SESSION 1B - ADDRESSING CHALLENGES OF MODERN POLICING
20 FEBRUARY 2021 | 5:00 PM TO 7:30 PM

PANELISTS:

1. Shri Mohit Rao (Journalist)
2. Dr. Gandhi P. C. Kaza (Founder Chairman, Truth Labs)
3. Dr. Vipul Mudgal (Director, Common Cause)
4. Shri M. Mahender Reddy (Director General of Police, Telangana)

CHAIR: Smt. Aruna Bahuguna (Former Director, SVP National Police Academy)

ABSTRACT

The session set the stage for a thought-provoking discussion on the extreme pressure faced by policemen to produce results and how technology and forensics can be used to address it. The session briefly touched upon the various lacunae that currently plague the modern policing system in India. Subsequently, the diverse set of eminent speakers provided holistic insights into the current state of modern policing in India, the challenges faced by the law enforcement officers, as well as what the public expects from law enforcement institutions. The panel further discussed the use of technology and forensics in law enforcement, the challenges and lacunae in the same, and pragmatic solutions to overcome these challenges. At large, the panel acknowledged that there is much room for improvement in the use of technology and forensics to make police work more efficiently. The speakers concurred that a framework must be developed such that the adoption of advanced technology and forensics no longer remain limited to urban jurisdictions. The speakers concurred that the widespread adoption of better technology and improved forensic methods could reduce the disproportionate pressure on the police to produce

results, reduce the use of extrajudicial measures and forced confessions, and as a result, restore public trust in the police.

Opening Remarks By Smt. Aruna Bahuguna, Former Director, SVP National Police Academy

Smt. Aruna Bahuguna opened her speech by remarking that events such as the IDAW conference provide a platform for open discussion about matters of national importance, and such events represent a feeling of optimism that India can advance further. The chair observed that while India has come a long way since Independence, there is still room for improvement. She emphasised on the need for the police to adopt advanced technology and forensics, as the days of using brute force to extract forced confessions are long gone. Further, the chair pointed out that the increased usage of technology in everyday life has rendered older policing methods inefficient.

Smt. Bahuguna pointed out that in the last decade, technology has paved the way for law enforcement changes, particularly in preventing crime. She further elaborated on two trends that have emerged: The Internet of Things (IoT) and Artificial Intelligence (AI). The chair also emphasised that the lack of evidence is no longer an excuse. To elaborate further on the aforementioned point, the chair highlighted the massive improvements in traffic law enforcement through the use of traffic cameras and surveillance. She also spoke about the trepidation surrounding constant online vigilance and she advocated for the safe usage of rapidly refreshing data in the online domain to prevent crime.

According to Smt. Bahuguna, India is not making the most of its existing resources. The chair noted that primitive practices of issuing summons and bailable warrants by constables still continue. She remarked that the internet can be harnessed and instead of delivering summons and warrants in-person, emails and couriers services must be effectively utilised. This can ease the burden on the existing force, which can then focus on more important issues. The chair also

pointed out that digital ways to file FIRs must be accommodated. Smt. Bahuguna further mentioned that Artificial Intelligence can enable law enforcement with ease. Facial recognition and surveillance through non-manual methods have helped efficient law enforcement in

countries such as the UK, especially during the pandemic. She also pointed out the effective use of robotics in bomb defusing and predictive policing.

The chair remarked that changing technology in law enforcement will ensure that the police can reach perpetrators without the use of brute force. Thus, increased use of technology may reduce the tendency to resort to extrajudicial methods, and subsequently, may reduce complaints and restore goodwill between law enforcement officials and the citizens. The chair further observed that data collection and analysis can potentially play a critical role in solving crimes.

Smt. Bahuguna concluded by speaking about the challenges faced by the police in crowd control, wherein she remarked that often, the police get caught in the crossfire of agitating citizens when they try to intervene. The chair hopes that advancements in technology can be used to explore different ways in which crowd control can be enforced without the use of excessive force.

