

A Critical Analysis of Police Reforms in India



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भारत नीति प्रतिष्ठान
India Policy Foundation

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of
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By

Dr. Chandraveer Singh Bhati

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Director's Note

The police force plays a crucial role in maintaining law and order, ensuring public safety, and upholding the principles of justice in a society. They are the first responders in cases of emergency and play an important role in the development of the nation by providing security to its people and resources. The Indian police forces have contributed significantly in safeguarding the nation and strengthening its democracy. While the achievements of the force need to be acknowledged and applauded, India Policy Foundation strongly felt that a proper study of the force is required to understand both its strengths and weaknesses. So, under the Kali Charan Puri Fellowship which is given for promoting India-centric research and scholarly work which could help public policy discourse, Dr. Chandraveer Singh Bhati is entrusted to critically review the workings of the Indian police forms and suggest reforms wherever necessary. The end result is a comprehensive research paper that has traced the history of the police force, has in-depth analysis of the recommendations of various commissions, has identified the existing lacune and has suggested the way forward. This paper will be an important reference document for policymakers, police officials, academicians and researchers.

In this paper, Dr. Bhati makes a few observations on the colonial legacy of the police force and argues that the colonial character is an element that India has still been unable to get rid of. The police system that the British established in India was meant to further the economic and colonial interests of Britain. The Indian police force was not accountable to the Indians but to the British rulers. The irony here is that while the British kept the police force in their colonies without any autonomy, in London they were reforming the local police by making it honest and accountable to the people. The Fraser Commission appointed by the British in 1902 reported that the police system is corrupt, oppressive, and inefficient. It identified understaffing, inadequate pay, poor selection methods, and a lack of proper training as other issues that need to be addressed. Unfortunately, these observations hold true for the Indian police force and it is still not responsible to the people. Yet the country continues to follow the Police Act of 1861.

After independence, multiple Commissions were set up by the governments to suggest reforms for the police forces. Dr. Bhati has studied and analysed the recommendations of all these Commissions. Among the important recommendations of the Commissions are to conduct psychological tests for recruitment, a new police act that views

the force as service-oriented, to reduce the political-bureaucrat interference in police forces, measures to curtail the misuse of force by the police and only a minimum role for politicians in the workings of the Indian Police. As rightly argued in the paper, the power of posting and transfer in the hands of politicians has been an important reason for the politicisation of the police system. The formation of a Police Establishment Board, Police Accountability Commission and a District Police Complaints Authority are also among the important recommendations of these commissions compiled by Dr. Bhati.

The paper has emphasised that quality training as per emerging needs is the most neglected area in the police. In an era where the nature and reach of crimes are changing fast, particularly with the advent of Artificial Intelligence, this point is particularly important and needs to be taken up at the policy level urgently. Furthermore, the paper has identified several problematic areas that need to be looked into. First is the prevalent tendency in the force to not register complaints to keep the crime statistics low. The second is how the conviction rate in India is only six per cent which raises questions on the effectiveness of the police's investigation. The discretionary power that is vested with the police has only compounded the existing woes. Yet another worrying aspect is that women strength in police is less than 12 per cent and more than 20 per cent posts are vacant in police forces which has drastically reduced the efficiency of the force. The police force is also struggling with the lack of proper infrastructure.

In this paper, Dr. Bhati has made a sincere attempt to study in details all the relevant aspects of police forces working and identified the areas where reforms are urgently required. For India Policy Foundation, this paper is as an important first step in initiating the dialogue about police reforms. We will continue to engage with scholars, academicians, police personnel and policymakers to understand different perspectives and ensure that such efforts lead to concrete results for the betterment of our police forces.

Dr. Kuldeep Ratnoo
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Introduction

The aim of the evolution of society and the state is to establish law and order. The organisation which is mainly responsible for law and order in society is the police. Therefore, proper and impartial functioning of the police is necessary if we want a peaceful and progressive society. From reaching the moon to making submarines and supercomputers, India has made good progress in many fields. Indian police, on the other hand, are still colonial in nature, with a feudal mindset. Political interference, vested interests, corruption, criminal police nexus, etc. have become hurdles in the impartial and honest functioning of the police, and the concept of the rule of law and the values of civilised society is under threat. Increase in organised crime, naxalism, and terrorism have become bigger threats to India's democracy. Though the military and para-military mostly deal with terrorism and naxalism, the police are the first respondent in these cases, and the police also have a major role in the investigation and intelligence gathering related to these cases. Also, economic development becomes stagnant if the state does not provide security to its industry. Bihar and West Bengal are examples of this. Therefore, police reforms are a must if India wants to sustain its democracy and if it wants to become a great economy as well.

Initiation of reforms first requires a basic understanding of that particular institution. Therefore, first, we need to understand the origin and structure of the Indian police. It will help us to understand the problems with the police system, and then we can make recommendations for reforms.

The Evolution of Police System Design and Institutions in Modern India

The present Indian police system was developed by the British according to their colonial requirements. The British came as traders and the Mughals allowed them to use administrative and judicial power in their factory enclaves. With time, the British realised the importance of India for raw materials and exports. The decline of Mughal power allowed them to establish their control over Indian territory, and soon the company administration converted India into a colonial state of the United Kingdom (Verma 2019:4). The Battle of Plassey in 1757 gave the company more political power. Mughal rulers gave rights to the East India Company to collect revenue. When a company got political and economic power, it changed its administrative structure according to

its requirements. One such administrative change was in the police system. The British had not established a new system of policing. They reformed the Mughal police system according to their requirements. So, the roots of the present Indian police system can be traced to the Mughal period.

With the decline of the Mughal Empire, the law-and-order situation in different parts of the country also declined. Dacoity and robbery increased. The increase of robbers and thugs also made trade and trade routes vulnerable and unsafe. This became a problem for the East India Company and, hence, it started to think of establishing political control over India so that its economic and commercial interests were not affected due to the weak control of provincial governments. Wherever the East India Company got its political hold, it established a police system to fulfill its economic and colonial interests.

The police system that the British established in India is based on the Royal Irish Constabulary (RIC). The RIC was established to suppress the Fenian revolt in Ireland and, therefore, it was structured on the pattern of a military or paramilitary force. The RIC successfully suppressed the Irish movement. The success of the IRC in Ireland motivated the British government to apply the same kind of military police system in their other colonies around the world. Sir Charles Napier is credited with establishing the colonial police model in India when he established a separate police organisation in Sindh after its annexation (Verma 2019:6). In India, the police were not accountable to the people but to the governor of the province, who was accountable to London.

Lord Cornwallis separated administration and police in 1792. But major changes came after the 1857 revolt. An M.H. Court commission was appointed to analyse the causes of the revolt and give recommendations to avoid such revolts. The Police Act of 1861 was enacted in response to the recommendations of the M.H. Court commission. This act is continuing till today. This act separated the city police from the military. Lord Curzon set up the Fraser commission in 1902-03 to evaluate the police system in colonial India. On the recommendations of this commission, a separate Criminal Investigation Department (CID) was established for improving investigations and a District Armed Police (DAP) was established for maintaining law and order. For functional ease, sub-divisions were created and new posts of sub-inspector and Deputy Superintendent of Police were also created (Singh 2016A: 43).

The formation structure of the present Indian Police is inspired by the Irish model. When Napier reorganised the police system in Sindh in 1843, he followed the principles of the RIC. He separated the police from the military. Now the police were controlled by the civil administration under the leadership of collectors. The Inspector-General was responsible for police administration and the maintenance of law and order in the whole territory. Though the police were separated from the military, they were armed and trained as the military to control revolts and repress freedom movements.

The British police system in colonial India adopted many features of the Mughal police system. The Mughal-era police hierarchy persisted in the colonial police force. They accommodated police posts like Daroga, Kotwal, and Faujdar in their police system. The Daroga system of the Mughal period continued in the colonial period. Local laws and order were under the control of Daroga. Daroga now becomes responsible to the District Magistrate. The District Magistrate generally did not interfere in the day-to-day working of local police. As a result, the Daroga was as powerful as he was during the Mughal Empire (Verma 2019: 12).

The Purpose of the British Police System

At the same time when the British were establishing colonial police systems in their colonies, they were also reforming local policing systems in London and other districts of Britain. But there were major differences in reforming and establishing both police systems. When Home Secretary Robert Peel started reforming the London metropolitan police force, it was based on totally different principles than those that were adopted in the colonial state. Robert Peel's main principles for reforming and restructuring London's police were as follows: (i) it should be accountable to citizens; (ii) it should be unarmed; (iii) it should be under judicial control; and (iv) it should earn people's trust and cooperate with them (Verma 2019: 5). Based on these principles, the London Police Department transformed itself into an honest and accountable police force, and the city's crime rate was brought under control. This model was later adopted in other districts of Britain, and many provinces of the United States of America (USA) also adopted this model. In New York, this London model was adopted in 1845, and Chicago adopted this model in 1954. However, the success of this model did not inspire the British to replicate it in their colonies, simply because colonies were for commercial gain. This benefit was based on exploitation and suppression, and the police were the main tool for this suppression. In

India, military-like structure and armed police were required not only to control robbers and thugs but also to suppress peasant and other revolts that were on the rise as a result of British atrocities against farmers and small-town and village industry-based people. The Crimean War of 1857 also compelled the British to build a strong police system because it is the police that gather intelligence and controlled situations first, and the army comes thereafter. The Hindu-Muslim riots were also an important challenge for British police. The 1893 Bombay riots, the 1912 Berhampur riots, and the 1921 Moplah riots were major challenges for the British police. The riots continued till independence. In all, there were 71 communal riots in 1926 in Bihar and Orissa. In the coming years, riots also increased. This also compelled Britain to make its police more like armed police (Raghavan 2021: 68). The British succeeded in controlling thugs and robbers, but an unimaginable number of atrocities were committed to suppress the freedom movement. This character of suppression and unaccountability still exists in the Indian police system.

The Police Act of 1861

The New Police Act of 1861 established a new structure for the police system at the provincial level. At the provincial level, the police chief was the Inspector General (IG). The province was divided into districts, and a Deputy Inspector General (DIG) was given charge of 3–4 districts. At district level, the superintendent of police (SP) was in charge of the police unit. The SP was under the control of the IG and the District Magistrate (DM). Recruitments for higher posts were done through the Indian Police Service. Till 1921, no Indians were allowed to join this service. Later, Indians were allowed, but their ratio remained very low. The police structure below the rank of S.P. remained almost the same, but the names of the ranks have been changed. Darogah has now become a sub inspector. The Sub Inspector was assisted by 2-3 Assistant Sub Inspectors and 8–10 constables.

As police stations are the basis of all police activities like interrogation, investigation, and crime control, and as they directly and regularly deal with citizens, more emphasis was given to the proper functioning of police stations. For this purpose, one important step was taken with the regular inspection of senior police officers at the police stations.

The 1861 Act completely separated the police from the military, but the purpose and nature of the police remained largely unchanged. In the 1861 Act, many military officers were transferred to senior police

rank. Transferring military officers to police and reserving senior police officer seats solely for British demonstrates that the British's goals were to sabotage movements that were detrimental to British economic and commercial interests.

The London Metropolitan Police Act was passed in 1829. The aim of the 1829 London Metropolitan Police Act was to serve the people of London, but the Indian Police Act, enacted in 1861, had no such aim. The act was repressive and restrictive. Under section 30 of the CrPC, the police had the right to reject any request for assemblies and processions on the basis of law and order. The act was not only against common Indians but also against subordinate police officers, who were mostly Indian. British people do not have faith in lower-ranking Indian police officers and other police personnel. Under section 44, a station house officer (SHO) is required to maintain a general diary. This general diary was used to fill in all the movements of all the police personnel in the police station. This was a method to keep daily vigilance over low-ranking officers and police personnel of Indian origin.

The Revolution of 1857 not only resulted in the enactment of the India Police Act of 1861 but also compelled the British to enact the Indian Penal Code of 1860, Criminal Procedure Code of 1862, Evidence Act of 1872, and Criminal Tribes Act of 1868.

The Indian Penal Code, 1861, listed many activities against the state, army, and public servants as offences. The penalties for such offences were irrational and lacked any rationale (Verma, 2019:17). CrPC gave power to the police to arrest anyone and detain him for 24 hours. Police could search any house and could call anyone to the police station (Verma 2019: 17). The colonial police were a source of fear for law-abiding citizens while being ineffective against criminals (Verma 2019: 17).

During the British period, two police commissions were appointed. The first police commission was appointed in 1860 to give suggestions on expenditure reduction and efficiency enhancement for the police in British India. Lord Curzon appointed the second police commission in 1902. This commission was also known as the Fraser Commission. The commission reported that the police system is corrupt, oppressive, and inefficient. It pointed out several deficiencies in police management. The commission mentioned understaffing, inadequate pay, poor selection methods, and a lack of proper training. But the British did not change this system, and even after independence, India did not make any major changes to that police system.

Post-Independence Police Systems in India

The first major challenge for Indian police after India's independence was to control Hindu-Muslim riots that started due to the division of India. After that, the Indian police faced many critical situations. Protests began against the formation of new states based on language and ethnicity. The land redistribution movement was also started by the communist party. Many agitations were started by political parties in order to further their political interests. The police were also given the task of taking action against the Nizam of Hyderabad and compelling him to surrender. They also continuously faced communal and caste-based disputes and riots. In the last 3–4 decades, it has also been involved in countering terrorism in J & K, Punjab, the North East and Naxal movements. India's growing population, low literacy, high unemployment, and sharp religious, political, and social differences provided fertile ground for social conflict.

