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## Police reforms in India: A Human Rights Concern<sup>1</sup>

### Abstract

The police, an integral component of the justice system, are primarily tasked with maintaining law and order, particularly through the enforcement of criminal codes. According to the Royal Commission on Police Powers and Procedures in 1929, a policeman is an individual employed by the state to perform duties that, if desired, could have been undertaken voluntarily. Today, the term "police" refers to the civil executive force of a state entrusted with maintaining public order and enforcing regulations for crime prevention and apprehension.

In contemporary times, the role of the police extends beyond crime prevention and detection to encompass various welfare activities such as assisting in traffic management, crowd control at public gatherings, aiding fire brigades and flood rescue operations, and resolving minor disputes among the public. However, this paper does not solely focus on the definition of the police. Instead, it provides an overview of police reforms in India, highlighting the challenges faced by the Indian police system and proposing solutions to address these challenges. Additionally, it explores the legal standpoint on police reforms.

**Keyword-** Indian Police, Public Order, Royal Commission, Criminal Codes, Traffic Management

### Introduction :

While the responsibilities of the police today have significantly changed over the past century, their core purpose remains consistent. The primary objective of the police is to protect life and property from crime, maintain peace and order, ensure safe traffic flow, and provide emergency assistance.

In addition to these primary duties, police also undertake various non-criminal services. They are typically responsible for enforcing a wide array of state and local laws, ordinances, and regulations. This multifaceted role reflects the diverse functions that modern police forces fulfill in serving their communities.<sup>2</sup>

The position of a police officer in the eyes of the law can be discerned through colonial laws as well, where the police have often been overlooked compared to other law enforcement agencies. For instance, in the Indian Evidence Act of 1872, sections 25 and 26 address confessions, explicitly stating that any confession made before a police officer shall not be admissible in court.<sup>3</sup> Even confessions made in police custody are deemed invalid in the eyes of the law. However, such provisions have practical justifications, considering public policy concerns and

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<sup>2</sup> John Stuart Mill, *Essays on Liberty*, Reprint (1973), pp.15-17

<sup>3</sup> Peter Halstead, *The Comprehensive Guide to All Facts: Human Rights* (2010), p. 16.

instances of police misconduct. It is evident that lawmakers harbor skepticism towards the police force.

### **Historical Background of Police Reforms in India :**

The evolution of modern Indian police traces back to the early 19th century. Prior to the British period and for a significant duration thereafter, the concept of a distinct regular police force akin to what exists today was not contemplated. It was only in 1774 that Warren Hastings, under the Company's rule, initiated various measures for police reforms. These efforts eventually led to the enactment of the Police Act of 1861, which serves as the foundation for the contemporary police system in India.<sup>4</sup>

The current structure and organization of the Indian Police system are primarily rooted in the Police Act of 1861, a law that is 159 years old. Over a span of 120 years, the functioning of the police has been assessed at an All India level on two occasions. The first instance was the Indian Commission of 1902-03 during the British regime, followed by the National Police Commission in 1977. Both assessments revealed significant deficiencies in the police system, including inefficiency, inadequate training and organization, poor public relations, lack of welfare measures, and absence of mechanisms for addressing grievances. Moreover, corruption and oppression were commonly observed. Even after independence, a more effective police administration system remained elusive.

### **Committees on Police Reforms and Recommendations**

There have been several committees and commissions established to examine police reforms in India and make recommendations for improvements. Some notable ones include:

1. National Police Commission (1977-1981): Formed in 1977, the National Police Commission conducted a comprehensive review of the police system in India. It highlighted various shortcomings and made recommendations for reform, including changes in recruitment procedures, training methods, and organizational structure.
2. Ribeiro Committee (1998): Chaired by former Mumbai Police Commissioner Julio Ribeiro, this committee was tasked with examining the nexus between crime and politics in India. It recommended measures to improve the functioning of the police force and reduce political interference in law enforcement<sup>5</sup>
3. Padmanabhaiah Committee (2000): Led by former Union Home Secretary K. Padmanabhaiah, this committee focused on police reforms in the context of federalism. It proposed measures to enhance coordination between central and state police agencies and improve accountability within the police force.
4. Soli Sorabjee Committee (2005): Established by the Supreme Court of India, this committee was chaired by former Attorney General Soli Sorabjee. It examined various

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<sup>4</sup> P.D.Sharma, Police and Criminal Justice Administration In India 80 (Research Publications, Delhi) (1977).

<sup>5</sup> Kewal Motwani, Manu Dharma Shastra: A Sociological and Historical Study 143 (1958)

aspects of police reforms, including police autonomy, accountability, and transparency. The committee's recommendations formed the basis for subsequent judicial directives on police reforms.

5. Malimath Committee (2003): Headed by former Chief Justice of Karnataka and Kerala High Courts, Justice V.S. Malimath, this committee focused on reforms in the criminal justice system, including police procedures. It proposed measures to expedite criminal trials, enhance witness protection, and improve police investigation methods.

