

PANEL DISCUSSION - Citizen Police Interactions and Policing in the Pandemic

RGNUL Student Research Review in association with Common Cause India

Date – October 30th, 2021

Panelists for the Event:

1. Mr. N. Ramachandran, President and Founder, Indian Police Foundation
2. Dr. Ruchi Sinha, Associate Professor, Tata Institute of Social Sciences
3. Dr. Vipul Mudgal, Director & Chief Executive, Common Cause & IM4Change

Moderator: Aditya Vyas, Editor in Chief at RSRR.

Introduction

Mr. Aditya Vyas, the moderator, welcomed the panelists and attendees to the discussion on "Citizen-Police Interaction and Policing in the Pandemic". The discussion was organized by the Editorial Board of RGNUL Student Research Review in collaboration with Common Cause India. Through this initiative, the board intended to further discourse on the nature of interactions between the police and citizens. The discussion attempted to shed light on the potential short and long-term effects of the pandemic and public health emergencies on the policing organizations and their officers. During the lockdown, the police became the gatekeepers of not just the law & order as per usual but of the entire public management. The motivation behind selecting this theme for discussion, therefore, was to discuss the institutional response of the police during the pandemic. The format of the panel discussion was as follows: each panelist was given 15-20 minutes to speak, followed by a question-and-answer session with questions picked by the organisers as well as those submitted by the audience.

The Status of Policing in India Report Series

Ms. Radhika Jha, one of the lead researchers of the Status of Policing in India Report Series (hereinafter SPIR) gave a glimpse into the several reports that have been published in the past,

through a presentation. The purpose of this series was to assess the police's role, function, and performance using empirical evidence-based analysis depending on survey responses from key stakeholders as well as evaluation of pre-existing official data sets. So far, the organization has published 4 reports –

- [Status of Policing in India Report 2018: A Study of Performance and Perceptions.](#)
- [Status of Policing in India Report 2019: Police Adequacy and Working Conditions.](#)
- [Status of Policing in India Report 2020-2021: Policing in Conflict Affected Regions. \[Vol I\]](#)
- [Status of Policing in India Report 2020-2021: Policing in the Covid-19 Pandemic. \[Vol II\]](#)

The first report was released in 2018, it looked into common people's views and perceptions about policing. It was based on a survey conducted across 22 states and union territories. The following study, released in 2019, was based on a survey of police officers themselves. It sought to assess their working conditions, perceptions, and problems relating to adequacy. The last two reports were published in 2020 and 2021 respectively. The first volume studied policing in conflict affected regions. The experiences of both the common people and the police officials were given importance in this report. The final volume looked into the interactions between citizens and police officers throughout the lockdown. It also analysed how the crisis was handled, as well as the rise of new law enforcement challenges.

Status of Policing in India Report 2020-2021: Policing in the COVID-19 Pandemic

Ms. Jha then gave an in-depth introduction to the latest report which was the inspiration behind the panel discussion- *Policing in the COVID-19 Pandemic*. This report was published by Common Cause India and Lokniti – the Centre for the Study of Developing Societies. SPIR Volume II surveyed the experiences, perceptions, and attitudes of about 1,198 police personnel and 2,409 civilians towards the way the police managed the lockdown. The survey was conducted in tier I, tier II, and tier III cities of 10 states and union territories. Additionally, the report gave an overview of media coverage on policing during the lockdown, and included a

rapid survey of migrants and relief workers. The surveys were conducted in the months of October and November 2020; and therefore, the results were limited to the first wave of COVID-19.

Some Key Findings of the Report:

(i) There was evidence pointing to the use of excessive force and confrontation between the police and the public. The survey found that around 55% of the common people were very afraid of the police. Further, as many as 29% of the population in these states were very fearful of the police beating them, and 18% were afraid of being detained.

(ii) Ms. Jha emphasized that such fear was not uniform across the country. Several factors affected this fear of police, one such factor was an individual's socio-economic position in the society. The survey found that the people belonging to the poor and lower classes were more fearful of the police, in comparison to the rich and the middle class. The report also established that the police personnel were more likely to report the poor localities as being least compliant of the rules.

