POLICE IN DEMOCRACY: COMMUNITY POLICING AS A POLICY FOR GOOD GOVERNANCE IN INDIA

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"The reward of one duty done,
is the power to fulfill another."
-George Eliot

ABSTRACT

It is a paradox that a democratic society requires protection both by and from the police. Democracy is a process or an end condition manifested by values involving participation and fairness. Several institutions apart, the working of police puts some limiting factors that the citizens are likely to have contact with. Police as an agency of the government, is entrusted with the task of crime control and contribute to public order. The organizational conditions in which they perform in their means to realize the ends vary greatly between democratic societies. Some of the general characteristics remain universal. These are their subjection to rule of law and the values of human dignity rather than a powerful leader or party, limited intervention in the life of a citizen under a controlled circumstance and public accountability. It is often a myth that that the police stands between the chaos and the social order. The various nuances of social order are of varied nature and impact especially considering the heterogeneity and more recently the apparent globalization. As a formal instrument of the state, its role in preserving the social order is quite significant. Police as an institution operates in an environment of constant change. The organizational and functional dynamics of police gets affected by the political, economic and social conditions in which it operates. In 21st Century, the police is expected to perform the traditional task of law and order maintenance, enforcement and other roles related as community organizers, terrorism prevention and problem solvers. The discretionary exercise which they perform is expected to be within the ethical framework. This has two fold connotations. Firstly, their role in maintenance of social order and second, their non interference in routine private life of an individual. Their only interference should be in time, when the individuals need them. Over the period of time, the confrontation of civilian police and the civilians have become a subject of detailed scrutiny, which emanates either from the changing dynamics of interaction and sometimes misleading judgment of values. The mutual interdependencies between the police and the community comprising of individuals gives rise to a lot of issues in a given social setting. Ideally, an effective and efficient policing involves a meaningful and concrete partnership between police and the citizens. This partnership should be based upon a two way communication between the police and the citizen in a joint venture for law and order maintenance and enforcement.

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POLICE AND DEMOCRACY

It is a paradox that a democratic society requires protection both by and from the police. Democracy is a process or an end condition manifested by values involving participation and fairness. Several institutions apart, the working of police puts some limiting factors that the citizens are likely to have contact with. Police as an agency of the government, is entrusted with the task of crime control and contribute to public order. The organizational conditions in which they perform in their means to realize the ends vary greatly between democratic societies. Some of the general characteristics remain universal. These are their subjection to rule of law and the values of human dignity rather than a powerful leader or party, limited intervention in the life of a citizen under a controlled circumstance and public accountability. It is often a myth that that the police stands between the chaos and the social order. The various nuances of social order are of varied nature and impact especially considering the heterogeneity and more recently the apparent globalization. As a formal instrument of the state, its role in preserving the social order is quite significant. Police as an institution operates in an environment of constant change. The organizational and functional dynamics of police gets affected by the political, economic and social conditions in which it operates. In 21st Century, the police is expected to perform the traditional task of law and order maintenance, enforcement and other roles related as community organizers, terrorism prevention and problem solvers. The discretionary exercise which they perform is expected to be within the ethical framework. This has two fold connotations. Firstly, their role in maintenance of social order and second, their non interference in routine private life of an individual. Their only interference should be in time, when the individuals need them. Over the period of time, the confrontation of civilian police and the civilians have become a subject of detailed scrutiny, which emanates either from the changing dynamics of interaction and sometimes misleading judgment of values. The mutual interdependencies between the police and the community comprising of individuals gives rise to a lot of issues in a given social setting. Ideally, an effective and efficient policing involves a meaningful and concrete partnership between police and the citizens. This partnership should be based upon a two way communication between the police and the citizen in a joint venture for law and order maintenance and enforcement.

BACKGROUND OF POLICE IN INDIA

In a historical context, police organizations has been reorganized on the lines of maintaining internal security, where 'control' and 'supervision' was a paramount focus. In India, most of the modalities in the organization can be traced to the colonial Police act of 1861. Post 1857, the requirements of the Raj and through a thorough analysis of the administration, a systematic arrangement of a repressive force with an enforcing attitude was deliberated upon. This was

