



News Editorials (30 Sep, 2020)

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Police Commissionerate System

This article is based on “**A demarcation in the interest of public order**” which was published in The Hindu on 30/09/2020. It talks about the need and issues related to the Police Commissionerates System.

In recent times protests against the government have risen quite significantly. Protests are hallmarks of a democratic nation, but protest needs to be peaceful and in concurrence with the ethos of the constitution.

In a district, the **Dual command structure**, whereby the both police headed by SP (head of district police) and the District Magistrate (executive), has the responsibility of maintenance of public order.

However, there have been cases where the dithering by magistrates have led to law and order situations getting out of hand with serious consequences flowing on to the citizenry. This has led to the demand for establishing a **Police Commissionerates System** in India's Urban Spaces.

Establishing a police commissionerate system in urban areas may help in improving response time, set clear accountability for Police and eventually improve public order. However, merits and demerits of both systems need to be analysed.

What is the Police Commissionerates System?

- This system essentially splits a district in two parts from the point of view of policing.
- The part of the city that forms the large urbanised settlement becomes a geographical area where the police responsibilities of District Superintendent of Police get transferred to the Commissioner of Police.
- Along with this, the powers of the District Magistrate (DM), the Sub-divisional Magistrates (SDM) and the Executive Magistrates in the area of crime and law and order also get transferred to the Police Commissioner.
- For the rest of the District, however, both the District Magistrate, his subordinate magistrates and the District Superintendent of Police retain their police powers.

Issues Related to Dual System

- **Delay in Reaction Time:** Under the Dual system, before conducting any operation pertaining to maintenance of public order, police is required to obtain permissions from the magistrates. This adversely impacts efficiency.
- **Diversion of Attention:** Through a vast array of government schemes, the governments envisages to provide developmental thrust to the remotest corners of the country.

The District Magistrate carries a huge workload on account of implementation of these schemes. Therefore the requirement of DM in maintenance of public order leads to diversion of attention from its developmental obligations.

- **Issues of Accountability:** It is difficult to set accountability in event of any mismanagement of law and order situations like some protest or riots, as a blame game emanates from this dual system of policing.

Issues Related to Commissionerate system

- **Lack of Public Confidence in Police:** Since the colonial times, the Police have not had the image of a pro-poor and pro-people institution. The police do not inspire public confidence and people generally bring their grievances to the magistrates.
Therefore, the police commissionerate system will further strengthen the narrative of a “police raj”.
- **Giving More Power to Police:** In absence of clear norms of transparency and accountability imposed on an autonomous police machinery may leave the Police as the handmaidens of the ruling political dispensation on the one hand and a repressive governmental machinery on the other.
- **Overlapping Jurisdiction:** Even though the Supreme Court has made a distinction between law and order (pertaining to police) and public order (responsibility of District Magistrate). However, these two fields are overlapping i.e. any matter which is linked to individual crime can easily become a public order issue.

Supreme Court Observation on Law & order And Public Order

- The Court held that the two concepts have different objectives and legal standards.
- Law and order consists of the analysis made by police of the situation in an area and their commitment to firm action and penalties under criminal law.
- Public order is a duty imposed on the District Magistrate to assess whether it is necessary to rush to the spot where law and order has been breached to prevent violence spreading and ease tension.

Balancing Right to Protest And Public Order: Right to Protest emanates from freedom of speech and expression and as a democratic nation it is expected to consider protest as legitimate.

Therefore, District Magistrate having a say in public order acts as checks on the raw power of the police force.

Way Forward

Only the establishment of a police commissionerate is not likely to deliver safer and better-policed cities, much more reforms are required in this regard. For Example:

- **Development of Civil Society:** There is a need to develop a vibrant civil society with a high degree of activism and participation by non-governmental organisations. It can act as an effective check on police forces.
- **States Needs to Take the Lead:** As public order and police are part of the State List in the Seventh Schedule of the Constitution, it is required on part of states to carry out necessary police reforms.
- **Need for Strong Municipal Architecture:** Technological advancements pose new challenges to administration. Therefore, the planning, governance and delivery of many municipal services to a large population necessitates the setting up of a stronger municipal architecture.

Indian urban spaces can emulate the commissionerate system of the western democratic world, which operates under the directly elected Mayor and the City Council with a high degree of openness and public sharing of police actions and performance.

Conclusion

India's existing police system suffers a series of deficiencies from problems relating to a police organization, environment, infrastructure, and understaffing, to obsolete weaponry and intelligence gathering techniques to a shortage of manpower to corruption, the police force in the country is not in good shape.

Therefore, there is an urgent need for holistic police reforms. Since, Police, Law and Order are subjects of state list, the government can start by urging all states to implement the recommendations given by the supreme court in **Prakash Singh case**.

Dual system	Commissionerate system
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive).	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker responses to law and order situations.
Separation of powers of the DM (e.g., issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests).	Powers of policing and magistracy concentrated in Commissioner. Directly accountable to the state government and state police chief.
Less concentration of power in the police, and accountability to DM at the district level.	Lesser accountability to the local administration.
SP is assisted by Additional/Assistant/ Deputy SPs, Inspectors and constabulary.	Commissioner is assisted by Special/Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

Drishiti mains Question

“The role of the District Magistrate needs to be clearly differentiated from the role of the Police Commissioner.” Discuss the statement in light of the need for police reforms.

This editorial is based on **“Making amends”** which was published in The Hindu on September 30th, 2020. Now watch this on our Youtube channel.