(iii) During the lockdown, it was observed that the poorer sections of society, mainly Dalits, Adivasis, and Muslims, were at a disadvantage in terms of obtaining basic supplies. In comparison to the affluent, these people were more than twice as likely to suffer bigger difficulties in accessing basic needs.

(iv) Nearly half of the police personnel admitted to frequently using force against the migrants walking back home. Ms. Jha asserted that the police acknowledged having their hands tied when it came to arranging for shelters and basic needs for the migrant workers. These claims were backed up by a statistic that indicated that 1 in 3 police officers encountered scenarios in which migrants attempted to enter shelters but were stopped by the police.

(v) The survey conducted on the migrant workers depicted that nearly half of them were assaulted by the police. Nearly 3 out of 5 migrant workers (57%) and 4 out of 5 aid workers (80%) reported frequent use of force against common people. Yet, 59% of the migrant population and 61% of aid workers claimed to be satisfied by the working of the police during the pandemic. Ms. Jha asserted that the use of excessive force did not reflect on the level of

satisfaction of the civilians as nearly 9 in 10 common people rated the behavior of the police positively. However, the poorer sections of the society were less likely to have a positive attitude towards the efficiency of the police.

(vi) Ms. Jha then drew attention to the problems faced by the police personnel themselves. The lockdown was a stressful time for the police because they were the ones enforcing it. She asserted that there was no time to brief the police about the situation at hand, and they were as clueless as the rest of others. More than a quarter (27%) reportedly worked for at least 15 hours a day during the lockdown. Further, personnel with existing co-morbidities and those from tier - I cities were more likely to be working for longer hours.

(vii) The survey found that 9 out of 10 police officers claimed that the pandemic had affected their mental health. Over half of the personnel claimed to have received special training, while 43% disagreed. Lastly, the report found that southern states like Kerala and Tamil Nadu were more prepared in comparison to states like Bengal and Bihar.

A Dialogue on the Citizen-Police Interaction by Mr. N. Ramachandran:

Mr. N. Ramachandran, President and Founder of the Indian Police Foundation, discussed policing efforts during the pandemic through the eyes of the workforce, who were in the field every day, shouldering the executive tasks entrusted to them. Mr. Ramachandran proceeded by commending the meticulous presentation and in-depth analysis of the SPIR by Ms. Jha. He underlined the fact that the unprecedented lockdown was a mare's nest for the policemen as enforcing it was their duty and a health emergency was something they had not been trained for. The midnight lockdown, announced right after the curfew, gave them negligible time to prepare and train themselves for the ungauged situation. Their responsibility was not limited to merely enforcing the lockdown strictly, they also had to make sure that the supply-chains functioned efficiently and the essential service lines remained tenacious and resolute. He highlighted that during the initial days of the lockdown, the common man was perplexed; the fear of unemployment and starvation was at its peak. People started venturing out and the police had to resort to use of force; which in some cases was excessive and unjustified. Mr. Ramachandran stated that these atrocities were emphasized more than the humanitarian work which the policemen tirelessly did - from cremating the deceased to helping people reach hospitals.

The Migrant Crisis and The Police:

Mr. Ramachandran indicated that the migrant crisis was a massive problem that was being handled mostly by the police. It was a situation nobody had foreseen. Mr. Ramachandran opined that the district and state administrations could have averted this miserable situation by creating awareness amongst the labourers and working class about the situation and aiding them with the essentials. There were certain regions where the administration went out of its way to ensure that migrants were taken care of; as a result, with better communication and proactiveness, the migrants stayed back and the crisis was subdued.

Spread of Infection and Deaths in the Police:

Mr. Ramachandran admitted to the fact that social distancing was not a feasible factor for the policemen while carrying out their duties. The rate of infection amongst the policemen was quite high. They faced a lot of practical difficulties - controlling the spread of infection from arrested persons, keeping a check on transmission from people visiting the police station and safeguarding their families from a possible contraction through them. The deaths of the policemen affected manpower of the force which was already less than required.

