

The Necessity of Community Policing in India: Challenges and Prospects for Reform

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ABSTRACT

Community policing is an important pillar of law enforcement across the world. It is practiced in different forms with varying results in different countries. Its main goal is to assist the social environment in creating law and order. Today, India is moving ahead as one of the powerful country we need to have all elements of a powerful and secure nation. One of its important constituents being a potent law and order machinery with effective policing. We have a reasonable police force and a law and order set up whose primary role is to provide a peaceful, orderly and crime –free environment in the society. But today the police are over burden and they focus only on major crimes and give less importance to minor crimes. Crime free environment indeed requires the involvement of community and the police to work together to tackle crime. Though the community police serve the community at large, it faces many challenges while implementing the law and order in to the society.

Some of the challenges are inactive participation of society in preventing crime, less attention given from government to the community policing, etc. The study finds the reason for failure of the community policing and a better legal solution for crime free environment.

KEYWORDS: Law, Police, Community, Society, Responsibility.

Introduction

“Crime causes social, economic, health, and psychological effects on victims and society at large. It is a serious social problem that directly reduces the quality of life of individuals and the community². To respond to this problem, societies have developed the polity as an institution where the police, among others, are recruited, trained and deployed. In support of this idea, Morgan stated, “the primary function of police is concerned with preventing crime and catching criminals”³. Community policing is a policing whereby the people take active part in their own affairs; the police are not seen as a problem or stranger whose presence stands for danger but as partners in development and those members of the community are co-producers of justice and quality police service. This fact indicates the need of involving the community, the local government and the police to work together to tackle crime.

Therefore, community policing has emerged as a major issue in the development of public safety for many countries in the world. Community policing is a worldwide growth.

It is generally recognised that India is facing a grave crisis of governance today. The manifestation of this crisis-the all pervasive, inefficient state, increasing lawlessness, criminalisation of polity, ever-growing nexus between money power, crime & political power, excessive centralisation.. etc. Perhaps the most visible manifestation of this crisis is the failure of police in enforcing rule of law, maintaining public order or controlling crime Crisis in policing or the causes for emerging community policing in India The first and most vital function of the state is maintenance of public order and peace in any society. The police are the agency to enforce the will of the state, the way the police function is an

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² 1 O’Block RL, Donnermeyer JF, Doeren E(1991) Security and crime prevention. 2nd edn. US: Butterworth-Heinemann

³ Morgan JB (1996)The police function and the investigation of crime. Avebury: Gower.

index of liberty & rule of law in a democratic society. Rule of law is the corner stone of any democracy. Rule of law essentially means equality before law, and all individuals being subjected to the same laws in same measure. The ultimate test of rule of law is the way the police and criminal justice system enforce law, protect innocent citizens and use coercive power to ensure compliance of law⁴.

The police in India have an enormous power and prestige. It is common even today for mothers to frighten young children in the name of police. The fear of the police force is extremely common in most parts of India. This situation is further complicated by an increasingly illegitimate political and electoral system, which is largely based on abuse of unaccountable money power, regular development of criminal muscle power and many distortions in the electoral arena. Obviously, such an illegitimate political system is inclined to use the police force illegally to buttress itself.

In addition to these systematic problems, the resources, technology weapons and procedure available to the police have not kept pace with the times. Today the criminals are using superior technology in committing crime. The police forces are not in position to match such criminal gangs because of inadequacies in their function. By the judicial pressure on the police forces they produce results by hook or by crook is always mounting. In order to produce short term results, the police are often compelled to resort to third degree and extra judicial torture and punishments. Therefore it is not only the responsible of the police to maintain the law and order and create crime free environment.

Definition of term and Concepts Community-Community is the term that refers to a group of people who share three things-they live in geographically distinct area (such as a city or town), they share cultural characteristics attitudes and lifestyles and they interact with one another on a sustained basis. Thus, community could be understood as group of people sharing the same city, similar social class, having same culture, sharing the same objectives and have similar psychological makeup.

Crime- crime is an illegal activity which causes physical or moral injuries to the society and that it was prohibited by law⁵. **Crime prevention-**crime prevention is an attempt to eliminate crime either prior to the initial occurrence or before further activity.

Community policing - Community policing brings police professionals, government officials and community and neighbourhood leaders together to identify and evaluate problems within the community and work together to solve them. As stated by Deluca and stone- community policing is the desire to bring policing closer to citizens whose lives and property are supposed to be protected.