The organisational structure of the Indian Police, which was established by the British in 1861, has largely remained unchanged to this day. Some changes were made after independence, but these changes did not improve the police's organisational structure. Police are still not people-centric. The reason for this problem is that we are still continuing with the structure that the British have established. The most worrisome thing is that armed policing has increased, which is not a positive sign for democracy. The National Emergency (1975–77) again showed the biased and brutal nature of the Indian police and demand for police reform had again emerged.

National Police Commission was formed in 1977. It had suggested major reforms in police system. Many other commissions have also suggested reforms in the police system in India, like the National Human Rights Commission (NHRC), the Law Commission, the Padmanabhaiah Committee, Malimath Committee, Gore Committee, Vohra Committee, Rebeiro Committee, and the Soli Sorabjee Committee. Most of the committees suggested generally the same reforms. But the central and state governments have not implemented most of the recommendations given by different commissions due to political and other vested interests.

National Police Commission Recommendations

After emergency, elections were held in 1977 and the central government was changed after the election. The new government set up the National Police Commission to suggest police reform. This commission is also known as the Dharamvira Commission. It was the first major initiative

after independence to study problems in the Indian police system and suggest police reforms. After more than three years of hard work, the commission submitted its reports in 1981. But successive governments did not implement these reports. To implement this report, a case was filed in the Supreme Court, and the court in 2006 gave directions to the centre, state and union territories to implement these reforms. But state compliance was nothing more than a formality. NPC had submitted eight reports. Main highlights of the reports are the following.

The First Report

The National Police Commission (NPC) suggested that there should be a mechanism of internal, i.e., departmental and external, inquiry of complaints against police. To ensure the proper functioning of this mechanism, a Police Complain Board should be established at the state level and a District Inquiry Authority (DIA) should be established in every district (NPC First Report 1979:62). An Additional Session Judge will be appointed in DIA after the consultation of the High Court. DIA will conduct a judicial inquiry and also monitor a departmental inquiry conducted by senior police officers. According to the commission, most of the inquiries can be done by senior police officers. But in the case of death or rape in police custody or death in police firing, there should be a judicial inquiry. A judicial inquiry will be conducted by the District Inquiry Authority (DIA). DIA will send its report to the state government (NPC First Report 1979:63). The state government has to publish this report and take necessary action within two months of the submission of the report.

The Second Report

The success of the police's policy depends on cooperation by all other agencies related to the criminal justice system. Therefore, NPC has suggested the formation of a Criminal Justice Commission (CJC). A CJC will be formed at the national level, and a similar type of commission should be formed at the state level. This commission will monitor the performance of all criminal justice-related agencies and correct them if required. The committee has suggested that the functions of the Law Commission can be enlarged and it can be given the power to complete all the functions of the Criminal Justice Commission (CJC) (NPC Second Report 1979:15, 77).

A state security commission (SSC) should be established in each state. The minister of state for police will be the ex-officio chairman of the commission. There will be six members on the committee. Two

members will be from the legislative assembly. One will be from the ruling party and the other from the opposition. These two members will be nominated by the speaker of the state legislature. The remaining four members will be appointed by the Chief Minister after getting approval from the state legislature. These four members can be chosen from among retired High Court judges, retired senior government officials, and eminent academics or social scientists. The Commissioner of Police will be the ex-officio secretary of the commission (NPC Second Report 1979:50). The main function of the commission is to evaluate the performance of the state police every year and submit a report to the state legislature. The SSC will formulate broad policy guidelines for the performance of preventive tasks and service-related functions. The commission will dispose of appeals by SP or above-rank officers related to their promotions and illegal orders issued to them regarding their duties (NPC Second Report 1979:51).

To stop misuse of the power of transfer, the committee suggested that the name of the competent authority for the transfer should be mentioned in the police act and the competent authority should write the reasons (explanatory note) for transferring or suspending police personnel (NPC Second Report 1979:54, 89). Other recommendations in the second report included: fixing the tenure of the DGP; selecting the DGP through a committee chaired by the UPSC chairman; establishing a specific transfer process and forming a board in this regard; including a special provision in the Police Act to prevent fraudulent transfers; and making the police a service-oriented institution.

The Third Report

A special investigation cell should be established in the police department at the state level to monitor cases that come under the SC/ST Atrocities Act or related to the Protection of Civil Rights Act. At the district level, a District Civil Rights Cell (DCRC) may be formed under the supervision of a Sub Division Officer to monitor cases related to atrocities on SC/ST. A State Civil Rights Committee (SCRC) may be formed to monitor the work of the DCRC (NPC Third Report, 1980: 81). Section 155 of the CrPC should be amended to allow police to properly recognise non-cognizable cases involving weaker sections of society to protect them from injustice and exploitation and to maintain public peace (NPC Third Report 1980: 10-11).

The power of arrest has been misused by the police. Many innocents are being arrested and many accused are being released due to political pressure or due to money. The NPC has suggested broad

guidelines in this regard. It suggested amendments to sections 2(c) and 2(1) of the CrPC. The aim of these amendments is that an arrest should not be made just on the basis of cognizable and non-cognizable crimes. It also suggested amendment in section 170 of CrPC to remove the impression that it is mandatory to make arrest in non-bailable offences (NPC Third Report 1980: 49,90). District SP should be given exclusive power of posting the officers at the police station level. DGP should be given the power of posting district SP (NPC Third Report 1980:72).

NPC suggested guidelines related to handcuffs. It is said that threat of handcuffs is also a source of corruption. It recommended that there should be no handcuff in bailable offences. In the case of judicial custody, a person can be handcuffed only after the court's directions. Women, juveniles, old and hospitalised people should not be handcuffed. Whenever a person is handcuffed, the reason for that should be mentioned in the sentry relief book (NPC Third Report 1980:52,75,91).

A police station should be provided imprest money for their day-to-day expenditure. This will also help in curbing small day to day corruption in the police station (NPC Third Report 1980:91).

A "Central Forensic Science Service" can be created for better career prospectus and to attract youth in forensic science (NPC Third Report 1980:72).

The Fourth Report

Many times, when a victim reaches out to the police station to register an FIR, the police station refuses to register the FIR because the case does not come under their jurisdiction. This demoralises the victim. As a result, the NPC has recommended that Section 154 of the CrPC be amended to make it mandatory for police stations to register FIRs regardless of whether the case falls under their jurisdiction or not. After registering the FIR, the police station can forward the case to the concerned police station (NPC Fourth Report 1980:4, 72).

Witness statements are recorded in police stations, and many times, witnesses face undue pressure from police. NPC has suggested that an investigating police officer can hear a witness's statement and then write facts in his own language. Then a copy of the facts written by him should be given to the witness, and an acknowledgement of the copy can be taken from him. According to the NPC, this will stop the alleged practice of twisting facts by investigation officers (NPC Fourth Report 1980:73).

Many times, police seize some property during an investigation. It is then put into court custody. It remains under custody till the case is solved. Due to this, many items, like electronic devices, may get damaged. To solve this problem, the NPC has recommended the early return of items even during the time of investigation (NPC Fourth Report 1980:11).

The NPC recommended the addition of section 50 A in the chapter five of the CrPC. The reason for this amendment is that the arrested person should be given the right to inform any person about his/her arrest so that his/her family do not get worried about him and can take the necessary action as per requirements (NPC Fourth Report 1980:74).

The use of third-degree methods should be reduced. To stop the misuse of third-degree methods, a senior police officer should make a surprise visit to the police station. There should be a judicial inquiry if there is a death or major injury in police custody. The Magistrate should ask the accused whether inhuman methods were used during interrogation or not, and an order of medical examination of the accused should be given if required (NPC Fourth Report 1980:12-14). Police should be trained in new interrogation methods and techniques so that they can gather evidence against the accused, and there will be no need for third-degree methods and torture to get some confession from the accused. As police performance is judged by the number of cases solved by the police, the police thus try to solve cases by all means, and this encourages the police to use torture and third-degree methods to solve cases. Therefore, police performance should not be judged solely by how many cases it has solved. There is a need to make broad criteria for analysing police performance.

The Fifth Annual Report

Recruitment and training of police require many reforms. The NPC recommended police recruitment only at two levels: constable and IPS (NPC Fifth Report 1980:3). There should be psychological tests for recruitment. Even during training, if a person is not found suitable, he could be removed.

Transparency in the police department will improve the police image. Therefore, except for intelligence, operation, judicial and matters related to the right to privacy of individuals all other police work should be open to public scrutiny (NPC Fifth Report, 1980:117). The strength of women police is required to be improved, and women police should be given investigation-related work in which they are generally avoided. A

criminal injury compensation act should be enacted (NPC Fifth Report 1980:117).

The Sixth Annual Report

Direct recruitment for IPS should be for 50 per cent of the total sectioned posts. The remaining 50 per cent of IPS seats should be filled by promotions. The age limit for IPS should be restricted to 21–24 years (NPC Sixth Report 1981:12). The promotion of senior officers, mainly IPS officers, in the police department should be based on the completion of the required courses and examinations (NPC Sixth Report 1981:27).

Two central IPS cadres should be created for paramilitary forces and other central agencies like CBI, IB, RAW etc. (NPC Sixth Report 1981:19). The pay structure of IPS should be made equivalent to IAS (NPC Sixth Report 1981:16).

A commissionerate system should be established in metropolises and cities with populations of greater than five lakhs because these areas have experienced an increase in law and order and crime-related problems, necessitating quick decision-making systems and rapid implementation of these decisions (NPC Sixth Report 1981:63).

A special investigation squad should be created under the CID to investigate serious crimes that happened during communal riots. For political reasons, many times governments avoid investigations into serious crimes, and it gives a chance to the involved and other criminals to ignite similar kinds of communal violence in the future (NPC Sixth Report 1981:65,82). Law and order should be separated from investigation work (NPC Sixth Report 1981:64).

The Seventh Report

The NPC suggested that the criteria for establishing police stations in rural areas should be distance, and in urban areas, it should be population density. In rural areas, a police station can be established for a 150-km area. In urban areas, a police station should not control more than 60,000 people. If more than 700 crimes are registered in a police station annually, then a new police station can be opened. If a police station in an urban area records more than 900 cognizable offences, then the SHO post should be given to the DSP. If a police station records more than 300 cases, then the SHO post should be held by an Inspector (NPC Seventh Report 1981:25). An investigation officer should not be given more than 60 cases in a year to investigate (NPC Seventh Report

1981:25). There is a requirement for more investigating officers, so the strength of the inspector and sub-inspector should be increased.

The DGP should be given complete authority over the police force's internal management. In this regard, he should be given more power in financial and personnel management and infrastructure development.

A Central Police Committee (CPC) should be formed to provide suggestions about financial grants to the state police for development and modernisation, budget allotment to state police and central police forces and for police reforms (NPC Seventh Report, 1981:117). As other professions like chartered accountants, engineers, etc. have their own professional institute, in the same way, an All India Police Institute should be formed and it should be put under the Central Police Committee (NPC Seventh Report 1981:118).

The Eighth Report

The State Security Commission (SSC) should prepare an annual performance report about Indian police performance and put it before the state legislature. In this regard, SSC can take help from the Central Police Committee's (CPC) annual assessment report and the police chief's annual administration report (NPC Eighth Report 1981:4).

Many sections of the CrPC protect public servants against prosecution for their acts done while on official duty. The NPC suggested the removal of these provisions so that victims can go to the judiciary against any misconduct committed by police personnel (NPC Eighth Report 1981:4).

The Police Act of 1861 should be replaced by a new police act. The new police act must develop the police force as a force that is service-oriented and that follows the rule of law (NPC Eighth Report 1981:42).

Principal Suggestions and Limitations of NPC Report

The National Police Commission (NPC) has recommended a total restructuring of the Indian police. It emphasised the need to remove political interference from the day-to-day functioning of the police. The NPC recommended that the IAS lobby's interference should be reduced and IPS should be given equivalence as per IAS. The NPC suggested that broad guidelines should be framed to stop the misuse of discretionary power by the police. To stop police misconduct, the NPC suggested the

creation of a District Inquiry Authority (DIA) in every district. But this suggestion has not been implemented yet (Raghavan 2021: 230).

As the NPC suggested a minimum role for politicians and the Indian Administrative Service in the workings of the Indian Police, its recommendations were not taken seriously by IAS cadre and politicians. The NPC submitted its report in 1981, when Indira Gandhi was Prime Minister. The NPC was formed by the Janta Dal government after the emergency. One reason for the formation was the political misuse of police during emergencies. The NPC also criticised the role of police and politicians during an emergency. The NPC recommended the establishment of a State Security Commission to reduce political interference in the police system. All these things established a negative image in the mind of Indira Gandhi about the commission, and she did not respond positively to the report. The Commission itself has not made any attempt to remove doubt about the aim of the report (Verma 2019: 217–18).

