

I want to raise a matter of serious concern

1. That, the police are meant to be law enforcement agency but, in reality it is just acting in contrary to it. The moment we see the Police instead of us feeling secure we feel more scared and our eyes goes down due to fear.
2. That, custodial torture has become quotidian and daily we see in the news that someone died due to custodial death and we forget it like old news. We stopped bothering on this, neither the government nor the citizen. Citizen gets used to these kinds of news. Sometimes from somewhere these kinds of news come from print media otherwise everyone has accepted this issue. According to the data a total of 1731 custodial death during the year 2019. According to the data on Annual Report on Torture, 2019, 1606 deaths in judicial custody while 125 in police custody. According to the data published by National Campaign against Torture, the maximum custodial deaths which happened in a state is Uttar Pradesh where the figure is 14 deaths followed by Tamil Nadu and Punjab with 11 deaths and Bihar comes after that with 10 deaths, other states comes after this. But if we see the conviction rate among these states, we will shock that Police man who are involved in custodial torture barely gets convicted. As per the data of NCRB between the year 2001 to 2016, only 26 Policeman gets convicted and it is surprising to know that most of the big states like Maharashtra, Andhra Pradesh, Gujrat and west Bengal have Zero (0) conviction.
3. That, after looking at the above data it is an issue which needs to be focused by the state that when the conviction rate in custodial death is so low then, how can a lay-person believe in law. The police are the protectors of civil liberties but, when a policeman takes in their own hand the role of the judiciary then, it results in the breaking down of the separation of power as granted by the Constitution of India. This can

create the fear of anarchy in the minds of citizens and doubts on whom we can believe and trust upon.

4. That, not only the death needs to be considered. I think there are many forms of torture which could be seen on the street on daily basis. The custodial death happens behind four walls but, many types of torture can be seen on the street from taking bribe to *Lathicharge*. In the lockdown due to amid COVID-19 (Novel Corona Virus). We see in the news regularly the barbaric acts purported by the police on the street. Some of the incidents are discussed below. But the question which I want to arise that who has given power to the police to do such kind of act, or if they have been powered by the state, did the state thought of that we are a law abiding country and Constitution Of India is our supreme document and no one is allowed to go beyond the Indian Constitution. It has been said by the Apex Court in the case Francis Coralie Mullin Vs Union of India that obviously any form of torture or cruel inhuman or degrading treatment would be offensive to human dignity and constitute an inroad in to this right to live and it would on this view be prohibited by Article 21 of Constitution of India unless it is in accordance prescribed by law but no law which authorise and procedure which leads to such torture or cruel inhuman or degrading treatment can ever stand and test of reasonableness and non-arbitrariness: it would plainly be unconstitutional and void as being violation of Article 14 and 21 of Indian Constitution. But, we can see the clear violation of Supreme Court order by the police man on the street in this lockdown, how does police beating general public by lathi and ordering to squat on the street or we can say unnecessary punishment which is given by the police to the common public which is nowhere mentioned in any law. But, by taking law in their hand they are *Lathicharging* common people and filming them, this is the clear violation of law and breaches the constitutional value and guarantee given

by the supreme Constitution of India. Various brutality video can be seen flooding the social media or by the different news sources. In another case law of Union of civil liberties vs Union of India, Honourable Supreme Court held that killing of two people by Imphal Police is a clear violation of right to life guaranteed under Article 21 of Indian Constitution.

Encounter is becoming the new normal of the India Society which shall be stopped with immediate effect otherwise it could lead to Anarchism. I will discuss about this evil practice of law below.

