

## Reform in Policing: Need of The Hour

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India, being home to a whopping estimation of 1.38 Billion people by the end of 2020 also comprises of over 17.2 million law enforcement officers spread across India. In order to maintain peace and decorum and to establish an administrative balance by enforcing the necessary law all across India, each state has been allocated with their own police units. The police forces, along with their federated institutions like law courts and jails are all classified in the state list as provided under Schedule VII viz. Article 246 of the Indian Constitution. The National Police Commission (NPC) was formed in the year 1860, and the mechanism for governing the police, the Police Act was enacted in 1861. Various proposals were made for creating a more constructive and effectual system of Police through suggestions and recommendations provided in the National Police Commission (NPC) reports. These reports devised a model for Police Bill.<sup>1</sup> However, none of these proposals was ever put into action. As stated by our former Prime Minister, *"Policing in our country has become increasingly complex over the years. Social tensions, religious disputes, growing economic disparities, and regional, linguistic, and ethnic differences have long been major challenges to effective policing in India."*<sup>2</sup> Certainly, with changes in the present-day situation, the policing policies were meant to be undertaken for establishing an effective justice structure for tackling a wide range of challenges faced by society today. Over the years, many recommendations for reform were made but not of them were implemented wholehearted due to lack of political will and appropriate funding. It was not until the 2008 terrorist attack in Mumbai that the urgency for complete police reform was realized.<sup>3</sup> Total lack of coordination and chaotic police response coupled with unarmed/obsolete arms lead to a heinous terrorist invasion in Mumbai. Ever since then, huge pressure is built on various policing institutions for revamping the police system. This raises the question as to the nature of police reforms that can be undertaken in India in order to administer the modern-day state of affairs.

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<sup>1</sup> Singh, S., & Bhardwaj, D. (2018). Police reforms: India. *International Journal Of Law*, 4(2), 283-286. Retrieved 2 June 2020, from <http://www.lawjournals.org/search/police%20reform>.

<sup>2</sup> Singh, Manmohan . (2010). *Annual Conference of DGPs*. Lecture, New Delhi.

<sup>3</sup> Desai, M. Red Herring in Police Reform. Retrieved 12 June 2020, from <https://www.jstor.org/stable/pdf/40278767.pdf>

*“The police force is far from efficient, it is defective in training and organization, it is inadequately supervised, it is generally regarded as corrupt and oppressive, and it has utterly failed to secure the confidence and cordial cooperation of the people.”*

– A.H.L. Fraser, the chairman of the 2<sup>nd</sup> Police Commission<sup>4</sup>

The crime rates in India is in a constant increase, and notable has worsened in the past decade. Taking into account the occurrence of cognizable crimes provided under the Indian Penal Code, the figures have shot up to a straight increase of 63%.<sup>5</sup> In India, the police officers assigned to per lakh people is 182.6, which is well below the mark of 222 policemen per lakh people as commended by the United Nations.<sup>6</sup> Majority of problems faced by police today is due to them being unduly influenced by politicians, being overburdened and imparted with improper training and knowledge. The lack of vacancy in police forces is till such extend that for the year 2016, they functioned at 77.4% of their sanctioned capacity by the Government.<sup>7</sup> This induces them to perform a multitude of duties even if the work pertains to be outside of their core subject. This not only degrades the quality of work but forces them to work overtime.

The situation of overburdening is worse for the low-rank policemen, where the constabularies are made to work for more than 15 hours per day without any extra remuneration or paid work leaves throughout the year as compared to 8 hours a day with various amenities in countries like the UK.<sup>8</sup> The overtime period is further stretched due to lacks the basic resources for smooth functioning, adding significant frustration to the already stressed policemen. There are police stations with inadequate stationery, vehicle, even fuel, and meagre monthly budget. There is a lack of forensic equipment's making it difficult for one to investigate in a crime. Moreover, the officers are not trained after their initial training before joining the service is completed, making the investigation and conviction process miserable. We all have seen the shoddy and botched up initial investigation in the Aarushi Talwar case.<sup>9</sup> Due to lack of expertise and ignorance of local police, the entire investigation became a mockery. The upsurge in cybercrime is another challenge for the police as

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<sup>4</sup> Law, C. (2020). *Police Reforms - Academike*. Academike. Retrieved 3 June 2020, from <https://www.lawctopus.com/academike/police-reforms/>.

<sup>5</sup> National Crime Records Bureau. Ncrb.gov.in. (2020). Retrieved 3 June 2020, from <https://ncrb.gov.in>.