The Commission recommended fixation of tenure for the police chief, but the fixation of tenure rule is not even in the USA. For political reasons, it seems difficult to provide a fixed tenure to the chief. The Commission has emphasised the importance of giving more power to senior police officers, but many senior police officers are also involved in corruption and form relationships with politicians for personal gain. What is the guarantee that power transfer from politicians and civil servants to senior police officers will end corruption and nepotism?

The commission had not focused more on generating public opinion in favour of the NPC's recommendations. It had not discussed reforms much with public platforms, universities, etc. The media, which opposed the emergency on the basis of democratic values, did not provide much support for changing public opinion in favour of the implementation of NPC recommendations. In the absence of public opinion and support, successive governments did not put much pressure on the implementation of these reforms.

Lessons from the Commission's failure

Neither politicians nor IAS cadre wanted to reduce their power or give away their power to their subordinate IPS cadre. Because the media was and continues to be directly or indirectly controlled by the government, it has not raised the issue of police reform on a large scale. It had asked for policy suggestions from the public, but had not given much emphasis to this issue. It also neglected the importance of non-government organisations (NGOs) in policy formation. Non-governmental

organisations (NGOs) play an important role in policy formation on social, political, and administrative issues. NGO's, on the other hand, were dissatisfied with the commission's recommendations, which were to give more power to senior police officers, because they had witnessed senior police officers abusing their power. For them, it was just a power transfer from one elite to another, and that would not help with the welfare of the citizens. An NGO could have helped the commission in studying ground-level issues and problems related to the police and would have helped them to understand the grievances of ordinary citizens. This then would have helped the commission to make practical policy recommendations.

In the same way, the commission also ignored the role of academicians. Including them in report formulation would have provided them with ample data and proper research methodology (Verma 2019: 224-25). The NPC relied on official crime data but had not made any efforts to collect data from ground level. As we know, official data is not always right and is manipulated according to institutions and the government's interests.

Therefore, solely relying on official data will not help in providing the right recommendations. In the USA in 1967, the President's Commission received support from academicians, NGO's, and other researchers, and this helped them in formulating practical and implementable recommendations. This initiative by the President's Commission also helped and encouraged further research in the fields of criminal justice, security, and police by academicians and other researchers in universities and outside. In India, research in criminal justice, security, and police is almost nil in academic centres. This also needs to be taken care of.

Further research into other law and justice-related agencies will also help in formulating the right policy for the police. The NPC's recommendations were based on crime data and related crime problems, whereas many experts believe that first we should focus on community problems and, according to that, we should plan the responsibilities and duties of the police (Verma 2019: 227). Therefore, one of the reasons for NPC's non-implementation of recommendations was that its approach was limited to bureaucratic solutions, i.e., providing more power to senior police officers.

The Ribeiro Committee Report

Retired Director General of Police (DGP) Prakash Singh filed a petition in 1996 in the Supreme Court of India for the implementation of the NPC

report. In this regard, the Ribeiro Committee was appointed by the Home Ministry on the directions of the Supreme Court of India in 1998 to analyse the recommendations of the NPC, NHRC, and Vohra Commission. The court also directed the commission to give special focus to NPC's recommendations on the State Security Commission (SSC), the selection process of the police chief and his tenure, and the separation of law and order from investigation work. The committee had four members. J.F. Ribeiro, IPS (Retd.) was the chairperson of the committee.

The other three members of the committee were Nirmala Buch, IAS (Retd.), Arun Bhagat, IPS (Retd.) and Prabha Shankarnarayanan (Advocate). The committee had analysed the recommendations of the NPC, NHRC, and Vohra commissions and made the following suggestions:

Selection of DGP

The NPC has suggested the formation of a committee for the selection of a DGP. The Chairman of the UPSC will be chairman of this committee. The union home secretary, the state's chief secretary, and the most senior officer of the Central Police Forces will be members of the selection committee (CHRI 2007: 22). The Riberio Committee suggested one change in the committee. In place of a senior officer from the central police force, the director of the Intelligence Bureau should be a member of the committee.

Police Establishment Board

This is a body that oversees the operation of the police force. The committee recommended the formation of a Police Establishment Board (PEB) for transfer, promotion, punishment and other service-related matters. The DGP will be its chairman and four senior police officials will be its members (CHRI 2007:21). The board will have the right to posting, promotion, and transfer at the rank of DSP. The reason behind this is to reduce political interference in police work. But at present, most of the transfers are in the hands of the police but political interference continues. The issue is those police officers give in to political pressure or, due to vested interests, follow incorrect instructions and recommendations from political leaders. In this situation, it is doubtful that the formation of PEB will reduce political interference.

District Police Complaints Authority

The District Police Complaints Authority (DPCA) will be a non-statutory body. The DPCA will be headed by a District Session Judge and will have a District Collector and an SSP as its members. It will examine public complaints about police atrocities, arbitrary arrests, custodial violence, etc., and will forward recommendations to the SSC, NHRC, and the government. Forwarding recommendations to the SSC will not be of much relevance because the SSC is itself a recommendatory body and it is not formed to deal with issues of police complaints. The DPCA is a recommendatory body and has no authority to take action in any case. The Ribeiro Committee has not said anything about the secretariat of the DPCA. It means that DPCA will have to depend on district police for its secretariat-related matters. The Committee has also not said anything about a separate investigation agency for DPCA (CHRI 2000A:6). It means that, in investigation-related matters, it has to depend on the police. If police are investigating the police compliant by the public, then relevance of the DPCA will reduce. Furthermore, two out of total three members of the committee are from the executive branch of the government. Most of the complaints are against these executive branches. So, this system will not generate faith and credibility among people. For an effective DPCA, it should have its own staff, an investigation agency, and the power to take initiative on complaint-related matters.

State Security Commission

The Commission had supported the establishment of State Security Commission (SSC) but it differed from the NPC in many ways. NPC wanted SSC to be a statutory body, but the Ribeiro Committee suggested that SSC should be a non-statutory, advisory and recommendatory body (CHRI 2000A:4). The main reason for the Committee to suggest the non-statutory status of the SSC is that the political executive will not accept any institution that supersedes it and curtails its power regarding police-related issues. Although the Committee accepted that statutory status would be the most efficient way to sort out problems, it is practically not possible.

The Ribeiro Commission did not support a separate secretariat and suggested that the police chief provide official assistance from his office. The DGP will also be the convener and ex-officio secretary of the commission. But this will make the commission dependent on the DGP and the commission will not be able to work as an agency which could monitor police functioning and make it accountable for its mistakes. The

Riberio Commission did not say anything about the separate budget of the SSC. It means that the commission has to depend on the police establishment for its expenditure. Except for transportation and sitting fees, non-official members will receive no compensation. The Riberio Commission wants to rename SSC to the "Police Performance and Accountability Commission" (CHRI 2007: 20). But the power, structure, and function allotted to the SSC would not allow it to evaluate police performance or make it accountable.

The Riberio Commission recommendations were basically an attempt to find a practical solution for the implementation of long-pending recommendations of the NPC. However, in an attempt to provide a practical solution, it reopened the door to political interference by making the DPCA, PEB, and SSC merely advisory bodies.

The Gore Committee Report

The Gore Committee was established in 1971, particularly to provide suggestions regarding police training reforms. Its chairman, Dr M.S. Gore, was a former director of the Tata Institute of Social Sciences. Its vice-chairman was the former director of the Intelligence Bureau M.M.L. Hooja. There were nine other members on the committee. The Committee submitted its report in 1972. The crux of the Committee's recommendation was that the content of the training is limited to law-and-order maintenance and crime prevention, and in future, the training should focus on imparting knowledge and skills that can orient police personnel to the service of the people. The Committee emphasised generating decision-making ability and critical and innovative thinking.

The Committee recommended psychological testing for recruitment. This suggestion from the commission was inspired by Kidotai, the riot police of the Tokyo Metropolitan Police Department. The commission has suggested opening a psychological test development research cell in the Bureau of Police Research and Development (Gore Committee 1973:33).

The minimum educational qualification for the recruitment of constables should be high school or equivalent. The minimum age for constables should be raised from 18 to 20 years old (Gore Committee 1973:38). Recruitment of sub-inspectors should be conducted by the State Public Service Commission. The Commission suggested that physical tests should be taken first at the district level, and those who qualify should appear for a written test. The written test should consist of an essay and two papers on general knowledge and general science. Those who succeed in the written exam should appear for an interview

(Gore Committee 1973:139). The promotion quota for the rank of DySP should be increased so that lower-ranked officers can get equal opportunities and inspiration (Gore Committee 1973:140).

The committee found that the observation notebook system is not working well in many states. The writings of daily observations by the constables are very useful in the investigation and for establishing law and order. Therefore, the committee suggested more emphasis on notebook writing practice during training. The committee proposed attachment with social service organisations during training to make the police more service-oriented. The committee also recommended a six-month practical training programme under the supervision of a sub-inspector (Gore Committee 1973:73).

A constable promoted to head-constable should be given six months of training, and a head-constable promoted to Assistant Sub Inspector (ASI) should be given three months of training. The training should include forensic medicine, forensic science, social defence, investigation methods etc. For constables, a refresher course of four weeks should be made compulsory after every seven years of service. Constables whose age is less than 50 years and who have not completed 25 years of service should be made eligible for refresher courses. All Head-Constables and Assistant Sub Inspectors, after every seven years of service, should go for an eight-week refresher course. Apart from other refresher courses, some should be especially focused on scientific methods of crime investigation (Gore Committee 1973:74-76).

According to the Commission, most police manuals are out-of-date and indigenous publications on wireless, electronics, medical jurisprudence, computer technology, instruction methodology, etc. are rarely available. There is a need to prepare manuals and textbooks on police subjects. Teaching material is also required for case studies, role plays, problem-oriented and simulation exercises. The Central Directorate of Police Training is required to focus on the development of teaching materials (Gore Committee 1973:110–111).

The Committee also found it necessary to focus on research on several aspects related to police. Therefore, the committee recommended that the University Grants Commission (UGC) should open a criminology department in at least one university in every state. A Central Institute of Criminology and Forensic Sciences should be opened in Delhi, and a similar type of institute can be opened in the south (Gore Committee 1973:36). A Police Cadet Corps should be established on the lines of the National Cadet Corps (Gore Committee 1973:137).

In other recommendations, the Committee agreed with several commissions on the separation of law and order from investigations (Gore Committee 1973:120). It has also emphasised community policing and proper training for this purpose (Gore Committee 1973:123-127).

The Malimath Committee Report

The Malimath Committee was set up to give suggestions about improving the criminal justice system. The Committee made 158 recommendations. It supported the formation of the National Security Commission and the State Security Commission. According to the Committee, the formation of a State Security Commission will remove political pressure from the police and will help with better investigations. The Committee recommended the separation of the law-and-order maintenance wing from the investigation wing. To ensure better coordination between police investigations and prosecution, the Committee has suggested the establishment of a new post of Director of Prosecution. A police officer of the rank of DGP could be appointed as Director of Prosecution by the government after consultation with the Advocate General (Malimath Committee Report 2003:128).

For the posting and transfer of police personnel, the committee favoured the formation of a Police Establishment Board (PEB) in every state. The PEB will have a DGP and 3–4 senior police officers. PEB will make recommendations on posting or transfer for the district level officers. These recommendations will not be mandatory for the government. But if the government does not accept the Board's recommendations, then the reason for non-acceptance should be recorded in writing (Malimath Committee Report 2003:97). The Committee recommended that police custody be increased from 15 to 30 days. As per section 167 of CrPC, an accused will get bail if a charge sheet is not filed in 90 days. But the committee felt that in serious cases, many times it is not possible to complete an investigation and file a charge sheet in 90 days. Therefore, it is recommended that police may be given an extra 90 days to file a charge sheet in serious cases if the court finds sufficient reason for that (Malimath Committee Report 2003:120).

The dying declaration, audio-video statement, or statement of a witness should be accepted by the law (Malimath Committee Report 2003:112). The Committee supported the establishment of a victim compensation fund and a strong witness protection mechanism. The Committee proposed an inquisitorial criminal justice system in place of the adversarial criminal justice system. Many European countries, like Germany and France, follow an inquisitorial system of justice (Malimath

Committee Report 2003:24-30). In the inquisitorial system, a judge supervises the investigation.

Presently, the Indian court follows the system of "proof beyond doubt," but this system puts too much pressure on the prosecution to prove guilt. As a result, if the court is convinced of the truth of the facts, they should be accepted as proof. It also suggested an 'Arrears Eradication Scheme' to sort out cases pending for more than two years (Malimath Committee Report 2003:63-66).

For the accused to be aware of their rights, the schedule of the code should be translated into all languages. The accused should be given the right to inform their relatives about their arrest. It suggested a modification to Article 20(3) of the Constitution, which provides the right to accused that s/he cannot be compelled to become a witness against herself or himself. According to the Committee, a court should be given the right to question an accused because it can bring many new facts and illuminate many aspects of the incident (Malimath Committee Report 2003: 39-40, 267).

Presently, offences are classified into cognisable and non-cognisable offences. The Committee has recommended a new classification, i.e., social welfare code, correctional code, criminal code, and economic and other offences code (Deepalakshmi 2018).

For speedy justice, the judge-population ratio is also important. As per the Committee's report, there are 10 judges per million people in India, whereas in many developed countries there are 50 judges per million people. This ratio needs to be improved (Malimath Committee Report 2003: 133).

