

That is why, in the context of reforms to the police set-up in the country, we have focused on separation of and independence for, the crime investigation branch of the police from the general law and order branch under the supervision of an independent Board of Investigation. This would insulate crime investigation, which is a specialised function, both from political interference and from the day to day law and order functions that the police are saddled with. At the same time we have recommended an officer oriented civil police with initial recruitment at the level of the Assistant Sub Inspector (ASI). Autonomy for the law and order branch of the police is sought to be ensured by providing for a collegial system for appointments and transfers of police officers, a move that will also ensure security of tenure. Independent accountability mechanisms have been recommended at the state and district levels to look into complaints against the police. The traditional accountability structures such as the practice of the annual performance report of the SPs/Dy SPs being written by the Collectors and of the DGP/IGPs by the Chief Secretary should also be revived. While the ultimate accountability of the police to the elected government of the day cannot be diluted, its operational grip on day to day matters has to be relaxed in order to guarantee operational freedom and autonomy for the police to fulfill their statutory functions without fear or favour.

Most of all, the mindset of negativism has to go. Police stations should become service centres rather than power centres. They have a role which is multi-dimensional, encompassing responsive policing, preventive policing, proactive policing and developmental policing. Police stations have to register complaints immediately even on email, and training of the personnel has to be reoriented to focus not only on structural skills but also the neglected soft skills such as communication, counselling, team building and leadership. The police service is the primary agent of the criminal justice system and its role has to be to protect human rights including the particular rights of the most vulnerable victims, such as women and children. The ethos of the police should reflect accommodation for all, prompt response to emergencies, professional problem solving, courteous behaviour, process based service dealing and public partnership in policing decisions.

Aristotle had said, “It is in justice that the ordering of society is centered”. The criminal justice system is in many ways the bedrock of a democratic society since it upholds the rule of law which is a fundamental feature of a true democracy. Our criminal laws have to be sensitive to the changes in social structure and social philosophy, a reflection of contemporary social consciousness and a mirror of our values as a civilization. Delay in justice is justice denied, denial of justice is justice buried and non-accessibility of justice is justice aborted. A study undertaken by Dr. Wolfgang Kohling and the World Bank found a relationship between the quality of the judiciary and economic development based on data for Indian states. Quality was measured in terms of backlog of cases and frequency of appeals. It was found that a weak judiciary has a negative effect on social development, economic activity and on poverty and crime. Our criminal justice system, with a staggering 2.63 crore cases pending in the district and subordinate courts (though the number is less intimidating when we recognize that 29.49 lakh cases pertain to traffic challans and motor vehicle claims) is close to collapse with relatively unimportant cases clogging the judicial system.