



## OVERVIEW OF POLICE REFORMS IN INDIA

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**Abstract:** The police force plays an integral role in the state's judicial system. To most people, the word "police" connotes state agents whose job it is to keep the peace, particularly through the application of the penal code as it is normally understood. Today's police force is responsible for much more than just keeping the peace and apprehending criminals; they also assist with things like enforcing traffic laws, keeping crowds under control at events like rallies and fairs, assisting the fire department and flood rescue teams, and mediating minor disputes between members of the public. Although the concept of police is a central focus, this paper's investigation goes beyond that. According to its subtitle, this article will provide an overview of recent efforts to restructure India's police force. What difficulties does India's police force have to deal with? In what methods are we intended to meet these obstacles? In the next sections, this research paper will focus on answering the question, "What is the stand of law in this regard?"

**Keywords:** Police Reforms, Police System, Indian Police

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### **Introduction:**

The police force plays an integral role in the state's judicial system. To most people, the word "police" connotes state agents whose job it is to keep the peace, particularly through the application of the penal code as it is normally understood. The Royal Commission on the Police Powers and Processes described a police officer as "a person paid to execute, as a matter of duty, activities which, if he were so minded, he might have done willingly" in 1929. A state's executive civil force tasked with maintaining public order and implementing regulations for the suppression of criminal activity is commonly known as the police today. Today's police force is responsible for much more than just keeping the peace and apprehending criminals; they also

assist with things like enforcing traffic laws, keeping crowds under control at events like rallies and fairs, assisting the fire department and flood rescue teams, and mediating minor disputes between members of the public.<sup>1</sup>

### **1. Objective of Research:**

- i. To discuss the concept of police reforms;
- ii. To analyze the recommendations and findings of various police reform commissions, committees, and reports in order to understand challenges in the Indian police system;
- iii. To investigate the need for reforms in the recruitment, training, and powers of police personnel, identifying key areas that require attention and improvement;
- iv. To draw conclusions and propose suggestions for enhancing the efficiency, accountability, and professionalism of the Indian police system.

### **2. Scope of the Research:**

- i. The study primarily focuses on the need for reforms in the areas of training, recruitment, and powers of police personnel;
- ii. The study examines the current state of the police system in India and identifies existing challenges and shortcomings in relation to training, recruitment, and powers. It aims to investigate and highlight the key areas that require attention and improvement in order to enhance the overall effectiveness and professionalism of the police force;

### **3. Problems on the Horizon:**

So far, our study has focused mostly on the evolution of India's police force and its history. However, as the title of this study suggests, the primary emphasis here is on the reforms in India's police force. Right now, the issue of why this type of change is

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<sup>1</sup> M.S. Begum, "District Police Administration", Anmol Publication Pvt.ltd., New Delhi, 1996, p.2.

necessary is being brought up on its own. One possible response is to note that keeping the peace is the police force's first priority; but, from an Indian viewpoint, there are several reasons why the police haven't been able to do this consistently, and as a result, a number of pressing problems have arisen. In this sense, the following are some key considerations:<sup>2</sup> Police are in a precarious situation every day due to the misuse of their authority. It has to contend with a population of ruthless criminals, smugglers, killers, and other antisocial types. Today's police force is larger and more powerful than ever before because to the wide range of tasks and obligations that have been assigned to it. The government has granted police officers broad discretionary powers, including the ability to make arrests and conduct searches without a warrant, as well as the ability to trap and inflict serious bodily harm or even death on a gang of robbers, dacoits, or other criminals. The police are expected to use their discretion and other powers responsibly, yet this is rarely the case. Police, abusing their authority to further their own goals, often resort to using psychological and physical torture on the impoverished and defenceless. Dissatisfaction, hostility, and fear of the police force as a whole are bred by this pattern.

#### **4. Limitation of Research:**

The limitations faced were manifold. It is restricted to doctrinal research only due to lack of resources and time constraints. Personal empirical study is not possible for analyzing the issues and challenges faced by Police system of India and hence it shall be kept as limitation of the study.

