

**Public Private Partnership in Indian Police Administration -
Need of the Hour**



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Abstract

For a democracy the most important aspect is to maintain rule of law in the country. This duty of maintaining rule of law lies with the police department because of which its functions have always been under scrutiny. The police in India is governed by ages old Indian Police Act of 1861 and there is no doubt that with the changing circumstances police also need changes in their day to day administration. Continuous administrative and legislative reforms over the past few decades have allowed the police to work with other forces and various public sector undertakings so that their objectives can be efficiently achieved. However, these attempts are not helping as expected and to meet the challenges of a changing nation while maintaining high standard of community service, it is highly required that partnerships with private organizations must be encouraged and Public Private Partnership model in the police administration must be introduced. This paper discusses the ideas behind PPP model and discusses the benefits if PPP model is adopted in the police administration. The paper suggests some areas where PPP model can be really effective such as infrastructure development of police stations, CCTV services, traffic management etc. Further, the paper recommends, under PPP model, to develop National Police Application, an application which will work throughout the country and the public need not use different applications of different states.

Key Words:- PPP, Rule of Law, Police Reforms

INTRODUCTION

In a welfare society, the government has to do multifarious functions and sometimes it becomes difficult on the part of the government to perform all those functions in an effective and efficient manner and so the government hires the private sector for those functions which are essentially to be performed by the government. Thus, when the government hires any private sector entity to perform certain function which are essentially to be performed by the government, the term used for those model is Public-Private Partnership (Hereinafter PPP). As is clear from the name also, it is a kind of arrangement between the government entity on one hand and any private entity on the other hand to facilitate the public services. Although it is very difficult to define PPP, National Public Private Partnership Policy 2011 defines PPP in following terms:

“A Public Private Partnership (PPP) means an arrangement between the government/statutory entity/government owned entity on one side and a private sector entity on the other, for the provision of public assets and/or public services, through investments being made and/or management being undertaken by the private sector entity, for a specified period of time, where there is well defined allocation of risk between the private sector and the public entity and the private entity receives performance linked payments that conform (or are benchmarked) to specified and pre-determined performance standards, measurable by the public entity or its representative.”

India is a country where people of various cultures, religions reside and it is a herculean task to maintain law and order in such society. The primary duty of the police is to maintain law and order and crime prevention. The police also play an important role in providing security to the people and ensuring that the decisions of the government and courts are respected by the people and the democracy prevails. When we look at today's scenario of growing violence and social conflicts and new dimensions of crimes coming into picture, the role of police become more challenging. On the other hand, police is confronted with various operational issues which decreases the level of ability and which need to be addressed to make the police more efficient and effective. One of the methods which can address this challenge is the

implementation of Private-Public Partnership in Police administration. The PPP model can be introduced in the police administration at various levels and in different segments like infrastructure development including residential apartments and police stations and traffic management.

Various committees and commissions like National Police Commission (1977), Julio Ribeiro Committee (1998-1999), Padmanabhaiah Committee (2000) and Malimath Committee (2003) have submitted their reports on police reforms but majority of the recommendations have not been executed by the government and because of that there has been a significant gap between police and citizens and the image of police is not getting better in the eye of citizens. Police forces often face different level of financial and operational challenges like the issues of lack of personnel, weaponry and effective training. All these issues can be appropriately addressed by allowing the police to work in partnership with private sector entities. This may be a new development for the police force but it is highly required to meet the challenges of changing dimensions and maintaining high standard of services.

The crime rate is getting higher and higher every year. Though there are stringent laws to curb it but it seems like there is no fear of punishment among the offenders and so the time has come that something new must be tried in crime prevention and that can be done through collaborative partnerships with non-governmental organizations, private firms, social service providers and other private entities. The government can take help of private organizations in the area of providing technical assistance in crime investigation, serving of summons, monitoring suspects and prisoners, managing juveniles, conducting traffic control etc. These activities can be taken care of by the private entities effectively and the burden of the police force can be lowered down.

PUBLIC PRIVATE PARTNERSHIP - WHY?

‘We recognize the importance of strengthening public private partnerships in preventing and countering crime in all its forms and manifestations. We are convinced that through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions,

Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges.’¹

- Paragraph 34, The Salvador Declaration 2010

Traditionally, there has been a strict demarcation of roles between the State and Private sector, both carrying out their responsibilities towards harmonious construction of the society. The State vested with a political authority to govern the sovereign must ensure overall development and prosperity, through meticulous planning and implementation of schemes. This task is tough to carry out especially in a densely populated and diverse nation like India. With the advancement in time and technology, the State has frequently found itself in a position to devise ways through which necessary facilities can reach the citizens. Budgetary constraints and ageing in terms of technology mar a majority of State-funded projects. With such concerns Governments across the globe have taken steps forward, garnering partnership with the private sector in order to provide better infrastructure and services to the public.