5. Evening of June 19, lockdown was imposed across the country, when Thoothukudi district of Tamil Nadu state brings grief in to the life of two person in a family named an incident came into P Jayaraj age 63 and J Fennix age 33 were running a small mobile shop where police detained them and took them to the police custody for the offence that there mobile shop was open for long hour. After the police taken P Jayaraj in to the police custody and beaten him so badly that bleeding came out from their body. When the news of his arrest came to his 33 years old son J Fennix, he came to the police station and tried to stop the police men who were beating his father and for this he pushed one of the police officers. Then, the police beaten them both. Not only the police but, the friends of police who have been appointed to help the police so, that it will minimise the distance between the police and the general public, helped them in the violence against the two deceased. The beating was so painful that there was constant bleeding and lots of internal and external injuries. Their pants were fully soaked with blood. They had to keep changing their lungis and police man asked their family to bring colourful lungis so that the bleeding would not be seen easily. But the crime is seen as much as you hide it. Some reports also say that they have been sexually assaulted also. This barbaric incident leads to the death of father and son on 23 and 22 June respectively. When the news came in to media as well

as in social media then police booked FIR but no Police was arrested till the pressure comes on the government and case transferred to the CBI.

6. That, the charge which have been framed against P Jayaraj and J Fennix are section 188, 353, 269 and 506 (2) of Indian Penal Code. None of the section is of grievous nature and most of the section which have been imposed is billable in nature. So, what is the reason that police have been so much brutal with both of them. Did the police want to spill anything from them or was that a revenge as per the media report that they said something about the police officer? If police believe in revenge then India need to think on their law and order. This is matter of serious concern.
7. Another barbaric incident from Vadodara city of the state of Gujrat. A person named Shekh Babu Shekh from Telangana state used to sell shawl in the city of Vadodara. One day police suspect him in a case of theft and there after caught him and brings to the police station and there he died due to the torture of police. After that, police started hiding evidence. When the senior police officer S G Patil did the investigation then he finds police officer as well as 4 members of Lok Rakshak Dal tried to hide the evidence. This time victim was lucky that an honest police officer was there who took the cognizance of the crime and file the FIR and proceed for their arrest. Otherwise, they would have to wander from one to the another for justice. Report says that police swiched off the CCTV cameras after killing of Shekh Babu Shekh. I want to note here that causing disappearance of evidence is an offence under section 201 and would be punished up to 7 years of imprisonment with fine.
8. That, in the above-mentioned case accused was the suspect for the offence of Theft (sec. 378 IPC). Was the gravity of offence is that serious in nature that the police be beaten to death? Police need to gives their clarification on this issue. Thanks to the honest senior police officer who took cognisance and ordered for investigation.

9. We have seen police brutality during the lockdown due to COVID-19. Police themselves punishing people by ordering them doing squat, catching ear, charging *lathi* on them and filming their punishment. Where police have no right to even handcuffing. In the case of Prem Shankar Vs Delhi Administration, honourable apex court held that handcuffing is prima facie inhuman, unreasonable and overharsh and it is permitted and it is permitted only in exceptional circumstances where there is a reasonable apprehension of escape of the detainee. So, from the above case law it can be easily said by police have right to *lathicharge* only in exceptional circumstances. Did the police inform for dispersing the crowd? Was it a crowdly place in which police had no other change? Was the crowd raging? Who has given them permission for *lathicharge*? Was it the only solution for dispersing the crowd? Was there no alternat option? These are some questions which every police man needs to give answer because it is important for justice and right of life and personal liberty of every individual guaranteed by Article 21 of our Indian Constitution. I want to discuss on the part of *lathicharge* later here.
10. Two very high-profile encounter in which public as well as person of legal fraternity is distributed between right and wrong. The cases are famously known as Hyderabad encounter and Vikas Dubey encounter case. First, I would like to discuss about Hyderabad encounter case.

The Hyderabad encounter case was happened in the month of 6<sup>th</sup> December 2019. Whether the encounter was justifiable or not is a debate between the people. But I want to focus on the law and wants to show how law was being taken in the hand by the police personal. There is no separate law other than Indian Penal Code which govern the law of encounter. Section 100 of IPC clearly says **When the right of private defence of the body extends to causing death.—The right of private defence of the body extends, under the**

restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—

**(First)** — Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

**(Secondly)** —Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

**(Thirdly)** — An assault with the intention of committing rape;

**(Fourthly)** —An assault with the intention of gratifying unnatural lust;

**(Fifthly)** — An assault with the intention of kidnapping or abducting;

**(Sixthly)** — An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

So, Police can shoot in the case person who has been confined tries to escape from the custody of police and police has fear that person have deadly weapon in their hand and cause the death of any police man. Otherwise police are not allowed to even slap an accused person who is being confined by the police.