The Padmanabhaiah Committee Report

The government of India appointed a Committee in the year 2000 under the chairmanship of retired Union Home Secretary K. Padmanabhaiah. The members of the Committee were Vijai Kumar, MD Sharma, Amitabh Gupta, and BB Nanda. All of these four members were IPS officers. The Committee was given the task of finding out the challenges for police in the next millennium. It was given the task of evaluating the recruitment process, training, public-police relations, technological requirements, intelligence systems, communication and crime-related matters and to suggest ways to improve these systems and institutions. The Committee submitted its report on August 30, 2000.

The Committee had observed that the police is well-organised and uniformed organisation that have intelligent personnel and good

leadership. But its mindset is still colonial, i.e., it still thinks of itself as a force for the suppression of people and not a force that can serve the people. The image of the police has been established as a corrupt organisation where ordinary people cannot hope for justice. It requires improvement at the level of recruitment, training, etc. Reform in the criminal justice system, i.e., prosecution, prison, and judiciary will also help in reforming the police system.

The nature of crimes is changing and many new and complex crimes require specialised knowledge to solve the cases. Therefore, in the future, specialised training and knowledge will be necessary for efficient policing. The specialisation will be the key to success. Prevention of crime is easier and more cost-effective than investigation. Therefore, each district should have a crime prevention cell with specialised staff (Sirohi 2021).

The first and foremost requirement is to get honest, hard-working, and service-oriented police personnel. For this reason, the recruitment committee has suggested that recruitment should be done at a young age and that they should be trained for a longer period of time so that they can be moulded to become honest and competent policemen (Sirohi 2021). Recruitment for constable and sub-inspector should be through screening tests and open competition. The age limit for constables should be 19 years, with a relaxation of 3 years for SC/ST. The education qualification for a constable should be a 10th pass (Maruthappan 2021). Those who pass the exam and are selected for recruitment should be given two years of training, and those who complete training will be given a 12th pass certificate and will be appointed as per rules. A constable is the basis of the police system, and s/he should be given a proper salary. The Committee has recommended a salary for a constable as per the 5th Pay Commission recommendations for Delhi Police constables.

For sub-inspector, the required qualification should be 12th pass and the upper age limit for recruitment should be 21 years of age. Those who are recruited through open competition should be given three years of training, and after completing three years of training successfully, they will be given a graduation degree. A National Board for Police Recruitment should be constituted to maintain the quality of the question papers for recruitment. The Board for Police Recruitment will set up a question paper and the examination and evaluation will be done at the state level (Sirohi 2021).

The recruitment age for IPS should be reduced to 24 years (Maruthappan 2021). After training and before posting as DSP/ASP, the IPS officer should work as SHO for six months.

Training is the most neglected area in the police, whereas it should be given the most importance. Without training, no officer should be sent to a new discipline. Promotion in the police, like in the army, should be based on the successful completion of training. For this purpose, a Police Promotion Examination Board should be established in every state (Para 4.2). There should be a system of joint training of officers belonging to different organisations of the criminal justice system. This will help in understanding the problems of different organisations and also promote cooperation and coordination among different organisations within the criminal justice system. To advise the home ministry about changing requirements for training, there should be a police training advisory council at the centre and also at the state level. The quality of police trainers and police training infrastructure requires improvement.

The beat system is the basis of effective and efficient policing, but it is not working properly. Proper functioning of the beat system should be given priority. Traditional village policing systems also need revival.

Special and local law-related investigations should not be conducted by the police. It should be given to senior officers of the concerned department. Trial of social legislation-related cases can be given to an executive magistrate, and this magistrate can be given judicial power. The Committee had also suggested that a probationer IAS/IPS should work for two years as a judicial magistrate to understand the complications of legal procedures. This legal knowledge will help them in their career (Sirohi 2021).

The separation of offences into cognisable and non-cognisable offences has become irrelevant and considering an offence as cognisable or non-cognisable many times depends on police discretion and police misuses this power. Therefore, this separation requires reconsideration, and the Law Commission should look into this matter and suggest a new classification of offences (CHRI 2007). The criminal intelligence gathering of the state CID and CBI is very poor. This, along with the intelligence-gathering system at the police station level, needs to be improved. In this regard, SP must ensure that SHO sends intelligence reports on a daily basis (Sirohi 2021).

Lack of manpower planning has affected the efficiency of the police. They must be assessed and recruited accordingly.

Police should provide transparent posting and promotion opportunities to all officers; otherwise, police morale will suffer. Police

personnel recruited at every level should be provided at least three promotions in their entire career.

The commissionerate system should be implemented in state capitals and cities with a population of more than one million.

Presently, basic material and human resources are not available in the police stations. Without providing adequate resources, how can we expect the police to control crime, maintain law and order and establish internal security? 10 per cent of the budget should be earmarked as a development fund and should be used for infrastructure development and augmentation of manpower.

A high-powered standing committee should be constituted to review the requirement for arms and ammunition for the police.

The Committee has recommended that accommodation for police personnel should be provided in a planned and phased manner. When the government is planning to have accommodation for all its citizens, then why is the government not taking care of accommodation for police personnel?

The use of forensic science tools and equipment in police investigations is also in dismal condition. The Committee has endorsed the recommendations of the core group of scientists' report, appointed by the NHRC in 1999.

To improve the level and quality of investigations, the investigation should not be done by a police investigating officer alone but by the investigation team, which includes a police investigation officer, forensic expert and legal expert etc. In all serious cases, the collection of samples and forensic opinions should be made mandatory (Sirohi 2021). All forensic science laboratories must be asked to get accreditation from the National Accreditation Board for Testing and Calibration Laboratories. This accreditation will help them to maintain the standard and quality of their lab and research. Forensic science and criminology should be separated, and for this purpose, the National Institute of Criminology and Forensic Science should be divided into two parts. The National Institute of Forensic Sciences could remain in Delhi, whereas the National Institute of Criminology could be shifted to the National Police Academy (Sirohi 2021).

A new All-India Forensic Science Service can be created and a separate department of forensic science can be established for the improvement of forensic science research and investigation.

Rapid computerisation will help in fast data analysis and, therefore, tracing the criminals will become easier. Interconnectivity of

computers is a must for providing and receiving required information. Therefore, the government must prioritise the establishment of a satellite communication network—POLNET (Sirohi 2021). The police's wireless and computer branch should work under one director who would be of ADGP rank.

The power of posting and transfer in the hands of a politician has been an important reason for the politicisation of the police system. On the other hand, police personnel's desire to make money by corrupt means and their desired transfer is also responsible for the politicisation of the police. The rule of law has been undermined by the rules of politics. Transparent police transfers and postings, as well as honest police leadership, are required to reduce political interference in policing. Developed countries like the UK, the USA, Japan, and Australia have provided operational autonomy to the police and encouraged community policing to make the police impartial and honest.

The Committee recommended statutory tenure for the DGP and a minimum of two-year tenure for police officers. In many states, the average tenure for IAS and IPS is around four months.

The selection of the DGP should be made from a panel selected by a committee under the chairmanship of the Chief Justice of the High Court. A Police Establishment Board should be formed for the transfer and promotion of the SP and above officials. A committee should be constituted under the Chief Secretary to ensure that the transfer policy is properly implemented (CHRI 2001:1).

Promotion up to the DSP should be based on an examination, and a police officer who fails an exam three times should be retired. Promotion from ASP to DIG should be based on empanelment. If an officer could not get his name on two panels, then s/he should be retired.

Separation of investigation from law and order is a must and it should not be delayed. The police's investigation-related training is poor. Skill development for interrogation and investigation is a must.

As per the Indian Evidence Act, a confession made before a police officer is not admissible as evidence. This should be changed and confessions made before the SP and above-rank officers should be made admissible as evidence. For this, sections 25 and 26 of the Indian Evidence Act need to be deleted (CHRI 2007:27).

The Committee suggested that the Law Commission look into the possibility of adopting an inquisitorial system.

Every state should have the post of Director of Prosecution. The Director of Prosecution should supervise the prosecuting officers of

magistrate courts and session courts. Conviction depends on coordination between the police and prosecution. This coordination needs to be improved. For effective prosecution, cases need to be properly investigated and monitored at the police level as well. To ensure proper monitoring at the police level, each case should be allotted to a particular officer to ensure responsibility (Sirohi 2021).

The Committee supported community policing and suggested the formation of community liaison groups at the police station level. Many initiatives can be taken to improve community policing, and that too, without any cost or legislative formality. A chapter on community policing should be added to the police manual (CHRI 2001:1).

The first way to protect vulnerable groups and women is to ensure that the police do not torture or harass them. The number of women in the police service needs to be increased. There should be at least 10 per cent of women in the police. The working of women's police stations needs to be re-evaluated. An NGO should be attached for counseling with victims of the weaker section and women. Many in this group are not able to pay for their cases. Therefore, free legal aid should be provided to them. A timely medical examination is necessary in rape cases. In this regard, a panel of doctors should be formed for examining rape victims (Para 14.4). As far as IPC crimes are concerned, 91 per cent of cases against women and 68 per cent of cases against SC/ST fall under the IPC, but the conviction rate under this is very low. The district SP should be made responsible for personally monitoring these cases (Sirohi 2021). The CrPC should be amended to make arrests without a warrant possible under sections 376B, 376C, and 376D of the IPC.

The eradication of terrorism requires international cooperation. The nature of terrorism is such that it cannot be done without the help of other countries. International cooperation is a must to stop the financing of terrorism, weapon smuggling, and terrorism training centres (Sirohi 2021).

Local police are required to be trained to fight terrorism. There are many lacunas in police training, intelligence and other aspects of the police system as far as countering terrorism is concerned.

The government requires a long-term strategy for counter-terrorism. Presently, disjointed efforts are not yielding the required results in countering terrorism. There should be a National Counter-Terrorism Coordinator who could make a comprehensive counter-terrorism plan. The government's counter-terrorism policy should be based on no concessions and compromises with terrorism (Sirohi 2021).

Countering terrorism requires comprehensive counter-terrorism laws. Weak laws have encouraged crime. Before the Narcotics Drugs and Psychotropic Substances Act of 1985, the drug laws were very weak and smugglers used the Indian territory to transport drugs. The NDPS Act helped in countering drug-related crime. In the same way, countering terrorism requires strict laws. There should be separate norms for terrorism-related cases for trial, the burden of proof, etc. (CHRI 2001:3). The government needs a new surrender policy and a rehabilitation policy for the militants who have surrendered. The special court to hear terrorism-related cases has not been successful in its aim and therefore requires corrections.

In terrorism-affected areas, local lawyers are reluctant to fight cases against terrorists. Therefore, police should be allowed to use the services of lawyers from outside the state (Sirohi 2021).

Many NGOs and human rights groups are working as front organisations for terrorist groups. The government should not hesitate to take stern action against these NGOs and human rights groups.

Accurate and timely intelligence is the best weapon for counter-terrorism. Accurate intelligence helps in preventing terrorist attacks, and if a terrorist attack happens, then it can help in a better response by security forces against a terror attack.

Organised crime has a network of criminals who want to earn money from illegal sources. Drug smuggling, human trafficking, etc. fall under organised crime, but many scams and frauds that involve government employees or civilians are also considered organised crime, like coal scams, security scams, and banking fraud. Controlling organised crime requires special training and special subject experts like computer, forensic, and banking related experts. The main problem with organised crime is that it has the network and power to influence the criminal justice system for its own vested interests. Political, police, and criminal nexuses have made it difficult to control organised crime. Another problem is that the police and administration focus on solving a particular incident related to organised crime and do not plan to eliminate a whole network of gangs related to organised crime. The Committee has suggested that the country requires an act like the United States' Racketeer Influenced and Corrupt Organisations Act (RICO Act) (Sirohi 2021). India needs to strengthen its extradition laws and firearms laws to control organised crime.

A non-statutory District Police Complaint Authority (DPCA) should be established to hear public complaints. The District Magistrate

will be the chairman of DPCA. The committee will consist of an Additional Session Judge, a district SP, and an eminent citizen nominated by the DM (Maruthappan 2021).

The Padmanabhaiah Committee also suggested that some offences be made federal offences so that the CBI does not face hurdles from states in investigations of serious cases (CHRI 2001:3).

The Model Police Act of 2006

The government formed a Committee in the year 2005 under the chairmanship of Soli Sorabji to formulate a new police act. The Committee submitted its report in March 2006. Seventeen states have formed new laws or amended existing laws to adopt the new model act.

State Police Board

The state government will form a State Police Board under the chairmanship of the Home Minister. The Leader of the Opposition, a retired High Court judge nominated by the Chief Justice of the High Court, the Chief Secretary and the Home Secretary will be members of the board. DGP will be the secretary of the board. The board will consist of five independent members with non-political backgrounds from academia, law, non-governmental organisations, the media, and other fields. These members will be appointed by a selection panel formed as per section 43 of this act. At least two women will serve on the board, and minorities will be adequately represented (MHA 2006: 31-32). The board will formulate guidelines for effective and accountable policing; identify performance indicators to evaluate police performance; form a panel for the selection of DGPs; and evaluate police performance according to the provisions of Chapter XIII (MHA 2006: 34).

