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# **DETAILED ANALYSIS OF EXIGENCY FOR POLICE REFORM**

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## CHAPTER ONE

### 1.1. INTRODUCTION

Once **General NC Vij**, Director, said, "**Police modernization in India has been hanging fire for a long time even though challenges to India's internal security have gone up considerably in recent years. While the police suffer from a plethora of problems, including criminalization and politicization among other problems, neither the states nor the centre have been willing to undertake police reforms, but throwing the ball in each other's court**".<sup>1</sup>

Throughout history, police have been crucial for maintaining peace and order in various societies. They are a key part of the justice system, responsible for enforcing laws and ensuring public safety. The term 'police' essentially refers to state-appointed agents who uphold the regular criminal code to maintain law and order within a political jurisdiction. The term 'police' has its roots in the Latin word '*politia*' which has several connotations including "the administration of the commonwealth."<sup>2</sup>

Kalia (1995) defines the terms as the system that regulates and preserves law and order through enforcement of rules and is deemed to be the internal government of a state.<sup>3</sup> Police also refers to the purposeful management and maintenance of the protection of people and their property from the clutches of public accidents and from criminal offences that are generated out of unlawful activities. Policing is also referred to the ways of managing public safety and order through the enforcement of laws and includes the detection and prevention of crime.<sup>4</sup>

According to the Royal Commission on Police Powers and Procedures in 1929<sup>5</sup>, a policeman is an individual remunerated to carry out acts, which, if so inclined, they might have undertaken voluntarily. In contemporary contexts, the term 'police' is attributed to the executive civil force of a state, charged with the responsibility of upholding public order and enforcing regulations for the prevention and containment of crime.

The central mandate of police forces revolves around upholding and enforcing laws, investigating crimes, and ensuring the overall security of the population within a country. In

<sup>1</sup> <http://www.vifindia.org/print/3298>.

<sup>2</sup> Charlton T. Lewis, A Latin Dictionary, accessed November 1, 2019, <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0059%3Aentry%3Dpoliti> a.

<sup>3</sup> Sarita Anil Kalia, Job Stress and Indian Police (New Delhi: Discover Publishing House, 1995)

<sup>4</sup> S. K. Ghosh and K. F. Rustamji, Encyclopedia of Police in India: Volume I (New Delhi: Ashish Publishing House, 1993).

<sup>5</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-2311.1929.tb00140.x>

the case of a large and densely populated nation like India, it becomes crucial for the police to be adequately equipped in terms of personnel, weaponry, forensic capabilities, and robust communication and transport infrastructure.

Furthermore, to execute their responsibilities effectively, police forces require operational freedom, granting them the necessary autonomy. Alongside this, it is essential to provide favourable working conditions, including regulated working hours and opportunities for professional advancement. Simultaneously, accountability mechanisms must be in place to address instances of poor performance or misuse of power, preserving the credibility and trustworthiness of the policing system.

Under the Constitution, police is a subject governed by states.<sup>6</sup> Therefore, each of the 29 states have their own police forces. The centre is also allowed to maintain its own police forces to assist the states with ensuring law and order.<sup>7</sup> However, the national government is authorized to oversee and support police forces, contributing to the maintenance of law and order in collaboration with the states.

It is one of the ironies of modern India that while we are capable of sending a mission to the moon, while there has been a revolution in information technology, while there has been vast improvement in the rail and road network across the country, while we have taken a quantum leap in nuclear science, while we are capable of firing missiles across continents, we are yet saddled with colonial police with a feudal mindset.<sup>8</sup>

The British had introduced a colonial system of policing based on the militaristic Irish constabulary. It was meant to exercise dominance over the indigenous population and maintain the imperial authority of the Crown. Unfortunately, after Independence, the politicians found it convenient to continue the system because it enabled them to misuse and abuse the police for their partisan ends.

## 1.2. SIGNIFICANCE OF THE STUDY

The Indian Police force is encountering numerous challenges related to functional autonomy, serving as the most prominent administrative entity of the Government in civil society. The general population heavily depends on a fully operational and unbiased police system to ensure the smooth functioning of daily life. In countries undergoing development, such as India, the

<sup>6</sup> Entry 2, List II, Schedule 7, Constitution of India, 1950.

<sup>7</sup> Entry 2 and 2A, List I, Schedule 7, Constitution of India, 1950.

<sup>8</sup> The struggles for police reform in India

police forces often struggle to fulfill their essential role due to insufficient training, operational accountability issues, centralized functions, a lack of specialization, and a slow pace of modernization. Addressing these issues requires various reforms as they are crucial prerequisites for the effective operation of a Police Organization in a democratic society.

Numerous initiatives have been undertaken to assess and analyze the factors contributing to the necessary reforms in the police department. Concrete and well-intentioned recommendations from various Commissions and Committees are available to facilitate these improvements. Democratization, decentralization, professionalism, specialization, modernization, management orientation, and autonomy recognition are among the methods that could empower the Indian Police force to address the diverse challenges they encounter. The ongoing research aims to address these gaps and provide solutions for enhancing Police Administration and the Criminal Justice System in India.

### 1.3. RESEARCH QUESTION:

1. What are the primary factors or incidents that have triggered demands for police reform in India?
2. To what extent does political interference impact the effectiveness and integrity of police departments, and how can it be mitigated through reform?
3. What are the most effective mechanisms for holding law enforcement agencies and officers accountable for misconduct?

### 1.4. LITERATURE REVIEW:

**Inside Indian Police by Joginder Singh**<sup>9</sup> provides a comprehensive exploration and identifies the problems of the Police and suggest how and what should be done to correct the wrongs. No discussion of police reform is complete without addressing the challenges and resistance faced by reform initiatives.

**The Police, The People and Criminal Justice by James Vadackumchery**<sup>10</sup> in his book delves into the critical aspect of police accountability. The author examines the role of body-worn cameras, civilian oversight boards, and independent investigative bodies in holding officers accountable for their actions. Through empirical evidence and case studies, the book provides a nuanced understanding of the effectiveness of these mechanisms.

<sup>9</sup> Joginder Singh, *Inside Indian Police*, (1<sup>st</sup> Ed., 2002).

<sup>10</sup> James Vadackumchery, *The Police, The People and Criminal Justice*, (2<sup>nd</sup> Ed., 1997).

***The struggle for police reforms in India A comprehensive review of police reform strategies***

**by Prakash Singh<sup>11</sup>** offers a timely and comprehensive analysis of the multifaceted challenges and solutions associated with police reform. By exploring historical context, community policing, accountability mechanisms, training techniques, and policy changes, the book provides readers with a well-rounded understanding of the complex issue at hand. It is a valuable resource for policymakers, law enforcement professionals, scholars, and concerned citizens seeking to navigate the path toward a more just and equitable policing system in the modern era.