#### **5. Hypothesis of Research:**

The Indian police system is in need of reform in order to improve its efficiency, accountability, and professionalism. This hypothesis is supported by the following evidence:

- i. The Indian police system is a colonial legacy that was designed to maintain law and order, not to protect human rights;
- ii. The police are often seen as corrupt and unresponsive to the needs of the people;
- iii. The police have a poor record of investigating crimes and bringing criminals to justice;

#### **6. Need for Research Study:**

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<sup>2</sup> Sharma, A., 2004. Police in ancient India. *The Indian Journal of Political Science*, Pp.101-110

The findings of this research will be used to develop recommendations for improving the efficiency, accountability, and professionalism of the Indian police system.

### **7. Research Methodology and Technique:**

The study employed a purely doctrinal methodology, utilizing comparative, and descriptive methods to conduct a critical examination. It involved a descriptive approach, involving the analysis and evaluation of legislative and judicial pronouncements. The primary focus of this study was on content analysis of various legal provisions, including the Constitution of India (1950), the Code of Criminal Procedure (1973), the Indian Penal Code (1860), the Indian Police Act (1860), as well as other substantive laws, special laws, and judicial decisions. To comprehend the existing gaps and challenges within the Indian police system, the study analyzed different commissions, committees, and reports. Additionally, secondary sources such as authoritative textbooks, journals, newspapers, magazines, periodicals, and internet sources were referenced to support the research.

### **8. Repressive Policy:**

Police brutality is just one of several issues that have surfaced as a problem for India's police system. Police are there to keep the peace, but they're also there to assist the average citizen when they need it. On the other hand, law enforcement has taken a harsh and repressive approach to these situations. Furthermore, inmates in its possession are being tortured. Torture of suspects and detainees is routine practise in Indian police custody. The "Police," or the civil force of a state, often resorts to torture on detainees and defendants. Virtually every country's law and every international treaty prohibit torture. But there is no law in India that explicitly protects people from being tortured. India has been a signatory to the "Convention against Torture" for over two decades, but the country's legislature has yet to pass any legislation ratifying the treaty. The legislature has done nothing so far to enact anti-torture measures. Further, the "Indian penal code 1890," under "Sections 330 & 348," defines the conduct considered as torture as penal, with 7 & 3 years of imprisonment, but this offence is not applied when done by a police officer while on duty. Consequently, the scope of protection afforded by these provisions is inadequate with respect to the whole range of torture scenarios as specified by the Convention against Torture. Unjustified use of the Lathi Charge, police gunfire into a mob, and mass arbitrary arrests are some examples of the police's authoritarian approach.

Corruption is another major factor that has provided solid ground for the case for police reforms in India. It is common knowledge that corruption and the acceptance of bribes are at an all-time high in the police force. Corruption manifests itself in three distinct ways. The corruption that occurs when a single officer or small group of officers takes bribes is one type. The second type of corruption occurs when many officials (of lower and higher ranks) take bribes without being part of a larger network. Third, there is systemic, institutionalised corruption. This corrupt system is characterised by a rigid authoritarian structure. The vice activities of a local crime syndicate are the epicentre of this type of corruption, which permeates the entire criminal justice system and the executive branch. Even if corruption is on the rise across all branches of government, it is most pronounced in the police force. When something bad happens to a person, the police often exercise their discretionary powers to the point where the victim has to pay money just to file a First Information Report (FIR) with the local station. The important thing to remember is that this is nothing new to the Indian scene. The late Dharma Vira, who presided over the First Police Commission of Free India (1977–1981), noted that "in the perception of the people, the egregious features of the police are politically oriented partisan performance of duties, partiality, corruption, and inefficiency, degrees of which vary from place to place and person to person..." It would appear that the conditions occurring in the police today are roughly equivalent to those described by the Police Commission in 190333. It's ironic that 40 years have passed since the Police Commission submitted its findings, but nothing has changed much. Just because some police officers participate in dishonest or corrupt behaviour does not mean that all police officers have these traits.