As briefed above, a Public-Private Partnership (PPP) is a co-funding approach to the development of public investments such as infrastructure projects, or the provision of services; this may involve partnerships between the private sector and governments, government bodies, the police etc., also non-government organizations, institutes, foundations and universities.

PPPs combine the skills and resources of both the public and private sectors through sharing of risks and responsibilities which enables governments to benefit from the expertise of the private sector, and allows them to focus instead on policy, planning and regulation by delegating day-to-day operations.² This model of developmental and inclusive governance has been accepted worldwide, more importantly by organizations such as the United Nations; following are some notable International and Regional Organizations –

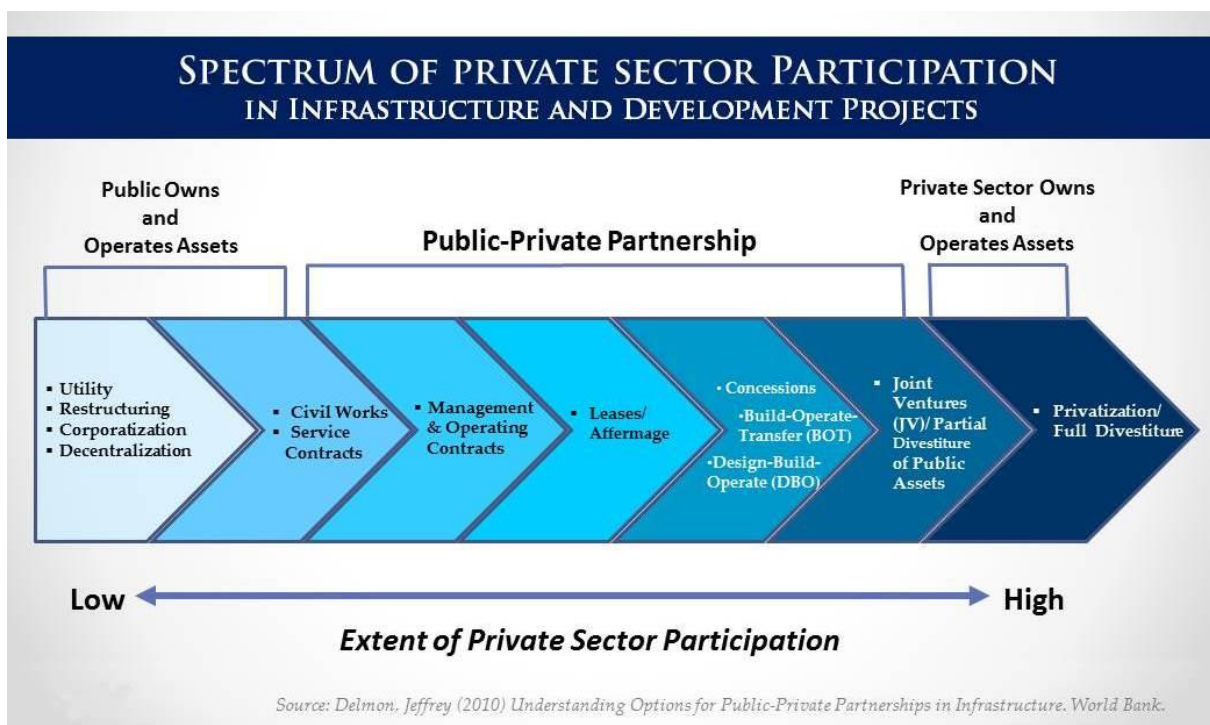
- United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)

¹ https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/Salvador_Declaration/Salvador_Declaration_E.pdf

² <https://ppp.worldbank.org/public-private-partnership/about-public-private-partnerships>

- United Nations Economic Commission for Europe (UNECE)
- International Project Finance Association (IPFA)
- European PPP Expertise Corner (EPEC)
- European Institute of Public Administration (EIPA)
- South African Development Unit (SADC) Public- Private Partnership Network

Public-private partnerships (PPPs) take a wide range of forms varying in the extent of involvement of and risk taken by the private party. The terms of a PPP are typically set out in a contract or agreement to outline the responsibilities of each party and clearly allocate risk. The graph below depicts the spectrum of PPP agreements.³



While looking at the PPP model, it is essential to talk about its benefits. With an amalgamation of the strengths of the public and private sector, there is a high chance of the society benefitting in the following ways⁴:

- They provide better infrastructure solutions than an initiative that is wholly public or wholly private. Each participant does what it does best;

³id.