***Policing the largest democracy: 50 years and after* by James Vadackumchery<sup>12</sup>** provides a comprehensive examination of the police accountability to miscarriage of justice. The book concludes by discussing the role of policy and legislative changes in driving police reform. It examines recent legislative initiatives aimed at redefining use-of-force standards, limiting qualified immunity, and reallocating funds towards community-based programs. The author critically assesses the potential impact of these reforms on law enforcement practices.

#### **1.5. RESEARCH OBJECTIVE:**

- To examine the trespass of executive domain as a result of political interference and its aftermath.
- To analyse other incidents of excessive use of force and their impact on public trust.
- To examine the current policies, procedures, and practices within the police force to identify areas in need of reform.
- To analyse police training programs and curriculum to determine if they adequately prepare officers to handle various situations.

#### **1.6. SCOPE**

The common man does not feel secure or protected--on the contrary, he may be harassed or even persecuted by the police if he dares take a stand against the establishment and this is a plight of present-day society. The existing police system has failed to meet the societal requirements as a result of which it has fallen short of public confidence. The political pressure, ineffective administration, shortcomings of police reforms and many more adverse factors have created a vacuum in the executive department of a government. This paper aims to contemplate the existential crisis of the police system and to inspect the factors which are

<sup>11</sup> Prakash Singh, *The struggle for police reforms in India A comprehensive review of police reform strategies*, (1<sup>st</sup> Ed., 2022).

<sup>12</sup> James Vadackumchery, *Policing the largest democracy: 50 years and after*, (1<sup>st</sup> Ed., 1998).

fostering the futility and pursuant to that corrective measures shall be suggested which are in best knowledge of the author.

### 1.7. RESEARCH METHODOLOGY

It is to be noted that, considering the nature of research questions, it is seen that **doctrinal research** would be the better approach to finding the solution to these questions. Doctrinal research also Known as traditional research is basic library research. It is a scientific and systematic way to obtain a solution to a legal problem. Library research involves the critical analysis of available literature; it also includes the study of case laws. Analyses of the judgments of the High Courts and Supreme Court are extremely essential in library research. From the critical evaluation of the judgments, one can find why and how the judges have arrived at the conclusion. The critical analysis of judgments and research articles also gives necessary clues that help the researcher in arriving at a useful solution to the research question.



## CHAPTER TWO

### **2.1. HISTORY OF POLICE IN INDIA**

The roots of the police system in India can be traced back to the early Vedic period, as evident from mentions in the Rig and Atharva Veda of certain crimes known to the Vedic people. The existence of security forces during the Harappan period is also indicated. While detailed references during the Vedic period are scarce, the Mauryan period reveals significant features of the criminal justice organization. Kautilya's "Arthashastra" (310 BC) serves as a treatise on the criminal justice system, resembling a manual for modern police. Notably, it introduces terms like *DANVARIKA*, *ANTEVANSIKA*, *PRADESIKAS*, *MAHAMATRAS*, *RAJJUKAS*, and categorizes three types of police: *dandpal*, *durgapal*, and *antpal*.

The modern history of the Indian police dates back to the early 19th century. The concept of a separate regular police force, as we recognize it today, was not considered before the British period and took time to materialize even after their rule commenced. Warren Hastings initiated several police reforms in 1774, laying the foundation for the Police Act of 1861, which remains the cornerstone of the current police system.

In the era preceding independence, the colonial rulers prioritized stringent control over their subjects, leading to the establishment of an efficient police structure focused on crime prevention and detection. The policing model developed by the colonial state aimed not only at maintaining law and order but also at suppressing populations to ensure the uninterrupted sustainability of colonial rule, preventing any challenges to its authority. The enactment of the Police Act of 1861 served as a mechanism to fulfill the objectives of the colonial state. This legislation was utilized as a cover, intending to legitimize not only the systematic oppression but also the infringement upon the basic rights of the people.

The Indian Police Act, 1861, conferring extensive and arbitrary powers to the police. This legislation, unfortunately, was designed not only to maintain law and order but also to manipulate and oppress Indians, aligning with the divisive "divide and rule" policy. Despite the enactment of various substantive and procedural laws like the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), Indian Evidence Act (IEA), among others, which have adapted to the evolving needs and circumstances of our nation, the Police Administration continues to operate under the same Indian Police Act of 1861. Remarkably, more than a century and a half has passed, yet the structure and mandate of the police have seen little substantial change.

Over the course of 162 years, the functioning of the police has been critically examined twice at the All India level. The first examination occurred during the British regime through the Indian Commission of 1902-03, and the second took place in 1977 by the National Police Commission. Both assessments revealed inefficiencies in the police system, including deficiencies in training, organization, public relations, welfare measures, and mechanisms for grievance redressal.<sup>13</sup>

The commission generated a total of eight reports spanning the years 1979-1981. Following this, a final draft for a new police act was prepared, aiming to replace the existing 1861 legislation. Subsequent committees, including the Padmanabhaiah Committee, Ribeiro Committee, and the Police Act Drafting Committee led by Soli Sorabjee, have reiterated the recommendations outlined in the new police act.<sup>14</sup>

Nevertheless, the government did not actively put these suggestions into action. In 1996, a former Director-General of Police, Prakash Singh, asked the Supreme Court to instruct both the central and state governments to implement new reforms in Indian police organizations. The goal was to ensure that the police are accountable, prioritizing service to the people and safeguarding their rights in the country<sup>15</sup> and same shall be further put forth eruditely under **IV chapter**.

<sup>13</sup> "Police Reform Debates in India," Commonwealth Human Rights Initiative, accessed October 17, 2019, <https://humanrightsinitiative.org/publications/police/PRDebatesInIndia.pdf>.

<sup>14</sup> South Asia Human Rights Documentation Centre, Handbook of Human Rights and Criminal Justice in India (New Delhi: Oxford University Press, 2007).

<sup>15</sup> Prakash Singh and Ors. V. Union of India, (2006) 8 SCC 1.

### **CHAPTER THREE**

#### **3.1. WHY DO WE NEED REFORM?**

The imperative for police reform in India emanates from a comprehensive understanding that effective policing is the cornerstone of societal security and prosperity.<sup>16</sup> This analysis delves into the *multifaceted goals and objectives of police reforms*, followed by *existing framework and procedure of police*. However, the shortcomings and recognizing the need for a holistic transformation shall be dealt in next chapter.

