

# Empowering Law Enforcers

*If corruption is to be rooted out, our police must be freed from political interference*



second, professional, independent and accountable policing.

Since I am not an expert on the first issue, I am focussing on the second one – policing.

I recall what attracted me instinctively to policing when I was growing up. More than once, I saw my father approached for help in dealing with the corrupt police system. Problems such as false arrests or the rigmarole of lodging a theft report were common. I recall vividly how my milkmaid used to come crying to our house every time her husband was falsely detained on trumped-up charges. For releasing him, the police would demand money. It used to anger me without limit. I wanted to run to the police station to undo the injustice.

What got to me was the extent of discretionary and unaccountable power the police in India could exercise. What made it even worse was that if that same power was correctly deployed, it could have provided justice to so many suffering people. I was not alone in this belief. There were several others – then and now – who served with missionary zeal. The country is full of people who want to dedicate themselves to the good of the people. But the system does not enable them.

Had our forefathers shown foresight in two areas, we would have been a different country today. First, population control and,

There is clear evidence that corruption in our system is an epidemic today. This country has nearly 1.60 million cops in 35 state and Union territory police forces – this number includes special units such as anti-corruption bureaus, economic offence wings, vigilance departments and the like – and over 13,000 police stations. But despite this entire infrastructure, when did we hear of any top political leader, civil servant, police officer or corporate chief booked for corruption by the local police? Do we really mean to say none of the ‘known’ scams which made news in the past could have been detected by the state police?

We are talking of over 64 years

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“ Dating back to Independence, the political class, backed by the civil services, has not allowed the police to be independently accountable. It has maintained control over it for political purposes ”

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of policing of independent India. This long record of failure raises a laundry list of questions. Why could the local police not detect, investigate, arrest and successfully prosecute the concerned powerful people themselves? Why did the senior courts – either suo motu or by citizens’ initiatives – have to intervene? What was

happening before the Right to Information Act less than six years ago? Was there no corruption then? Did none of the bureaucrats and police chiefs know what was going on? And if they knew, what did they do? If they didn't do anything, why not? Has anyone been punished for non-performance?

Even though we are living in a democracy, our governance systems enslave the police. There is a constant external exercise of power aimed at controlling personnel entirely by taking over decisions to do with appointments, transfers, suspensions, promotions and even reappointments after retirement. The situation is such that to lodge an FIR against anyone important requires the specific approval and support of the highest political authorities.

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Why has this happened and what is the solution?

Dating back to Independence, the political class, backed by the civil services, has not allowed the police to be independently accountable. It has maintained control over it for political purposes; that is why it has not amended the Police Act of 1861 which perpetuates political and bureaucratic control over the police.

Supreme Court judgments declare that the police are accountable to law – and they are right. But between the law and the police is a whole class of powerful people. These people block and make decisions that, by right, the police should be making. They make the police rank and file subservient. There are notable exceptions to all this, of course, but in

general this includes the police leadership as well.

While the Indian police is not independent as a system, some individuals within it are. And so, unless the system is cleansed, these individuals will continue to fight and fade away.

If the current anti-corruption movement has to take root, two things need to be done urgently. One is to free the police from political and bureaucratic control. Let it be governed by a state police security commission board, comprising the state home minister, chief/home secretary, leader of the opposition, a few civil society representatives and the director general of police as member secretary. Perhaps the Supreme Court could ensure the implementation of its own judgment in letter and spirit.

Until police headquarters are made strictly accountable to the law and overseen by independent, neutral boards, state police will remain mere onlookers to corruption of which they may well have full knowledge. The perception of police neutrality and trustworthiness has to be re-established via empowerment, both within the service and outside.

The Lokpal with Lokayuktas needs to work in tandem with a rejuvenated police, with assured legal protection to whistleblowers, and even reward schemes in place. If that is done, we may see a moral revolution in this country within our lifetimes.

*The writer is a social activist and former police officer.*

**Kiran Bedi**