⁴<https://www.thebalancesmb.com/public-private-partnership-pros-and-cons-844713>

- They result in faster project completions and reduced delays on infrastructure projects by including time-to-completion as a measure of performance and therefore of profit;
- A public-private partnership's return on investment or ROI might be greater than traditional, entirely private or government methods. Innovative design and financing approaches become available when the two entities work together;
- Risks are fully appraised early on to determine project feasibility. In this sense, the private partner can offer a break on unrealistic government promises or expectations;
- The operational and project execution risks are transferred from the government to the private participant, which usually has more experience in cost containment;
- Public-private partnerships may include early completion bonuses that further increase efficiency. They can sometimes reduce change order costs as well;
- By increasing the efficiency of the government's investment, it allows government funds to be redirected to other important socioeconomic areas;
- Greater efficiency of PPPs reduces government budgets and budget deficits;
- High-quality standards are better obtained and maintained throughout the life cycle of the project;
- Public-private partnerships that reduce costs also allow lower taxes.

Sowing the seeds of a PPP model may look easier but nurturing of the same is difficult. There a number of risks involved with this model, which are summed up as follows⁵:

- Development, bidding and ongoing costs in PPP projects are likely to be greater than for traditional government procurement processes - the government should therefore determine whether the greater costs involved are justified;
- There is a cost attached to debt – While private sector can make it easier to get finance, finance will only be available where the operating cashflows of the project company are expected to provide a return on investment (i.e., the cost

⁵<https://ppp.worldbank.org/public-private-partnership/overview/ppp-objectives>

has to be borne either by the customers or the government through subsidies, etc.)

- Some projects may be easier to finance than others, some projects will generate revenue in local currency only, while others will provide currency in dollar or other international currency and so constraints of local finance markets may have less impact;
- Some projects may be more politically or socially challenging to introduce and implement than others - particularly if there is an existing public sector workforce that fears being transferred to the private sector, if significant tariff increases are required to make the project viable, if there are significant land or resettlement issues, etc.
- There is no unlimited risk bearing – private firms (and their lenders) will be cautious about accepting major risks beyond their control, such as exchange rate risks/risk of existing assets. If they bear these risks then their price for the service will reflect this. Private firms will also want to know that the rules of the game are to be respected by government as regards undertakings to increase tariffs/fair regulation, etc. Private sector will also expect a significant level of control over operations if it is to accept significant risks
- Private sector will do what it is paid to do and no more than that – therefore incentives and performance requirements need to be clearly set out in the contract. Focus should be on performance requirements that are out-put based and relatively easy to monitor
- Government responsibility continues – citizens will continue to hold government accountable for quality of utility services. Government will also need to retain sufficient expertise, whether the implementing agency and/ or via a regulatory body, to be able to understand the PPP arrangements, to carry out its own obligations under the PPP agreement and to monitor performance of the private sector and enforce its obligations
- The private sector is likely to have more expertise and after a short time have an advantage in the data relating to the project. It is important to ensure that there are clear and detailed reporting requirements imposed on the private operator to reduce this potential imbalance

- A clear legal and regulatory framework is crucial to achieving a sustainable solution
- Given the long-term nature of these projects and the complexity associated, it is difficult to identify all possible contingencies during project development and events and issues may arise that were not anticipated in the documents or by the parties at the time of the contract.

While talking about implementation of the PPP model to police administration, there are a few instruments that have given recognition to this model. Some notable examples of the Public-Private Partnerships in the area of police administration and crime prevention are:

- **CyberCap** – It is a non-profit organization that has functioning since more than two decades at Montreal, Canada. It is largely perceived that youth definitely has more tendencies to turn towards crime of various types, this organization provides training to young people in personal, social or professional difficulty, who run a high risk of turning towards crimes, and even ex-offenders as well as their families. Such training is imparted through multimedia. This organization has public-private partnerships with global organizations such as Microsoft, Ubisoft, Radio Canada, TSQ Television, Quebec banks; these organizations provide funding as well as resources like computers and materials.⁶
- **SulAmerica Peace Parks**, Brazil- This is an insurance company working with local youth at risk and their communities as well as in high risk areas, to recover public spaces.
- **Bogotá Comó Vamos**, Colombia- This is a shining example of ‘citizen exercise’ of monitoring changes in the management of a particular geographical area and its impact on the quality of life of its citizens. The work of Bogotá Como Vamos has been to combine the analysis of technical indicators and the citizen perception that allows to know the results of the management. It also organizes forums, technical work tables, citizen debates, makes early warnings about potential problems in the city and develops communication strategies to include key issues for Bogotá in the public

⁶ <http://cybercap.qc.ca/>

agenda.⁷ The major aims of the organization are an effective and transparent government along-with a better informed, responsible and participative citizenry.⁸ Further, it has established partnerships with publishing house El Tempio, Corona Foundation and Bogota Chamber of Commerce to organize permanent discussion forum to promote improved and effective local public safety policies, and public accountability.

- **Encuestas de Victimization**, Peru- In a major victimization survey, various mining and cement companies and the Andean Development Corporation come together for carrying out national as well as urban victimization surveys. The areas covered are Lima and its 35 municipalities and 23 other large cities.
- **Prevention & Assistance to Survivors of Trafficking (PAST)**, India- PPPs between International Organization on Migration and businesses, Chambers of Commerce, Indian Industry Conference, governments and civil society. The services provided range from rehabilitation, training, employment opportunities, micro-credit, and support for survivors, as well as peer education training and awareness raising.

PPP IN POLICE ADMINISTRATION

There are areas like prison management, retirement homes, correctional homes, guiding private properties etc. which can be worked under the PPP model and by doing that the efficiency of the police can be enhanced. There are countries which have adopted PPP model in developing police administration and the results are encouraging. Some of the successful examples of PPP model in Police administration are as following:

1. Lincolnshire Police (UK): The Lincolnshire County Police Force entered into an agreement with a private security firm named G4S in 2012 and G4S started to handle following functions

- Force control room- responding to emergency calls
- Entering and updating crime records

⁷ About Bogotá How to go <http://www.bogotacomovamos.org/acerca/>

⁸ Id.

- Transportation of detainee/prisoner
- Management of crime files
- Property management, building maintenance, vehicle fleet operations
- Monitoring of offenders who are out on bail or parole

2. Frederik Police Department: They started partnership with universities and colleges to use the resources of the universities/colleges and get benefit by them. Students of universities and colleges also started working as interns and helping them in their office management.

3. Hong Kong Police: Mobile radios are an important tool for efficient policing. Most of the times these radios function properly but when the police officers are required to enter any building or basement then there becomes operational issues with the radios as they become unable to transmit and receive airwaves through solid structures of building and basement.

Hong Kong Police while partnering with the private sector configured the enterprise network of police force with indoor facility of mobile operators and by doing that Hong Kong police is now able to achieve full coverage through shopping malls and skyscraper buildings. On one hand this has saved the money of Government while on the other hand provided extra income for the private mobile operators and of course the main beneficiary is the public of Hong Kong.

4. PPP in Traffic enforcement: Courtiers like Italy, United Kingdom, Spain and Belgium are using PPP model in their traffic management in one or the other ways.

UK: National Traffic Control Centre (NTCC) was set out near Birmingham under the PPP model to provide accurate traffic information for Road users and transport operators throughout England.

Italy: Government of Italy entered into an agreement with Fiat and Mizar under the PPP model to develop a metropolitan area traffic operations center integrated with a real time public transport monitoring system.

Belgium: Belgium government has tied up with mobile service providers to provide real time traffic information.

Spain: By using PPP model, Spain is managing and financing motorways.

5. Other PPP models

USA: under PPP model, USA has created the Overseas Security Advisory Council (OSAC) to promote security concepts and enhance co-operation between the US Department of State and US Organizations operating worldwide.

UK: While applying PPP model, UK has established the Security Information Service for Business Overseas (SISBO) which assists businesses by providing information on security and risks which they may face when operating in any particular market overseas.