**9. Qualifications and training:** Officers tend to be poorly educated or non-graduates. Sincerity, excellent manners, and a concern for others' feelings are therefore lacking in these people. Officers of the law frequently resort to profanity and other forms of verbal abuse. In general, they continue to have a hostile attitude towards the broader people. They lose sight of the fact that they serve the people, leading to a growing trend of public apathy towards police officers. One of the primary causes of this is a failure to provide enough training. While they are taught the fundamentals of the Indian Penal Code, the Police Act, and the Code of Criminal Procedure, it is unlikely that they are instructed on how to maintain a kind and understanding demeanour with the general population. Maybe nobody

tells them that their ultimate purpose is to aid the general public and serve the public interest during their training. Thus, once police officers have completed their training and been assigned to duty, they begin to behave more like administrators than police officers. There will be apparent barriers to maintaining good ties between the police and the public if people feel this way.

**10. Police Reform:** The police force has been given many tasks and responsibilities, but it lacks the personnel and independence necessary to carry them out effectively due to political interference and staffing shortages. Unfortunately, the police force is severely understaffed. That's why, despite a shortage, it's being used in a variety of projects. The society's stability depends on the General Police's ability to enforce the law. It makes arrests, investigates crimes, searches locations in accordance with search warrants, creates a 'Panchnama' in the event of a murder and arranges for a post mortem to be performed on the body of the deceased, gathers evidence against accused and produces before Court, creates safety from fire and flood, manages large crowds at fairs, and so on. It protects government officials, manufacturers, and other industrial establishments against vandals and other bad actors. Additionally, law enforcement must follow the Court's regular directives and orders. Therefore, it stands to reason that there should be an excessive amount of police personnel to carry out these duties effectively. There is a shortage of police officers, but they must nevertheless perform all of these tasks. In comparison to the United Nations' suggested ratio of 222 police officers for every 100,000 people, the present ratio of 192 officers per million people is inadequate. Such overwork not only lowers the quality and quantity of police work, but also causes officers' mental anguish, which in turn contributes to a wide range of misconduct. Another contributing factor to the failure of law enforcement is political meddling in police operations. It's common knowledge that when a member of a specific group gets arrested, members of that organisation will descend on the police station in droves. When an educator, attorney, or even janitor is jailed, the entire police station becomes a target for the mob. When political forces enter the fray to use a crisis for their own gain, cops have a more difficult time doing their jobs.

Police reforms in our country have been prompted by the narrative (given above) about the dire circumstances confronting India's police force right now. This is not to say that India hasn't considered police reforms in the past. Many groups have been formed, both

before and after independence, to consider how to improve the country's system of law enforcement and public order. The 1st Police Commission was established shortly after the 1857 Mutiny to review the country's policing architecture.

This Commission was established in 1860, and its findings and recommendations led to the passage of the Police Act of 1861, which remains the governing statute for police today. In 1902, the government established the Second Police Commission to examine the problems that had arisen due to the Police Act of 1861 being put into effect. The Commission issued a detailed report covering a wide range of issues pertaining to the police, including their structure, training, pay, investigation techniques, supervision from the Magistracy, the authority of superior officers, the cooperation between the railway police and the district police, and much more.

It's fascinating to think back to a time when cops were so incompetent that the public viewed them as "degenerate and aggressive." After independence, the country's socioeconomic and political landscape shifted, and several times the necessity to reevaluate the police administration emerged.

After India's independence in 1947, Kerala established the first Police Reforms Committee in 1959. Next, several state governments, primarily in the 1960s and 1970s, appointed a series of Police Commissions (West Bengal in 1960-61, Punjab in 1961-62, Delhi in 1968, Tamil Nadu in 1971 to name a few). In 1966, the Central Government's Administrative Reforms Commission established a Working Group on Police. The National Police Commission (henceforth referred to as NPC) was established in response to this in 1971 and issued eight reports and recommendations for reforming the current police system and drafting a Model Police Act between 1977 and 1981. All of the primary suggestions made by the National Police Commission were ignored by all of the governments.

**11.** As a result, in 1996, two ex-DGPs filed a PIL (Prakash Singh vs. Union of India)<sup>3</sup> filing a petition with the Supreme Court, asking the Court to force governments to implement NPC recommendations. The Court created the Ribeiro Committee in 1998 to keep an eye on how well its recommendations were being implemented throughout the decade-long litigation.