Police reforms has been on the agenda of Governments almost since independence but even after more than 50 years, the police are seen as selectively efficient, unsympathetic to the under privileged. It is further accused of politicization and criminalization. In this regard, one needs to note that the basic framework for policing in India was made way back in 1861, with little changes thereafter, whereas the society has undergone dramatic changes, especially in the post-independence times.<sup>17</sup>

The public expectations from police have multiplied and newer forms of crime have surfaced. The policing system needs to be reformed to be in tune with present day scenario and upgraded to effectively deal with the crime and criminals, uphold human rights and safeguard the legitimate interests of one and all.

As a police officer, the essential duty is actually serving mankind, in order to shield property and lives, to defend the innocent against deception, the poor against intimidation or oppression and the tranquil against condition and violence as well as to respect constitutional right of all males to liberty, Justice and equality.<sup>18</sup>

#### **3.2. MULTIFACETED GOALS AND OBJECTIVES OF POLICE REFORMS**

The foundational objective of police reform lies in ensuring societal security and prosperity. Effective policing is not just a matter of law enforcement but a linchpin for fostering an environment where citizens can thrive and contribute to the nation's progress. By maintaining law and order, the police play a pivotal role in sustaining the delicate balance necessary for economic growth and overall societal well-being.

<sup>16</sup> [https://haryanapolice.gov.in/policejournal/pdf/police\\_reform.pdf](https://haryanapolice.gov.in/policejournal/pdf/police_reform.pdf)

<sup>17</sup> <https://www.mha.gov.in/sites/default/files/PoliceReforms%28E%29181013.pdf>

<sup>18</sup> Siddique's ahmad, "Criminology" (Eastern book company, Lucknow, 2005), fifth edition, pp-302.

The maintenance of law and order is intricately linked to economic growth. As India experiences high economic growth, the role of the police in sustaining a secure environment becomes paramount. Police reforms aim to equip the force with the necessary tools, training, and culture to navigate the complexities of a rapidly evolving society, ensuring that economic progress is not hindered by security challenges.

The functions of the Indian Police force are diverse, with critics arguing that outsourcing certain tasks would allow the force to focus more on core responsibilities such as crime investigation and theft prevention. The key features include:

1. Adhering to and executing all lawful orders and warrants issued by competent authorities.
2. Gathering and disseminating intelligence that affects public peace.
3. Preventing the commission of crimes and public nuisances.
4. Investigating and prosecuting offenses to ensure justice is served.
5. Apprehending individuals legally authorized for arrest when sufficient grounds exist.

Nevertheless, given recent high-profile cases like the *Jessica Lall incident*,<sup>19</sup>, and the notable *Best Bakery case*<sup>20</sup>, the Police force has been perceived as ineffective. It appears to intentionally impede investigative efforts, leading to the failure of the Police force according to its own definition.

The Supreme Court has rightly stated that the duty of the Investigating Officer isn't simply to bolster up a prosecution case with that proof as might enable the Court to capture a conviction but to draw out the real unvarnished truth.<sup>21</sup> Another objective of the police force is to actively contribute to the prevention of crime. This involves police patrolling and engaging in preventive measures against potential wrongdoers, particularly within the framework of vagrancy laws.

### 3.3 EXISTING FRAMEWORK OF POLICE ALONG WITH ITS DIFFICULTIES

Supreme Court in various cases has held that, *Investigation is the Sole prerogative of Police and the Courts can direct or monitor the investigation but cannot conduct the same*. The initial step taken by the police in commencing an investigation involves the registration of the

<sup>19</sup> Sidhartha Vashisht Alias Manu Sharma vs State (NCT of Delhi) ;(2010) 6 SCC 1

<sup>20</sup> Zahira Habibulla H Sheikh And Anr vs State Of Gujarat And Ors 2004) 4 SCC 158

<sup>21</sup> Jamuna Chaudhari & Ors vs State Of Bihar on 7 December, 1973

First Information Report (FIR) for cognizable offenses. This report is meticulously documented in four copies, with the authentic sheet serving as a permanent record at the police station.

A complimentary carbon copy is provided to the complainant or informant, and an additional copy is dispatched to the relevant Superintendent of Police (SP)/Deputy Commissioner of Police (DCP), while copies with the police station seal are also submitted to the magistrate.

The FIR encapsulates intricate details about the crime incident, delineating the nature of the offense, its location, the methodology employed, the identity of the perpetrator, and the affected party. The registration of the FIR is imperative for facilitating a thorough investigation. In instances lacking adequate prima facie evidence, the police are empowered to file a closure report. In a case of *Lalita Kumari v. State of UP*<sup>22</sup>, the Hon'ble SC held that, the purpose of FIR is to set criminal law in motion and it is essential as it brings stability, lawfulness and certainty in the criminal law.

Further in the process of Investigation of an offence, Chapter XII of CrPC governs the act and conduct of the Police department, Based on section 161 criminal process code 1973 for goal of searching, the police are able to doubt some human being claimed to be familiar with the facts as well as circumstances of the situation and some such individual certain to answer, really all questions that is connected to this kind of situation. Nevertheless, a witness might stay away from giving that solution, which is going to expose him to some criminal charges.

In searching a police officer is able to call writing an individual to be a witness that seems to have knowledge of the crime being examined and who's to the jurisdiction of that officer based on section 160 criminal process code. Section 162 criminal process codes 1973, provides that no statement made by an individual to a police officer in the course of searching if decreased in writing, shall be signed by the individual which makes it.

The provision shows distrust of law for the police, and that is most crucial agency for the exploration of crimes. The provision proves range for the police to include and/or delete something from recorded statement, in case there's a signed declaration, there can't be some deviation and it'd the greater if this particular provision is suitably amended and much more authentic which would need the individual to post the statement created in his hands and so as

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<sup>22</sup>*Lalita Kumari v. Government of Uttar Pradesh* (2014) 2 SCC 1

to provide. Prohibiting signing of statement under this section supplies scope too for the individual to refute it later.<sup>23</sup>

In summary, the current policing system is not acceptable. It has undermined the rule of law and hinders the development of a robust and professional policing system. Change is necessary. The government needs to earnestly work towards depoliticizing the police institution before it reaches a point of irreversible decline. It is crucial to ensure that the police are accountable solely to the laws of the land.<sup>24</sup>



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Source - R. K. Sharma, Charanjev Singh, & Akshat Mehta, "Police Reforms in India: A Critical Appraisal," Research Journal Social Sciences 16, no. 1 (2008).

<sup>23</sup> Pranjape, N.V., Criminology & penology (Allahabad Central Law Publication, 2017), pp-423.

<sup>24</sup> Department related Parliamentary Standing Committee of Home Affairs (April 2002), Eighty-Eight Report on The Demand for Grants (2002-2003) of Ministry of Home Affairs, Rajya Sabha Secretariat, New Delhi, p.24

## CHAPTER FOUR

### **4.1. THE STRUGGLE:**

India's fight for police reform is a complicated and varied task that is made worse by structural problems, historical legacies, and the need to adjust to changing social expectations. Further in this chapter the government's contribution along with Judicial contribution shall be stated in comprehensive manner and along with it the ground implementation including the major shortcomings in existing framework of Police shall be highlighted.

