

## Police reform a must to stop the State from misusing its power

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Independence day is an interesting time to reflect on our strange fealty to institutions that the British left us, including those that were explicitly set up to be used against us.

Take the police. The police in India is still governed, in the main, by the Police Act of 1861. Promulgated just four years after the events of 1857, and almost surely heavily influenced by it, it is an act for an internal army of occupation, designed with the aim, very clearly, of forestalling all possibilities of another revolt. The police dress like the army, down to the colourful little medals on their chest.

Like the apocryphal boy scouts, they are meant to be always prepared; they have no off-days and can be called to duty at any hour, which is why you see many men sleeping on string beds when you enter a police compound. And most importantly, they are supposed to inspire fear in the civilian population.

And they do. Fifty-three per cent of almost 6,000 randomly chosen households in Rajasthan who were asked this question, believe that law-abiding citizens fear the police.

A corollary to this is that people do not expect the police to help them with their problems; less than one in three crime victims ever bother to report the crime, and of those who report, 39% are satisfied with their experience. The rest are unsatisfied. However the fraction of those who are satisfied goes up to nearly 60% when the police station staff is trained to be responsive. Given that the training was very basic at best and lasted just three days, this suggests that they had simply never been told that being nice to their clients is a priority.

The dissatisfaction with this aspect of Indian policing is not new. The Police Commission of 1903 already identifies this as a problem.

Subsequent committees tasked with looking into police reforms, including the 2005 Soli Sorabjee Committee, have reiterated the need for a new police law, and Pakistan, which started with the same law, has long changed it. We, on the other hand, seem to be stuck with it.

As we are with so many of our laws; the bizarre defamation law that allowed the actress Kushboo to be arrested for defaming Tamil womanhood (yes all of them!) for her suggestion that pre-

marital sex might be okay as long as the parties take protection, goes back to the Indian Penal Code of 1860. The law against homosexuality also dates from 1860, and proscribes any form of sex that is “against the order of nature”. It is rarely invoked, thankfully, but it offers almost infinite possibilities of abuse. The Supreme Court’s judgment while reinstating Article 377 invokes the same “order of nature”, much to the delight of conservatives from all religions, but its worth emphasising that those words come from the mind of a British Victorian law maker and not, say, our vaishnav tradition, where men are supposed to imagine themselves as gopis in love with Krishna.

A part of the reason that the law does not change is opposition from sections of the police itself; it allows the police authorities a wide range of more or less arbitrary powers to act in the name of protecting “public peace”. For example, Article 110 of the Bombay Police Act of 1951, which, earlier this month, allowed the police to go into hotel rooms and arrest and publicly humiliate couples in Madh Island near Mumbai for the crime of sharing a hotel bed, directly borrows its definition of what can be interpreted as a threat to public peace from the Bombay Police Act of 1902. This law, brought in to make sure that the police could essentially go in almost anywhere without a warrant to ensure that no conspiracy, nationalist or criminal, was being hatched, allows a degree of impunity that some policemen clearly enjoy. I have a strong suspicion that it was less over-zealousness that inspired the raid (as a senior police official suggested) than glee at the possibility of being able to barge in on young couples in various stages of intimacy.

But it is not at all the fault of the police. We also don’t care enough. Our democratic culture does not prioritise protecting an individual’s right to live life her way, especially if that is not our way or the way of the community. Mass protests often get books or films banned, but very few people take to the streets to challenge the right of the State to decide what we can read or watch — it’s still someone else’s problem. Yet every time we see State power being used with impunity, every occasion when a policeman walks into a teashop and leaves without paying, diminishes the State and breeds cynicism. We all pay the cost of that.

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