The benefit of community policing are broken down into three areas for the sake of brevity such as community specific benefit, police specific benefit and shared benefits. Community specific benefits include identification and resolution of community concerns, ownership of local problems, improved local physical and social environment and reduced fear of crime, the police specific benefit include an improved police-community relationship, positive attitudes towards the police, a community perception of policy legitimacy and most importantly, an increase in the job satisfaction of police officers. The international and national best practices exhibit certain shared benefits such as a decreased potential for police-citizen conflict, a reduction in crime rates and a better flow of information between police and community In previous policing models, police departments spent a vast amount of resources and manpower reacting to crimes that had already been committed. Instead, problem-solving policing and its offshoots emphasize building relationships to prevent crimes.

⁴ A.C. German, the Police: A Mission and Role.

⁵ Prof. N.V. Paranjape, Criminology and Penology, Central Law Publications, Reprinted 2006, p. 291.

The key concepts of community policing rely on three core components-community partnerships and problem solving and implementing community policing organization features Community partnerships- Community partnerships also require the active participation of members of the community; they must be actively engaged in efforts to enhance community safety themselves⁶. This requires that the resident people have to providing information to the police and to promptly report crimes when they occur. Citizen involvement also requires citizens to participate in activities such as youth-oriented crime prevention projects or sanctioned neighbourhood patrols. These types of activities serve to help develop trust between the police and the community. This in turn, allows the police to gain access to important information from the community which can lead to the prevention of crimes, increase support for crime control measures. To build trust for an effective partnership, the police must treat citizens with dignity and respect. Arrogance, rudeness, and the unnecessary or excessive use of force will diminish the willingness of community members to engage with and provide information to the police.

Developing and maintaining the trust of the community is pivotal to the success of community policing Problem solving or problem-oriented policing Problem-solving differs from traditional policing in that it is proactive rather than reactive. As mentioned above, the police racing to crime scenes to gather reports from victims and witnesses characterized traditional policing. The theory behind problem-oriented policing is simple. Underlying conditions create problems. These conditions might include the characteristics of the people involved (offenders, potential victims, and others), the social setting in which these people interact, the physical environments, and the way the public deals with these conditions. A problem created in one of these conditions may create one or more incidents. These incidents, while stemming from a common source, may appear to be different. For example, social and physical conditions in a deteriorated apartment complex may generate burglaries, acts of vandalism, intimidation of pedestrians by rowdy teenagers, and other incidents. These incidents, some of which come to police attention, are symptoms of the problems⁷.

The problem –solving or problem oriented focus of community policing is embodied in the SARA acronym, which represents the elements or stages of police work aimed at identifying and resolving problems in the community SARA stands for1. Scanning-: Identify problems and prioritize them incorporating community input.

Analysis- : Study information about offenders, victims, and crime locations.

Response- Respond: Implement strategies that address the chronic character of priority problems by thinking “outside the box” of traditional police enforcement tactics and using new resources that were developed by the community to support problem-solving efforts.

Assess: Evaluate the effectiveness of the strategy through self-assessments to determine how well the plan has been carried out and what good has been accomplished⁸ Problem-solving can also involve reducing the number of occurrences of a specific problem. Drugdealing and associated problems such as robbery or gang activity may be decreased if the police, community members, and social services agencies, such as health centers, set up rehabilitation and counseling facilities to reduce drug use. In order to be effective, problem-solving and problem-oriented policing demand significant changes in

⁶ Community Policing: Principles and Elements 1996 by Gary Gordner Eastern Kentucky University

⁷ Eck, John E., “Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers,” Problem-Oriented Guides for Police Problem-Solving Tools Series, No. 1. U.S. Department of Justice Office of Community Oriented Policing Services, 1999.

⁸ Goldstein, H. (1990). Problem Oriented Policing. Philadelphia: Temple University Press.

both police structure and levels of police authority. This usually requires the restructuring and decentralization of police departments.

The final component, administrative decentralization, is closely linked to the implementation of community policing. Building effective community partnerships and developing effective problem-solving strategies requires the adoption of a new flexible style of policing management.

Police reform in India has been a topic of discussion for decades, as the country's law enforcement agencies have faced numerous challenges in terms of accountability, effectiveness, and public trust. The need for reform has become increasingly pressing in recent years, as incidents of police brutality, corruption, and discrimination have sparked nationwide outrage and calls for change.

Implementing community policing programs faces several challenges. One challenge is the lack of satisfaction among community members with the way police officers implement community policing, as they feel that the police do not offer enough protection and often treat the community badly. Another challenge is the lack of knowledge on community policing among police officers, which hinders its effective implementation. Additionally, corruption, lack of resources, poor working relationships, and lack of recognition of community policing also pose challenges to its implementation. In some cases, the concept of community is defined in terms of administrative areas instead of ecological areas, which can hinder the activation of a community's norms and cultural values. Furthermore, there may be resistance from some administrators who are uncomfortable with dividing a community into separate areas. Overall, these challenges highlight the need for addressing issues related to police-community relations, knowledge dissemination, resource allocation, and defining the concept of community in community policing programs.