Section 46 of CrPC says that (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action: 35

Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.

So, police are allowed to use all necessary means to arrest a person. Here nothing is written that they have given permission to shoot and kill an accused. Arrested person could be shot in exceptional circumstances if the police men comes in to danger.

**When police shoot an accused, not an accused or a guilty person died but actually rule of law died on which a person relied upon. A free and fair trial died; principal of natural justice died. Moreover, many people feel free who could be arrested or prosecuted by the rule of law or the country.**

Like in the above-mentioned case of Hyderabad encounter case. Who knows that they are the real culprit if they are and no one behind them?

Why police bought them at the crime scene at 3 am in the morning? Why were they not confined? If they have done a serious crime which police believes upon then, why was the police in such a hurry to encounter them? Did police follow

the guideline of D. K. Basu Vs State of West Bengal which was laid down by the Honourable Supreme Court and did they compliance with all the guideline? Many questions have arisen in the many of many but everyone has been silenced by saying that this was a crime of serious nature.

So, police should give all the power in case of heinous offences and court should be kept just for petty offences because Honourable Supreme Court has made the committee but did any action was taken against the police who took law in their hand. I think court should give answer to this question.

**11.** Another encounter which I want to discuss here is the high profile Vikas Dubey encounter case. The story was itself so weak that even a director whose all films flopped till date, doesn't make his film on this story. First his arrest was so filmy (*mai Vikas dubey Kanpur wala, inhonemujhe arrest krliyahai*) I am Vikas Dubey from Kanpur and they have arrested me. After his arrest, no court proceedings were done under CrPC. Under section 80 of CrPC it is said that Procedure on arrest of person against whom warrant issued. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within thirty kilometres of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 71, be taken before such Magistrate or District Superintendent or Commissioner. But he was not being presented before this Honourable Magistrate and directly being taken and handed over to UP Police. Media teams were covering every moment of the arrest but, they have been stopped 15 minutes away from the encounter scene. The car in which Vikas Dubey was and the car which overturned were different. Here in



the total story many questions were arises and are (i) why was he not produced before the Honourable Magistrate? Were the police in so much hurry of encounter that they did not even get time for all legal formalities? (ii) why was media person being stopped 15 minutes away the encounter scene? (iii) polices knows that he was a hard-handed criminal, so, why didn't police hand cuffed him while taking him to Kanpur? (iv) The car which was overturned and the car in which Vikas Dubey was seen by the media person was different. Was he put in another car and if yes, then what was the reason of this? (v) There were more than 1 car during he was being moved from Madhya Pradesh to UP so, according to the story of police, the car was in speed and lost it's control due to animals came in between the road and car overturned then, why did nothing happen to the rest of the cars? (vi) Vikas Dubey couldn't able to walk properly then, how can he run in speed and took the revolver of the police officer which was connected to the dress of the officer and not able to take out so easily and that too at the time of accident. (vi) When a car gets overturned then obviously, he and other person gets scratches injury on their body. Where were the marks on their body? (vii) Did all the guideline mentioned in D. K. Basu Vs State of West Bengal? I think these all and many other questions are there which UP Police needs to give answer to the court. **It was rightly said by the Honourable Chief Justice that a person who has been charged for more than 60 case then, how could he gets bail and asked UP government to reply on this. If a person is charged with one offence, he/she unable to get bail for years but, here a person who has more than 60 cases in a row is out on bail. I think this is a very serious question which police as well as judiciary needs to answer. And last police also give answer to the court that if this was a revenge of death of 8 police officers then what**