Strategic Policing Plan

The state government will develop a five-year strategic policing plan in consultation with the State Police Board (SPB). The plan will identify the objectives that should be achieved in next five years. District SPs shall forward their requirements and expectations from the plan after consultation with the community. The government will place an annual performance report of the plan in front of the state legislature (MHA 2006: 30-31).

Police Accountability Commission (PAC)

PAC will inquire into public complaints against police. The commission will have five members. A retired judge of the High Court will be chairperson of the commission. Other members of the commission include a retired DGP rank officer from another state cadre, a person with 10 years of experience in the judicial and legal fields, a reputed person from civil society and a retired person with experience in public administration. There will be at least one woman in the commission. The government will appoint the commission's chairperson from a panel of three retired judges proposed by the Chief Justice of the High Court. Other members of the commission will be appointed by a selection panel. The selection panel will include the Chairperson of the commission, the Chairperson of the State Public Service Commission, and the Chairperson of the State Human Rights Commission. If a state does not have a Human Rights Commission, the Lokayukta or Chairperson of the State Vigilance Commission will be a member of the group (MHA 2006: 80-81). On the basis of a complaint received from a victim, another person, the National or State Human Rights Commission, or any other source, the commission will investigate serious misconduct charges against police personnel (MHA 2006: 83).

District Accountability Authority (DAA)

District Accountability Authority (DAA) shall be established in each district or group of districts to monitor complaints of misconduct against police as defined in section 167(3). The District Accountability Authority (DAA) will have three members. The Chairperson of DAA will be a retired district and session court judge. The other two members of the authority (MHA 2006: 88) will be retired senior police officers and a person with a minimum of 10 years of experience in the legal or judicial field. These three members will be appointed by the selection panel formed as per section 161(2) of the Act. The DAA will "monitor the status of departmental inquiries or action on the complaints of 'misconduct' against officers below the rank of Assistant/Deputy Superintendent of Police, through a quarterly report obtained periodically from the District Superintendent of Police" (MHA 2006: 89), report to the commission about the delay in departmental inquiry, and forward the complaint to the DGP if allegations are against the officers who hold the rank above the post of DSP.

Special Security Zones

The union government, with the concurrence of the states, can establish Special Security Zones in areas affected by insurgency, terrorism, and organised crime. Notification of creating Special Security Zones (SSZ) should be rectified by the state legislature within six months of issuing such notification. If there is a requirement to increase the time period of notification beyond the period of two years, then ratification of Parliament with the concurrence of the state is necessary. The DGP will formulate Standard Operating Procedures (SOP) to be followed by the police in the Special Security Zones. Additional courts can be created in SSZ for speedy trails. To maintain security (MHA 2006: 64–66), the government may prohibit the manufacture, sale, or entry of certain products or equipment into SSZ.

Community Liaison Group (CLG)

Community Liaison Group (CLG) shall be formed by the district SP in every police station. The Community Liaison Group shall include respectable people from that police station area. CLG shall have proper representation of gender and all professions. The Panchayat Samiti police station could send two representatives to CLG. The CLG will meet at least once in each quarter of a year. The CLG meeting will be attended by the SDM, Sub Divisional Police Officer, SHO and Circle Inspector. It will be open to the public. CLG will advise regarding emerging issues in the area, and SHO will include these suggestions in the annual report submitted to the district SP (MHA 2006: 50-51).

Police Welfare Bureau

Police Welfare Bureau shall be headed by an officer holding the rank of at least DIG. The Bureau will make norms and policies for welfare measures, monitor welfare measures for police personnel and manage the Police Welfare Fund. The Committee recommended insurance cover for police personnel who get injured, are disabled or lose their lives while performing their duty. A risk allowance was recommended for those police personnel who are engaged in counter-terrorism operations, commandos, and bomb squads (MHA 2006: 96-97).

The Model Police Act of 2006 focuses on accountability which was not the aim of the 1861 Police Act.

The Parliamentary Standing Committee on Home Affairs Report

The Parliamentary Standing Committee on Home Affairs has submitted 237th report on “Police-Training, Modernisation and Reforms” in February 2022.

Total sanctioned strength of police force is 26,23,225 and out of this, 5,31,737 posts are vacant. It means that there are 21 per cent posts are vacant in police force. This has created extra workload and compelling police to work overtime. This has reduced the efficiency of police. Filling up of vacant post in police department is necessary (PSC-HA 2022:82).

Presently women strength in police is 10.30 per cent. The committee wanted to increase the strength up to 33%. Every police station should have 3 women sub-inspector and 10 women constables. At least one all-women police station should be in each district (PSC-HA 2022:49).

Police required to be given training of latest technology to investigate and solve the crimes. Programmes on artificial intelligence, robotics, drone technology, forensic and ballistic sciences should be added in training (PSC-HA 2022:11). Nature of crime is changing. Cyber-crimes have increased from 27248 in 2018 to 50035 and most of cyber-crimes were related to financial transactions. Police training should be modified on changing nature of these crimes (PSC-HA 2022:17).

At the state level infrastructure development is necessary for proper training. Virtual class rooms, cyber labs required to be created. Some training centres should be developed as ‘centre for excellence’ for a specific subject related training (PSC-HA 2022:73).

Crime and Criminal Tracking Network System (CCTNS) is working in all states and UTs. In 16074 police stations, FIRs are being registered 100 per cent electronically. Integrating Crime and Criminal Tracking Network System (CCTNS) data with courts, prisons, prosecution and forensics will help in reducing of duplication of work and errors, speeding up the trail (PSC-HA 2022:80).

Virtual trail mainly for high-risk prisoners will reduce requirement of police personnel for escorting these prisoners (PSC-HA 2022:86). Unmanned Aerial Vehicle (UAV) should be used in security.

University should be linked with police to improve research in security, crime, law and order etc. The Committee found that Sardar Patel University of Police Security and Criminal Justice at Jodhpur, Rajasthan is the only University which is focusing on teaching and

research in the area of police, criminal justice, public security etc. The Committee has recommended that there should be at least one police university in each state. (PSC-HA 2022:13)

The Committee felt the need of training for police to improve their behaviour toward common people. As per committee there are three main components of training- knowledge, skill and attitude. Among these three attitudes is most important because it is the bedrock upon which structure of knowledge and skill is built. Police should learn soft skill to improve behaviour. So, the purpose of the training should be to mould the behaviour toward service of the society. There is need to shift from entitlement-based approach to rights-based approach to develop positive attitude in police and for this training courses should include soft skill development courses in training academy (PSC-HA 2022:14,83). Tribal and vulnerable groups have different type of customs and many times police is not aware about these customs and therefore it becomes cause of protest and agitation. Training manual required to be created for police to train them about the custom and culture of tribal and vulnerable group (PSC-HA 2022:16). The behaviour of the senior police officers toward people representatives has been not good. In this regard state should train officers to follow warrant of precedence while interacting with MP/MLAs (PSC-HA 2022:14,83).

The Committee had opinion that separation of investigation from law and order is necessary. It will increase accountability, professionalism, specialisation in police, speed up investigation and secure conviction of offenders (PSC-HA 2022:85).

Police Complaints Authorities (PCA) has been instituted by 31 states and Union Territories (UT). Committee found it necessary to form PCA from outside of police force. PCA should include retired High Court judges, retired civil servants or police officers, eminent jurist and women representatives (PSC-HA 2022:88).

Internal grievance redressal cell should work in time bound manner so that grievances of police personnel could be sorted out timely (PSC-HA 2022:67).

Cooperation and information provided by community is very important in maintaining public order and security. This requires continuous interaction and trust between community and police. States are working on it but lot of improvement still required. Community policing will help in using proactive and agile approach in combating crimes (PSC-HA 2022:70)

People living in border areas are well aware about geographical and social condition. These people can help in intelligence gathering and can assist police in emergency situations (PSC-HA 2022:78).

Reforms suggested by the Supreme Court in the Prakash Singh Case

When the executive and legislature intentionally avoided their duty and became lethargic toward reform, the judiciary and vigilant civil society tried to remind them of their duties. Retired DGP Prakash Singh filed a PIL in 1996 in the Supreme Court for the implementation of the National Police Commission report. After 10 years of hearings, the Supreme Court gave its decision in 2006. The Supreme Court, under articles 32 and 142, directed the government to implement the provisions of the NPC report. Broadly, the Supreme Court has given seven directions to improve policing in India. Many other police reform committees also recommended the same kind of reform as suggested by the Supreme Court. Therefore, analysing the Supreme Court recommendation will also help us to understand all the broad recommendations for police reforms in India in the past 4–5 decades.

1. National Security Commission

The National Security Commission (NSC) will review several issues related to service conditions, training, and the effectiveness of central police organisations (CPO). The NSC will also prepare a panel for the appointment of chiefs of CPO and put it before the appointing authorities. It will be headed by the Union Home Minister and include the chiefs of CPO. The Home Secretary will be its secretary.

2. State Security Commission

The police work under immense pressure from state governments. For efficient work, this pressure needs to be removed. The formation of this State Security Commission (SSC) will help the police to work autonomously. The SSC will formulate a broad policy for the impartial functioning of state police. The SSC will also analyse service-related matters and evaluate the performance of state police and will submit its report to the state legislature. The recommendation of the SSC will be binding on the state government. As far as the structure of the SSC is concerned, the Supreme Court said that the Chief Minister or Home Minister will be the chairperson of this commission and the Director General of Police (DGP) will be ex-officio secretary of this commission. For other posts in the SSC, governments can choose from the recommendations of the different committees that have been formed for this purpose. Different committees appointed for police reform have also given formation structure to the State Security Commission. Most committees on police reform have recommended that a leader of the

opposition, a judge from the High Court, and 3 to 5 non-political members be included for other posts in the SSC (SCI 2006). State governments can follow any form of structure that suits them.

3. Police Establishment Board

The DGP and four other senior police officers will serve on the Police Establishment Board (PEB). It will look at service-related matters like posting, promotion, and transfers of officers below the rank of Deputy Superintendent of Police (DSP). The state government could interfere only in exceptional cases, and that too, only after recording the reason for the interference. The board will also have the authority to make recommendations for posting and transfer of officers above the rank of DSP, and the state government will give all possible consideration to these recommendations. Officers above the rank of SP can appeal to PEB about their grievances related to posting, promotion, transfer, and other disciplinary action-related issues.

4. Police Complaints Authority

There will be two types of police complaints authorities (PCAs): State-level PCAs and district-level PCAs. The high-level Police Complaint Authority will hear complaints against police officers having the rank of SP and above. A state-level PCA will be headed by a retired judge of the Supreme Court or High Court. The state government will choose the head of state-level PCA from a panel of judges proposed by the chief justice. District level PCA will hear complaints against officers up to and below the rank of DSP. The district level PCA will be led by a retired district court judge. The district level PCA will be chosen by a panel of judges proposed by the chief justice.

The Head of State Level PCA and District Level PCA will also have a team of 4-5 full-time members. These members will be selected by the state government from a panel prepared by the State Public Service Commission (SPSC) or Lokayukt or by the State Human Rights Commission (SHRC). Members of state level PCA and district level PCA can be chosen from retired civil servants, police officers, or from civil society. As the inquiry into the complaint requires field investigation, knowledge of the subject, etc., the PCA can therefore hire retired police officers and pay them for their work.

5. Detachment of Investigation from Law and Order

Police investigations necessitate arduous efforts and expertise in a wide range of subjects. Process of investigation should be separated from law-and-order policing. This separation process can be started in urban areas that have a population of more than 10 lakh.

6. DGP Selection and Tenure

The Union Public Service Commission will appoint a panel of three senior IPS officers based on their service performance. Government will select a DGP from among these three officers, and the tenure of the DGP will be fixed for a minimum of two years, irrespective of the date of superannuation. A DGP can be removed after consultation with the SSC only if he/she has been found guilty under the All-India Service (Discipline and Appeal) Rules or convicted in a criminal or corruption case (SCI 2006).

7. Tenure of other Senior Officers

The tenure of Inspector General (IG), Deputy Inspector General (DIG), and Superintendent of Police (SP) and Station House Officer (SHO) who are on operational duties should be fixed for two years unless they are convicted of a criminal or corruption matter.

As international terrorism and organised crime are increasing, the Supreme Court asked the central government, NHRC and Bureau of Police Research and Development (BPRD) to submit their report in four months on considering terrorism and organised crime under defence as per Entry 1 of the Union List of the Seventh Schedule and as an internal security issue as per article 355 of the Indian Constitution (SCI 2006).

The Supreme Court directed the central government, state governments, and union territories to comply with the above direction by December 3, 2006, and asked secretaries of concerned states to file an affidavit of compliance by January 3, 2007. The apex court has also appointed the Thomas Committee to monitor the implementation of Supreme Court directions. Seventeen states have passed Police Acts, and the remaining states have partially implemented the court's directions. But mostly, these acts were passed out of compulsion and show no desire for or commitment to reform.

