

Interview

The leadership has failed to rein in the police: A.P. Durai



S. RAJENDRAN



Indian Police Service probationers at the Sardar Vallabhbhai Patel National Police Academy in Hyderabad.
File Photo: The Hindu.

Of late, India's police forces have made headlines for wrong reasons, such as extra-judicial killings and custodial deaths. What is more distressing is the sense of impunity with which these transgressions are made by those responsible to enforce the law. In an interview with S. Rajendran, Senior Fellow, The Hindu Centre for Politics and Public Policy, A.P. Durai, a former Director of the Sardar Vallabhai Patel National Police Academy, emphasises the importance of policemen maintaining their self-esteem and the courage to stand up for values in police practices. He raises a note of caution against the popular tendency to glorify police excesses: "Our society does not realise that anyone can be accused of a serious crime and done away with while in police custody and there will be no one to challenge such arbitrary license to kill." Durai, who hails from Tamil Nadu and belongs to the 1962 batch of the Indian Police Service, has held several senior positions in Karnataka, including as Director General of the Karnataka Police. During his career he experimented with innovations in community policing, adoption of modern technology and practices in investigation and law enforcement. Excerpts:

Encounter killings and deaths in police custody are increasingly in the news. Incidentally, even common people seem either happy that a person with a criminal background has been eliminated or feel relieved that instant justice has been delivered. Is this not a reflection on the prevailing lawlessness and the police misusing the powers vested in them?

Yes, this is true. Our respect for the Rule of Law seems to be only skin deep. We are accustomed to wink at 'extra-judicial executions' by the police in the name of control of crime. Few citizens

or functionaries involved in governance in our country seem to find it revolting to

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their conscience that accused persons who are in police custody can be put to death on patently false pretexts that they tried to seize the weapons from the hands of policemen and tried to attack them.

The politician, the civil administration, executive magistracy and the subordinate courts find a common cause to put down crime and deter criminals, except, of

course, the powerful ones. In the forefront of this confederacy are policemen who break the law, exceed their powers and inflict torture or death on known offenders as well as suspects who might be actually innocent. When there is a public scandal and popular outcry, often there is an attempt to cover up or do away with evidence by all interested parties. Public memory being short, eventually, no one comes to grief. In most cases, magisterial or judicial inquiries have not helped to fix accountability and to punish errant personnel.



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The collusion of various wings of the governance in protecting the police out of mistaken sympathy is compounded by the attitude of civil society which seems to be relieved that the dirty work which no one can do has been done by the police. Symptomatic of this attitude is seen in the killing of four rape accused prisoners in police custody in Hyderabad last December [2019] and the quiet acceptance of the police version by all quarters.

Our society does not realise that anyone can be accused of a serious crime and done away with while in police custody and there will be no one to challenge such arbitrary license to kill. The danger is that such treatment at the hands of the police and magistracy can happen to anyone – politician, police officers and administrators who are accused of crimes. It lies in their own interest to put an end to the vagaries of the police system that has lost both the reverence for law as well as for the dignity of human beings.

Your views on the fact that quite often such hardened criminals have grown big thanks to the support that they enjoy from the law enforcement machinery? In a way, it can be categorised as a nexus between criminals and the police. How can the society be rid of such activities?

This is not an isolated issue that can be solved separately! This is but one facet of man's greed leading to aggregation of similar minded human beings. Birds of the same feather flock together, some in uniform and some who are outside, for mutual benefit. The informed public, the media and the judiciary must be aware of the corrupting influence of power and exercise eternal vigilance against misuse of power for personal gain. These elements are everywhere in the body politic much like a virus and tend to reappear in varied forms. They chase out the good ones in the police and administrative services and allow the bad coins to circulate!