**is the difference between mob lynching and police encounter. Revenge stands both the places.**

**12.**That, on date 16<sup>th</sup> July, a Dalit couple were being beaten by police in a very barbaric manner in a land matter and filmed that scene and when the case become viral then chief minister of Madhya Pradesh suspends the police officer with immediate effect. If a Dalit couple were beaten by police in this manner then, what is difference between the case of Una of Gujrat state and this case of Madhya Pradesh. **If the protector becomes the monster then to whom we expect?**

Steps for police reformation

1. It is not that there is no step taken by the government but is that steps are enough or steps are only on paper which is waiting for their turn to implement on the ground level. I would say steps have been taken on paper only.
2. The police Act, 1861 is the main legislative act passed in the British Era to govern the police system in India. Section 3 of this act gives permission to each state to establish their own police force. Where the world is progressing and reforming, we are still using the colonial law of 1861. Government have tried to made changes and reform the police system unfortunately every time hurdles came in between and the progress keep in the book only and never been implemented. Perhaps no political party wants to lose the control over the police. That's way every state showed their incompetency in implementing the police reform guideline made by the Honourable Supreme Court.

3. That, keeping all these things in mind, Ministry of Home Affairs made a committee lead by senior advocate of Supreme Court Dr. Soli Sorabjee called as Soli Sorabjee committee in September 2005. The moto of this bill is to replace the colonial Police Act, 1861. Under a deep research under the guidance of Dr. Soli Sorabjee, Model Police Act, 2006 was being drafted but still it is waiting for its turn to get passed by the parliament. **Our government who is always ready in making laws and gives statement in public that we will make the law harsh to curtail these issues but from the year 2006 till date bill is kept in the cold storage.** I think government needs to give clarification on this to the public that whether they want to makes laws only which doesn't affect their power or they want to make the system disable.

4. There are number of recommendations given in the Model Police Act, 2006. There are basically seven directives given in the Model Police Act:

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**Directive 1.** State Security commission: The State Governments are directed to constitute a State Security Commission to:

- (i) ensure that the State Government does not exercise unwarranted influence or pressure on the police,
- (ii) lay down broad policy guidelines,
- (iii) evaluate the performance of the State police.

**Directive 2.** Director General of Police: The State Government is to ensure that the Director General of Police is appointed through a merit based, transparent process and enjoys a minimum tenure of two years.

**Directive 3.** Minimum tenure for other police officers The State Government is to ensure that other police officers on operational duties (including

Superintendents of Police in charge of a district and Station House Officers in charge of a police station) also have a minimum tenure of two years.

**Directive 4.** Police Establishment Board: The State Government is to set up a Police Establishment Board, which will decide all transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers of officers above the rank of Deputy Superintendent of Police.

**Directive 5.** National Security Commission: The State Government is to set up a National Security Commission at the Union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO), who should also be given a minimum tenure of two years.

**Directive 6.** Police Complaint Authority: The State Government is to set up independent Police Complaints Authorities at the State and district levels to look into public complaints against police officers in cases of serious misconduct, including custodial death, grievous hurt or rape in police custody.

**Directive 7.** Separation of investigation and law and order police The State Government is to separate the investigation and law and order functions of the police.

Though, there is a criticism of this Model Police Act also but definitely it will help to curtail the situation and improves the quality. Talking about the benefit of the above said directives that.

- Talking about directive 1 it is very important to constitute a body which analysis the performance of the state police. It is very important for the better performance of the police that it should not get influence by any external force especially from the ruling party. Like we have seen many a times that, if an honest police officer doesn't do his work according to the MLA or MP of that region then immediately, he gets transferred from that area and this is why the officer is under great pressure. He has also family and because of this, their children's learning gets hampered. We all know about Ashok Khemka, who is known for his high level of honesty and integrity. He gets transferred more than the year of duty. Many officers due to this trauma gives up. I have discussed about the problem of police below.
- Talking about Directive 2. We have seen many times, when a new party government comes in to power, they appoint the Director General of Police of their choice. We always talk about corruption in politics, I think the main reason is in a line which was said by Lord Acton that absolute power corrupts absolutely. When legislator meets with executive, they get all the power to control any action. This needs to be curtailed by the newly made Model Police Act.
- In the directive 4, recommendation to make Police Establishment Board which decides the promotions and transfer. This is the main reason of corruption that tempt by the politicians for the promotion and giving good post to the officers and it becomes a normal thing in the police system. Politicians trying to tempt and make the puppet of system and take their use for their benefit. The police which is made to serve the public but they are busy in serving the politicians and maintaining their rallies and most of the time their unnecessary protests and *Bands*.