The Supreme Court's directions on police reforms are undoubtedly a step in the right direction, but many academics and police officers believe that these reforms are primarily concerned with politics and the police-community relationship. We need to understand that the

implementation of Supreme Court directions on reform is only one aspect of the reform. The Supreme Court's directions regarding reforms are based on the assumption that controlling political interference and autonomy for senior police officers will bring about the required changes in the Indian police. Definitely, the reduction of political interference will help in reforming the police, but we need to think of other aspects of reforms also. The police are still not people-friendly. FIR registration is difficult for ordinary people. We need to change that also. Reforms in training are also required to update police about new types of crimes like cybercrime. The efficiency of police also depends on how much police have expertise in forensic issues and how many forensic labs and equipment they have. The police need to improve their intelligence systems. Specialised police are required to handle riots (Singh, 2016A: 48-51). In light of this, the Indian police force requires reforms in the following areas:

1. British characteristics require to be changed

Many characteristics of British police in India must be eliminated by Indian police. Earlier in the Mughal and later in the British periods, the police's formational character was based on oppression and exploitation. Police should be there to remove fear from the hearts and minds of the people, but in the British period, the police and government were doing exactly the opposite of their duty. The police were created to instill fear in the minds of the people so that they would not resist or revolt against land revenue collection by the British government. The Indian police inherited the same oppressive character from the British era police force and that needs to be reformed.

The British police system was against democratic policy and diverse Indian society. The British were unconcerned about public welfare or resolving the problems of ordinary people. British policing was designed for order maintenance and not for crime control. We need to understand that the British designed the police system to fulfill their own vested interests. Their sole goal was to keep British rule in India and to suppress any activity that might get in their way. For this purpose, the police were given many discretionary powers. Police in the United Kingdom had the authority to register First Information Reports (FIRs), file charge sheets, keep case diaries secret, and use force. We adopted all these characteristics after independence, which need to be changed. The British police system was not accountable to the citizens. In post-independence India, the nature of the police should have changed.

Because the goal of the British police was to maintain law and order, public grievances were never a priority. As a result, British police did not address issues such as atrocities committed by higher castes, bonded labour, dowry, and so on continued after independence. After independence, due to the establishment of democracy, many laws were enacted to protect the rights of the poor, minorities, and women. But the nature of the police has not changed much. Legally, dowry cannot be taken, but we know that dowry is a common practice in almost every marriage. The same is true with issues like child marriage, illegal abortion, and caste-based biases. This is a problem of organisational culture where the aim is to earn money by all illegal means and not to serve people and sort out their problems.

But changes are now evident due to an increase in education and communication. Now the police have to take action, otherwise, people will agitate, or politicians will demonstrate, and the media will highlight the issue. The problem here is the unwillingness of the police to take action suo-moto.

2. Investigations Reforms

Conviction depends on investigation, but the investigation level of the police requires a lot of improvement. Many police-related cases are failing because of poor investigation. Lawyers for the accused are very sharp and can identify lacunas in technical and legal aspects of investigation easily. Therefore, an investigation officer should be an expert in all aspects of investigations. For this, police investigators should be given adequate training. Universities can start four-year police science programs, and graduates from these programmes should be the only ones eligible for police recruitment (Singh 2016: 49). Police should have their cadre of legal experts to guide police investigators.

The main tasks of the police are to stop crime and punish criminals. Punishment of criminals depends on evidence that police gather through investigations. If the investigation is not proper and perfect, the prosecution and judiciary will not be able to punish them. Many criminals are going scot-free because of poor investigation. Hence, the police need to improve their investigation methods, techniques, etc. We need to provide the necessary and latest equipment in forensic labs. Investigation officers also need to learn scientific methods to collect evidence and pack related materials from crime scenes. Timely forensic reports are necessary because many samples, like blood, fingerprints, etc., lose their quality with time and thereby weaken the case against the accused. The long-term preservation of samples for investigation raises

the possibility of wrongdoing on the part of the accused. Time should be fixed for the post-mortem report and injury report. Many times, government witnesses are absent from court. Forensic science lab experts, doctors, investigation officers, and others who assist police in investigations frequently avoid giving evidence in court. This helps the accused and their lawyers and weakens the police case. The government should make strict rules in this regard and should take necessary action against an expert or a person who is involved in an investigation and avoids court when required. The police need to have good coordination with prosecutors and the judiciary. The success of a prosecutor in a case is determined by how thorough the police investigation was. Police should avoid traditional and old (wrong) interrogation methods of torturing, abusing, etc. Today, the media, human rights organisations, and non-governmental organisations (NGOs) are all active. Any misconduct by police now reaches the public and tarnishes the image of the police. Now, police should be trained to focus on scientific methods of interrogation. For a better investigation, the investigating officer must know the history of a criminal or of a gang. Many times, it is not possible for varied reasons like the investigating officers being new to the area, etc. In this situation, it is better to have interrogators who have all the knowledge of the gang, their techniques, and their modus-operandi (Dubey, 2016: 117).

Observations of the 1902 Police Commission are still relevant to the investigation system in India. In 1902, the Fraser Police Commission mentioned that "a complainant often has to pay a fee for having his complaint recorded." More money is extorted as the investigation proceeds. "If anything, that situation has deteriorated" (Raghavan 2021: 118). The Commission has found corruption from the registration of a complaint to the submission of the final report. The general tendency of the police is to not register complaints and suppress them so that crime statistics remain low. This low crime statistic is favourable to both the police and politicians. More complaints mean more investigations and more work for the police. Many cases are sent for trial even without sufficient evidence to show high police clearance rates. The power of the prosecutor to send a case for trial is also limited, and they generally do not oppose the superintendent's decision to send a case for trial without sufficient evidence. All these practices result in a low conviction rate. The conviction rate in India is around six per cent. (Verma 2019, NCRB 1998:222). One allegation against the police is the use of coercive interrogation methods. Due to these third-degree methods, there were many cases of death in police custody.

At the district level, the superintendent controls all police stations and controls investigations into criminal and other cases. The problem here is that, generally, 200 or more investigation cases come under the supervision of the superintendent of police, and it becomes very difficult for him to monitor and guide every case. Therefore, most investigations into criminal cases are guided and directed by SHO (Verma 2019: 158). To remove these problems, the NPC has "recommended a system of surprise checks and inspection and effective supervision by honest officers" (Raghavan 2021: 119).

The goal of the police is to control crime, so the police training curriculum prioritises criminal investigations. However, as police officers begin working in the field, their focus shifts to law and order maintenance (Raghavan 2021:118). This hampers the timely investigation. There is no departmental practice of evaluating the performance of investigating officers in terms of cases investigated, cleared, and prosecuted. (Verma 2019:160)

Legal Restraint and Judicial Decision in Police Investigation

Proper investigation is a necessary requirement for controlling crime. There are many laws which police have to follow during investigations. But as police have been showing carelessness in this regard, the judiciary has given many directions for proper investigations.

A person arrested without a warrant cannot be held in police custody for more than 24 hours, and he/she has to be produced before a court within those 24 hours. The officer who arrests a person should be able to justify his action. An arrested person has the right to inform his relatives and friends about his arrest. As per the decision of Joginder Singh vs. the State of Uttar Pradesh (1994), the name of the person who was informed about the arrest should be mentioned in the police diary (Raghavan 2021: 119). The reason for the arrest should also be mentioned in the case diary.

In the Charandas Chawla v/s Commissioner of Delhi (1994) case, the Delhi High Court said that whenever the court requires/demands information about an alleged person in custody, the police must file an affidavit in this regard within 1-2 days and produce the arrestee before the magistrate (Raghavan 2021: 120). As per CrPC provisions, police cannot summon a woman and a person under the age of 15 to a police station for investigations. Police have to go to their residence for an examination.

In Vineet Narain and others vs the Union of India in 1996, the Supreme Court said, "If any investigating agency submits a final or

closer report in any case, the court has the right to satisfy itself that this conclusion has been arrived at on reasonable grounds" (Raghavan 2021:120). It means that the court can monitor an investigation and ensure fair investigations.

3. Strengthening of Specialised Units

Separation of law and order from the investigation is necessary. Investigation requires special skills and expertise that general police staff lacks. In the same way, handling riots and mobs is difficult, so we should have a police force that is exclusively trained for handling mob and riot-related issues. Specialized units are also necessary to solve different types of crime, like cyber-crime, narcotics, human trafficking, etc. (Singh 2016: 50). Timely intelligence can avert many crimes, and for this reason, many structural reforms are required in the police intelligence system.

4. Intelligence Reforms

The processes of intelligence gathering, analysing, and recording require improvement. Police staffs are generally not interested in joining an intelligence service. There are many reasons behind this. Jobs in the intelligence service are not seen as lucrative, and there is continuous political interference in the intelligence service. Governments in power use intelligence officers to get intelligence about their political opponents. This puts intelligence officers and staff on the radar of the opposition, who will target them whenever the government changes. Using intelligence officers for political intelligence also diverts them from their main duty of criminal intelligence. The latest intelligence systems also require the latest technical equipment and manpower trained according to changing modern requirements. The Confidential Notebook is also important in investigation and in managing internal security. But many officers are not taking it seriously (Tripathi 2016:61).

There are also problems in the management and administration of the intelligence branch at the state and central levels. At the state level, the Additional Director General of Police (ADGP) is the head of intelligence work. He manages the intelligence service from the state police headquarters and controls various branches of the intelligence department, like the administrative branch, the counter intelligence branch, etc. The ADGP (Intelligence) office receives intelligence mainly from two sources: (i) field intelligence branches, which are established in each district; and (ii) the District S.P. office.

This structure exists, but there is a problem here in administration. District police S.P. offices do not report regularly to the ADGP (intelligence) office. Field intelligence officers are also disinterested in intelligence gathering, collation, and reporting (Bhatnagar 2016:64). To solve these intelligence-related problems, first, we need to make the intelligence branch an attractive and prestigious job so that talented officers join in and work with enthusiasm. Intelligence staff should be given proper training, which includes advanced computer and other technological training. Officials from the intelligence branch should be stationed in the District Police SP, DSP, and police station so that the ADGP (Intelligence) office can receive all necessary intelligence and related reports regularly. The computerization of necessary records, reports, and interlinking computer systems from the state and centre will enable them to control crime and help in capturing criminals on time.

Coordination between the intelligence branch and other security agencies of the military and paramilitary will also bring positive results in controlling crime. Coordination and training arrangements for the intelligence branch should also be made with different specialised research centres of the country like DRDO, NASCOM, BARC, and ISRO. Research institutes can train them in the latest technology, and this will increase their professional ability. Central intelligence agencies interact with the intelligence agencies of other countries. Many countries, like the USA and Israel, have more efficient and developed systems of intelligence gathering and disbursing. India can train its intelligence officers there also. In the era of technology, advanced surveillance systems and cyber-crime detection capabilities are a must. If India wants an efficient intelligence system, then it needs to work in this area also.

5. Development of Human Resources

According to the Bureau of Police Research and Development (BPRD), the police population ratio in India is 1: 551. It means there are 181 police personnel per one lakh population, whereas the international average is 303 police personnel per lakh. In the United States, there are 334 police officers for every 100,000 people (Vohra 2016: 88). One-fourth of the seats for police personnel are vacant. Many police stations have a sanctioned strength of 8–10 policemen, which is very low, and with this strength, we cannot hope to establish law and order.

The increasing population and crime in India are increasing the workload and pressure on the police. New types of crimes like cybercrime, drug smuggling, etc., have further increased challenges for the police. To control these crimes, police not only need to divert their

strength to these areas but also need to provide specialised training for these new types of crimes.

Crimes are increasing with an increasing population, but the ratio of police personnel is not increasing in accordance with the population. Therefore, the police are overworked. In Karnataka, an investigation officer handles 355 cases per year (NCRB–1998, Verma 2019: 181). Investigating 355 cases in 365 days is impossible. There is a need to increase police strength. Along with that, for better management of human and official resources, there is a need to adopt better management techniques and scientific methods of investigation. A policeman should be capable of handling cyber-crime, forensic investigation, etc. Changes in training patterns are very slow, mainly at the lower rungs. A posting at a training centre is seen as a punishment posting. This also needs to be changed. Training instructors should be given attractive allowances and facilities.

Police behaviour toward citizens should be polite and of helping nature. Today, citizens hesitate and even fear meeting with police personnel. This has to change as soon as possible because many times, small issues like misbehaving result in large demonstrations and even riots. The Christopher Commission, which analysed the Los Angeles riots of 1991, found that there were a large number of complaints against some officers, but senior officers ignored them (Verma 2019:238). The rude and unprofessional behaviour of some officers compelled the people of Los Angeles to protest, and later these protests turned into riots. There should be a proper and effective mechanism for people to complain about police personnel. These complaints should be sorted out as soon as possible; otherwise, people's faith in the police will be lost.

Many suggestions have been made to improve the quality and level of policing. After 1902, the next police commission was appointed in 1977. Many committees were appointed in between, but the work areas of these committees were limited. The Gore Committee was appointed in 1971 to provide suggestions on police training. This Committee emphasised that the aim of training should not be limited to crime prevention and maintaining law and order, but also to make the police a service agency that can serve the common victim and weaker sections of society.

The National Police Commission (1977) recommended many changes in police personnel management. In its first report, the NPC said that constables are the backbone of the police system, and reforming their training and working should be given priority. According to the NPC, the crux of efficient policing is the effective and amiable street

presence of a well-qualified, trained, and motivated constable (Raghavan 2021: 218). The NPC emphasised that training should be a continuous process and should focus not only on crime and order maintenance but also on how to serve the people and how to solve their problems.