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The alliance of criminals and criminalised or dishonest politicians in collusion with corrupt or ambitious policemen is a fact of life. This nexus is for the benefit of the partners in this unholy alliance. It cannot be broken unless the present electoral system is reformed and honest and capable members of civil society are enabled to get elected. Therefore, a relatively inexpensive electoral system will have to be invented where service minded candidates do not have to spend money to get elected as representatives of the people. By eliminating money power from the electoral scene, we can root out the corruption that germinates there and spreads its tentacles into every other dimension of our polity. With the technology that is available, electioneering can be through the electronic and social media and voting from our own houses!

Delays in the judicial system are another causative factor resulting in criminals gaining in strength and functioning with impunity. What are the reforms required both in the judicial and police system?

There is no doubt that individual components of the criminal justice delivery system have to look at overhauling their systems so that the common man comes to believe in their sincerity to protect him from law breakers and aggressors on his body, property and dignity. Mega reforms in law, police and judiciary recommended by different commissions and committees have helped only in

creating a certain cynicism in the hearts of the citizenry. The implementation of these reforms is effectively neutralised on ground by vested interests.

For instance, politicians in power have been terrorising honest police officers through abrupt transfers when they resist interference. The flip side is that most

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police officers believe that they have to use political influence to get the posts they covet. Such influence does not come cheap:

professionalism and integrity are sacrificed at the altar of self-advancement. In effect, norms set for politicians and government officials not to cross each other's boundary is breached more often than honoured and the abnormal has now become the new normal!

The shocking fact is that the members of the Indian Police Service (IPS) are no exception to this and this is the reason why they seem to have lost their leadership and moral authority over their forces and missed the opportunity to carve a niche for themselves in the annals of post-independence governance of this country. It is they who have to employ their legal powers and moral stature to introduce value-based policing in this country.

What is the total number of IPS officers of the Indian Police Service in the country and their general outlook towards being law abiding in their work? Police personnel have to lead the way for people to follow suit in being law abiding although the law enforcement machinery itself is off track. Is it right?

At any given time, around 4,000 IPS officers are in place, about one third of them promoted from provincial services and the rest directly recruited through the UPSC and allotted to the States. Some of them are also taken on deputation to central police forces, intelligence, enforcement and investigation wings under the Government of India.

Most of these IPS officers are trained in the National Police Academy, Hyderabad, where world class training facilities are provided for the leaders of police forces of India.

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Strangely, what training cannot provide is good mentors and professionals in the field who can demonstrate that the values taught during training are not merely theoretical. Things will change the moment the seniors stop worrying about what they can get out of the system by way of posts, perks, and high-profile visibility, but focus on how they can bend and shape the system to empower themselves to serve the common man, the silent majority. My own personal experience for 35 years in the IPS suggests that an officer can refine his ego and become humble and develop a missionary attitude and zeal for service of the people. Personal motivation and efforts towards self-actualisation is the answer and it is a fact that no force on earth can bar one's way in this process.

If you talk to an IPS officer, he would most likely place the blame at the door of the politician, public apathy, shortage of manpower and so on. This is the symptom of a deep-seated pessimism and negative attitude towards one's purpose of human existence. It is often forgotten that by changing ourselves, our values and, indeed, by developing a macro view of life, an officer can create a positive vibration among members of the force.

As DIG training (1980) in Karnataka and subsequently in field posts as a DIG of Ranges, Director of the National Police Academy and finally as Director General of Police, Karnataka, and the Railway Protection Force, New Delhi, I experimented on two fronts. One was to introduce people-centric schemes like mass contact, student contact, community policing and taking up problem

solving for the public. Some officers at the Police Station level in Karnataka are still following the Standing Orders I had issued on the subject.

Similarly, my order stipulating that every Police Station should report to the District Control Room the details of persons detained in the P.S. for the night, is still being followed. This is just to point out how an IPS officer can change or modify the system within his powers.