- Talking about the important directive no. 6. A power which is given to a system to protect basically suppress us. Today, we have seen many times during the lockdown and other times also, how police beat public. From a simple Motor Vehicle challan to a criminal act, instead of feeling us secure, we get scared after seeing the police. They blow stick before asking any question. But we can't go anywhere any complaint about the act of the police. There is no proper authority to address these kinds of problems. The one who were being beaten by the police unnecessarily, cannot go anywhere and file their grievance, even they can not go to court because police have been given protection under section 197 of CrPC that a public servant doing any act in discharging their duty can not be prosecuted without the previous permission taken by the respective state.

**Can we ever think that state will give permission for the prosecution of the said police officer on a complaint of a single person?** The one who wear uniform and takes oath of the constitution, forgets all the oath and duty of the uniform. We can give our complaint the SP but, it is up to him or her to take action. If you find an honest SP like the Vadodara SP (I have above discussed about the Gujrat custodial torture incident) otherwise you will have to forget or manage to live with it. **The who had tortured you and you are going to them for registering the FIR against them. Can we ever think that it is possible to get the justice against them? I think never! So, Police Complaint Authority is need of the time.**
- I think the directive 7 is the most important directive among the all directives. Today also, *Dandaraj* works in almost every part of the country. Where in every country police uses technology to solve a case but, in our country, we still use *Danda* to solve the case. The mentality in the police system that using violence during the investigation is correct.

In a survey report by Scroll.in, around 74% of the policemen still think that it is correct to use violent attitude towards the criminal. If a policeman comes with this attitude, then how do you expect anything else from them. Second thing, lack of expertise is there during the investigation. We see lots of time that investigation is done by the constable rank police and they don't have technical expertise and it leads to improper recording of evidence. Which results to lesser conviction. Sometimes accused person gives bribe to the investigation officer to manage the police diary and for making the case weak.

5. In the year 2006, retired Director General of Police of Uttar Pradesh went to the Honourable Supreme Court for reformation in the police system and assist before the court to implement the 7 directives of the Model police act. **He submitted before the court that without drastic systematic improvement in the police system, the country might turn in to a crime state.** The existing Police Act was meant to protect the British Raj. It has become archaic and redundant and anachronistic. Despite several recommendations by committees and commissions in the past, the Government did not take a single step to give autonomy and establish accountability in the police system. The Prakash Singh case reforms intended to direct to redefine the role and functions of the police and frame a new Police Act on the lines of the model Act drafted by the National Police Commission in order to ensure that the police is made accountable essentially and primarily to law of the land and the people. Directions are also sought against the Union of India and State Governments to constitute various Commissions and Boards laying down the policies and ensuring that police perform their duties and functions free from any pressure and also for separation of investigation work from that of law and order. Supreme Court issued guideline to implement

guideline. Supreme Court asked the states to submit affidavit setting out the steps they had taken to comply with the judgement. 15% have been compliant (have reported taking steps to implement all directives like Sikkim, Nagaland, Meghalaya, Arunachal Pradesh) while 63% have been partially compliant (have taken steps to comply with one or more directives, may have registered objections to some directives like Himachal Pradesh, Daman and Diu, Orissa, Jharkhand) while the rest have completely ignored them (have registered strong objections to some or all directives and do not indicate any steps for implementing or have stated that new police legislation is in the process of being drafted therefore no steps have been taken to implement directives or; have sought extensions with no details on concrete steps towards compliance like West Bengal, Tamil Nadu, Uttar Pradesh).