Two Key Takeaways from the Pandemic for the Police Force:

Importance of Timely Communication - Mr. Ramachandran stated that communication between the police and citizens regarding the lockdown protocols and restrictions was an essential aspect of the whole situation. During the pandemic, communication became crucial not only for the police but the administration also. Social media played an elementary role in conveying the mandatory guidelines and regulations, which the common men were expected to follow; even though at times it caused fear and misinformation, it did fill the communication gap to a great extent. Mr. Ramachandran opined that the administration had failed to communicate certain critical information to the public. This produced widespread fear and concern among the public, as well as numerous challenges in maintaining the lockdown. For instance, proactiveness by the administration in the situation of the migration of workers all over the country could have thwarted the unpleasant and pitiful plight.

Community Policing - Mr. Ramachandran observed that the level of compliance, in places where the locals shared a good understanding with the police, were better than the rest. He asserted that a pre-existing good relationship between the police and the public, aids police in many ways as it enhances investigation and intelligence as well as effective enforcement of measures. He, thus, concluded by calling attention to the fact that the efficiency of police is interdependent on the equation it shares with the local people.

Address by Dr Ruchi Sinha on Policing During the Pandemic:

Dr. Sinha started the address by emphasizing that the police is not a homogenous organization, that every policeman or police woman has their own set of problems and circumstances in life. She attempted to dispel the overarching stereotype of Indian policing by noting that each police station operates differently and has its own personality. There was a lack of information which disproportionately affected the marginalized communities. To highlight the lack of preparedness on the part of the government, she brought up the fact that the government failed to take any significant steps even when there were reports of virus spreading in other countries. She gave a completely different picture of the police during the pandemic - a picture that showed many predicaments that the police had to face during the pandemic, and asked the audience “Why did the police fail?” and “What could have been changed?”.

Excessive Burden on Police During the Pandemic:

Dr. Sinha described the predicament of police officers during the pandemic when they were overburdened with work such as: figuring out the travel history of infected citizens to ascertain spread; coordinating with medical team in order to arrange quarantine facilities; arranging vehicles for transportation; marking hotspots and communicating with the health and municipality departments; managing supply chains in order to ensure that essentials were delivered; and enforcing social distancing. The police officers' responsibilities were gradually increased without boosting their support.

The fact that for the first several months of the pandemic, police officers were not even given masks, demonstrated the negligence that the police officers experienced in India. There was news of policemen being attacked severely in many parts of the country for doing their duty. A rise in

misinformation and fake news made policing even more difficult. There was a trend of misinformed social media posts and forwards that added to the detriment of the police. The police paid heavy costs as many of them got infected, and subsequently infected their family members. The institution was criticized but the citizenry did not realise their relentless efforts during the pandemic.

Uncertainty with Regards to Law and Procedure:

Dr. Sinha underlined that while India had numerous rules relating to disaster management, there existed no single substantive law that comprehensively addressed the pandemic containment. The police force was confused between the applicability of the Epidemic Act, Disaster Management Act and the provisions of the Indian Penal Code. During the pandemic, there was an urgent need for comprehensive legislation that focused solely on the control of such a massive health disaster. Further, Dr. Sinha praised Kerala in its efforts to combine the budgets of various legislation to pass a comprehensive law during the pandemic.

Lack of Training and Inter-Departmental Communication:

The lack of training amongst policemen led to major issues in policing, as there was no clarity on how they should act in certain situations. In this regard, Dr. Sinha gave an example of lack of training of policemen to identify fake prescriptions. This lack of training also meant that more policemen acted as per their own discretion. A curative approach was adopted by the government and the police to tackle the pandemic, instead of a preventive approach. While some used their discretion to act in a violent manner, there were also policemen who followed humanitarian principles. Further, there was a lack of inter-departmental communication. Communication becomes key during the time of crisis. Thus, the lack of cooperation between police and other departments made policing ineffective during the pandemic.

The Good Side of Policing During the Pandemic:

Dr. Sinha gave some anecdotes to show the good side of the police during the pandemic, such as the example of a woman, who was a victim of violence, being accommodated in a Gurudwara by the police because she had nowhere to go; the example of police taking care of a woman who

was abandoned by her mother for being mentally ill; and the instance when police delivered cake to a mother on her birthday when her sons were abroad.

There were collaborative efforts made by the policemen with the civil society. Many police stations in the country started reaching out to NGOs and civil society to facilitate help and render assistance to the helpless. This accentuated the point that on a smaller level, police had tried to be humanitarian.