The Indian Police force is facing various challenges with regard to functional autonomy, it is the most visible administrative functioning body of Government in the civil society. The general population is especially reliant on having a fully functioning police system which is neutral and accountable for daily life to run smoothly.<sup>25</sup>

In emerging and developing countries like India, the police forces are frequently unable to adequately fulfil this role because of not having proper training, operational accountability, centralization of functions, and lack of specialization and in-adequate pace of modernization, these need to be addressed through various reforms. These are the basic and fundamental prerequisites for the successful functioning of a Police Organization in a democratic society.<sup>26</sup>

The path to significant reform is still difficult, though, and calls for striking a careful balance between upholding the law and attending to the justifiable worries of the populace. The fight for police reform in India is still ongoing, and in order to create a more equitable and effective policing system, legislators, law enforcement, civil society, and the general public must work together in an integrative way.

The prevailing organization and framework of the police in India largely mirror a centralized form of federalism that has been prevalent in the country. States in India independently structure and manage their own police services, as mandated by the constitution, entrusting them with the responsibility of upholding law and order.

Police reforms extend beyond the confines of the police force, aiming to improve interactions with other segments of the security sector, including the courts, departments of corrections,

<sup>25</sup> <https://www.bprd.nic.in/WriteReadData/userfiles/file/6798203243-Volume%202.pdf>

<sup>26</sup> Ibid.

and independent authorities responsible for oversight. A harmonized approach within the security sector is essential for a cohesive and effective response to emerging challenges.

Further longstanding recognition of the need for police reforms in India, tracing back almost three decades of discussions and governmental efforts. The establishment of the National Police Commission (NPC) in 1979 marked a significant milestone, producing numerous reports and recommendations aimed at reforming policing in the country. Despite the NPC's efforts, none of its major recommendations found implementation by any government.

The lack of progress prompted two former Directors General of Police (DGPs) to file a Public Interest Litigation (PIL) in 1996, seeking the Supreme Court's intervention to direct governments to implement NPC recommendations. This led to the formation of the Ribeiro Committee in 1998<sup>27</sup>, followed by the Padmanabhaiah Committee report<sup>28</sup> in 2000. The Police Act Drafting Committee (PADC or Soli Sorabjee Committee) also played a role in drafting a new model police bill to replace the colonial-era 1861 Police Act.

#### **4.2. GOVERNMENT INITIATIVE TOWARDS POLICE REFORM:**

##### **GORE COMMITTEE ON POLICE TRAINING 1971 – 1973<sup>29</sup>**

The Gore Committee on Police Training was set up to go through the training of the State Police from constabulary level to ISP level. The Committee made 186 recommendations, forty-five of those associated with police reforms. The suggestions which relate with the police training has normally been implemented, nonetheless, the reforms concerning the framework of the police system has on the additional hand been ignored. Sailable features of such committee are listed below;

##### **1. Training Principles as well as Goals**

The objectives of police officer training programs revolve around instilling expertise, enhancing professional skills, and fostering appropriate attitudes for their roles and interactions with the public. These programs should strive to cultivate effective leadership that contributes to the swift transformation of an economically underdeveloped society into a secular, modern, and technologically advanced community marked by social justice and equal opportunity. Training endeavors to

<sup>27</sup> [https://humanrightsinitiative.org/programs/aj/police/india/initiatives/analysis\\_ribeiro.pdf](https://humanrightsinitiative.org/programs/aj/police/india/initiatives/analysis_ribeiro.pdf)

<sup>28</sup> [https://humanrightsinitiative.org/programs/aj/police/india/initiatives/summary\\_padmanabhaiah.pdf](https://humanrightsinitiative.org/programs/aj/police/india/initiatives/summary_padmanabhaiah.pdf)

<sup>29</sup><https://police.py.gov.in/>

nurture positive attitudes, enhance analytical and technical capabilities, and encourage initiative and the ability to innovate in order to achieve the organization's objectives.

## 2. Training of Constables

Implement a six-month pragmatic constable training system in the state, emphasizing consistent maintenance of observation notebooks. Conduct training at medium-sized police stations, with monthly progress reports submitted by the overseeing Sub Inspector to the Deputy Superintendent Training. Constables, upon concluding practical training, must submit reports to the Inspector General, Training, outlining strengths and weaknesses for evaluation of potential service termination or probation extension.

## 3. Training Of Armed Police

Armed police personnel require proficiency in tools, duties, physical toughness, and teamwork. New nine-week syllabi for Sub-Inspectors and Constables, along with a four-week orientation for officers transitioning from civil to armed police, address these aspects.

## 4. Police Citizen Relationship

The Gore Committee, led by Professor Gore, emphasized the utmost importance of training police personnel to equip them professionally and instill positive attitudes in their interactions with the public. This focus aims to transform society from an economically disadvantaged state into a secular, modern, technologically advanced community characterized by social justice and equal opportunity.

### NATIONAL POLICE COMMISSION (NPC) (1977–1981)

In 1977, the Government of India established the National Police Commission (NPC) with comprehensive terms of reference encompassing the police organization, its role, capabilities, accountability, public relations, political interference, misuse of powers, and performance evaluation. This was the inaugural national-level commission appointed post-Independence. Over the period between 1979 and 1981, the Commission issued eight reports proposing extensive reforms for the existing police structure. The following recommendations are culled from various NPC reports,

1. ***Conducting a judicial inquiry in cases of custodial rape, death, harm, and police firing fatalities was proposed by the NPC.*** The interference of politics in police affairs led to significant abuses of power, prompting the NPC to recommend

measures to confine this influence to overarching policies and ensure police conduct aligns with the law.

2. *Additionally, the NPC suggested initiatives to enhance police sensitivity* to the concerns of marginalized societal segments. An essential amendment to Section 154 Cr.P.C. was proposed, making it mandatory for any police station to register an FIR, irrespective of jurisdiction, and subsequently transfer it to the relevant station if needed.
3. *To address concerns about coercive police methods*, the NPC advocated for measures to diminish the use of third-degree tactics. Furthermore, the report recommended a phased elimination of recruitment, except for the IPS and constable levels.
4. *In an effort to modernize policing, the NPC proposed the replacement of the outdated Police Act of 1861 with a new legislation.* This new act would not only revise the system of police supervision and control but also expand the police's role to function as an agency promoting the rule of law and delivering impartial service to the community.