The elite nature of Indian police officers is also a problem. Their lives and work styles are influenced by British police officers. They treat lower-ranking officers and constables as their servants. This creates conflict within the organisation. Constables are paid less and have poor living conditions, which add to the problems. Because of these issues, lower-ranking police officers have frequently sparked riots. From 1981 to 1987, there were 307 organised protests by police personnel all over India. The highest number of protests were in Bihar (55) followed by West Bengal (53). From 1988 to 1993, there were 122 protests by police people all over India (Raghavan 2021: 225). The reasons for these protests were the maltreatment of constabulary by senior officers, the withdrawal of disciplinary proceedings against lower-level policemen, the grant of ration allowances, etc. These issues can be sorted out easily. Senior police officers should be trained to be humble toward lower-ranking officials. Pay, accommodation, and ration-related problems are not major financial issues. These issues only require determination and vision by politicians and senior police officials to correct these problems. When these problems are sorted out, it will minimise internal conflict within the police organisation and they will be able to focus more on controlling crime and maintaining law and order.

The police do not have any specialised agencies for personnel management. Personnel management encompasses recruitment, appointment, salary processing, travel claims, departmental inquiries, and so on. At the district level, SP is in charge of personnel management. He is assisted by ministerial staff, which is not an expert in this work. These personnel management staff rarely get training in modern management techniques. The absence of specialised personnel management staff reduces the quality of internal management.

6. Infrastructure Development

Accommodation facilities for police are required to be improved. Generally, police accommodations are within the premises of a police station. The aim of this was to ensure that they do not get wrongly influenced by outside people and that they can reach the police station at the earliest in case of an emergency situation. But due to the increasing strength of the police, proper accommodation is not available and whatever accommodations are available are not in good condition. Police

family accommodations are much less than the actual requirements. There are around 5.40 lakh houses, where the requirement is for 16 lakh houses. The conditions of existing police houses are not good. Many times, police personnel reach out to politicians for out-of-turn house allotments. This again paves the way for political interference by politicians. Those who obtain accommodation as a result of a political approach are required to obey numerous illegal orders issued by politicians.

Police stations are also struggling with resources. Police stations are deficient in transport, weapons, equipment, communication, and forensic support. There are fewer than 7 vehicles for every 100 policemen in the country (Vohra, 2016: 91). Many police stations still have .303 rifles, whereas terrorists and Maoists use AK-47s and other modern weapons. In this situation, how can we hope that the police can fight terrorism and other internal security-related issues? Forensic reports play a major role in solving any case or charging sheet against any accused. But forensic labs are overloaded with work. If we take data from 2012, then there were 5,61,914 reports pending for forensic examination (Vohra, 2016: 92). Around 350 police stations do not have telephones; 107 do not have wireless sets; and 38 do not have either telephones or wireless sets (Vohra 2016: 91).

Proper management of police records helps in solving criminal cases on time. But the police record management system is not good. It is not updated timely, and there are several infrastructural and human resource-related problems with record management as well. Several initiatives to computerise police records have been undertaken but due to technical and administrative reasons, the desired result has not been achieved. There is also no proper mechanism for state and central police agencies to share records (Singh 2016:51). Record maintenance is so poor that in Bihar it is not even known how many police personnel are serving (Verma 2019: 182).

7. Police Reform and Technological Advancements

Technology helps in better management and control of an organisation. In India, the police are overloaded with work due to a deficiency in staff. According to an NCRB report from 2002, more than 50 lakh cases are registered each year, out of which approximately four lakhs are convicted by the court. Around 10 million people interact with the police every day. Generally, a district-level police station gets 300–500 cases every month, and the case diary for each case is usually around 50 pages (Verma 2019:228). Collecting, managing, and maintaining so much

information is very difficult. Investigation of cases is also rigorous as it includes data collection, collation, and analysis. In police cases, even a minute detail is important because it can change the outcome of the case. As cases continue for years, maintaining all records is necessary. Adoption of the latest technology is necessary in this regard.

Indian police work is basically limited to order maintenance. It lacks a proactive approach. The use of computers is limited to storing crime data and other official information, whereas vast amounts of data can be used to stop future crimes. This approach to using data needs to be developed. Crime investigation requires a large amount of data, not only of the particular case they are investigating but also of other cases because criminals have a long history of crime, and therefore the success of an investigation depends on analysing large amounts of data. Computerisation can help in the quick analysis of data.

The police station is the main source for ordinary people to file complaints and reports. In a police station, the SHO has the authority to decide whether the complaint is credible or not. Overburdened higher-level officers are generally not aware of day-to-day cases and they are briefed by the SHO. Therefore, the SHO's views and choices are determining factors in cases. The computerisation of cases will help senior officers in monitoring cases in better ways and also control the police station's partiality toward any party or group that has filed the case.

A computer helps in creating institutional memory. Police officers generally get transferred, and with their transfer, most of their knowledge about the area, criminals, and society goes to waste. But if these details are stored on a computer, then it can be helpful for newly appointed officers.

Technology also helps in getting cooperation from citizens in the prevention of crimes. Police, through websites and other online sources, publish details about criminals. This makes people aware of criminals, and they can help and inform the police if they find the location and activities of these criminals.

The Geographical Information System helps in analysing the spatial dimension of criminal incidents. The New York Police Department has started COMSTAT (Compare Statistics) to control crime. It included focused investigations, internal communications, sharing information, decentralised management, etc. Technology played an important role in this. A Precinct Commander was appointed at New York Police Department police headquarters to analyse crime patterns. A COMSTAT book was prepared which provided yearly, monthly, and

weekly crime statistics for all major crimes. The Strategic and Tactical Command (SATCOM) was established to control drug crime (Verma 2019: 245–46). Computer-generated crime maps also helped in the fight against crime. The map provided the location of criminal activities and the bases of criminals. It helped the police authorities with the efficient deputation of the police force.

Many new technologies exist, and Indian police need to use them to improve policing. Facial-Retina signature, topology, smart gun lock, DNA analysis, firewalls, geographical profiling, criminal profiling, and ecological analysis can be used for crime prevention (Verma 2019:247). The use of electronic voting machines (EVMs) has made booth capturing difficult. These technologies are being used, but there is a need to improve their efficiency and scope. Universities and research institutes can play an important role by working on new technology for crime prevention. The states have started the process of modernisation with the help of the central government, but we still have a long way to go.

8. Dual Control

Civilian and administrative control over the police has increased. Section 4 of the Indian Police Act (1861) put district police and SP under the control of the District Magistrate (DM). At the district level, DM is the chief law officer and the police work under his control. The budget is in the hands of the Home Ministry, which is controlled by civil servants. The police budget, policy, and personnel service conditions are under the control of the home secretary, who is also an IAS officer. Even at the state level, the DGP is under the Home Secretary. Police ranges are smaller units than revenue divisions, and this made DIG (Deputy Inspector General) a subordinate of the Divisional Commissioner. Many times, a junior IAS officer becomes Home Secretary and he orders the DGP (Director General of Police). This has created a superior-subordinate relationship between the IAS and IPS cadre and a rivalry between these two services. These anomalies need to be corrected. The IAS lobby has also opposed the implementation of the police commissioner system. The National Police Commission, in this regard, has suggested that control of civilian bureaucrats should be removed and an independent Security Council should be formed. But many civilian bureaucrats have opposed this. As the NPC report has not been implemented, this reform is still pending.

9. Reform of Armed Police Forces

The Indian police are still relying on armed policing, a system that the British established in India. The Indian Police have been mostly busy maintaining law and order related problems. Controlling crime has become a secondary issue. To maintain order, it has relied on armed policing, which is not a sign of developed society or advanced policing. According to the Indian Police Act, the police are a civilian force, but the role of armed police is increasing. India's dependence on armed policing is increasing and many armed police forces have been created like the Rapid Action Force, National Security Guard, Special Protection Group etc. Every state has its own armed police force, the total strength of which is now around 2,82,000 personnel (Verma 2019: 39). Increasing cases of protests, riots, and terrorism have further strengthened states' belief in the armed forces. Police firing in the year 1995 was 2902, in which 2219 civilians were killed and another 1603 were injured (Verma 2019:58). Armed police forces are used only for law and order purposes and cannot be used for crime investigations. The National Police Commission (NPC) has recommended the dismantling of armed police forces, but present situations around the country will only further strengthen armed police forces. Armed policing has further increased the central government's control over the state as it has the power to send an armed police force into disturbed areas. Indian armed police have not been given the power to arrest, search, and investigate, whereas many armed police forces in the world have such powers.

10. Discretionary Police Power and Reforms

Police use discretionary power to determine the nature of complaints, to maintain order, to settle disputes, to determine when and where to arrest people involved in crime, and even to determine which law to enforce. Police culture, the politicisation of police, operation environment, policing style, the seriousness of the crime, complainant personality, and relationship with the offender all influence discretion.

Riots, Communal Violence, and Discretionary Powers

Riots and public demonstrations started with the independence of India. During India's independence, there were riots between Hindus and Muslims. Large-scale riots occurred in parts of the country. Public unrest has resulted in large-scale riots. These incidents and riots were major lessons for the Indian administration and police. Since independence, India has been continuously facing riots, demonstrations, and violence over caste, religion, etc. The police have developed some strategies to

control all these issues, and they use their discretionary power to establish law and order and to maintain peace. As very few western countries face riots, large mob violence, and communal disputes, their experience in handling such situations with discretionary power is limited. Continuous riots, agitation, and demonstrations have diverted the Indian police from controlling crime to maintaining law and order. Increasing riots also compelled the government to establish anti-riot units and armed units of the police.

Indian law has left a vast scope for discretionary judgment in matters like riots, communal violence, etc. Handling mob violence, large crowd gatherings, and riots are extremely challenging, particularly in a democratic structure. Under Article 19, people have the right to assemble, but under Section 127 of the CrPC, the magistrate and police have the power to declare an assembly unlawful. But generally, the use of this power is done in extremely rare situations because, in democracy, people have the right to protest. Mostly, assemblies of people are permitted, and police focus on how the rally protests or other kinds of assemblies remain peaceful. To sort out these problems, the police force needs to understand the area well. They need to understand population composition, local politics, the causes of previous conflicts, and whether there are active criminals in that area. Police need to work more on these issues because their community policing and beat systems are weak and there is no systematic pattern to study and analyse the causes of previous conflicts, local issues of conflict, etc., which can help in avoiding conflicts or riots. Everything depends on an individual officer's intelligence and interest in these matters. The approaches and actions of the police play an important role in controlling the riots.

There are laws which restrict the misuse of power by the police, but the scope remains for their discretion. For example, as per Section 165 of CrPC, police require an independent witness for search and seizure, but still, police have many discretionary powers in the matter of arrest, search, seizure, etc. Police can arrest a person based on suspicion without getting a warrant from a magistrate. Under Section 151 of CrPC, police can arrest a person even if they have not committed any crime on the ground that they have some information that he may commit a crime. According to the court, in this regard, discretion is vested in the police and that discretion cannot be questioned (Omprakash, 51, Cr. L.J. 143, Mad) (Verma 2019:55). The police have the power to keep an arrested person in police custody for 24 hours. After that, he has to be released or brought before a magistrate. This provision assists police in apprehending those who incite violence through their speech in a large assembly or during a demonstration. Police have also had discretionary

search power. As per Section 165 of CrPC, the investigating officer can search any place if he/she has reasonable grounds for such. The court has even said that evidence recovered from illegal searches is admissible (AIR 1965 Orissa 136–137) (Verma 2019: 56). In USA, police do not have such discretionary power to search.

Many commissions appointed for the inquiry into riots have given many suggestions to improve police performance. The Jagmohan Reddy Commission was appointed to inquire into the 1969 Ahmedabad riots (Raghavan 2021:77). It observed that police have acted lately when situations got out of control and later it becomes difficult for them to control. Another mistake is a lack of ability to analyse a developing situation. The police and administration ignored isolated incidents which later played an important role in igniting religious feelings. Ignoring facts and also small incidents made the situation out of control, and then it became difficult for police to control the situation. Another problem in controlling riots is the utter lack of coordination between police and army units. Political interference in police work and investigation hamper the police's ability to control riots. All these mistakes need to be corrected. A pre-emptive approach is required to handle riots. The government has identified some districts that are sensitive to riots, and police need to be extra cautious about it. The creation of RAF under CRPF has given a positive result in controlling the riots.

Maintenance of law and order during religious festivals

Crowd management during religious festivals necessitates discretionary power because law imposes limitations and the government do not have specific guidelines to govern religious festivals and processions. In this regard, police have discretionary power in two areas: (I) controlling physical situations and (II) controlling participants (Verma 2019: 59). To control a physical situation, the police try to control the time and place of the procession. To manage a procession, the police use Section 24 of the Police Act of 1861. Section 24 provides the power to manage traffic on public roads. Section 24 has a further provision that a license has to be obtained from the police to take out a procession. Under Section 24 of CrPC, a proper route chart is prepared by the police, and the organisers have to follow that route chart. Many times, organisers emphasise a particular route for a procession, which may result in a communal clash. In this situation, the police deliberately delay processing the application so that there is little time left to go to court. To maintain control over the participants, the police collect intelligence and maintain surveillance

over the organisers. If any chance of confrontation occurs, then police generally take action under CrPC Sections 151 and 153 A.