The other initiative was to address police trainees and in-service personnel to inject in them the fear of the inexorable law of Karma which makes us

<hr/>	responsible for all our thoughts and
Law enforcers become law breakers	actions. Law enforcers become law
when they foolishly imagine that they	breakers when they foolishly imagine that
will escape the rigours of the law.	they will escape the rigours of the law
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thanks to the ambivalence of the organs of the state as well as the public. But they forget that the effects of their wrong doing will follow them relentlessly in this life and in other incarnations, if you believe in them!

Amending what Justice V.R. Krishna Iyer said, we need to tell all wrong doers, "Howsoever high you are, the Law of Karma is above you."

I have continued lecturing on this law even after my retirement, in police training institutions in Karnataka where we have been conducting Heartfulness meditation programmes. Over 15,000 trainees have benefitted from the meditational method as a means of attaining calmness of mind and sublimation of ego.

Will reorientation and refresher courses at regular intervals help police officers, particularly from the IPS, stick to the rules and regulations? Is it true that many of them indulge in unlawful practices merely to please their political bosses and to land in plum positions?

To some extent, the refresher courses and promotional courses already in place do try to revive professional values and aim at bringing about attitudinal change. But despite all training initiatives, an uncontrolled ambition and total exclusion of the spirit of service of the poor and the weak in society, can deliver monsters out of our police system and manifest in inhuman practices. IPS officers who keep currying political favour for self-advancement forget the fact that they are highly visible to their subordinates, to the media and the public. This ostrich like attitude, erodes their effectiveness and leadership of the force. Already, it is observed that respect for the seniors has dwindled and its impact is felt in the quality of investigation, enforcement of the law and quality of response to public complaints. The leadership thus fails in putting a leash on corrupt practices and crude and revolting treatment of people who happen to incur the wrath of police men down the line.

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This is a subject for introspection by IPS officers. I am of the view that internal reform and adherence to the law and standard operating procedures by police personnel is the primary responsibility of the IPS and they need to work for this unitedly with a sense of idealism.

It is widely believed that a large number of senior police officers in important positions work in tandem with the political leaders particularly the Chief Ministers and the Home Ministers in the States and are the root cause of unlawful and corrupt practices. How can the system be corrected unless they resolve to uphold the rule of law? Can there be a better way to regulate appointments and postings of IPS officers without political intervention?

The cozy and symbiotic relationship that many senior officers develop with politicians as they climb the ladder in the profession is as much a reality today as it was in my time, because human nature continues to be what it was. Therefore,

I do not like to paint the past with a rosy tint! The politician has always been playing a cat and mouse game with officers, the mouse feeling comfortable in the cat's company inviting its own downfall and ignominy in this unequal game.

In my autobiography *Pursuit of Law and Order*, (2005, NotionPress.com), I have narrated my own frequent transfers and my struggle to insulate myself from the pressures of politicians and compliant superiors and to go ahead with my initiative and innovations in people friendly policing. But there was a price to be paid, in terms of exclusion from certain coveted posts and mental agony. But I am proud to say that my professional dharma stood by me and I too ended my career with some important responsibilities and even two decades after my retirement, I am remembered by the police personnel in Karnataka and in the Railway Protection Force. The reason being, I worried about their welfare and professional performance more than about mine. (He is also author of *Sutras for Super cops: The State of the Heart Policing*.)

The Supreme Court has prescribed setting up a Police Establishment Board in the States comprising police officers to decide on transfers of officers below S.P. level. In practice, this is being negated by the State governments by not approving the Board's recommendations. This is one example of how healthy reforms can be set at naught by the political interests.

Will it not be right to state that IPS officers have strayed away from the task cut out for them given the fact that many of them are merely loyal to the political leaders than to the people at large? Most police officers lack a nationalist ideal and are largely focused on their personal careers than serving the people. Does not the system require a total overhaul?

The situation you have described is true. But I am afraid a total overhaul of the system and purging of systemic diseases in the police all at once is a chimera. Truth be told, the political system as of now does not want it nor would it permit it. As long as vested interests in the police and political executive derive mutual benefit from the status quo, why would they attempt to change it?