### **Regrettably, most of the NPC's recommendations remain unimplemented.**

#### **RIBEIRO COMMITTEE REPORT**

In 1996, two former senior police officers, referred to as "the petitioners," filed a public interest case in the Supreme Court, urging the Court to direct the Indian government to implement the recommendations of the National Police Commission.<sup>30</sup> Responding to the Court's instructions in May 1998, the government established the *Ribeiro Committee*. The Committee's mandate included reviewing actions taken to implement the recommendations of the National Police Commission, the National Human Rights Commission, and the Vohra Committee. It was tasked with suggesting methods to implement pending recommendations and proposing additional measures deemed necessary.

Responding to the petitioner's plea, the Supreme Court instructed the Committee to scrutinize the steps taken to implement the National Police Commission's recommendations. The Court specifically sought recommendations on the establishment of State Security Commissions (or Police Authorities), procedures for appointing Police Chiefs (with a focus on transparency,

<sup>30</sup> Vide Office Memorandum No.11018/1/98-PMA dated May 25, 1998.

merit-based promotions, and fixed tenures), and the separation of police functions between investigation and maintaining law and order. The Committee issued two reports – the first, addressing specific concerns outlined by the Supreme Court, was released in October 1998, while the second, a more comprehensive report, was made public in March 1999.<sup>31</sup>

**SOME OF THE MAJOR RECOMMENDATIONS WERE:**

**Legislation Replacement**

- Urgently replace the outdated Police Act of 1861 with new legislation.

State Security Commission

- Disregard the National Police Commission's proposal for a union-level State Security Commission.
- Follow the Supreme Court's directive to establish the Central Bureau of Investigations.

**Central Mechanisms**

- Avoid subjecting organizations like the Intelligence Bureau, Border Security Force, and Central Reserve Force to a central policing bureau.
- Have the Central Police Committee counsel the central government.

**Investigations**

- Swiftly implement the separation of investigative and law & order functions of the police based on the Law Commission's recommendations.

**Recruitment and Training**

- Execute the National Police Commission's proposals for the welfare, training, and recruitment of the constabulary.
- Raise the minimum educational qualifications for Constable recruitment to higher secondary school level.
- Establish Independent Police Recruitment Boards in every state to handle the recruitment of all non-gazetted ranks.

<sup>31</sup> Committee's Report, paras.55&56, pp23-24.

**PADMANABHAIAH COMMITTEE<sup>32</sup>**

The committee submitted its report in 2000 and made over 240 recommendations. Out of these, 23 recommendations were not accepted. These related to IPS officers' age of entry, police commissioner's system in cities, compulsory retirement to those not empanelled as DIG, etc.

In the year 2000, the Ministry of Home Affairs appointed Shri. K. Padmanabhaiah, a former Union Home Secretary, to lead an examination of various aspects of the police force, including recruitment, training, responsibilities, duties, conduct of police officers, prosecution, and police investigations. The Committee put forward ninety-nine actionable recommendations, with fifty-four to be implemented by the Central Government and sixty-seven by the State Governments. The focus of the Committee's extensive analysis centered on addressing the issues of criminalization, politicization of the police, and enhancing police accountability. This The Padmanabhaiah Committee, formed in 2000 by the Ministry of Home Affairs and led by former Union Home Secretary Shri K. Padmanabhaiah, conducted a thorough review of the national security system, with a specific focus on the police force. The committee scrutinized various aspects, including recruitment, training, responsibilities, duties, conduct of police officers, prosecution procedures, and police investigations.

***In the area of recruitment***, the committee examined the existing processes and criteria for hiring police personnel, seeking opportunities to enhance efficiency. The evaluation of training programs aimed to identify ways to improve methodologies and ensure better preparedness among police officers.

***Roles and responsibilities*** of the police force in maintaining law and order were analyzed, with recommendations made to align these duties with evolving security challenges. The conduct of police officers came under review, leading to suggestions for guidelines and mechanisms to uphold ethical standards.

With a total of ***ninety-nine actionable recommendations***, the committee emphasized the implementation of ***fifty-four by the Central Government and sixty-seven by State Governments***. It particularly addressed key issues such as the criminalization and politicization of the police force, emphasizing the need for measures to enhance police accountability.

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<sup>32</sup> [https://www.mha.gov.in/sites/default/files/2022-12/ReportMooshaharyCommittee\\_16122022%5B1%5D.pdf](https://www.mha.gov.in/sites/default/files/2022-12/ReportMooshaharyCommittee_16122022%5B1%5D.pdf)

The committee also delved into the procedures related to the prosecution of cases involving police officers, proposing reforms to ensure a fair and transparent legal process. In summary, the Padmanabhaiah Committee played a crucial role in identifying areas for improvement within the national security system, providing a detailed roadmap for reforms within the police force at both Central and State levels.

### MALIMATH COMMITTEE<sup>33</sup>

In the aforementioned context, the Malimath Committee appointed by the Government of India (2003) made a series of recommendations to fit the target back at the centre of criminal proceedings through a compilation of actions designed to encourage him and the court. These include:

- (i) The victim, and in case he's old, his legal representative shall have the ideal to be impleaded as a party in every criminal proceeding where the offence is actually punishable with 7 years' imprisonment or even more. In select cases to be notified by Government, this right may possibly be given to recognized voluntary businesses as well,
- (ii) The victim has a right to be represented by an advocate of his choice; an advocate shall be provided from the cost of the state in case the target isn't in a place to afford a lawyer.
- (iii) The victim's right to get involved in criminal trial shall, inter alia, include the ideal to offer evidence, to place thoughts to witnesses with the leave of the court, to be informed of the health of searching, to move court to ensure proper investigation, to be heard on issues relating to bail and withdrawal of prosecution, to advance argument following the prosecutor has submitted the arguments of his, as well as to take part in settlements of compoundable offences.<sup>34</sup>
- (iv) The target shall have a right to favor an appeal against any adverse order passed by the court acquitting the accused, convicting for a decreased offence, imposing insufficient sentence, or granting inadequate compensation.
- (v) Legal services can include psychiatric and medical help, interim compensation, and protection against secondary victimization.

<sup>33</sup> [https://www.mha.gov.in/sites/default/files/criminal\\_justice\\_system.pdf](https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf)

- (vi) The target compensation law is to be created by Parliament, which will provide for the construction of a victim compensation fund to be administered perhaps by the Legal Services Authority. The law should provide for the scale of compensation in different offences for the assistance of the court.

The Malimath Committee emphasized the importance of specialized and professional investigation of crimes, stating that it requires patience, training, and clarity on the legal aspects of specific offenses. The committee noted that police agencies often lack the necessary specialization and professionalism for effective investigations. Citing a National Police Commission report, it revealed that, on average, Investigation Officers were only able to devote 30% of their time to investigative work due to other duties. Consequently, the Malimath Committee recommended the bifurcation of the police force to address these challenges.