Shri Mohit Rao, Journalist

Shri Mohit Rao stated that upon observing instances of both good policing and bad policing with reference to crowd control, the reaction of the police to any crowd is largely politically motivated. To further elaborate on his statement, the speaker mentioned that the Karnataka police showed incredible restraint during the Anganwadi worker protests, farmers' march and Kaveri riots. However, the speaker also observed that the police used asymmetric force during CAA protests or protests centred on caste-based issues. The speaker further opined that the technology used in policing and advancements in this area are very urban-centric. While the best applications of technology are being implemented in urban areas, such technology often does not reach district-level law enforcement agencies. Further, adequate training of law enforcement

officers in the use of technology is not present either. In certain instances such as crimes related to Bitcoin fraud, the speaker stated that law enforcement officials find it difficult to trace evidence of the crime online, largely due to a lack of adequate technological training, and can only trace evidence of a crime once it is available offline.

Further, the speaker opined that the state of the use of technology in law enforcement at the district level is dismal and that the problem of scale may be responsible for the same. Shri Mohit Rao also added that the pace of getting forensics reports is often dictated by the media coverage the case in question gets. He further stated that the delay in receiving the forensics report may complicate issues in criminal recognition and convictions. The speaker stated that proper procedures are not being followed and that increased risk of contamination of crime scenes often aggravates the problem of wrongful conviction. The speaker did acknowledge that while law enforcement currently uses technology by using mobile towers and CDR for tracking, the investment in this infrastructure is still not done by budgetary allocation to the police. Rather, the telecom industry is responsible for this investment.

The speaker opined that in the Indian justice and law enforcement system, there is an asymmetric emphasis on crime detection and not conviction. Therefore, the first course of action by law enforcement is to get someone booked and thrown into prison, while due process may or may not be followed. He highlighted the fact that this issue is aggravated by the lack of accountability of the police and prosecution. In his concluding remarks, the speaker mentioned that the pendency of investigation is often a result of the speedy transfer of investigating officers, resulting in no attachment to the case and lesser continuity in the investigative process.

Dr. Gandhi P. C. Kaza, Founder Chairman, Truth Labs

Dr. Gandhi P. C. Kaza opened his presentation by recounting the experiences he had in his tenure as advisor to the forensics department of various states of India. He remarked that a large volume of pending cases has always existed in forensics labs in India. However, quite often, he was able

to ensure the number of pending cases reduced drastically in a short span of time. On the basis of this statement, he observed that the pendency of cases in forensics labs was not resultant of the laggard nature of the appointed forensics scientists, but rather the lack of recruitment of enough scientists and the lack of adequate budgetary allocation and equipment. He opined that some state governments such as that of Telangana have a more progressive system and therefore, such states can benefit from better budgetary allocations to forensics.

Dr. Gandhi then highlighted the challenges currently faced by forensics in India. He noted that choosing the right leadership for forensics departments is key to efficiency. He stated that despite there being capable forensic scientists in India, in almost half of all states, forensic labs are manned by police officers. The speaker opined that there is a dearth in the recruitment of enough forensic scientists, which has led to the inefficiency of the departments. The speaker also noted that in most cases, the crime scene is not processed by a forensic scientist, but rather, by a police officer who functions as both a police officer as well as a technical services officer. From the 10,000 forensic scientists that exist in India, 2000 are police officers who are trained to perform crime scene processing. Most crime scene processing is therefore not happening through scientific teams. The speaker opined that while this approach may not be entirely wrong, it may give rise to issues such as a higher risk of contamination of the crime scene. Dr. Gandhi also mentioned that as opposed to the world average of 15% of cases being referred to the forensics labs, only 5% of all cases get referred to the forensics labs in India. He also pointed out that when appeals for an expedition of forensics reports come through, quality is not always at the fore. He suggested that to ensure both quality and expedition, the number of people working on the case must be substantially increased.