These committees have played a crucial role in highlighting deficiencies in the Indian police system and recommending reforms to address them. However, the implementation of these recommendations has been uneven, and many challenges remain in achieving comprehensive police reform in India.<sup>6</sup>

### **Protection of Human Rights from Police under the Indian Constitution:**

The Universal Declaration of Human Rights establishes minimum guarantees to be observed during the arrest, detention, and interrogation of individuals. The Constitution of India, enacted just two years after the adoption of the Declaration by the UN General Assembly in 1948, reflects these principles in Part III, which delineates fundamental rights and freedoms. The framers of the Indian Constitution were particularly concerned about safeguarding the rights of accused, arrested, and detained individuals, especially from false charges, arbitrary arrest, unlawful detention, and unjust prosecution by the colonial police targeting marginalized, illiterate, and ignorant populations.<sup>7</sup>

This concern influenced the inclusion of provisions such as Article 20, which protects against double jeopardy and self-incrimination; Article 21, which guarantees the right to life and personal liberty; and Article 22, which outlines the rights of arrested and accused persons in criminal cases. These constitutional safeguards serve to protect individuals accused or detained by the police. Indeed, the areas of accusation, arrest, and detention are highly contentious regarding police actions and the rights of those arrested or detained.<sup>8</sup>

### **Statutory Protection of Human Rights from Police in India :**

In addition to constitutional safeguards, the Indian legal system provides detailed provisions concerning the protection of human rights for accused, arrested, or detained persons, as well as the procedural requirements to be adhered to during arrest, detention, or interrogation. These provisions are primarily outlined in the Code of Criminal Procedure, 1973, as well as subsequent amendments such as the Code of Criminal Procedure (Amendment) Act 2008 and 2010. Additionally, the Indian Evidence Act, 1872, Indian Penal Code, and Indian Police Act, 1861 (for organization and structure of police force) contribute to this legal framework. The Protection of Human Rights Act, 1993, is a significant legislation that establishes institutions like the National

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<sup>6</sup> Deepali Bhargava, *Manu Smriti: A Sociological Analysis* 92 (Rawat Publishers, Jaipur)(1989).

<sup>7</sup> Universal Declaration of Human Rights, Art. 1.

<sup>8</sup> Gopal Bhargava, *Meaning and Source of Human Rights* (2003), p.15.

Human Rights Commission and State Human Rights Commissions to safeguard human rights, including protection from police actions.<sup>9</sup>

An analysis of these legal provisions sheds light on their effectiveness in safeguarding the human rights of individuals, as well as the strengths and weaknesses of their implementation. .<sup>10</sup>

### **Judicial Response on Police reforms in India :**

Judicial response to police reforms in India has been significant, with courts playing a crucial role in addressing issues of police accountability, transparency, and human rights violations.<sup>11</sup> Over the years, various landmark judgments and directives have been issued by the judiciary, aiming to reform and improve the functioning of the police force. Some key aspects of judicial response on police reforms in India include:

**Mandating Police Reforms:** The Supreme Court of India, in its landmark judgment in the case of Prakash Singh v. Union of India (2006),<sup>12</sup> issued comprehensive directives known as the "Prakash Singh Guidelines" to reform the police force. These guidelines encompassed issues such as police accountability, transparency, oversight mechanisms, and separation of investigative and law and order functions.

**Monitoring Implementation:** Courts have actively monitored the implementation of police reforms by issuing periodic directions and reviewing progress reports submitted by the authorities. This judicial oversight ensures that the directives laid down for police reforms are effectively implemented by the concerned authorities.<sup>13</sup>

**Addressing Human Rights Violations:** Courts have consistently intervened to address cases of police excesses and human rights violations. Through public interest litigations (PILs) and suo moto actions, courts have taken cognizance of instances of custodial torture, extrajudicial killings, and other abuses, and have ordered investigations and prosecutions against errant police officials.

**Ensuring Police Accountability:** Judicial pronouncements have emphasized the importance of police accountability and the need for mechanisms to hold police officers accountable for their actions. This includes directives for setting up police complaints authorities, conducting impartial inquiries into complaints against police personnel, and ensuring disciplinary action against those found guilty of misconduct.

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<sup>9</sup> *Police Reform* (May.08, 2023, 11:40 PM), <https://www.iasparliament.com/mainstorming/police-reform>

<sup>10</sup> Mohit Bhattacharya, *New Horizons of Public Administration* 30 (Jawahar Publishers and Distributors, New Delhi) (2007).

<sup>11</sup> <sup>11</sup> M.B. Chande, *The Police in India* 85-90 (New Delhi: Atlantic Publishers and Distributors) (1997).

<sup>12</sup> *Prakash Singh & Ors vs Union Of India And Ors (Police Reforms Case): Guidelines framed by the Supreme Court of India on Police Reforms*, LAW BRIEFS, (Mar. 24, 2020, 11:33 AM), <https://lawbriefs.in/prakash-singh-ors-vs-union-of-india-and-ors-police-reforms-case-guidelines-framed-by-the-supreme-court-of-india-on-police-reforms/>

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**Promoting Police Independence:** While advocating for police reforms, the judiciary has also underscored the importance of maintaining the independence of the police force from political interference. Courts have emphasized the need for depoliticizing police appointments, transfers, and postings to ensure professionalism and integrity within the force.<sup>14</sup>

Overall, the judicial response on police reforms in India reflects a commitment to uphold the rule of law, protect human rights, and ensure the effectiveness and accountability of the police force. However, challenges remain in implementing these reforms comprehensively and effectively at all levels of law enforcement.

### **Conclusion :**

This research comprehensively explores various dimensions of civil policing. Commencing with an introduction to policing in India, including its historical evolution, the study delves into the organizational structures and responsibilities of both state and central police forces. A pivotal focus lies on evaluating numerous committees and commissions established to enact significant policing reforms, meticulously analyzed by the researcher. A critical highlight involves an examination of directives from the Supreme Court of India in the landmark Prakash Singh case, alongside an assessment of states' compliance. Identifying impediments to police reforms, the researcher identifies key challenges requiring urgent attention. Drawing from international and domestic examples, the study identifies best practices in policing.

Furthermore, through surveys and interviews with police officials, the researcher investigates underlying issues hindering positive change within the police force. Despite advancements in some regions, the study finds a lag in technological integration within policing.

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<sup>14</sup> <sup>14</sup>K.Alexander, Police Reforms in India: An Analytical Study 89 (Discovery Publishing House) (2006)