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THE INDIAN POLICING & IT'S NECESSITY FOR REFORM

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ABSTRACT

The contemporary Indian policing framework remains anchored to institutional architectures designed during the colonial era, specifically codified under the Police Act of 1861. While India has successfully evolved into a democratic republic and a burgeoning global economy, its law enforcement apparatus continues to face deep structural, political, and operational crises. This paper examines the critical impediments to effective policing in India, focusing on political interference, severe systemic understaffing, infrastructural deficits, and a pervasive deficit in public trust. By analyzing the landmark Supreme Court directives in Prakash Singh v. Union of India (2006), this study explores the resistance to implementation by state executives and proposes actionable, modernized pathways toward a citizen-centric, accountable, and legally insulated police force.

Introduction

A professional, independent, and accountable police force is the cornerstone of any democratic nation committed to the rule of law. In India, however, the police system frequently operates under an adversarial paradigm, strained by historical legacies and modern institutional failures. The core legislation governing policing across the majority of Indian states—the Police Act of 1861—was explicitly engineered by British colonial administrators to subjugate the populace and protect the interests of the Crown rather than to serve as an agent of public safety (Mishra, 2019). In the decades following independence in 1947, numerous central and state-level commissions have diagnosed the systemic ailments of the Indian police. Yet, political inertia and institutional resistance have continuously stalled structural transformation. This paper argues that without an overhaul of the governing statutory frameworks, operational separation of duties, and robust independent oversight mechanisms, the Indian police cannot transition from a colonial-era "ruler's police" into a democratic "people's police."

The Historical Legacy: The Police Act of 1861

To understand the systemic pathology of modern Indian law enforcement, one must analyze its statutory genesis. Following the rebellion of 1857, the British colonial administration sought to establish an institutional structure optimized for regime maintenance, intelligence gathering, and dissent suppression (Sharma, 2022). The resulting Police Act of 1861 codified a highly centralized, militaristic hierarchy where accountability flowed strictly upward toward the political executive, entirely bypassing the civilian population. Research Paper: Indian Policing Reforms 1 This colonial design left an enduring imprint on the internal culture of Indian police forces. It institutionalized a deep-seated hierarchy that devalued the constabulary—the primary point of contact for the public—and normalized a command structure vulnerable to political manipulation. Despite profound societal changes over the past 160 years, the fundamental legal mechanics governing police control and command remain largely unaltered in the majority of Indian states.

Structural Vulnerabilities and Impediments to Justice

A. Executive Supremacy and Political Interference

Under the Seventh Schedule of the Indian Constitution, "Police" and "Public Order" are designated as State subjects, granting individual state governments legislative and administrative jurisdiction. While democratic oversight is necessary, this constitutional arrangement has frequently degenerated into partisan exploitation. The executive branch exercises immense control over the police through discretionary powers governing appointments, promotions, and transfers (Lee, 2024). Officers who resist political overreach or investigate corrupt networks are often subjected to punitive, sudden transfers to low-profile postings. This weaponization of administrative transfers creates a culture of compliance, effectively compromising the operational autonomy of the police and damaging institutional integrity.

B. The Vacancy Crisis and Demoralization of the Constabulary

The capacity of Indian police forces to maintain public order and accurately investigate crimes is severely hampered by quantitative and qualitative deficits in personnel:

- **Low Police-to-Population RATIOS:** While the United Nations recommends a minimum standard of 222 police officers per 100,000 citizens, India's sanctioned strength falls far below this figure, and its actual operational strength hovers around a critical 137 per

100,000 (Chaturvedi, n.d.).

- **The Constabulary Stagnation:** Approximately 86% of the total police workforce consists of the constabulary —ranks ranging from Constables to Head Constables (Chaturvedi, n.d.). These personnel bear the brunt of field duties, working extreme, irregular hours under high stress. Despite their critical role, structural dictate that a vast majority of constables receive only one promotion throughout their entire career, causing systemic demoralization and low institutional morale.

C. Conflicting Responsibilities in Criminal Investigation

Unlike advanced jurisdictions where criminal investigation functions independently from public order enforcement, Indian police stations routinely utilize the same personnel for both domains (Mishra, 2019). When political rallies, public protests, VIP movements, or law-and-order emergencies occur, officers are immediately pulled away from active criminal investigations.

Consequently, crime scenes are frequently processed poorly, forensic evidence collection is delayed, and charge sheets are compiled under intense time constraints. This structural conflict is a primary driver behind prolonged trial delays and low conviction rates across various categories of serious crimes.

Institutional Entrenchment and Human Rights Realities

The structural pressures under which the police operate—coupled with an inherited colonial mindset—have manifested in significant human rights violations. The reliance on coercive techniques, arbitrary detentions, and custodial violence underscores a systemic failure within the criminal justice system (AJMERA, n.d.).

Because investigative wings are under-resourced and lack modern scientific tools, physical coercion is frequently substituted for rigorous forensic investigation. This dynamic deeply erodes public trust, driving an adversarial relationship where communities view law enforcement with fear and suspicion rather than as a protective institution.