Dr. Gandhi further pointed out that training of the end-users of forensic reports is lacking. In doing so, he reiterated Shri Mohit Rao's observation, that the prosecution works in silos. The judiciary, therefore, is largely unaware of the appropriate understanding and interpretation of forensic evidence. Dr. Gandhi opined that the low conviction rate in India can be associated with the lack of appreciation of the value of evidence provided by forensic labs. He added there is not

enough end-user training, evidence appreciation, interpretation and application. Dr. Gandhi emphasised the fact that India has had no research and development in the field of forensics. He stated that science does not progress until new developments happen and that a lack of R&D in forensics has led to a lack of discovery of newer methods that could make forensics labs more efficient. The speaker also expressed that there is little interdepartmental and intradepartmental coordination between and within forensics and the judiciary. Further, he also spoke about the lack of adaptability of the forensics system, as well as issues of lowering integrity among forensic scientists that are undesirable for this field.

In order to improve the state of forensics in India, Dr. Gandhi proposed that forensic sciences must be declared as critical national infrastructure and be treated as a priority. He stated that an independent regulatory system must be established to enforce and monitor standards and to ensure quality and integrity of forensic science. He also suggested that the right people with adequate qualifications must be chosen to head forensic science labs. To uphold the rule of law and to ensure both quality and speed, he emphasised on substantially increasing the number of forensic scientists. He highlighted the need for greater coordination between investigators and prosecutors and enhanced training of end-users to improve the interpretation and utilization of forensic evidence. Dr. Gandhi concluded by suggesting that there should be more public-private partnerships for the establishment of state-of-the-art forensic labs throughout the country.

Dr. Vipul Mudgal, Director, Common Cause

Dr. Vipul Mudgal shifted the focus of the conversation from technology to technology-democracy relationships. This meant looking at policing not only as involving the police but also the community. Dr. Mudgal recounted his recent experience in the US during the protests around George Floyd's murder and how the police came in armoured vehicles clad with different types of weapons onto civilian streets and contrasted it with his experience in England, where the average policeman is not given any sort of weapon, not even a stick. They have created a system in which reinforcements will respond to a call for help in a very short time to

make up for it. These two contrasting situations were used to argue against the creation of a highly militarized police state in a democratic country such as India. Dr. Mudgal made an important observation as to how the recent trend is to promote the use of technology in policing in an extremely unaccountable manner. The lack of legislation in using technologies such as facial recognition, brings about problems of digital rights and privacy. The speaker opined how it was important to deliberate and discuss the pros and cons before calling for such measures.

Dr. Mudgal proceeded with his presentation which looked at the challenges of modern policing. Firstly, he pointed out that only 14% of the population surveyed had any sort of contact with the police and out of this, 67% contacted the police and 17% were contacted by the police. According to the data, the latter was constituted by SCs, STs, slum-dwellers and others from socio-economic and religiously marginalized communities. The speaker observed how the poor and vulnerable sections do not receive policing as a service, do not trust the police and are not treated in the same manner as an upper caste, rich citizen and contrasted it to the fact that the community that trusted the police the most were the upper-caste Hindus. It was also noticed that cases against women, children and those from poorer classes were less disposed of than normal, cognisable cases. Dr. Mudgal reaffirmed that this was not the fault of the police system but the effect of the depth of the inequalities that shape and structure our society. An important aspect of ensuring equality in treatment is to diversify the police personnel and it was pointed out that many states failed to recruit people from the oppressed communities yearly.

With regard to police adequacy, Dr. Mudgal pointed out that police in India work at just 77% of their sanctioned capacity. The data also alerted us to the appalling state of police stations, their lack of resources, the working conditions of the personnel and almost little to no in-person training. In 58% of the cases, even the victims are unwilling to cooperate with crime investigation. Further data from the presentation revealed that many citizens were of the view that the police could resort to violence to get the truth and this attitude mirrored the perceptions of the police wherein many believed that extrajudicial punishments and killing were accepted

against criminals. The speaker expressed that such perceptions can create an environment of fear, violence and lack of accountability.