Dr. Sinha concluded by pointing out that the police had a positive aspect that was frequently disregarded during the pandemic. On a personal level, officers attempted to be humanitarian; however, there were wider issues that contributed to the poor view of the police. Rather than demonising the police, she asserted that a method must be found to restore the good in police while gradually fixing the system's flaws.

Dr. Vipul Mudgal's Address on the Distrust between Police and Citizens:

Dr. Mudgal began his speech by describing Common Cause and some of the significant cases in which the organisation has been involved. He stated that law emanates from common sense, and law that does not emanate from such common sense should invoke the question as to why that law exists. He claimed that the rot in the judicial system extends to the police, government, judges, and prisons, and that the system as a whole needs to be investigated. He stated, "India cannot become a first rate power with a third rate justice system." Dr. Mudgal opined that one of the Indian judiciary's fundamental flaws is that it has a habit of easily believing the government. He recalled the incident of Solicitor General Tushar Mehta, who claimed in the Supreme Court that there was no one on the road when there were thousands of migrant workers struggling to reach their homes via foot.

Police Discretion and Predicaments of the Marginalized:

During the pandemic, everything came down to the discretion of the policemen. Dr. Mudgal illustrated this by giving an example of people during the lockdown carrying a prescription, one being a high-class wealthy individual and one being a poor and marginalized person. The behavior of police towards both these groups would be substantially different. While the wealthy individual might be left off the hook, the poor person would not be. Even though there was

discretion, the discretion was dictated more or less by a subconscious discrimination, which made the life of poor and marginalized tougher during the pandemic.

He highlighted the highly sensationalized Tablighi Jamaat incident and the misbehavior of policemen with fruit and vegetable vendors to bring up the fact that discrimination and prejudices which was inbuilt in the system, came out strongly during the pandemic. The police actions against migrant workers who were returning back to their native places strengthened this assertion. Assault of migrant workers was very common, and there were instances when they were stopped from entering shelters by the police.

Lack of Cooperation:

Dr. Mudgal continued by questioning the absence of the other branches of the government. The presence of other departments would have made a stark difference in law enforcement. There should have been a control room set up for every region consisting of people from the grass-root level who understood the people of that region. Through this, he emphasized the importance of community participation in the times of crisis. In actuality, the police had become the sole authority, as all other departments such as revenue department, information department, etc were absent.

Lack of Training and Standard Operating Procedures:

There was also a lack of Standard Operating Procedure (SOP) which conferred wide discretion on police. He emphasized on the idea of formulating emergency SOPs to better address such a lacuna. However, even when clear SOPs were present, the police did not follow them. He highlighted that there was a serious lack of training and legal understanding amongst the police.

When police couldn't enforce the law, they opted for discretion. To illustrate this, he used the example of differential police treatment of pilgrims at a mosque and a temple. The police's treatment of a person was determined by his or her social rank. Marginalized communities were more likely to face difficulties, and differential policing just added to it.

Systemic Problems with Policing in India:

Dr. Mudgal agreed with Dr. Sinha that while on a personal level policemen might tend to act in a humane manner, there was a systemic problem with policing in India during the pandemic. Unprofessionalism among the police is a norm, and it is a fact that there was discrimination by the police against marginalized communities. Dr. Mudgal stated that the whole justice system is biased against marginalized communities and pointed out that cases related to SCs, STs, Adivasis, and other marginalized communities take longer to resolve. Prejudices, bias, and political influence have become the trademarks of the justice system in India. He highlighted that the custodial death of the father-son duo in Tuticorin illustrated how much the rot has spread in policing, as it still uses primitive methods such as custodial torture.

Dr. Mudgal concluded by stating that people have lost faith in the justice system in India. So much so that the witnesses of a crime are not ready to give testimony as they fear for their life. He gave the example of the Lakhimpur Kheri incident to illustrate this. Not only witnesses, many a time even victims are unwilling to cooperate because they get convinced that justice will not be served to them.

Question and Answer Round:

After the panel discussion, numerous questions were asked to the respective panelists. The questions made the session lively and interactive. The questions and answers provided are as follows:

Whether too many laws accentuate the confusion and whether there is a need to frame a set of uniform guidelines to reduce discretion?

