

WE REMEMBER

26.11.2008

the darkest day of mumbai

**Post 26/11, have the authorities done enough on
Police Reforms to keep Mumbai safe?**

*Citizens Alliance for Police Excellence (CAPE) – an initiative by PCGT seeks
answers and places a charter of demands*

An initiative by



PUBLIC CONCERN for GOVERNANCE TRUST

Post 26/11, have the authorities done enough on Police Reforms to keep Mumbai safe?

Citizens Alliance for Police Excellence (CAPE) – an initiative by PCGT seeks answers and places a charter of demands

The terrorist attack on Mumbai on November 26th 2008 exposed our vulnerability, lack of preparedness and ineptitude at handling a crisis situation. It was evident during those crucial 60 hours that there was no one in charge of the situation. The police lost some very fine officers and men, some of whom displayed exemplary courage and grit. That however should not inhibit us from doing some introspection.

It cannot be denied that over the past few decades there has been massive erosion in police professionalism. Ineffective leadership and large scale political interference in the functioning are substantially responsible for the decay.

The citizens of Mumbai have forgiven the police force for its inability to protect their lives and property on 26/11 last year largely due to the heroism of individual officers and men, some of whom even laid down their lives.

Will the people be as forgiving if terrorists strike again? The answer is NO.

Citizens need to now force the Government to make the required systemic corrections to ensure their safety and security.

Today, the City's Police Commissioner has only limited control over his own

force! The politicians are in charge. This is dangerous, very dangerous. If the force is directed from Mantralaya, where the politicians decide who should be in charge of the different police stations or zones, and decide whom to punish and whom to reward, whom to promote and whom to let off, we are placing our fates in the hands of those who are wielding power without responsibility. It is necessary for the people to demand that we have a professional force run in a professional way by police leaders of integrity and competence.

The answer lies in Police Reform.

The Supreme Court had directed the Central and State Governments to introduce Police Reforms by changing the outdated Police Act and making the police accountable to the law. The Court has suggested the manner in which appointments and transfers have to be done, and also ordered the separation of the law and order arm of the police from its investigative arm. The investigators would be independent of the political class and would be supervised by Courts, as laid down in the Criminal Procedure Code.

Unfortunately, no Government is willing to implement these reforms as all political

parties are interested in manipulating the police. The people should now force the government to heed the voice of reason and sanity so that men of integrity and confidence are chosen to lead the force and given operational independence to recruit, train, appoint, transfer, promote, reward and punish their own staff. If the Commissioner fails in his duty or misbehaves or is found to be incompetent then he / she should be changed after reasons are recorded. But there should be no interference by politicians in departmental matters and in the investigation of crimes. Every police officer should know who his or her leader is, and that they cannot rely on political godfathers to secure appointments of their choice.

The system now in vogue has totally politicized the police and made it incapable of working as a team to meet situations like the one that confronted us last year on 26/11. It is true that there will be individual officers and men like Hemant Karkare, Ashok Kamte, Vijay Salaskar and Tukaram Ombale who used their own initiative and mustered their own courage to rise to the occasion. But a concerted, professional response will be possible only when the Police Commissioner is really in charge and does not have to look over his shoulder for orders or directions from his political masters.

The people therefore should demand Police Reforms in letter as well as in spirit, as directed by the Supreme Court. People

should also insist that sufficient funds are placed at the disposal of the Police Commissioner to modernize his force. The procedures for purchase of equipment should be streamlined in order to avoid all the delays that have been commented upon by the Pradhan Committee in its recent report on the 26/11 affair.

Simultaneously, it is also important for the people to recognize the arduous nature of the duties performed by the police. They are deprived of proper rest, housing, education facilities for their children, and the medical treatment for ailments, big or small, are very poor. The people of Mumbai should be willing to help out by contributing their mite to building schools for police children or modernizing police hospitals wherever they exist. To begin with, we can contribute to a citizens' fund for rebuilding the Northcote Police Hospital in Nagpada which is in a miserable state of disrepair. It does not have even the minimum facilities with the result that most policemen are unwilling to submit themselves to its care.