<sup>6</sup> Jain, S., & Gupta, A. Building Smart Police In India: Background Into The Needed Police Force Reforms. Retrieved 3 June 2020, from [https://niti.gov.in/writereaddata/files/document\\_publication/Strengthening-Police-Force.pdf](https://niti.gov.in/writereaddata/files/document_publication/Strengthening-Police-Force.pdf).

<sup>7</sup> *Status of Policing in India Report 2019*. (2019). Retrieved from [https://www.csdsonline.org/uploads/custom\\_files/1566973059\\_Status\\_of\\_Policing\\_in\\_India\\_Report\\_2019\\_by\\_Common\\_Cause\\_and\\_CSDS.pdf](https://www.csdsonline.org/uploads/custom_files/1566973059_Status_of_Policing_in_India_Report_2019_by_Common_Cause_and_CSDS.pdf)

<sup>8</sup> Mehta, A. (2020). *Indian Police Work 14-Hr Workdays, Get Few Weekly Offs*. IndiaSpend. Retrieved 7 June 2020, from <https://www.indiaspend.com/indian-police-forces-work-14-hr-workdays-get-few-weekly-offs/>.

<sup>9</sup> Nupur Talwar Vs. Central Bureau of Investigation and Ors (Supreme Court 2012).

it requires more sophisticated technology, knowledge, well-equipped forensic labs and tech-savvy personnel.

The police system saw its light of reform in 2006 as a Supreme Court passed the judgment to the case of Prakash Singh.<sup>10</sup> Directions were provided for the establishment of the State Security Commission for evaluation of police performance. Presently, the only means to measure police performance is by looking at the up and downs in crime rates, implementation of this system would help devise effective policies and also eliminate the state interference in the functioning of police which is often clouded by minister's powers. Minimum tenure of 2 years for Director General of Police (DGP) was devised along with their selection process to be conducted by three most superior officers for that post was directed. Promotion and transfer of police officials through the Police Establishment Board rather than government as well as the establishment of a Police Complaint Authority in each state were also recommended. It has been observed that none of these directives was followed completely in all states. Though most of the states formed the Security Commissions, it derailed as it failed to perform its basic purpose of protecting the police from unwarranted and illegitimate interference invoked by political executives in day to day functioning. Formation of Police Complaint Authority and Police Establishment Board is merely on paper and have been blatantly ignored by the state Governments.

The most prominent reform suggested was for bifurcating the police division of investigation from the unit responsible for maintaining law and order. Officers investigation on a case would be directly responsible for producing evidence in the court, this would enable them to work extensively on the case for making it effective and speedy by eliminating their law and order tasks like routine patrolling and security of dignitaries. This would not only bring expertise in investigating personnel but also help in adopting latest technology through growing experience in the scientific examination of the case. Consequently, the police would be less likely to engage in activities like coercion and custodial torture as their effective investigation would eradicate the need for violent methods of extracting evidence and information. This would help gain public confidence and support by uplifting their public image and repo.<sup>11</sup>

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<sup>10</sup> Prakash Singh and Ors. Vs. Union of India (UOI) and Ors. (Supreme Court 2006).

<sup>11</sup> Karol, S. (2015). Bifurcation of the Indian Police System: Investigation Wing and Law & Order Maintenance Wing. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2601997>

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The primitive police model is based on colonel law of the British and emphasizes the low-rank officers to obey orders from the top hierarchy officials with blind allegiance and conformity. At this stage, the low-level policemen are exploited by their seniors who engage them as their puppets by treating them as their servants. Their superiors make these officers perform their household chores as well as employ them as cooks and drivers. Reforms in policing can only become effective when the very grass root of the level of policemen like constables are treated with equal respect and dignity as their senior officers like the SHO of a police station. This would not only motivate the already demotivated police but also help them gain confidence and self-respect from the public. The large engagement of police forces in so-called VIPs security used as status symbol must be disbanded immediately, as it portrays the whole system of police to be made for the protection of the influential rather than the common citizens. The law enforcement officers must be adequately paid with weekly-offs and basic minimum amenities. As we often get to hear about incidents of police brutality, arrogance and ill-treatment to common and poor people, we often question the insensitive nature of the police. However, we forget that police is the cutting-edge level of law and order maintenance, immense change in their behavior is required. This can be curbed through regular fitness tests, drills and orientation seminars targeted to make the officers active, agile and accountable to the public. A trust building measures of police with public would curb a large number of various crimes including mob lynching, violent public agitation, arson and damages of public property.