With the increasing incidents of crime, it is imperative that the Indian police force is equipped to effectively address the security needs of the country's rapidly growing population. In light of these challenges, it is imperative that India undertake comprehensive police reform to modernize its law enforcement agencies and ensure that they serve the needs of all citizens fairly and effectively.

Major issues with Police in India:

Here are some of the major issues with police in India that highlight the exigency of police reform:

LACK OF ACCOUNTABILITY AND TRANSPARENCY

Many incidents of police brutality and misconduct go unreported and unpunished, leading to a sense of impunity among officers.

INADEQUATE TRAINING AND EQUIPMENT

Police officers often lack the training and resources necessary to effectively carry out their duties, leading to human rights violations and a lack of trust in the police.

CORRUPTION

Corruption is widespread in the police force, undermining public trust and hindering the effectiveness of law enforcement.

OVERRELIANCE ON FORCE

The Indian police has a history of using excessive force to control crime and maintain order, leading to instances of police brutality and human rights violations.

BIAS AND DISCRIMINATION

There are instances of discrimination in the police force based on factors such as caste, religion, and gender, which further undermines public trust in the police.

LACK OF REPRESENTATION

The police force is often not representative of the communities it serves, leading to mistrust and a lack of cooperation between the police and the public.

These issues highlight the need for comprehensive police reform in India to modernize the country's law enforcement agencies and ensure that they serve the needs of all citizens fairly and effectively

POLICE REFORMS INITIATIVES

COMMITTEES AND COMMISSIONS

In India, several committees and commissions have been established over the years to address the need for police reforms. Some of the notable initiatives taken include:

THE NATIONAL POLICE COMMISSION (1977-1981)

This commission recommended measures to improve the functioning of the police and make it more accountable to the public.

THE PADMANABHAIAH COMMITTEE (2000)

This committee was constituted to review the implementation of the recommendations made by the National Police Commission and suggest further reforms.

THE SOLI SORABJEE COMMITTEE (2000)

This committee was set up to review the Indian Police Act of 1861 and suggest amendments to make it more effective.

THE MALIMATH COMMITTEE (2000)

This committee was constituted to suggest reforms in the criminal justice system, including the police.

THE MUKHERJEE COMMITTEE (2006)

This committee was set up to recommend measures for modernizing the police force in India and improve its effectiveness.

These committees and commissions have recommended several key reforms in areas such as police accountability, transparency, modernization, and improvement of working conditions. However, the implementation of these recommendations remains a challenge and continues to be a subject of ongoing debate and discourse.

THE DIRECTION OF HON'BLE SUPREME COURT IN "PRAKASH SINGH V. UNION OF INDIA"

In the case of Prakash Singh v. Union of India, the Supreme Court of India issued several directives for police reforms in the country. The court's directives aimed to make the police more accountable and independent, and to ensure that they function in a fair and impartial manner. Some of the key directives issued by the court include:

Creation of a State Security Commission to ensure that the state government does not interfere in the functioning of the police.

Appointment of a Director General of Police (DGP) through merit-based selection and fixing of a minimum tenure for the DGP to ensure independence.

Separation of investigation and law and order functions of the police to prevent them from being influenced by political or other pressures.

Constituting a Police Establishment Board to decide transfers, postings, promotions and other service-related matters of police officers of the rank of Deputy Superintendent of Police and below.

Establishment of a National Security Commission at the union level to prepare a panel for selection and placement of Chiefs of Central Police Organizations (CPOs).

These directives of the Supreme Court aimed to bring about transparency and accountability in the functioning of the police in India and to ensure that they serve the interests of the people and not those of the political class.

MODEL POLICE ACT, 2006

Here are some key provisions of the Model Police Act 2006 that relate to police reforms in India:

SEPARATION OF LAW AND ORDER AND INVESTIGATION FUNCTIONS

The act requires the separation of law and order and investigation functions, to ensure that the police can focus on investigating crimes and maintaining public order.

ESTABLISHMENT OF STATE POLICE BOARD

The act establishes a State Police Board in each state, which will serve as the governing body for the police. The board will be responsible for formulating policies and overseeing the performance of the police.

POLICE COMPLAINTS AUTHORITY

The act establishes a Police Complaints Authority at the state level, to investigate complaints against the police.

REFORMS IN RECRUITMENT AND TRAINING

The act requires the adoption of fair and transparent recruitment procedures, and mandatory training for all police personnel.

USE OF FORCE

The act lays down guidelines for the use of force by the police, and requires the police to follow the principle of "minimum force."

CODE OF CONDUCT

The act requires the development of a code of conduct for the police, which will outline the standards of professional conduct expected of the police.

COMMUNITY POLICING

The act recognizes the importance of community policing and requires the police to involve the community in policing activities.