As regards their hours of duty and rest periods, this is best left to the Police Chief but there is one particular demand citizens can make. The number of policemen on the roads should immediately be increased by the simple act of withdrawing security for VIPs except those who are genuinely at risk. At present a number of minor politicians and others are provided with unnecessary security because they have demanded it in order to feel important.

This is a great waste of public resources at the cost of the exchequer and needs to be immediately discouraged. Even those who need to be guarded do not really need the exaggerated number of men assigned to their security. No country in the world, even Banana Republics, devote so much manpower to guard a single individual or his family. They rely more on quality rather than quantity. There is no reason why a country that is on the brink of big power status should not be able to train competent security officers instead of relying on pure numbers.

Since the police force is meant for citizens' security, it is not too much to demand that there should be Citizens Advisory Committees at each police station to bring to the notice of the Inspector in charge the problems of the area and the weaknesses in the security machinery which need to be plugged or corrected. These committees should comprise of non-political people of the area who are respected by all, and have no private axes to grind. NGOs should be consulted on the composition of these citizens' bodies and their voice should be heard.

Similarly there should be a mechanism to monitor all telephone calls made to a police station or police officer and the names of visitors with the gist of their complaints and then a status report on the action taken on the call or the complaint. Citizens' bodies can be permitted to peruse these records in order to ensure that citizens are being heard and genuine complaints redressed.

To summarize, our demands are immediate implementation of the Supreme Court directives on Police Reform specifically—

- (1) Appointment of a State Security Commission to ensure that officers of proven integrity and competence are appointed to the top positions in the police force of the State and of the City and to lay down broad policy guidelines so that the police force acts in accordance to the Laws of the land and the Constitution of the country.
- (2) An agreed list of corrupt officers should be drawn up in consultation with the subsidiary intelligence bureau and the Director ACB and none of these officers whose names figure on the agreed list should be given positions where they interact with the public.
- (3) All deadwood including the corrupt on the agreed list, should be compulsorily retired at the ages of 50 or 55 as permitted under the rules.
- (4) There should be no interference in transfers and other departmental matters including recruitment, promotion and rewards by politicians. Rules should be framed under the Bombay Police Act to ensure that this cannot happen.
- (5) The present arrangement which permits the Home Department to directly post officers of the rank of Deputy Commissioner and below

and to transfer Senior Inspectors should be immediately abrogated. All such powers should rest only with the Police Commissioner.

- (6) There should be no interference by Mantralaya in the investigation of crimes. Supervision should be left entirely to the police hierarchy and the Courts of Law. The role of the politicians should be to fight corruption and injustice.
- (7) The procedures for purchase of necessary equipment or arms should be modified to facilitate quicker decisions. The grants for modernization should be increased forthwith.
- (8) Individuals who 'anticipate' a threat to their lives should not be given police protection, unless there is a possibility of a violent public backlash in the event of their death. Any other person who wants or think he needs such security should be provided trained private manpower at their own cost.
- (9) Those who need to be guarded should have the minimum number of policemen and not an army of men. In short, the accent should be on quality and not on quantity.
- (10) Every police station should have a citizens' advisory committee made up of non-political individuals of high esteem chosen on the recommendation of local NGO's.

(11) Every police station or office should keep a semi-permanent record of telephonic messages received at police stations or offices with action taken there on.

(12) Every police station should have a register of complaints received and action taken there on.

JULIO RIBEIRO

Trustee,

Public Concern for Governance Trust

About Public Concern for Governance Trust (PCGT)

Public Concern for Governance Trust (PCGT) is a registered trust, founded in April 2002 by noted citizens such as Mr. B.G. Deshmukh, Mr. Julio Ribeiro and Dr. R.K. Anand. It has the capability to mobilize public opinion and increase public participation and activism towards creating more transparent and efficient governance. PCGT works to ensure enactment of laws and policies that promote honesty, transparency and accountability in governance. It takes up causes which affect large segments of society, especially the middle classes, and it promotes islands of integrity and excellence among government and other bodies.

Citizens Alliance for Police Excellence (CAPE) is an initiative of PCGT to create awareness about Government's role and responsibility to bring about effective functioning of the police, and to promote speedy implementation of police reforms.