6. That, the states who have refused to accept the directives by the Honourable Supreme Court gives affidavit to the court and expressed their inability to adopt the directives and most of the states who didn't implement to directives are the big states. Different states had their own problems for not implementing the directives.

*Lathicharge* and moral impact on general public.

1. There have been a several report of *Lathicharge* on general innocent public by the police. Before talking to the person, police first blow one *danda* and then, ask question. I think this is not a practice of law.
2. That, in the British time *Lathicharge* was used to control for those who are crazy about the Nation and today is used to crush the protest of students and to crush the voice of pen. We may remember the death of our beloved freedom fighter Lala Lajpat Rai who was being killed by *danda* or baton. So, it is false to say that police have just blow a baton on



you, why are you reacting like this? Even a *danda* or baton could someone.

3. We have seen crushing of many student protests of Jawahar Lal University, Banaras Hindu University, Jamila Milia University and many other Indian Universities. How their protests are crushed by the baton or *danda*.
4. That, our Constitution guarantees freedom of speech under section 19 (1) (a) but their rights are crushed with a baton or *danda* by the police on the street.
5. Article 19 (1) (b) guarantees all citizens the Right to Assembly peacefully and without arm. So, if the protestors don't have arm in their hand then why do police man always carry *Danda* or baton in their hand to scare them.
6. Section 129 of CrPC states that any executive magistrate or officer incharge, any police officer, not below the rank of sub-inspector, may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of public peace, to disperse, and it shall there upon be the duty of the members of such assembly to disperse accordingly. We have seen people in this lockdown through different news channel and other media sources that those who are going to take grocery item and they had to face police's *danda* or baton, not only baton but we have seen police are giving punishment like squatting, sit ups, air vent etc to the migrant labours and person going outside going out to buy essentials for their house and caught by the police. So, here neither they were in group nor they were carrying arm with them. Moreover, if they were violating any law then, they can be prosecuted through law. There is a provision in law (Section 268 to 270 of IPC) for their prosecution. Why did the police take the law into their own hand? Police should definitely give justification on this issue.

7. In *Karam Singh v. Hardayal Singh* (1979 SCC OnLine P&H 180), the Hon'ble Punjab & Haryana High Court held that three prerequisites must be satisfied before a Magistrate can order use of force to disperse a crowd:

First, there should be an unlawful assembly with the object of committing violence or an assembly of five or more persons likely to cause a disturbance of the public peace.

Second, an Executive Magistrate should order the assembly to disperse.

Third, in spite of such orders, the people do not move away.

8. The power of the police to invoke Sections 129 and 130 CrPC stands on a weak footing if the assembly was not unlawful. Nevertheless, for argument's sake, let us assume that there was an unlawful assembly. Law doesn't work on assumption.

9. As per the record of NCRB 2016, only in Uttar Pradesh there were 185 occasions where police used *lathicharge*, which is second highest in the country after Jammu and Kashmir. It is a matter of thinking that UP is not a disturbed area like J&K then, why did these *dandapratha* (Baton custom) need so much or are we somewhere agree like above I have discussed that 74% of the police agree of taking violent steps against the criminals, here too police agrees that it is the only system to take the crowd in control.

10. That, there should be an accountability for every police man that what is the reason of blowing a baton on a public. Was there any other option to disperse the crowd or that was the only way to disperse the crowd. Because it is becoming a practice which is being accepted by the public also, police did right if he/she is being beaten by a police man while

going out in lockdown or breaking a red light. That, every situation needs violence only to curb the issue and problem going around us. This is a clear violation of law and abuse of power. This has to stop and rule of law need to establish.

11. That, a person needs more secure when going to police not they feel scared after going there and for this major reform needs to be implemented.

12. That, there is a theory called “social learning theory” given by Albert Bandura, which says that seeing someone hurt by fire will make us understand that the contact with fire will hurt us, in the same way from morning to evening media shows the video clips of public being beaten on street by police man will somehow shows us the scary face of the police. So, whenever we see a police man keeping a *Danda* or baton in their hand makes us scare rather than feeling us safe. So, government should think on this “Dandaculture” in the police system.