GENDER SENSITIVITY

The act requires the police to adopt a gender-sensitive approach and to ensure that women are treated with respect and dignity.

These are some of the key provisions of the Model Police Act 2006 that relate to police reforms in India

OBJECTIVES OF THE REFORMS

The objectives of the various reforms taken for police reforms in India are centered around improving the overall functioning and accountability of the police system in the country. These reforms aim to bring about a more transparent and efficient system, while also ensuring that the rights of citizens are protected and upheld.

One of the main objectives of these reforms is to enhance accountability and transparency in the functioning of the police. This is being achieved through the implementation of measures such as regular performance evaluations, more effective complaint mechanisms, and greater transparency in decision-making processes. These reforms aim to create a more responsive police system that is better equipped to address the needs and concerns of citizens.

Another objective of these reforms is to reduce political interference in the police system. This is being done by establishing clear lines of authority, reducing the role of politicians in appointments and promotions, and implementing strict codes of conduct for police officers. These reforms aim to ensure that the police are free to perform their duties without fear of retribution or pressure from political actors.

The reforms also aim to improve the resources and training available to police officers. This includes providing better equipment and technology, increasing investment in training and development, and ensuring that police officers are adequately compensated for their work. These measures aim to improve the capacity of the police to effectively enforce the law and protect citizens.

Finally, the reforms aim to address human rights violations and improve the treatment of citizens by the police. This is being done through the implementation of stronger protections for human rights, increased sensitivity training for police officers, and better mechanisms for addressing complaints of rights violations. These reforms aim to ensure that the police are able to perform their duties while respecting the rights and dignity of citizens.

Overall, the exigency of police reforms in India is driven by a need to create a more accountable, transparent, and efficient police system that better serves the needs of citizens. Through the implementation of these reforms, it is hoped that the police will be able to more effectively enforce the law and protect the rights of citizens

WAY FORWARD

The following steps could be considered for police reforms in India:

INDEPENDENT AND IMPARTIAL OVERSIGHT MECHANISM

The creation of an independent oversight mechanism to investigate complaints against police officers and bring accountability.

REFORMS IN RECRUITMENT AND TRAINING

Streamlining the recruitment process to eliminate political influence and ensuring that the training is focused on human rights, community policing and impartial investigation methods.

DECENTRALIZATION OF POLICE

Decentralizing the police force to improve its accountability and responsiveness to local communities.

Reformation of use of force policies:

Reforming use of force policies to ensure that excessive use of force is avoided and that the police use force only as a last resort.

BETTER WORKING CONDITIONS AND EQUIPMENT

Improving working conditions and providing modern equipment to police officers to enhance their capacity to perform their duties effectively.

STRENGTHENING THE LEGAL FRAMEWORK

Strengthening the legal framework to provide the police with the powers necessary to tackle crime while also protecting the rights of citizens.

COMMUNITY POLICING

Encouraging the implementation of community policing to improve relationships between the police and local communities and to address community concerns.

DATA COLLECTION AND ANALYSIS

Improving data collection and analysis to help identify areas for improvement in the policing system. Implementing these reforms would require sustained effort and cooperation from all stakeholders, including the government, police, civil society, and the public.

CONCLUSION

In conclusion, the exigency of police reforms in India cannot be overstated. The current system is plagued by several issues such as corruption, lack of accountability, and an ineffective leadership structure. These problems have led to a distrust of the police by the public and have hampered their ability to effectively perform their duties.

The time for change is now and it is essential that reforms are implemented to modernize the police force and restore the trust of the people in law enforcement. This can only be achieved through a comprehensive approach that addresses the root causes of the issues and implements sustainable solutions. The future of public safety in India depends on it.

Crime has become a major concern. Each year the percentage of major felonies (burglaries, car theft, robberies, assault, rape and murders) has risen. Cities have been controlled by drugs and gangs, not the community and the police. The new approach of community policing removing officers from the traditional police cars and placing them in a community or neighbourhood. This allows the officers to become familiar with their surroundings and lets them pay closer attention to smaller crimes like vandalism. Thus the Community policing plays a major role in creating the good relations between the police department and the community. This in turn means that the police get a good platform to eradicate crime and maintain the safety of the citizens within country boundaries.

RECOMMENDATION

Finally, to make community policing a success it is absolutely important to ensure:

1. That the concept be institutionalized. The Police Act or the Constitution must have details provision regarding to police community relations, such as what methods are to be adopted, what are the objectives and the composition of such initiatives. The Police Act of 1861 is silent on this subject and to repeal this piece of legislation and opt for a new and modern people friendly Police Act.
2. There is an urgent need to set up intermediary bodies that can put an effort to bridge the gap between the police and the community and independently evaluate such initiatives.
3. And develop awareness among the urban people regarding to benefit of community policing.