Dr. Mudgal concluded the presentation by highlighting the glaring fact that the police personnel receive little to no training in human rights, caste sensitisation and crowd control. While a Standard Operating Procedure exists for police response and crowd control, according to him, thi is followed only on paper.

Shri M. Mahender Reddy, Director General of Police, Telangana

Shri Mahender Reddy began by commenting on the importance of the Rule of Law, its impact on various institutions and the need to uphold it.

The speaker mainly focussed on the initiatives taken up by the government of Telangana at the lowest level of the police station, with the primary goal of increasing the trust of the citizens. Shri Mahender Reddy commented on the importance of government support in the success of such initiatives and praised the Telangana government for their proactiveness in this matter. He spoke about the five-fold approach being taken up by the police under his leadership, centering around the pillars of - People, Process, Technology, Leadership and Partnership at the lowest rungs of police administration.

Shri Mahender Reddy spoke about developing standard designs in police stations such as common receptions, operating procedures, equipping police stations with adequate resources and so on, to deliver a similar quality of service that is standardised and uniform, across the state. He also pointed out that all the technologies implemented as a part of this initiative were done from the point of view of the field police personnel and to help them improve their efficiency and work ethic.

The need for community partnerships was also explored at length by the speaker. He emphasised the importance of such partnerships in trust-building. An example of such a partnership was the

establishment of CCTV cameras in local establishments and private properties, resulting in around 7.5 lakh cameras across the state. The speaker spoke about this development as a successful partnership wherein the surveillance footage belonged to the citizens who owned them and would be handed over to the police only for the purpose of an investigation. Along with such measures, vendors, rates and platforms were also standardised by the state, in order to make the technology accessible, widespread and trustworthy to the people.

Shri Reddy commented on other initiatives in the works, that are predominantly aimed at building competency, soft skills and professional skills among the people. He also opined on the importance of leadership training as every policeman, even the constable at the lowest rung of hierarchy, has to act as a community leader in many situations. He mentioned how maintaining peace and order is the responsibility of the entire community and can only succeed with constant and proactive engagement with the community, government departments and non-governmental organizations.

QUESTION & ANSWER SESSION

The interactive session began with a question from the audience drawing on the presentation by Dr. Mudgal. The audience implored about finding a correlation between trust and satisfaction among the people and favourable service conditions among the police as part of the data findings. Dr. Mudgal replied saying that a correlation was established in areas with reduced crime as it saw increased trust and satisfaction with the police force. Shri Mahender Reddy joined the discussion by pointing out that people would be satisfied if they knew that the police would reach quickly and behave in a reassuring and reliable manner. Dr. Mudgal added that around 67% of the population is satisfied with the police but those dissatisfied disproportionately belong to the oppressed and marginal communities which again points out a systemic flaw that exists. His final recommendation was to insulate the police from the political executive and delink the writing of FIRs with the performance of personnel. Shri Reddy responded by agreeing that writing FIRs and thereby increasing crime statistics did prove to be a deterrent in lodging

complaints and that this can be avoided by dividing petty and serious crimes so that the former can be encouraged to report and disposed of quickly while the major crimes can be given more attention and deliberation.

The second question was posed by Shri Mohit Rao, a speaker. He asked Dr Gandhi as to how lucrative the forensic field is for the youth with no private options and lack of employment in the public sector. He also posed a question to Shri Reddy as to why the funds needed for modernisation, a meagre Rs. 6000 crores was not utilised by many states. Shri Mohit Rao also stressed upon the aspects of state surveillance systems and how the government plans to build trust by enforcing these systems without proper legislation that brings about accountability, prevents misuse and addresses concerns of privacy. Shri Reddy replied by saying that since no law has been passed with regard to facial recognition and the use of CCTVs, various checks and balances within the police force prevent the misuse of data such as the consent required from the citizens to access footage and the recording of access to data in a designated data centre and database for the sake of accountability.