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<sup>3</sup> Writ Petition (civil) 310 of 1996 33, (September 22, 2006)

In 2000, as the case was winding its way through the Supreme Court, the Ministry of Home Affairs established the Padmanabhaiah Committee to evaluate the effectiveness of law enforcement in the modern era. India recognised the need to reform its criminal justice system and in 2003 appointed the Malimath Committee to do precisely that. The Supreme Court of India's historic ruling in Prakash Singh v/s. Union of India in 2006 has given new force to the topic of police reforms in India. In its 2006 Prakash Singh judgement, the Hon'ble Supreme Court issued seven directions (six to the state government and one to the Union), including the formation of the Soli Sorabjee Committee, which proposed a Model Police Act, and the establishment of a state Security Commission to lay out broad policies and give directions for preventive tasks and service. When it comes to law enforcement in India, the Prakash Singh verdict was a huge win. The stairwell's reflected light is much dimmer than anticipated. To put this in perspective, remember that the Court mandated that both the Union and the States implement its rulings by the end of the year. The previous deadline of March 1st has been extended to December 31st. Unless a model Police Act is created by the Central Government and/or the requisite legislation are passed by the State Government, the Court ruled that its directives will stand. Originally, the Court was in charge of making sure all of the States and Union Territories were acting lawfully.

**12.** A Monitoring Committee of three members was established in 2008 to examine compliance on a state-by-state basis and report back to it once a month for two years. In 2010, the report of the Supreme Court-appointed Justice Thomas Committee was made public. It bemoaned the States' apathy about the necessity for reforms to the Police Department's methods. A different committee, this one created under Justice Verma to study Changes to Criminal Code in the context of a gang rape incident in 2012, also criticised the lack of compliance with the 43 Court's seven instructions in the Prakash Singh case. As of yet, neither the Constitution nor the Model Police Act of 2006 have been put into effect. Which is why the reforms in India's police force have been so successful thus far.

**13. Conclusion:** Overall, it's safe to say that police reform in India is urgently required. Indian law enforcement must evolve together with the country as a whole, not remain mired in the traditions of a bygone era. In spite of the difficulties our police face, significant improvements are feasible through changes that are both ambitious and practical, as well as by the concerted efforts of all interested parties to launch a countrywide movement



for improvement. More is required than just tweaking the framework's inner workings, though. The police force need a new perspective as a service institution dedicated to ensuring the safety, security, quality of life, and harmony in society. With society evolving, it is necessary to adopt proactive policing strategies, such as network integration, problem-based policing, and other related approaches.

#### **14. Suggestions:**

1. Adequate resources and infrastructure should be provided to the police forces, including modern technology, equipment, and facilities, to enhance their operational capabilities.

2. Recruitment procedures should be revamped to ensure transparency, fairness, and merit-based selection of police personnel. The recruitment process should include comprehensive assessments of candidates' aptitude, integrity, and suitability for policing roles.

3. Training modules should be modernized to incorporate contemporary policing practices, including community policing, use of technology, and human rights awareness. Continuous training and skill upgradation programs should be implemented to ensure the professional development of police personnel.

4. The police should be granted adequate powers and autonomy to carry out their duties effectively, while establishing mechanisms to ensure accountability and prevent misuse of power. Clear guidelines and protocols should be established for the exercise of police powers.

5. Robust systems for oversight and accountability should be established to address instances of police misconduct, corruption, and human rights violations. Independent oversight bodies, such as police complaints authorities and internal disciplinary mechanisms, should be strengthened to ensure impartial investigations and appropriate actions.

6. Efforts should be made to foster trust and cooperation between the police and the community. Community policing initiatives, public outreach programs, and mechanisms for citizen participation in policing should be developed to bridge the gap between the police and the society they serve.

7. To ensure effective implementation of reforms, a clear roadmap with timelines and measurable indicators should be devised. Monitoring and evaluation mechanisms should be established to assess the progress and impact of the reforms.

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