#### **SOLI SARABJEE COMMITTEE**

In pursuance of the Supreme Court's directions issued in the context of Writ Petition<sup>35</sup> the Ministry of Home Affairs, Government of India, set up one more committee of Experts, under the Chairmanship of Dr. Soli J. Sorabjee, in October 2005 to draft a new Police Act that could meet, inter alia, the growing challenges to policing and to fulfil the democratic aspirations of the people.<sup>36</sup> This Committee is also known as, The Soli Sorabjee Committee or The Police Act Drafting Committee (PADC).

The PADC submitted its Model Police Act, 2006 to the Home Minister on 30 October 2006. The proposed Act has 16 chapters, consisting, in all, 221 sections. In drafting the Model Police Act, the Committee was guided by the need to have a professional police 'service' in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law.

The Act provides for social responsibilities of the police and emphasizes that the police will be governed by the principles of impartiality and human rights norms, with special attention to the protection of weaker sections including minorities.<sup>37</sup> It also contains a provision that the

<sup>35</sup> (Civil) No. 310 of 1996.

<sup>36</sup> Available at [http://www.humanrightsinitiative.org/old/index.php?option=com\\_content&view=article&catid=35%3Apolice-reforms&id=600%3Athe-police-act-drafting-committee&Itemid=98](http://www.humanrightsinitiative.org/old/index.php?option=com_content&view=article&catid=35%3Apolice-reforms&id=600%3Athe-police-act-drafting-committee&Itemid=98). (Last visited 4<sup>th</sup> December, 2023)

<sup>37</sup> Preamble of The Modern Police Act, 2015

composition of the police will reflect social diversity.<sup>38</sup>Till today there are 17 states<sup>39</sup> passed new laws or amended their existing laws in light of this new model law.

#### **4.3. EXAMINING THE JUDICIAL IMPACT: A CRITICAL EVALUATION OF PRAKASH SINGH V/S UNION OF INDIA AND THE SUPREME COURT DIRECTIVES (2006-2007).**

Committee and commission reports are just one part of the ongoing efforts for police reforms in India. Equally important are judicial decisions, such as **Vineet Narain v. Union of India**<sup>40</sup> and **Prakash Singh v. Union of India**<sup>41</sup>. These cases highlight the challenges faced by the police due to political and bureaucratic obstacles, emphasizing the need for restructuring. The first case focuses on the struggles of CBI and revenue officials, shedding light on broader issues within the police system. The second case critically examines the non-implementation of recommendations from various committees and commissions related to police restructuring and changes in crime investigation methods.

##### **VINEET NARAIN V. UNION OF INDIA**

This case originated from a Writ petition addressing issues related to delays and disruptions in investigations conducted by the Central Bureau of Investigation (CBI) and the Revenue Department. These central agencies faced challenges in fulfilling their investigative duties concerning serious offenses, allegedly involving influential political figures. The offenses came to light following the discovery of the "Jain Diaries" during CBI raids. The case implicated certain terrorists receiving financial support through illegal means, including tainted funds obtained through 'havala' transactions.

The revelations exposed a network involving politicians, bureaucrats, and criminals who received money from unlawful sources for illegal considerations. Despite this, the CBI and other government agencies failed to thoroughly investigate the matter and bring it to trial, leading to the prosecution of all involved individuals. Allegedly, this failure was driven by a desire to protect influential individuals within the political and bureaucratic realms.

In response, the Supreme Court emphasized the urgent need for State Governments to establish necessary mechanisms. It directed the Central Government to engage with State Governments,

<sup>38</sup> Available at [https://mha.gov.in/sites/default/files/Press\\_Brief\\_Oct\\_30\\_0.pdf](https://mha.gov.in/sites/default/files/Press_Brief_Oct_30_0.pdf)

<sup>39</sup> Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand

<sup>40</sup> AIR 1998 SC 889

<sup>41</sup> (2006) 8 SCC 1.

ensuring the establishment of a framework for the selection, appointment, tenure, transfer, and posting not only of the Chief of the State Police but also of all police officers holding the rank of Superintendent of Police and above.

### **PRAKASH SINGH V. UNION OF INDIA**

Despite these efforts, on-ground improvements and the implementation of committee recommendations remained minimal. It was only in 2006, a decade after the PIL was filed, that the Supreme Court, in the Prakash Singh case<sup>42</sup>, delivered a decisive verdict. The Court mandated reforms and directed states and union territories to comply with seven binding directives, consolidating various improvement strands initiated since 1979. The directives aimed at jumpstarting reform, requiring immediate implementation through either executive orders or new police legislation.

The Supreme Court also instructed state governments to set up the Police Establishment Board and the State Security Commission. These entities would be responsible for handling matters like postings, promotions, and transfers. Additionally, the directive emphasized the establishment of a 'police complaint authority' to address complaints against police officers or the police organization itself.<sup>43</sup>

In this instance, the Supreme Court identified an urgent need for State Governments to establish the necessary mechanisms for police reforms. The court directed the Central Government to engage with State Governments and ensure the establishment of a framework for the appointment, tenure, transfer, and posting of not only the Chief of the State Police but also all police officers holding the rank of Superintendent of Police and above. Recognizing that political control not only demoralizes the police force but also leads to the politicization of personnel, the court emphasized the importance of prompt measures by the Central Government. While awaiting the enactment of new legislation, the court provided specific guidelines for the government to follow.

#### ***THESE GUIDELINES ARE OUTLINED BELOW:***

### **State Security Commission**

The Court mandated that every State establish a State Security Commission, presided over by either the Chief Minister or the Home Minister, with the DGP serving as the ex officio

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<sup>42</sup> Supra FN 12.

<sup>43</sup> Ibid.

Secretary. The primary role of the Security Commission was to guarantee the impartial and effective functioning of the State police, free from undue external influence. Another function of the Commission is to evaluate the performance of the police structure, and then submit its report before the State legislature. The criteria according to which other members of the Commission were to be selected will depend on either of the models prescribed by the National Human Rights Commission<sup>44</sup> Ribeiro Committee.<sup>45</sup>

### **Police Establishment Board to determine the service conditions of police officers**

To address matters such as transfer, promotion, postings, and related issues below the rank of Deputy Superintendent of Police, the court deemed it necessary to institute the Police Establishment Board. This board, consisting of the DGP and four other senior officials, would serve as the appeal forum for transfer and postings concerning officials above the rank of Superintendent of Police. Additionally, the proposed Board would play a role in deciding the transfer of senior officials.