World Economic Forum in its report⁹ released in January 2016 recommended PPP model to be used against cybercrime. The recommendations mainly focus on following points:

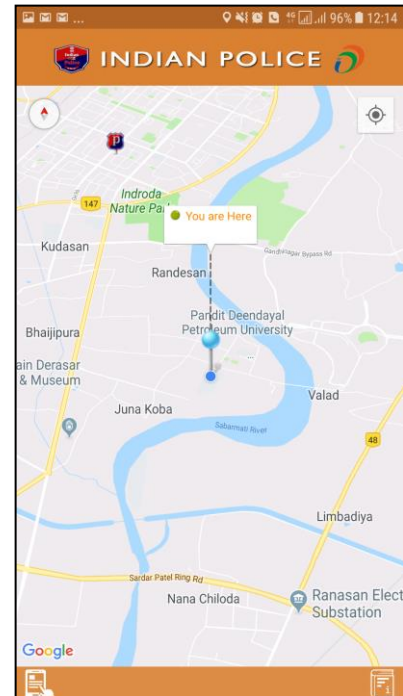
- a) Public and private sectors should share more information related to cyber threats, vulnerability and consequences.
- b) Public and private sectors should work to create new platforms, strengthen existing platforms, and coordinate these platforms to increase information-sharing and improve investigations and prosecutions.
- c) Public and private sectors should cooperate to encourage and advance wider adoption of the Budapest Convention on Cybercrime, or, of the principles it promotes.
- d) Public and private sectors should work to build trust and discuss contentious topics related to cybercrime, such as encryption, cloud servers, data access and protection of privacy, to find appropriate solutions.
- e) Public and private sectors can engage in other initiatives aimed at reducing cybercrime.

⁹ http://www3.weforum.org/docs/WEF_Cybercrime_Principles.pdf

SUGGESTED PARTNERSHIPS IN INDIA

4.1 Technology Partnership

Existing Indian Police App



An app launched by Prime Minister Narendra Modi on helps the citizen locate the nearest police stations wherever he or she is. Not just that, the Indian Police app provides the names of the police stations, the telephone numbers, the distance from the place where you are and how much time it will take to reach whichever police station one wants to go.¹⁰

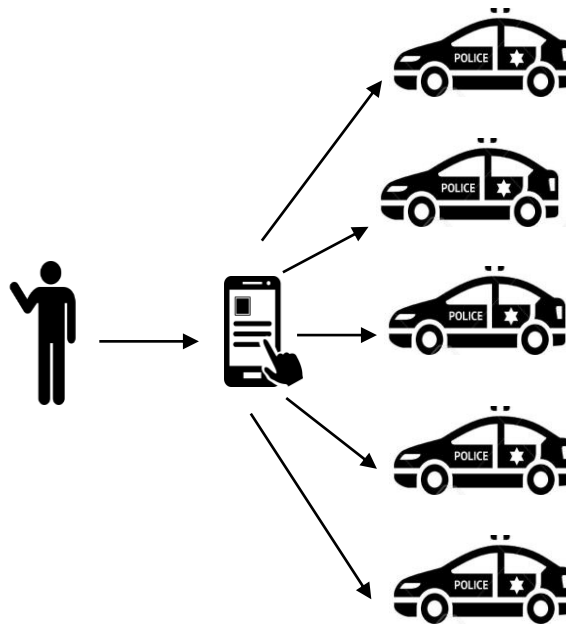
Drawback of this App

- Citizen do not have idea about which is the appropriate police station for him/her
- Finding and Calling on given number is like Dialing 100
- No information, details about dispatching of police van i.e. GPS location

¹⁰ <https://timesofindia.indiatimes.com/city/hyderabad/PM-Modi-launches-Indian-Police-app-that-helps-you-locate-nearest-police-stations/articleshow/55642215.cms>

Suggested partnership

Govt. can enhance existing app or can collaborate with Uber or Ola to have system. All PCR vans should be equipped with GPS. Citizen can simply push the button, can be connected to nearest police van and locate exact location of van. There are cases when we call on 100 or any police station/ chowki number, we do not have any clues whether van is dispatched or not.



4.2 Infrastructure

Building

Infrastructure plays crucial role in public service delivery. Government fails to serve public due to lack of poor infrastructure. There are cases where police department have not proper infrastructure, in this circumstances how we can expect efficient and effective service from them. In this situation, infrastructure can be created with the help of public private partnership. One of good example is Satellite Police Station in Ahmedabad City which was built by Ahmedabad Nagrik Police Utkarsh Samiti at the cost of Rs. 90 lacs in the year 2005.¹¹ Corporate also can built this kind of

¹¹ https://vaastuyogam.com/wp-content/uploads/2014/02/Setellite_Police_Station_02_2014.pdf