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emphasized in Police act, 1861. Over the period of time the police enactments failed to match up with the overall political developments. After Independence, India inherited the same police organization with the same Police act into place with very little attempt to bridge the trust deficit, which grew out of the estranged values in the system. A centralizing tendency with a deep political interference became the hallmarks of the police in contemporary times. The 1861 Act that was modeled along the modern lines, did not break with the past policing practices but also retained its ruler supportive commitments and a complete lack of accountability to the community.[1] Overall, their commitment was to defend and protect the ruler and the establishment, not to serve the citizen. Even after 67 years of adoption of the republican constitution in 1950, the organizational character of a professional police force and police culture is contested and a disputed domain. In a free democratic polity, the need to act without bias and prejudice is a sine qua non of police action. Article 246 of the Indian constitution places the police, public order,courts, prisons, reformatories and their allied institutions in the state list. While the criminal justice administration in India provides for both substantive and procedural laws, police discretion is clearly explained in procedural law. The police station is the basic unit of police administration in a district. Under CrPC, all the crime is recorded and all the preventive, investigative and law and order work is done from there. A police station is divided into number of beats, which are assigned to constables for patrolling, surveillance, and collection of intelligence. Since the constitutional arrangement places the police in the state list, the state governments are responsible to provide their communities with police services. This is still governed by the archaic 1861 act. Almost thirty years have passed since the debate on police reforms started, the successive appointed commissions have submitted their reports and recommendations to the governments on police issues. This gained momentum when in 2006, supreme court delivered a historic judgment in Prakash Singh v/s Union of India, instructing the state and the central government to comply to a list of seven directives. The court's directive sought to achieve two goals: first, functional autonomy and second police accountability (organizational performance and individual misconduct). Even today a majority of the states have either partially complied with the directives or have remained non compliant in some cases.[2]

POLICE AND GOOD GOVERNANCE IN INDIA

The governance comprises the arrangement to be put in place where the intended outcome for the stakeholders are defined and achieved. To extend this to the concept of good governance, the

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[1] Kirpal Dhillon, "The Police and Criminal Justice Administration in India," in *The Police, State and Society*, edited by Ajay K. Mehra and Rene Levy, 28-40, New Delhi: Pearson,2011.
[2] Commonwealth Human Rights Initiative. Compliance with Supreme Court Directives on Police Reforms: An overview, New Delhi: CHRI, 2016

organizations and the individuals must work to achieve the entity's objective while securing and acting in public interest. Broadly, the concept of good governance carries some preconditions and principles to be followed in the process of routine governance. These are :

- Integrity, where commitment to ethical values and rule of law
- Openness and stakeholder arrangement through effective communication
- Outcomes in form of sustainable economic, social and environmental benefits

The essential priorities underlying the process are :[3]
- Interventions which helps in achievement of the intended outcomes.
- Capacity building through creation of leadership and individuals with the right orientation
- Management of risks through robust internal control
- Accountability and transparency through standard reporting and auditing.

Therefore, as a concept, its salient features are participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows rule of law. Some of the objectives also include minimization of corruption, responsiveness to society and taking care of present and future needs of society.

To cherish and achieve any defined goals in a democracy, rule of law is an initial pre-condition. Social order in a democracy is achieved through various social structures emanating out of the day to day priorities. Police is one such agency entrusted with the task of maintain order in a society . It is also assigned the task of enforcing and maintaining the public order and check the occasional aberrations if any. Along with the legitimate use of physical force, full protection of human rights is the responsibility of an organized police force. Good governance, rule of law, transparency and accountability embody a sustainable partnership between the state and the society, not only through good intentions, but, also through convergence of incentives and strong institutions. Society at large embodies justice and search for a good life. The interconnections of the values are linked through equitable enforcement of those laws to accountability. This requires an act of balancing between self interest and cooperation. Though idealistic, the preferences of both the citizens and officials also seek their own respective developments in the process. Application of Rule of law requires cooperation of state and society through a complex and deeply rooted social process. In this process, punishment and detection can be a temporal objective , but, to relate policies with the social values can work to a greater extent. To make any policy sustainable, it is

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[3] "What is good governance," United Nation Economic and Social Commission for Asia and the Pacific, Accessed on February 27, 2017, http://www.unescap.org/sites/default/files/good-governance.pdf

important that there is a considerable support from the society. This is an important factor in carrying out the necessary reforms and building of public opinion. Any successful police practice would agree to limit the arbitrary exercise of power. There must be an institutional arrangement for successful problem solving in a society and imparting appropriate character in the individuals who carry out institutional responsibilities. This helps to balance the theory of governance and modern policing.

COMMUNITY POLICING

Community Policing has been defined as: "Community Policing is an area specific proactive process of working with the community for prevention and detection of crime, maintenance of public order and resolving local conflicts and with the objective of providing a better quality of life and sense of security."[4]   The theoretical base for community policing can be traced to "Broken Window theory" by James Q. Wilson and George L. Kelling (1982)[5]. It states "Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside.

