This is a successful project and the response has been enthusiastic.
- ◆ The community policing initiatives in the State have also been lined in a big way with the police reforms programme there. The Chief Minister and the then DGP Mr. K.J. Joseph had made a bold experiment of distancing the politicians from the police. Mr. Anthony had said that no politician should go to a police station with an undue request and no police officer would be transferred because an MLA had complained to the Chief Minister. This has built up the morale of the police. But there is a flip side to this experiment. All the MLAs were unhappy with Mr. Anthony.
- ◆ However, the problem still remains when it is mentioned that the police needs to reach out to the community. But whom do they need to meet?

Traditionally there was the concept of prominent people in the village. This concept changes with time.

- ◆ Today in Madhya Pradesh every district has a nodal officer for community policing and there is also a post for a senior officer at the police headquarters in the State.
- ◆ In Madhya Pradesh, 17 initiatives have been taken so far in building police-community relations: gram raksha samitis, family counselling centres, de-addiction camps, nagar suraksha samitis, mobile police stations, help for the visually impaired, child friendly police, trauma managements, child line, verification of domestic help, care of senior citizens, victims assistance for weaker section and empowerment, help for physically challenged and regulation of private agencies.
- ◆ Community policing in Kerala is seen as a productive collaboration between the police and community, which is used to identify and resolve community problems. This partnership helps in pin pointing and mitigating the underlying causes of crime by getting the community involved. This leaves the police with the more available resources for crime prevention activity.
- ◆ There is a need to go towards decentralized policing where the beat system needs to be revived and sharing of powers is necessary by the senior inspector with the constables.
- ◆ The effectiveness of the public contact programmes are critically dependent upon the adoption of objectives of the project by all the members the police organization. It is necessary for the police personnel at all levels to participate in such programmes.
- ◆ A model for community policing has been developed by the Bureau of Police Research and Development (BPR&D) which needs to be debated more widely before this may be implemented.

4. Agenda for Mumbai/Maharashtra

- ◆ While some participants voiced concern over the non visibility of human rights commissions in the state, it was expressed that the State Commission of Maharashtra was functional yet adequate publicity regarding its work had not been given.
- ◆ There is need for valuable partnerships between the police-community and other agencies with greater coordination.

- ◆ School children and university students are strategic groups for human rights education. But police personnel along with NGOs can educate school children in career counselling and in legal rights. Various organizations such as Centre for Youth Development is involved in legal literacy.
- ◆ It is important to educate the police personnel on human rights issues so that the personnel at the grassroots are not under pressure of an unknown phenomena. NGOs are involved in doing this in a small way in Maharashtra such as YUVA, PRAKRITI (Nagpur), Centre for Study on Society and Secularism etc. Modules are also being prepared by the IGNOU and the BPR&D which will be subsequently used in police training through out the country.
- ◆ It has also been brought to light that the police personnel are not fully aware of the court judgments or directives provided by Human Rights Commissions or even do not have contemporary information on custody management or information on forensic sciences etc. It is important to send more information to all police stations and personnel working at the grassroots.
- ◆ Some of the mohalla dakshata samitis and the suraksha samitis at the district level have all become politicized. Only in certain areas these are functioning well, but in the rural areas these interventions are lacking. Efforts are necessary to spread these concepts.
- ◆ There are certain basic problems of the police personnel such as lack of housing for the subordinate ranks, poor working conditions, low salary, lack of mid career training facilities. All of these need to be planned out with the help of modernization grants.
- ◆ There is resistance on the ground to take up new ideas such as community policing by the subordinate staff. It is important to make them understand the importance of such efforts.
- ◆ Police statistics must not be tailored and managed as on most occasions crime statistics emphasize that dacoit, deaths, domestic violence are going down and the problems are being tackled. It is not in the representation of the data that would make the police image change but the openness to file in the cases would bring the police closer to the community.

ANNEXURE - I

MINISTRY OF HOME AFFAIRS
IN ASSOCIATION WITH
COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI) &
GOVT. OF MAHARASHTRA & PEOPLE'S CONCERN FOR GOVERNANCE TRUST (PCGT)
ORGANISES A SEMINAR ON
"POLICE & PUBLIC INTERFACE: MAKING IT HAPPEN"

Date: November 2, 2004

Venue: World Trade Centre, Centrum Hall, Cuffe Parade, Mumbai

Registration	9.30 - 9.45	
Welcome Address	9.45 - 9.50	Mr. P.P. Srivastava, IPS, Principal Secretary, (Home), Maharashtra
Inaugural address	9.50-10.00	Mr. Bhide, IAS, Addl. Secretary (HR), MHA
Presentation "Government Initiatives on Human Rights" Objectives of the Seminar for Maharashtra	10.00-10.20	Mr. A.K. Jain, IAS, Joint Secretary, (HR)MHA
An NGO Perspective on Police-Public Interface	10.20-10.30	Shri J.F. Ribeiro, IPS (Retd)PCGT
Tea Break	10.30-10:40 10.40- 10.50	Mrs Maja Daruwala, Director, CHRI

SESSION - I

Good Practices in Police - People's Interface

Chair : Mr. A.K. Jain IAS Jt. Secretary, (HR) MHA

Moderator: Mrs. Maja Daruwala

Introduction	11.00.-11.05	Mr. A.K. Jain
Bench Mark for Police Performance	11.05 - 11.20	Mrs Meera Borwankar IPS Addl. Comm. Of Police
Bench Mark for People's satisfaction	11.20 - 11.35	Mr. Shailesh Gandhi, Activist
Good Practices in Policing	11.35 - 11.50	Mr. K.Radhakrishnan IPS IGP (Vig) Tamil Nadu
Discussion	11.50 - 13.00	
Observation	13.00 - 13.10	Mr. A.K. Jain
Lunch	13.10 - 13.50	

SESSION - II

People's Participation in Policing

Chair: Mr. P.S. Pasricha, IPS, DGP, Anti Corruption Bureau, Maharashtra

Moderator: Ms. Flavia Agnes, Senior Advocate Bombay High Court

Introduction	13.50 - 13.55	Mr. P.S. Pasricha
Initiatives in Community Policing	13:55 - 14.10 14.10 - 14.25	Mr. P.H.K. Tharakkan, IPS, DGP Kerala Mr. R.K. Mishra IPSDIG, CBI, Mumbai
Police Accountability: Best Practices	14.25-14.40	Mr. G.P. Joshi, CHRI
Discussions/Observations	14.40-15.40	
Tea Break	15.40-15.50	

SESSION - III

Action Plan

Chair: Mr. J.F. Ribeiro, IPS

Moderator: Mr. A.K. Jain/ Mrs. Maja Daruwala

Introduction	15:40-16:00	Mr. J.F. Ribeiro
Problems of the common citizen vis-à-vis the police in Mumbai	16:00 - 16:15	Ms. Shyama Kulkarni, AGNI
Action Plan for Mumbai	16:15-17:00	Discussion
Observations	17.00 - 17.10	
Concluding Remarks	17.10 - 17.20	Mrs. Maja Daruwala
	17.20 - 17.40	Mr. A.K. Jain
Valedictory Speech	17.40 - 17:55	Mr. A.N. Roy, IPS Police Commissioner, Mumbai
Vote of Thanks	17:55-18:00	Mr. Kirthy Kumar Director, (HR) MHA

ANNEXURE - II

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