13. That, **police should be given training without *danda* or baton to protect people, not with baton or *Danda* to suppress the voice of student or general innocent public.**

### Problems with police

1. It is not that the police have only shortcoming, they also have some compulsions. A duty of police is not that easy which we think. They are many kinds of issue from salary to health facility. Few years back there was video viral on the social media of a police man in Delhi Metro. It is seeming that he was shaking due to intoxication. But later the reality

comes out that he was facing some health issue due to heavy and continuous work load.

2. According to the data of police department, there are 5.28 lakh police posts of various post is vacant. India ratio is 138 police personnel per lakh of population which is the fifth lowest among 71 countries.
3. First the salary of the police men is low and they don't get paid for overtime. Sometimes a police man works for 17 hours a day in the festival season or during the investigation. Due to this they don't give time to their family and which leads to a dispute in their family.
4. Many of the police man joins the service of police to serve to the society but, we find them giving security guard like service to the VIPs. This is a I think a morale reducing thing.
5. Many a times we have seen police failed in filing the charge sheet on time because they had to give security to the politicians or the other VIPs. This leads to giving bail to the accused. Accused might influence the case in some cases.
6. While giving security to the VIPs, sometimes they stand hungry and thirsty and no one offer them food or water neither they get extra paid for their duty.
7. The gap between the lower rank constable and the high rank Superintendent of Police is very high. If a constable sees any cognizable offence and tries to take any action then, he or she gets call from upper rank officer and the constable have to step back from this. The communication between the high rank and low rank officer is very low or negligible.
8. The condition on which a police lower rank officer is very bad. We can see a Traffic Police working on the road full of dust. This leads to many health and mental disease. They don't have proper equipment to tackle these issues. These health issue have to be faced by their families also.

Most of the income which they earn have to spend in curing their disease. Their children won't get proper education due to this.

9. They are also human beings and due to their stress and anxiety, sometimes they lose their control. This is a serious concern and just a suspension and transfer are not a solution.

## Conclusion and Recommendations

1. As it was also submitted by the Retired Director General of Police Mr. Prakash Singh in the case of Prakash Singh & Ors Vs Union Of India & Ors that without drastic systemic improvement in the police system, the country might turn in to a criminal state. So, time has come to take innovative step for the Police reformation.
2. Central government along with all state government implement all the seven directives on the basis of Model Police Act, 2006.
3. Police complaint authority needs to be established with immediate effect and solve all the police grievance redressal in a given time frame.
4. Separate investigating agency should be made so that the investigation could be done correctly.
5. Police training should be like more preventive for the society and suppressive towards the society.
6. There should be a committee for audit report of the police working and police relation with the local people living in their area consisting of old retired person and retired police officer (if there) otherwise well reputed person and person having official post in any public or private department of different field of that area who audits the behaviour of the police with the general public and submit the report annually to the State Security Commission.
7. Police accountability towards every civil force which they are using while dispersing any mob. They have to make a report of every action of using

civil force for dispersing any mob and hand over to the Judicial magistrate of first class of that area. If found guilty by the said magistrate, can be prosecuted without the permission of state which is currently given to them under section 197 of CrPC.

8. Amendment in CrPC relating to the offences of Investigation which is given under section 154 to 176 of CrPC and permission of state before prosecuting any police man which is given under section 197 of Crpc as well as provision related to using civil force by the Police and Army given under section 129 and 130 of CrPC respectively.
9. The Parliament should pass The Prevention of Torture Bill, 2010 with immediate effect which also ratify the UN Convention against Torture of 1975.
10. Police shall not be given Danda or Baton by the state or if given it should be small in size which can be keep in the waist and hand should be empty like it is welcoming the public for helping them. Like an officer have Gun but they do not use to show it in the public by keeping in their hand, similarly a Danda or Baton should be kept like this only and it should not be to show in the public.
11. Any other step suggested for the betterment of humanity keeping the Indian Constitution in mind.

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