



Date – 30 September 2022

Case for Police Reforms

Source: The Indian Express

News: September 22 is celebrated as Police Reforms Day as the Supreme Court gave a landmark judgment on police reforms on this day in 2006.

Issues plaguing Police system:

- **Colonial nature of police:** Current policing system is still governed by the Police Act of 1861 based on the concept of “politically useful” police to ensure dominance of the imperial masters over the subject people.
- **Hypocrisy on part of the British while designing the policing system for India:** In Britain police officers were “answerable to the law and the law alone”. But, in the case of India they enabled the executive to have complete authority over the police like the Irish model.
- **Unprofessional nature of police to ensure internal security for economic development** as economic development depends on sound law and order. But, According to the Institute for Economics and Peace, the cost of violence to the country is 7% of its GDP in 2020.
- In the current system, Police are hesitant to take action against legislators, but due to criminalisation of politics, the number of persons entering parliament with questionable backgrounds are increasing with each general election.

- **Incapability of state police forces to tackle internal security challenges** such as unrest in Jammu & Kashmir, maoist problem and insurgencies in the Northeast region.
- **Low public confidence in Police:** Lower strata of society feel that there are different sets of rules and laws for different sections of society. Lower strata feel that law favors rich and powerful.
- **Complex nature of law and order problems** due to international dimensions of organized crime such as arms trafficking, drug trafficking and cybercrimes requiring sophistication and expertise on the part of the police.
- **Poor infrastructure** such as poor housing conditions and long working hours(an average policeman works for 14hours a day and does not get any weekly off) and also shortage of human resource resulting in subpar performance of police personnel.
- **Anomalous arrangement in policing system:** Central investigating agencies such as Central Bureau of Investigation(CBI) and Intelligence Bureau(IB) do not have statutory basis. CBI derives its power to investigate from the Delhi Special Police Establishment Act, 1946. Similarly, Intelligence Bureau was set up through an administrative order in 1887.

Way forward:

- **Constitution of internal security doctrine** to tackle internal security challenges as per the perception of the ruling dispensation.
- Devise mechanism to insulate police from the influence of people with political or financial clout.
- Government should invest in filling vacancies and improving transport, communications and forensics.
- **Focus on mental and physical well being of police personnel** by introducing 12-hour shifts and gradually aim to achieve eight-hour shifts.
- **Adoption of future technologies to fulfill grassroot police requirements** can be done by setting up a high-powered technology mission by the central government to adopt future technologies.

- **Extension of police reforms to different policing wings of the Centre** such as CBI, Intelligence Bureau etc. Central Bureau of Investigation(CBI) and Intelligence Bureau must be given statutory basis.

Article: A recipe for reform(Prakash Singh)

Sharad

Reservation benefits for Dalit Christians and Muslims

Source: The Hindu; The Indian Express

News: The Central government may set up a national commission for studying the socio-economic and educational status of Dalits who converted to Islam and Christianity from Hinduism.

Constitutional provision for reservation benefits to Scheduled Castes and Tribes:

- **Article 341:**The President may “specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall...be deemed to be Scheduled Castes”.
- **Article 342:** The President may “specify the tribes or tribal communities or parts of or groups within tribes or tribal communities shall be deemed to Scheduled Tribes”

History of Quota Benefits:

- The first order under Article 341 was issued in 1950 covering only Hindus.
- Sikhs of Dalit origin were included among the beneficiaries of the SC quota through an order issued in 1956.
- In 1990, the government also included Buddhists of Dalit origin for SC quota benefits.

- After that, the Government revised the order to state that: “No person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of Scheduled Caste.
- Implementation of the Mandal Commission report led to the inclusion of many Christian and Muslim communities in the Central and state OBC lists.
- The website of the Department of Personnel and Training (DoPT) states that rights of Scheduled Tribe members are irrespective of his or her religious beliefs.

Efforts made in the past to include Muslims and Christians of Dalit origin among SCs

- Number of private bills were brought in parliament for inclusion of Muslims and Christians of Dalit origin among SCs.
- In 1996, the government drafted a Bill called **The Constitution (Scheduled Castes) Orders (Amendment) Bill** but it was not introduced in Parliament due to divergence of opinions.
- **UPA I(2004-2008) set up two important panels:** 1) National Commission for Religious and Linguistic Minorities or Ranganath Misra Commission. 2) Sachar committee to study the social, economic, and educational condition of Muslims.
- After 1999, it was mandatory to get approval of the Registrar General of India (RGI) for inclusion of communities in Scheduled caste.
- In 2011, National Commission for Minorities (NCM) had supported extension of SC benefits to Dalit Christians and Muslims.

Reasons for non-inclusion of Dalit Muslims and Christianity converts for quota benefits:

- **Religious reasons:** Caste is considered as basic tenets of Hinduism and reservation will change the basic tenets of Islam and Christianity as it will formally introduce caste system in these religions.
- **Politicization of quota benefits:** Political parties or pressure groups may start demanding a scheme of separate reservations for different sects.

- **Threat to unity and integrity of the nation:** Separate quota may prove detrimental to national unity as it has the potential to create further divisions in the society.
- **Deviation from basic purpose of quota as envisaged in the constitution:** Architects of Indian constitution framed these concessions only to remove caste-based discrimination and inequality from Hindu society.
- **Inadequate or insufficient field data or surveys** to shows that socio-economic situation of Dalit Muslims and Christians did not improve after conversion.
- **Difficult to locate original caste/community** of Dalit Christians and Muslims as these conversions have been taking place for centuries.
- **Nature of conversion(forced or voluntary):** Union government in its 2019 affidavit said that conversion into Buddhism and Sikhism happens voluntarily sue to some innate socio-political imperatives but Dalit conversions Islam or Christianity might have happened on account of other factors.
- **Constitutional/legal difficulties:** As people from multiple or different Scheduled Castes had converted to Islam and Christianity, so they cannot be recognized as a “single ethnic group” which is required condition for inclusion provided in Clause (2) of Article 341 of the Constitution.

Way forward:

- Government should make SC status fully **religion neutral** like Scheduled Tribes as recommended by Ranganath Misra Commission.
- **Implementation of recommendation of National Commission for Scheduled Castes (NCSC):** Reservation benefits can be extended to Dalit Christians and Muslims if they continue the same traditions and practices as they did before conversion and if they still facing untouchability after conversion.
- Center may include Dalit Christians and Muslims in the SC category until completion of independent study.

Article: The Hindu: Dalit Christians, Dalit Muslims can't be compared to Buddhist converts, says Centre's 2019 affidavit; The Indian Express: Supreme Court quota for Dalit Muslims and Christians: story so far.

Sharad