Judicial Intervention: Prakash Singh v. Union of India (2006)

Recognizing the structural paralysis within the legislative and executive branches, the Supreme Court of India delivered a landmark intervention in the case of Prakash Singh v. Union of India

(2006). Responding to a petition filed by former veteran police officers, the apex court issued seven explicit directives designed to insulate the police from political interference and establish robust accountability structures. These directions were to remain in force until appropriate legislation was enacted by the States and Union Territories.

The Seven Directives

1. State Security Commission (SSC)

- Every State was directed to establish a State Security Commission.
- Its functions include:
 - Ensuring that the government does not exercise unwarranted influence on the police.
 - Laying down broad policy guidelines.
 - Evaluating the performance of the State Police.

2. Selection and Tenure of Director General of Police (DGP)

- The DGP should be selected through a merit-based and transparent process from among the senior-most officers.
- The selected DGP should have a **minimum tenure of two years**, irrespective of the date of superannuation.

3. Minimum Tenure for Key Police Officers

- Officers on operational duties such as:
 - Inspector General of Police (IGP),
 - Deputy Inspector General (DIG),
 - Superintendent of Police (SP),
 - Station House Officer (SHO),
- should be given a **minimum tenure of two years**.

4. Separation of Investigation from Law and Order

- The investigation wing should be separated from law-and-order functions.
- This was intended to improve the quality, professionalism, and speed of criminal investigations.

5. Police Establishment Board (PEB)

- Each State should establish a Police Establishment Board.
- The Board would:
 - Decide transfers, postings, promotions, and other service matters of officers below the rank of Deputy Superintendent of Police.

- Make recommendations regarding higher-ranking officers.

6. Police Complaints Authority (PCA)

- Independent Police Complaints Authorities should be set up at:
 - State level, and
 - District level.
- They would inquire into allegations of:
 - Custodial death,
 - Custodial rape,
 - Serious abuse of authority,
 - Other cases of police misconduct.

7. National Security Commission (NSC)

- The Central Government was directed to establish a National Security Commission.
- It would:
 - Prepare panels for appointment of chiefs of Central Police Organisations,
 - Review measures for improving the effectiveness of these forces.

Two decades after the Prakash Singh judgment, compliance across Indian states remains largely superficial. Many states have bypassed the spirit of the directives by passing conformity legislation that dilutes the power of the independent commissions, or by utilizing ad-hoc provisions to maintain executive control over appointments and transfers (have Stalled, 2020). This persistent resistance underscores how deeply embedded political control over the police machinery remains within regional governance structures.

Comprehensive Recommendations for Modern Reform

To dismantle these deeply entrenched institutional vulnerabilities, India must execute a coordinated, multi dimensional reform strategy:

➤ Legislative Overhaul:

States must repeal the Police Act of 1861 and enact new legislative frameworks based on the Model Police Act drafted by the Soli Sorabjee Committee. These new statutes must legally define the police as a public service entity bound by human rights standards.

➤ Fiscal Commitment to Infrastructure and Tech Upgrades

State budgets must prioritize digital integration, establishing dedicated cyber-forensic

units in every district and deploying automated, cloud-based case management systems to tracking investigation cycles.

➤ **Human Capital Re-engineering:**

The constabulary requires immediate structural reform. This includes mandating shifting systems to alleviate burnout, implementing clear, performance-linked promotion pathways, and reforming basic training curricula to focus heavily on gender sensitivity, human rights, and de-escalation techniques.

➤ **Strict Statutory Accountability:**

The Police Complaints Authorities must be given binding disciplinary enforcement powers, rather than operating merely as advisory panels, ensuring that officers guilty of custodial misconduct face immediate legal penalties

Conclusion

The current Indian policing system presents a profound institutional contradiction: a democratic nation relying on an executive enforcement framework designed for colonial subjection. The systemic failures observed today—ranging from political manipulation and delayed investigations to human rights violations—are predictable outcomes of an archaic organizational design.

As India continues its trajectory of economic and social modernization, maintaining an un-reformed police force introduces severe risks to institutional stability and civic trust. Achieving comprehensive police reform requires moving past superficial political adjustments and actively implementing the directives laid out by the judiciary. Only by detaching law enforcement from political patronage can India build a police force that is truly accountable to the constitution, the judiciary, and the citizens it is sworn to protect.

References

AJMERA, A. (n.d.). Analysis and need for reform in current police system of criminal justice system. *International Journal of Law Management & Humanities*.

Agarwal, A. K. (n.d.). *Police and the rule of law: Recent developments in India*. Indian Institute of Management Ahmedabad.

Chaturvedi, A. (n.d.). *Police reforms in India*. PRS Legislative Research.

Dutta, M. S. (n.d.). Policing the nation in the 21st century: An appraisal of the proposed reforms. Manupatra.

have Stalled, W. R. [Lakhtakia, S.]. (2020). Moving the needle on police reforms: Why reforms have stalled and how to make progress. Indian Police Foundation.

Lee, A. (2024). Democracy and impunity: The politics of policing in modern India. University of Rochester.

Mishra, S. (2019). Indian police—Awaiting the reforms. *Supremo Amicus*, 12.

Sharma, A. (2022). Origin of police system in India and the world. *International Journal of Law Management & Humanities*, 5(2), 792-795.