### **Police Complaints Authority**

The court deemed it necessary to institute Police Complaint Authorities at both the district and state levels. The District Level Authority, led by a retired District Judge, would address complaints against police officers up to the rank of Deputy Superintendent of Police. On the other hand, the State Level Authority, headed by a retired Judge of the High Court or the Supreme Court, would handle complaints against officers of the rank of Superintendent of Police and above. These Authorities may be assisted by three to five members to be selected by the State Government from a panel comprising of retired civil servants, police officers or officers from any other department, or from the civil society.<sup>46</sup>

To ensure their effective operation, the Authorities were provided with the services of regular staff for conducting field inquiries. They could also enlist the specialized expertise of retired investigators from the CID, Intelligence, Vigilance, or other organizations. The State-level

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<sup>44</sup> The NHRC recommended that the Chief Minister or the Home Minister should be the Chairman of the Commission, with the DGP as ex-officio Secretary. The other members were to include the Lok Ayukta or, in his absence, a retired Judge of High Court to be nominated by Chief Justice or a Member of State Human Rights Commission. The other members were to be a sitting or retired Judge nominated by Chief Justice of High Court, and also the Chief Secretary, Leader of Opposition in Lower House.

<sup>45</sup> The Ribeiro Committee suggested that the Commission should be headed by the Minister-in-charge of the state police, and the DGP as the Secretary, while the other members included the Leader of Opposition, or a sitting or retired Judge of the High Court so nominated by the Chief Justice; the Chief Secretary, and three non-political citizens of proven merit and integrity

<sup>46</sup> The panel was to be prepared by the State Human Rights Commission or the Lok Ayukta or the respective State Public Service Commission

Complaints Authority would only address allegations of severe misconduct by police personnel, including cases involving death, serious injury, or rape in police custody. The district-level Complaints Authority, in addition to the mentioned cases, may also investigate allegations of extortion, land/house grabbing, or any incident involving a serious abuse of authority. The recommendations of the Complaints Authority, both at the district and State levels, concerning any action, whether departmental or criminal, against a culpable police officer, must be adhered to by the relevant authority.

### **National Security Commission**

A National Security Commission was proposed to be constituted, which would be entrusted with the task of upgrading the effectiveness of the police forces, and improve the service conditions of its personnel. It would also look into effective measures to ensure that there is proper coordination between the police forces of different states, so that resources can be utilized for the purposes of national security. The National Security Commission could be headed by the Union Home Minister and comprise of heads of the Central Police Organisations, and other security experts as members with the Union Home Secretary as its Secretary. Certainly, the police force has expanded in size and undergone improvements in equipment and education, suggesting a potentially enhanced level of training. However, these advancements alone are not sufficient. The challenges confronting the police since independence have multiplied and grown more intricate. Factors such as a burgeoning population, industrialization, modernization, digitalization, terrorism and cybercrimes.

## CHAPTER FIVE

### **5.1. POLITICAL INTERFERENCE AMIDST POLICING**

Political interference in the functioning of the police is often cited as a reason for the decline in law enforcement in the country. The National Police Commission noted that after India gained independence in 1947, the police, once under British rule, now had to navigate the influence of political parties operating within the democratic framework outlined in the Constitution. Initially, things worked well due to positive influences from enlightened political leadership.

However, over the years, there was a change in the style of politics. The initial dedication to the freedom struggle and the associated ideals of sacrifice waned, giving way to new political behaviors. Politics became more of a career for some, and vested interests grew on both the political and service sides. What began as a normal interaction between politicians and the services for better administration eventually turned into various forms of interference with malicious intent, unrelated to public interest.

The relationship between the political party in power and the civil services, including the police, was also affected by the strategies employed by opposition parties that relied on continuous agitation to establish their political presence, especially before elections. This involved the use of strongmen and disruptive elements to influence the attitudes and behaviors of significant portions of the electorate.

**A news report from August 5, 1978**, talked about elections in Bihar. It highlighted that the elections, like others in the recent past, showed that Bihar faced challenges as long as politics continued to be based on caste and gangsterism (criminal activities). The Minister of Agriculture, Mr. Kapildeo Singh, openly admitted in the Assembly that he supported gangsters and criminals to win elections, as long as the existing system of fighting elections remained the same. He stated that it's a well-known fact that politicians, regardless of their party affiliations, seek support from anti-social elements for elections, even though they may not admit it publicly.

The first major event in this context was the proclamation of emergency<sup>47</sup> and the subsequent unbridled misuse of authority by a person in power for self-aggrandisement. This was the period when the culture of sycophancy reached its peak when the police and bureaucracy

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<sup>47</sup> The period of Emergency is known as the Indian democracy's darkest interval.

became absolutely supine and started crawling before its political masters. The unashamed and unfettered misuse of the police during this period which prompted the government that came to power at the centre after the Emergency to appoint the Shah Commission of Inquiry<sup>48</sup>. The Shah Commission found enormous evidence regarding the atrocities committed by the Police during Emergency. In its report, the Shah Commission told the government: “employing the police to the advantage of any political party is a sure source of subverting the rule of law<sup>49</sup> and asked the central government to take measures to insulate the police from illegitimate political and executive interference”.<sup>50</sup>

Arresting and releasing on bail individuals involved in offenses, followed by their prosecution in court, grab political attention. This creates a connection between elected representatives and the police officers in charge of local police stations, where local influential figures often get involved. This connection paves the way for corruption and other wrongdoings, as the police and politicians collaborate.

Due to the agitative stance of some political parties, activities like protest demonstrations, public meetings, processions, politically motivated strikes in industries, sit-ins, and political and social events have become a common part of political life in the country. The police are increasingly involved in handling the resulting law and order issues.

The entry of criminals facing legal action into State and Central Legislatures adds to the challenges faced by the police. The ruling party expects the police to handle such situations with a political perspective, and suppressing dissent has become an implicit goal of the police system. A significant portion of the police's time is spent on law and order tasks, which mainly involve dealing with street situations to satisfy the ruling party.

Unfortunately, this means that individual crimes affecting citizens, such as property loss or threats to physical security, are increasingly neglected. Police assignments are often based on the proximity of the officials to political leaders. As a result, many officials become closer to the political party in power and farther from the general public. Since most law and order situations have political implications, the ruling party becomes accustomed to directly

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<sup>48</sup> The Shah Commission of Inquiry was appointed by the new Government that came to power after the Emergency was lifted to inquire into excesses committed by the state authorities on citizens during the Emergency.

<sup>49</sup> Shah Commission of Inquiry, 1978, Interim Report, p.142

<sup>50</sup> G.P. Joshi, Policing in India Some Unpleasant Essays, 1st edn, (Atlantic Publishers & Distributors (P) Ltd., 2013.), pp.15-23

influencing police actions in these situations. This results in significant misuse of the police machinery at the behest of political institutions.