Or consider a pavement. Some litter accumulates. Soon, more litter accumulates. Eventually, people even start leaving bags of refuse from take-out restaurants there or even break into cars."

Community Policing, community oriented policing and problem solving are interchangeably used in the literatures related to police. It defines a new approach to policing through creation of a police-public interface in a given territory. It follows an important phrase "policing is too important to be left to the police". Community policing is not a programme but a philosophy. It takes partnership with the society as its central concern. It is not a "one size fits all" approach. It is tailored according to the local needs of the society. This need is defined either by the governments or the citizens complaining and demanding the changes in service delivery. An important aspect is its individualized community response on the need an uniqueness of the community involved. It is the partnership between the citizen and the police working towards the safety and an enhanced quality of life. 'Gathering' intelligence and information which is crucial to control the crime in a particular locality becomes 'sharing' of the information and intelligence. This helps to build a professional police agency with a problem solving capability while establishing public trust. It is

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[4] Ashish Gupta and PM Mohan, "Community Policing," *Academy journal* (2004) : SVPNPA, accessed on Feb,27 2017, http://www.svpnpa.gov.in/images/npa/acjournals/2004janjun.pdf

[5] George L. Kelling and James Q Wilson, "Broken Windows: The Police and Neighborhood safety," The Atlantic(1982), Accessed on Feb,27, 2017, https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/

beneficial to both community and the police. The process to establish a trustworthy and an accountable police agency also takes care of the various barriers and obstacles in a policy framework. The philosophy if followed helps to get a clear picture and understanding of the problems involved and also helps to integrate reactions and apprehensions from the society. With the help of new technology and tools available, it becomes easy to establish a standard platform for a police-community interface. The general orientation of viewing public as 'criminals' is done away with in this process. Policing requires strategic planning and creation of policies that define and mandate certain actions and reactions. While the police organization remains highly centralized and the command structures remains top to bottom, it strictly prohibits any new initiative in the classic police actions. Community Policing helps to establish a democratized and a decentralized approach to crime control by fostering local control over the police and hence establishing local accountability to some extent.

According to David H Bayley, community policing has four elements:[6]

(1)Community based crime prevention

(2)Patrol deployment for non- emergency interaction with the public;

(3)Active solicitation of requests for service not involving criminal matters; and

(4) Creation of mechanisms for grassroots feedback from the community.

Here, two new points are worth explanation. Routine patrol or beat policing helps to establish cordial relations between the beat officer and the community. This policing action will be of a preventive nature. Routine and timely assistance by the beat officer and the community involved helps to create the environment of trust and confidence. It also helps in educating the public on new developments in policing policies vis-a –vis community and also helps to get the timely feedback. Second, regarding solicitation for non criminal matters. Police is one such instrument of the state which apparently is in a state of interaction with the public. Through community policing the varieties of other priorities for social order can be fulfilled, provided the society interacts with the police on non-criminal matters.

Community policing as a philosophy for organizational and behavioral change also takes into account the organizational and structural constraints and solve them. Recruitment of police personnel with right interpersonal skills, logical thinking, decision making capabilities, psychological suitability and training in human rights and law is a part of community policing philosophy. From recruitment to training and to placement and performance of job, the challenges of modern policing can be tackled with the help of community participation, transparency, responsiveness and accountability. Decision making and discretion directly impact the decentralization. Highly centralized police force resist any initiatives from below. Therefore,

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[6] David H. Bayley, "Community Policing in Australia: An appraisal: Working paper," (1986)accessed on Feb, 27, 2017, http://trove.nla.gov.au/work/19789203

decentralization of police work can be seen as developing leaders and decision makers who contribute to policing policies in due course. The other parties to community policing apart from the police are the elected representatives and the media. The elected representatives can help to garner the support for a healthy police-citizen interaction. Apart from building support, commitment, and solidarity for the policies, it also helps to solve the timely need of the society and removal of differences arising out of conflict of opinions. Media on the other hand helps to critically check the functioning of the police and reports to the public awareness. It provides an opportunity to correct the mechanisms into place and also to spread public education through media. This helps in regular meeting of the community with the police ,imparting training and empowers citizen to engage with the police and consensus building. Sir Robert Peel, once quoted "the police are the public and the public are the police; police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interest of community welfare and existence". Along with the SWOT analysis (Strength, weakness, opportunities and threats), Community Policing uses SARA model(Scanning, analysis, response and assessment) and STEEP model (Social trends, technological, economical, ecological and political). In the area of security and law enforcement, all the three models have proved to be feasible in different contexts.