The only way out is encouraging individual change in the force, fostering inspired leadership and exemplars from among the IPS officers. We do have highly

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motivated men and women in the police and they are waiting to be led and the yoke has to rest on the shoulders of the IPS. They have to expunge individual ambition and create common goals for the force. The entire police force and, in fact, the public also must crave for such leadership of the force and this is the first requirement for realizing it as a reality. The collective consciousness is the solution and the next step would be the emergence of a collective will to bring about change. But the leaders of the force will need to catalyse such change! As long as the level of consciousness of the IPS officer approximates to that of the elements he is expected to control and reform, he cannot gain the upper hand; He can only gnash his teeth, wring his hands and confess his despair. He thus becomes a non-performing asset of the state!

Corruption is a major issue confronting the police and many officers of the IPS are caught in the mess although a large number of officers work in the anti-corruption investigation wings. How can morality be restored in such personnel?

In my long service in the IPS, I managed to keep my head above the flood waters of corruption, like many others in the IPS and non-IPS cadres. But I did see the constantly increasing number who fell victims to greed. They lacked the strong moral fibre and resistance to temptations of filthy lucre. But the law of Karma took care of them and they learnt their lessons; they could not enjoy the fruits of their greed, lost their self-esteem and respect of the force.

However, what afflicts the police is not only monetary greed, many officers with a 'clean' image lack moral substance. Time teaches them to be pliable, flexible, compromising and 'pragmatic' and they lose their courage to express their independent views and stand up for values in police practices. They are manipulated by the 'carrot and stick' policy of politicians to reward the pliable ones with plum posts and punish the good ones with posts, often hurriedly created, without any job content adding to the collective frustration and demoralization of a large number of officers.

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How many IPS officers have been dismissed from service in recent years by invoking the provisions under the All India Services (Conduct) Rules? Will it not be the right course to dismiss officers found guilty of serious misconduct including corruption and misuse of the authority vested in them? Stern action will indeed be a serious warning to all IPS officers.

When the whole system is contaminated by ego driven pursuit of power, self-importance and the pleasures of life and while values of self-discipline, integrity and spirit of service without expectation of reward have gone through the window, who can throw a stone at another? As Jesus Christ said, "He who has not sinned, let him cast the first stone"?

Hardly two or three IPS officers are dismissed by the Government of India every year on the recommendation of the State governments to which they are

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attached. This cannot clean up the Augean stables! Officers who have grown political roots in their respective States or those who have managed to get favourable performance reports through their manipulative methods easily escape this fate.

Disciplinary inquiries, if initiated, hang on for a long time and in the meantime, they continue to get postings of their choice. So, fear of punishment seems to have been lost among the high and mighty!

Should it not be the duty of the IPS Officers Associations to not merely fight for the rights of the IPS officers but also incorporate a sense of righteousness and morality?

In a materialistic society where many parents do not value righteousness and morality, but encourage ambition and acquisitiveness, their children do not imbibe such values. This dimension is missing in our recruitment and training for public services. In many cases, this is initiated only in police training institutions, but, in many cases the trainers themselves do not love their job and cannot inspire the trainees. During my stint as the Director of the National Police Academy, Hyderabad, in 1993-96, I taught Police Ethics and Personality Development and also conducted daily meditation sessions for IPS trainees. It did have an impact on three batches, as I gathered from the trainees later on.

As for IPS Associations in the States where much of the police excesses take place, they seem to come to life only when there is a Central Pay Commission going into their salary structure and career prospects. They have not made any concerted effort to identify what ails the police system and how the police leadership can initiate steps to kindle the dying sense of morality and professional norms. Self-seeking and competition for the few 'good' posts going compounded by blandishments from the corridors of power have rendered IPS cadres disunited and deprived of *esprit de corps*. They do not function as a professional community with high moral/ethical and professional standards, but as loners distracted by personal ambitions.

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