Dr. Mudgal answered in affirmative. He stated that the police force must be guided by proper guidelines and SOPs. In absence of SOPs, emergency SOPs have to be formulated. He expressed concern about the Indian police's tendency of not following SOPs. For this, he gave the examples of police violence at Jamia Millia Islamia University, Delhi where the police failed to observe SOPs even though proper SOPs existed regarding crowd control.

If an entire department is found being involved in malpractice, maladministration, and disobeying direction under law, how can accountability be ensured in such cases?

Mr. Ramachandran expressed his concern over such sweeping assumptions. He asserted that as there are corrupt police officers, there are honest ones too. It is most important that officers who are involved in corruption are identified and held accountable. He highlighted the complexity of the problem by bringing up the fact that politics is deeply intertwined with policing in India. Officers who wish to advance their own agendas exist, and the entire police system suffers as a result.

Mr. Ramachandran highlighted that he does not believe that there exists a magic bullet to ensure accountability. However, the citizens have to step up and demand accountability, only then there can be reform. Police reforms should be made an election consideration, and citizens should demand for it. However, no political party takes up police reforms as an election agenda as it serves their political interests.

Since there are varied perceptions on police amongst the common people, do you believe there should be a public relations department in the police system?

Dr. Sinha clarified that most of the police stations do have a public relations department or at least a public relations officer. The best way to cope with the crisis, she believed, was for residents to be proactive and aware. Different policemen have different duties, but most people do not know how to approach a police station, and which officer to talk to when they need assistance. She offered a prudent solution that children from a young age should be educated about the workings of the police department to detach the stigma associated with the police. Only through awareness can the gap between citizens and the police can be bridged.

In comparison to other countries, which police system can be emulated in India with some modification?

Dr. Mudgal praised the police departments in America for their ability to understand their shortcomings through research. The American police force is very well equipped which makes policing effective. However, structural faults also exist in American police, which were highlighted during the riots following the killing of George Floyd, an African-American. People from all ethnicities and backgrounds came to protest against the police brutalities towards the African-American community. The police action against citizens and journalists brought out the

systemic fault lines in American police as well. Therefore, Dr. Mudgal highlighted that we need to be careful as to what we want to adopt from the police systems of other countries, as systemic problems exist in every system.

Adding to the discussion, Dr. Sinha highlighted the difficulty of emulating any police system in a country like India owing to its incredible diversity, and lack of resources. However, India has an abundance of human resources which needs to be tapped into.

How does the Common Cause team account for sampling errors while collating the results of their surveys?

Ms. Jha explained the mechanism of the surveys and highlighted that robust scientific methods are followed to collate the results of their surveys. They collaborate with the Centre for Studies in Developing Societies in their research endeavours which ensures that the data is free of errors. Further, Ms. Jha highlighted that the errors are also minimized by taking a large sample size of 200-500 surveys per region of a city. Further, these surveys are randomized to get rid of any bias. Marginalized communities are given proportional representation in the surveys. All these make the surveys accurate and rid out errors.

How can the legal fraternity and the police force work in consonance to strengthen the criminal justice System?

Dr. Sinha answered the question in a three-fold manner: firstly, legal aid should be ensured by the legal fraternity especially to the poor and the marginalized; secondly, there has to be speedy disposal of cases because justice delayed is justice denied; thirdly, there has to be accountability to the people. The criminal justice system can only be strengthened when the legal fraternity and the police cooperate for the betterment of the society.

What should be done to fill the loopholes that are created due to lack of training?

Mr. Ramachandran acknowledged that police training in most states is very poor. One reason for this is that the police force is still based on colonial models, with little regard for current challenges. New issues require different types of training; however, this training is substandard

and it is imparted in an omnibus manner. Mr. Ramachandran emphasized upon the importance of dynamic training and gave the motto “train for today and tomorrow.”

He then gave a general overview of many of the country's police departments. In most police stations, training resources are negligible. 95-98 percent of the annual budget of the police goes in salaries, while the rest of it is used for everything including training. In this case, training becomes a very low priority area and gets overshadowed by other needs of the police. More investment should be done in infrastructure, and the syllabus of the police personnel should be modernized, to address the current problems.

Mr. Aditya Vyas expressed gratitude to the outstanding panelists, emphasizing the significant amount of learning that took place throughout the panel discussion. At the conclusion of the discussion, he thanked all of the attendees.