Police is also used for gathering political intelligence which is used in countering the strategies of the opposition parties. Considering that the police are no more neutral in their operations and can do affect political developments, it is little wonder that the politicians are interested in maintaining an unfettered control over this apparatus.<sup>51</sup>

A study conducted in 1978 by the Indian Institute of Public Opinion<sup>52</sup>, commissioned by the Home Ministry to assess "The Image of the Police in India," revealed the following findings:

1. The public perceives political interference as a significant factor contributing to the negative image of the police. This interference is evident in the misuse and abuse of police powers, as well as the police disregarding the law.
2. People view political interference in police work as a more significant issue than corruption within the police force.
3. The impact of political interference is more noticeable in rural areas compared to urban areas.

Transfer or suspension of officials are often used as tools to make them comply with the wishes of political leaders. This is a common practice among various political parties, and it involves promising career advancement and favourable treatment in service matters if the demands are met, or resorting to humiliating treatment in service matters if resistance is shown. While it is challenging to punish a police officer with statutory punishment without proper grounds and procedures, it is relatively easy to subject them to administrative actions like transfer or suspension based on alleged complaints taken up for investigation.

The threat of transfer or suspension is a powerful tool for politicians to control the police. Political leaders frequently order transfers of police personnel even when such transfers are not justified on normal administrative grounds. This leads to hardships, loss of morale, and disruptions in the chain of command within the police force. The politically motivated transfers can seriously harm discipline and overall effectiveness.

<sup>51</sup> Arvind Verma, *The Indian Police A Critical Evaluation*, 1st edn, (New Delh: Regency Publication, 2005), pp.76-77, 164-165

<sup>52</sup> Bell, D.J. (1979). Police and Public Opinion. *Journal of Police Science and Administration*, 7 (2),. 196-205.

## 5.2. REPERCUSSIONS OF POLITICAL INTERFERENCE

When external sources, especially politicians, interfere with the police system, it makes police personnel believe that their career progress doesn't depend on how well they do their job. Instead, they think it's based on winning favor with influential politicians. Engaging in political activities and building connections outside the police system becomes important for an average police officer. Spending time deliberately cultivating relationships with a few individuals in politics takes away from their regular duties, harming their overall performance.

This process sets the police system on a path of decline and ineffectiveness. Besides the decline in the quality of police service from the public's perspective, external pressure from political and other sources immediately harms the control system and weakens the usual chain of command needed for maintaining discipline and the overall health of the system. Interference at the operational level of police stations and circles leads to bypassing supervisory officers in the hierarchy.

### **Here are different ways in which political interference impacts the police:**

1. Deciding whether to arrest someone under investigation.
2. Purposefully handcuffing someone in police custody to embarrass them.
3. Deciding whether to release a person on bail after their arrest.
4. Withholding important evidence discovered during police searches.
5. Deciding who to include or exclude in the chargesheet presented in court after an investigation.
6. Assigning or not assigning police forces to areas where trouble is anticipated to influence a situation in favor of one party.
7. Filing false criminal cases against political figures to achieve political goals.
8. Using discretionary enforcement of the law, especially in public order situations, to favor the ruling party and deal harshly with those opposed to it.
9. Taking individuals into preventive custody to prevent them from engaging in legitimate political activities against the ruling party.
10. Manipulating police intervention by exaggerating a non-cognizable offense or engineering a false complaint to gain an advantage over another party in a situation outside the normal scope of police action.
11. Creating biased intelligence reports to facilitate action against a political opponent.

## CHAPTER SIX

### 6.1. CONCLUSION

The police system and administration in India have a long history, dating back to ancient times, characterized by local responsibility and mutual cooperation. Over the years, societal changes and invasions influenced the police system, transitioning from the ancient to the medieval period and then to the British period. However, it was during British rule that the Indian police system underwent significant transformation, leading to the establishment of a uniform police system across the country.

During British rule in India, the police were often used to suppress civil rights and liberties of native Indians and freedom fighters, leading to brutalities. Recognizing the need for safeguards, the framers of the Indian Constitution, many of whom were freedom fighters, ensured that the police system established under the Indian Police Act, 1861, would have proper protections. The Indian Constitution includes explicit provisions under Fundamental Rights in Part III to safeguard citizens against police atrocities.

The judiciary, as the guardian of the Constitution, has played a vital role in restoring and redefining the role, duties, powers, and responsibilities of the Indian police. This includes evaluating the criminal justice system's performance, identifying weaknesses, examining administration functionaries, and suggesting necessary changes to ensure efficient, scientific, and dignified policing for all citizens.<sup>53</sup>

The judiciary uses judgments, rules, regulations, guidelines, and directions as measures to reform the police system. However, constitutional mandates limit judicial review, as the authority for making laws is vested in the legislature. In India's federal structure, both the Central and State governments bear the responsibility for reforming the police system.

The criminalization of politics and politicization of the police in India have led to significant problems. There's a pervasive belief that the Indian police primarily serves political elites and those in power, rather than the general public. Additionally, the inadequacy of the police and internal security system poses a challenge in effectively addressing terrorism. The lack of training, equipment, intelligence, and manpower, largely attributed to a lack of political will,

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<sup>53</sup> S. K. Chaturvedi, *Role of Police in Criminal Justice System*, 1st edn, (Delhi: B. R. Publishing Corporation, 1996), p-99,100.

is evident in recent incidents such as the suicide bombing in Pulwama that targeted CRPF troopers.

## 6.2. SUGGESTIONS

The research, which involved analyzing the law's scope in reforming the police system, has uncovered various challenges and provided new insights that require immediate attention. The following suggestions are put forward with the expectation that they will significantly contribute to reforming our police system to align with the current societal needs and fulfill the constitutional mandate.

1. It's urgent to replace the outdated Police Act of 1861 with a new one. Additionally, the Model Police Act of 2006, updated in 2015, should be revisited to better address the current challenges in society.
2. It's important to separate the investigation wing from law and order maintenance. This way, a specialized crime investigation team can more effectively apprehend criminals, while the law and order wing focuses on its duties. Connecting the special investigation wing with the court's prosecution wing can enhance overall results.
3. To break the connection between politics, criminals, and the police, a solution is to establish the police as a constitutional body. This would make it autonomous, accountable, transparent, and respected, similar to the Election Commission of India.
4. The Supreme Court's directions in Prakash Singh should be promptly implemented, and a committee established by the Central Government and Supreme Court should oversee this process.
5. Many commissions and committees have focused on reforming the police and criminal justice system in India, providing valuable recommendations. Unfortunately, politicians have neglected these reports. It is essential to revisit and act upon these suggestions to reform the Indian police system.

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