The first part of the question was addressed by Dr. Gandhi who remarked that there were 25 or more postgraduate courses in India and that they produce up to 750 forensic specialists but only one-tenth of them are actually employed by the state. Owing to the lack of interest and apathy from the government to fill up vacancies, Dr Gandhi alerted the audience as to how the forensic officials are directly going to the court to seek directives for recruitment. The glaring statistic that around 12 lakh cases are being handled by 10,000 people was also brought to the forefront. Dr. Gandhi opined that the goal should be to make forensic science a critical national infrastructure and constitute a regulatory body to standardise and monitor its actions. The speaker also pointed out that many states do not even issue tenders to utilise the budget for forensics and this becomes worse when added to the many institutional constraints that exist. Shri Reddy recommended that the approach of the police and political leadership should focus on budget allocation to improve service delivery at the lowest level. The need to decentralise, especially for police was discussed in detail along with the need for organisations to create

structural frameworks that will direct the country and its people towards institutional change and systemic renewal.

A few participant questions were taken up after this juncture. The first question was focussed on the filling up of vacancies in the Telangana police force where the civil police force is allowed a capacity of 42,000 but the actual strength is 30,000. Shri Reddy answered by saying that the timeline for filling up a vacancy, when it arises, is usually two to three years. He remarked that unless there is a legislative change that allows for recruitment and training prior to when a vacancy arises, a lag in appointments will continue and show such discrepancies.

A follow-up question related to recruitment and work division was asked wherein, out of the workforce, only 745 personnel are dedicated to crime investigation and whether there were any efforts to increase this so as to decrease the workload of these officers. Shri Reddy clarified that these officers are only contacted in the case of sensational, high-profile, economic offences and inter-state cases. Other crime investigations are usually dealt with by the Central Crime Station (CCS) which exist within districts. Even within police stations, there are two divisions; law and order and detective divisions and the latter is dedicated to crime investigation which makes an equal division of work.

A question that was raised by many members of the audience revolved around privacy concerns that accompany mass surveillance and technological advancements in crime-solving. Shri Mahender Reddy repeated the various checks and balances being followed by the police to prevent this to the maximum. However, he also added that adequate legislation was necessary in order to fully enforce such measures and address the concerns of the public. Dr. Jayaprakash Narayan contributed to the discussion by pointing out that the right approach would be to give the necessary power to the police while subjecting them to institutional checks and accountability measures.

The last question was addressed to Shri Mohit Rao where it was enquired as to what expectations would a member of the civil society have from the police. He replied saying that instead of the force being seen as a paternal and disciplining body, it should be more compassionate and community-centred in its approach. His basic argument was that the police should inspire a sense

of security amongst the people and not fear. Shri Mahender Reddy interjected by saying that the police at the lowest level also need to be empowered in order to properly follow and enforce the law and this includes better pay, benefits and working conditions and only then will a collective maturity come about amongst the force and subsequently in the community.

Concluding Remarks By Smt. Aruna Bahuguna

In her concluding remarks Smt. Aruna Bahuguna remarked that the session quite aptly captured the expectations that the public has from law enforcement institutions as well as what the institutions can currently provide to the citizens. The chair also observed that India has inherited a flawed legacy of hatred and distrust towards the police and this has to change with institutional and systemic strides which prevent corruption, misuse of power and focus on accountability and empowerment. States such as Telangana have taken great strides in making law enforcement officials more approachable and in rebuilding public trust in the police. Smt. Bahuguna also remarked there is a need to have periodic discussions such as the kind that the session has provided, in order to continually build and improve upon policing methods. She also suggested that more lawmakers need to be a part of such discussions as they are key to bringing about long-term changes from the policy and law perspective. The speaker also opined that there is a need to incorporate technology in policing methods, but it must be done within control and with adequate regulations and legislation. Lastly, Smt. Bahuguna mentioned that technology will help the police to move closer to the citizenry and that while the police need to take steps to do so, the citizenry must also understand and observe its fundamental duties. This will help harbour better understanding between the two parties.