COMMUNITY POLICING IN INDIA

Community policing as a philosophy in India can be traced to the traditional rural policing during ancient and medieval times. It was quite prevalent in rural agrarian society.In villages, some members of the community were appointed as community watchmen by the rulers for local peace and security. Being small in size, rural communities had their own way of maintaining social order through controlling and solving social deviances and conflicts. Over the period of time, the rural agrarian communities have transformed into urban industrialized societies. It is then when the requirements of the society change. The change in aspirations and their values have made it contingent upon the public institutions in particular to cater the requirements of the communities in a participatory framework. The agency of police and its actions have been a great focus especially in this context when the police-community relations are stressed, hostile and are characterized by widespread discrimination. This further has led to distressed interaction and limited platforms for participation of public. Further, lack of structural arrangements for the public accountability at local level is absent. Highly centralized police force with an old archaic Police Act, 1861 is a testimony of the poor and dismal performance of police in India. Any serious introspection points towards the lackadaisical attitude of the decision makers in the domain of law enforcement. Indian police work culture points towards the exercise of punitive power rather than a preventive strategy.

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Also, the internal work culture is top to bottom command structure explained in terms of police sub culture and the stress arising out of it. The police sub culture explains the police tasks, their relationships with their fellow police officers and the people with whom they interact under a broad set of laws and regulations. Inciardi (1990) explains the resources that the police officers develop to deal with the isolation from the community that result from the job and the police socialization process. The police subculture also includes the " protective, supportive and the shared attitudes and values, understandings and views of the world," which results in blue wall of silence.[7] William Westley(1970) signifies the police subculture in explanation of police behavior and attitudes. This subculture characterizes public as hostile, not to be trusted, and potentially violent. As a result, the attitudes of the police personnel gets shaped to maintain secrecy, mutual support, and unity on the part of the police while moving towards the compartmentalized view of the society in which they operate. In India, the scope of maintaining a healthy relationship with the public is still limited in absence of a sound police policy framework. As a result, the role of police as an instrument of maintaining social cohesion is challenged. The image and the service delivered by the police agencies is not received in the same spirit with the society. Indian society exhibits a mixture of conflicts of various intensity, considering the diversity of population it possesses. Most of them are the result of substandard policing practices with little or no accountability. Over the period of time, the growing necessity of public cooperation in policing has been felt. Participation of local communities, associations and the the civil society organizations is felt to control the crimes arising on routine basis. Technology and media along with the support from elected and nominated representatives is sought after . But the institutions have not been created for local police accountability. If created, they are given limited authority to check the excessive of police actions or the lacunas arising of routine policing activities. Institutional discrimination to the underprivileged , minorities and other social groups and denying them the justice has been an important area of concern. Off late, the governments of the day are acknowledging the gaps in law enforcement. The state governments and the senior executives have taken a note of the gaps in policing. But, a significant point of realization is yet to take any concrete shape. In absence of a police legislation on community policing, the 'policy adhocism' is creating a grey area where the power discretion is of a limited use to the public at large. This grey area in a non-instutionalised version is creating a 'cult policing' or a area specific programme with a temporal dimension. The result is a non-transparent, coercive, unprofessional police force with limited or no work ethics and with a lack of police accountability.

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[7] Gene L. Scaramella, Steven M. Cox, William P. McCamey , Introduction to Policing, New Delhi: Sage,2011, p.97-124.

SUGGESTIONS AND THE WAY FORWARD

Policing as the most visible manifestation of state, should acknowledge and address the aspirations of the society in which it serves. The 'blue wall of silence' in Indian context must be destroyed to create a sustainable and a reliable institution. The laws must clearly define the role of police in various procedural and investigative matters and these laws should be enforced in the best possible and the transparent manner. The police-community interactions should at the local level and should be backed by a sustainable policy doing away from the "institutional adhocism" . Indian police should acknowledge the social changes and develop the resources to match them. It should take a cue from various countries like South Africa where the legislations have been enacted in the police act, emphasizing community policing as an important part of policing. Also, Japanese experiment of 'koban' can be implemented for a sound police-community interface where the results are positive in reducing the number of crimes through public participation. The organizational culture in the Indian police must be addressed through reducing the work stress of the police personnel and setting up of an incentivized mechanism. Other experiments such as Friends of Police in Tamil nadu,

Jan maithri suraksha in Kerala are quite successful in reduction of crime and maintain the public order. This can be replicated elsewhere as good governance practices and the results can be analysed. Community policing as a philosophy is not a set of exhaustive guidelines, but a spirit to work in close interaction with the society. It views every citizen as a policeman without an uniform and can create a sense of trust among all the stakeholders in a decentralized, accountable and democratic fashion in the best possible localized requirement.

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