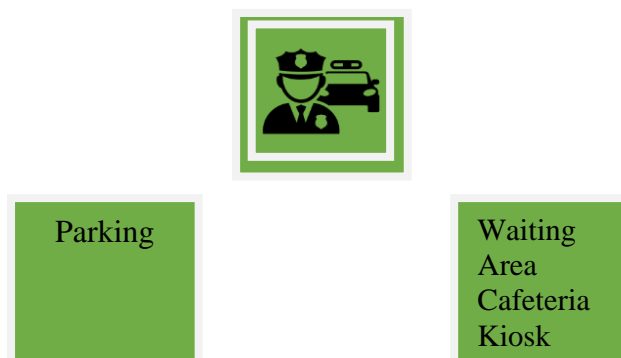
infrastructure. This expenses should be considered as CSR expenses and amendment should be made for this purpose in Companies Act, 2013.



Image:- Satellite Police Station, Ahmedabad, Gujarat

Waiting Area

Almost all police station and police chowkis suffer from basic facilities for visitors i.e. waiting area, washroom facilities, drinking water etc. This aggravate the problems for the victims and visitors. Additional infrastructure in the form of waiting area, small cafeteria, parking facility can be created for public under PPP mode. Kiosk also can be set up in waiting area to get details about visitors to police station, police chowki and visitors can put feedback after visiting the office. This feedback will help police administration to improve service delivery.



Traffic Booth

Traffic Police plays a crucial role in traffic management for the country but basic amenities have been neglected to them. They serve their duties in harsh weather conditions for smooth functioning of traffic movement. Taking their plight into consideration, possible arrangements have been done for traffic police personnel by corporate, NGOs, business houses etc. as a part of social responsibility. Recently, Bruhat Bengaluru Mahanagara Palike (BBMP) has decided to build and upgrade chowkis for traffic police at 530 junctions under PPP model. BBMP is also taking up remodeling and construction of traffic umbrellas. The BBMP has finalized on the design prepared by Janaagraha (an NGO) and has also collected specification of the chowkis from the police department¹²



4.3 Outsourcing

Traffic Management

There has been debate regarding outsourcing of some police functions. One of them is traffic management. Some states have moved in this direction. In Surat city, Traffic

¹² <https://bangaloremirror.indiatimes.com/bangalore/others/traffic-police-can-soon-lead-a-sheltered-life/articleshow/63130119.cms>

Regulation Brigade (TRB) was established to help traffic police with their duties. This was replicated in other cities namely Anand, Ahmedabad, Rajkot, Vadodara.



4.4 Academic Partnership

Academic partnership has become essential for enhancing police service delivery system. We all can see wide gap between police and academia and bridging this gap can ripe good results in Indian Police Administration. Recently, state of Gujarat has initiated and formed Police Academia Interaction Forum (PAIF) where four organizations namely Gujarat Police, Gujarat National Law University, Gandhinagar, Raksha Shakti University, Ahmedabad and Gujarat Forensic Sciences University, Gandhinagar joined hands together for police academia partnership.¹³

CONCLUDING REMARKS

Indian Police is responsible for keeping in place the law and order of a vast nation like ours where new-age troubles arise on a daily basis. A unique characteristic about the country and its system lies in the fact that the nation gets troubled with a mixture of difficulties for e.g. religion or politics getting involved with a crime. Such instances make it doubly difficult to maintain the required law and order. But surely the system

¹³ www.paif.gnlu.ac.in

isn't just for the Police to look after, citizens and private players are equally responsible to maintain a balance between rights and duties, whereby contributing to the growth of a peaceful nation.

It is evident from the above discussion that Public Private Partnerships have the ability to play an important role in police administration and enhancing public delivery of services. Ample examples of success have been scripted for us to follow. However, barring a few examples India is yet to fully explore the possibilities of a PPP model for police administration. Among other priorities, an urgent requirement is that of funding for effective planning and implementation as well as administration of an efficient PPP model for police administration in India. A possible solution is earmarking of CSR funds of private companies towards creation of PPP model for police administration. However, even this is possible only by the intervention of the Government by way of amendment to the Companies Act, 2013.

The face of crimes has changed drastically with advent of modern technologies, making it difficult for the police to keep pace with the challenges of such development. Not just extreme crimes but also the maintenance of routine law and order and day-to-day activities is an uphill task. With appropriate help from different pockets of the society this task can be taken care of. This is the time for private parties and citizens to rise up-to the occasion and help the Indian Police with betterment of the system.