In most cases, the procession is controlled by police, and many times, plain-clothed officers blend in with the crowd to keep an eye out for mischievous elements. To avoid any communal incident, the police must remain vigilant throughout the procession. The police's discretionary power to reduce time and participants raises many questions about the police's decisions, and the opposition accuses the police of bias. A mistake in a decision may result in disastrous consequences. The Bhagalpur riots of 1989 prove this. In that incident, police decided a particular route that the organiser had to follow at the time of the procession. The leaders of the procession tried to change the route. Police delayed taking a decision about how to control this changing situation. Meanwhile, some mischievous elements did some miners' explosions and the mob became riotous, which resulted in Hindu Muslim riots and thousands of people died in this violence (Verma 2019:60).

Maintenance of political demonstrations

To control political demonstrations, police generally earmark a place for demonstrations. This helps the police in many ways. Police know where to put barricades, how to drive traffic, etc. There is no rule to prohibit protests at other places, but police generally stop gathering at other places on the ground of traffic management (Verma 2019:61).

The police establish close relations with the organisers so that the demonstration can be conducted peacefully, and if anything happens during the demonstration, it can be sorted out with the help and mediation of these organisers. When demonstrations last too long and cause problems for the public, the police employ a variety of tactics, such as cutting off water supplies, removing food vendors, and so on. Uttar Pradesh police used these strategies to end a yearlong farmer agitation over three agriculture reform bills. Whenever chances of confrontation are seen, the police arrest some leaders so that the crowd can be dispersed easily.

Discretionary power also raises questions over the impartiality of the police. If any group has a view that the police are showing partiality to another group then it becomes very difficult to control protests, so discretionary power should be used very cautiously and intelligently.

Maintaining public order

Communal riots have been going on since independence. Ram Mandir, India-Pakistan division, Mumbai blast, Babri masjid demolition, Godra train burning, Gujarat riots, etc. are some of the examples of continuing incidents of communal violence. Chapter VIII of the CrPC (Section 141-158) deals with public disorder.

Corrupt administration, centralization of power, and lack of accountability are also responsible for public disorder. Protest is a normal part of democracy, but a continuous protest by political parties or by other groups shows the inability of the government to meet the expectations of the people. Corrupt bureaucracy and the criminalization of politics has increased public unrest because criminal politicians do not care much about people's problems. The Indian judiciary is overburdened and pending cases are rising. Delay in justice makes people violent. The causes of the problem are also the large population and the limited resources. 5-8 million people die every year due to malnutrition and disease. The lack of employment opportunities in rural areas increases migration to urban areas. So, the police cannot solve all problems. Many crime and law and order related problems need to be solved by social and economic reforms. More political and administrative power for the underserved will also improve law and order issues. More political participation by ordinary people will solve many problems of law and order.

Many discretionary powers are misused by the police. Police have discretionary powers to decide whether an incident is criminal or not, whom to arrest, and what sections to use against the accused. When to use a weapon, whether to register a criminal case or not, etc. There is a provision that says a complaint could be registered through a letter, but the department has not yet established any mechanism to make use of this method. Under section 54, the SHO should register an FIR in cognizable cases. But many times, police avoid registering cases to show low crime rate data or to lower their workload. Many times, when they register an FIR, they do not give the FIR copy complaint.

During a criminal investigation, police have the authority to make arrests, searches, and seizures at their discretion. Many times, police arrest a person to show the public and media that they have achieved something in a case. Many times, police release an accused or suspect because they have high political pressure to release him/her. Whether to permit a demonstration or not, when to permit a demonstration or procession, and for how much time, etc., are all discretionary powers of the police. The ruling party frequently puts pressure on police to make

every effort to disrupt an opposition rally. This makes the image of the police partial. Many police officers follow the instructions of political leaders in order to get the desired transfer and posting.

There are some situational public order issues with which the police have to deal. Controlling cheating in exams, mainly in board exams, traffic and environmental related issues etc. Controlling cheating in exams is mainly the task of educational institutions, but it has become so institutionalised that the police have to intervene. For example, in 2021, an exam for teacher recruitment was cancelled due to a paper leak. Then the police had to investigate the paper leak case and had to arrest the culprit. A few years ago, many politicians were arrested in Haryana in a teacher recruitment scam. All these paper leak issues or cheating issues can be controlled with institutional mechanisms. For example, there is hardly any issue of paper leak when the Union Public Service Commission (UPSC) conducts exams or Kendriya Vidyalaya (KV) conducts its teacher recruitments. The point here is that a proper mechanism, framework, and transparency will ensure a fair exam and the extra burden on the police will be reduced.

The police have not been able to improve their professional capabilities. The police suffer from human resources and personnel management problems, a lack of proper administrative mechanisms, and a lack of adoption of modern technology and information systems in their operations (Verma 2019: 68–69).

During the British period, the police department framed the rules for the use of discretionary power. Every decision has to be documented, and the reason should be mentioned for that discretionary decision (Verma 2019: 183). But after independence, the rules for the use of discriminatory power were not framed, and therefore discretionary power was misused.

11. Political Interference

Political interference is seen as the main obstacle to the transparent work of the police. In this regard, we need to remember that India is a democratic country where the people give power to the politicians to govern. When they govern, they will definitely instruct the police, and there is no harm in these instructions. Not only in India but also around the world, politicians directly control the police. A problem arises when politicians use the police for their vested interests and punish honest police officers for their honest work. This should be stopped at all costs.

Political ignorance and mismanagement are hurdles to reforms. The politician does not have the depth of knowledge and gives such

kinds of instructions that compel the police to take such kinds of actions that further deteriorate the system. In Uttar Pradesh, the government issued an order to reduce crime by 50 per cent during a period of emergency (Tripathi 2016:58). To demonstrate a 50 per cent reduction in crime, police began to conceal crimes, discourage complainants from filing FIRs, and so on. This needs to be changed. The effectiveness of the police and the government cannot be measured solely by crime statistics. Opposition parties, NGOs, etc., use these crime statistics without in-depth analysis or mould the facts and figures according to their own requirements. This puts unnecessary pressure on the police and government. This pressure results in the concealing of crime and the manipulating of data.

After independence, politicians interfered less in police matters because most politicians had fought in the freedom struggle and had a dream of establishing a better India. After 1967, new political parties and new leaders came into power, and they aimed to somehow maintain their power. Even at the centre, police and power were misused by the government during the emergency. A politician wants to retain power. They also want to earn quick money by hook or crook. In this, the police became the main source of implementing their agenda because the police had the power and resources to carry out their agenda. Many transfers are done on the basis of how much extortion money he/she can collect from a particular area (Verma 2019:164).

Today, the police are more dictated by politics than by law. The politicization of the police is a big problem in India. The police are used to gather political intelligence and harass political opponents. The police's ability to ensure a free and fair election has been seriously compromised by the politicisation of the police. Anti-social elements who are aligned with the ruling party and help them win elections also get a free hand when their party comes into power. Politicians demand the release or arrest of some accused. They frequently intervene to release some criminals or weaken their cases because these criminals helped them win their elections.

Police obey the legal or illegal demands of politicians because they have all the power of transfer, posting, and also many tools to harm police personnel who do not obey their orders.

Political interference makes the transfer from police chief to constable. Many time transfers are done on the basis of caste and religion. The caste of the chief minister and cabinet minister played a significant role in transfer and posting, as seen in Uttar Pradesh, where several parties ruled for seven decades.

Political interference in the police is caused by organisational mismanagement and the police's reluctance to resolve common people's grievances. They do not solve public grievances. The police are overloaded with work and they do not want to add more burdens. Police are under pressure to show a low crime rate, so they do not register cases. Another reason is that a culture has been established that police avoid work if a bribe is not given to them. Lack of expertise of police personnel in different types of crimes, like cyber-crime, etc., also increases public grievances. Many times, police take a partial approach due to religion, caste, area, or kinship issues. All these issues pave the way for political interference. If the police delay or ignore an ordinary man's problem, the only solution for the ordinary man is to seek assistance from local politicians. As politicians are representatives of the people, they will definitely raise these issues. From the registration of cases and the arrest of the accused to the prosecution level, people face several difficulties and they have the only available option, particularly in a democracy, to take the help of politicians.

The police have many discretionary powers, like approval of gun licenses, etc. In these matters, the public takes the help of politicians to get their work done. In many civil and criminal matters, police make reports, and this report usually decides the case. Even on these issues, people knock on the doors of politicians so that a report can be prepared in their favour (Verma 2019:174). As politicians are public representatives, they have to show their activeness and they need to prove that they are making all efforts to solve public grievances. For this purpose, they start pressurising the police.

But there is another side to this also. Many times, police personnel, senior police officers, or police associations pressurise politicians for their own vested interests. The Odisha Police Association is a union of inspectors, sub-inspectors, and assistant sub-inspectors. The association pressured the Odisha government to stop the direct recruitment of Deputy Superintendents of Police (DSP) in 1977, citing the Gore Committee report. Since then, there has been no direct recruitment for the DSP post and it has impacted negatively on police work (Tripathy 2016: 71). So it is not only politicians but also the police that are responsible for creating the political-police nexus.

Police, administrative officers, and politicians are not interested in reforms. Although everyone is raising their voice for reform, in reality, barring a few, no one is interested in reforms because the present system suits politicians, police officers, and administrative officers. This link of mutual vested interest needs to be controlled and a senior police officer

can play a major role in it. Senior police officers need to take a tough stand against wrong instructions by politicians. Their will power and courage will definitely reduce political influence in the police system. On the one hand, democracy allows political leaders to interfere in the police system, whereas on the other hand, the same democratic system can compel politicians to not interfere wrongly in police matters. India is a vibrant democracy. As education, legal awareness, and means of communication and transparency (like RTI) are increasing, people will and can raise their voices against political misconduct. Many NGOs and the media are active in this field. So, honest police officers will no longer be alone. Many senior police officers have proved that, despite political interference, the system can be improved. B.N. Mullick, N. Swain, Prakash Singh, and KPS Gill are some examples in this regard who have proved that determined police leadership has the power to reform the system despite all odds.

12. Democracy

Democracy has given the power to the hand of an elected representative. Elected representatives have the power to make laws and formulate policies, and the bureaucracy has to comply with them. This democratic system, to some extent, makes the police accountable and responsible to the public. Free media also helped the people to resolve their grievances. But the police have also become a tool for politicians and politician and police have misused discretionary power of the police. Politics and the police nexus have a negative impact not only on democracy but also on the impartial functioning of the police.

We need to understand that in democracy, an empowered society is the basis of reform (Rai 2016: 83). Police reforms are like a dilemma triangle. Three angles are politics, police, and the public. At present, politics and the police are linked, and politics is influencing the police in negative ways. From this, we are trying to move toward police and public interlink and trying to reduce politics and police links. This step is good, but the problem here is that these attempts are more formal and we have not been able to make the police sensitive toward the public and its problems. The third situation is politics and public interlink. This will ensure that politicians will do or instruct the police to do whatever is suitable for the public, and this will form the right combination, and the police will be sensitive to the issue of the public. But the problem with aligning politics and the public is the weak democratic structure in India (Rai 2016: 84–85). People are not aware of their democratic rights. Without political will power, sensitive policing and an empowered

society are not possible (Rai 2016:85). This means that social and political reforms are interlinked with police reform.

13. Command and Control Structure

Practically, many changes are required in the command and control structure. Senior-junior relations have changed. The earlier Superintendent of Police (SP) was much stronger. But now his power has been unofficially limited due to the continuous political interference. If SP appoints an officer or staff member in a police station who is capable of establishing law, order and peace and the local leader is against that appointment, then SP cannot do much because the political leader will use his party power and, from state police headquarters or through the minister, he could reorder the transfer of desired officers. In general, politicians emphasise the appointment of officers based on caste, religion, or financial considerations. Officers appointed on the basis of political recommendation or on the basis of money will not care much about justice, law and order. Their preference will be to make money. Many times, SPs themselves are transferred because they have not done the transfer of police personnel according to the desire of politicians. Junior officers frequently have direct links with politicians and ministers, and as a result, they are not much concerned about the orders of the SP or another senior officer. This makes honest senior officials helpless. Even after doing so, the government still expects senior officers to maintain law and order well. This police-politician nexus is also responsible for increasing competition in the system. Politicians think that their government is only for five years, so they try to make money as much as possible. This work cannot be done without the support of the police. So they try to get the police on their side. This ultimately corrupts the police system. The police have many discretionary powers that are also responsible for corruption. The crux is that senior officers should have adequate command and control over their forces so that they can perform their duty and serve people well.

14. Police Station and Administration

The police station is the axis around which the whole police administration runs. The police station is the base structure, and its proper functioning ensures the success of the police administration. The police station is also the first point of interaction with police for ordinary person. Due to this prime role, the police station is supervised and regularly inspected by everyone from circle inspectors to DIGs. Even CID and other vigilance bodies also observe and instruct police stations.

To improve the police system, it is necessary to improve the functioning of police stations. To improve the system at the police station level, we need to understand the problems that police stations face.

A person can file an FIR at a police station. Allowing the filing of an online FIR will restrict the misuse of discretionary power by the police in this regard. Many issues can be solved by regulations and the mediation of the police. So, before finally submitting the FIR, the complainant can be given the online option of negotiation/mediation or of immediately filing the FIR (Singh KP 2016: 48). A legalised alternative dispute resolution can be established at the police station level to shorten issues through negotiation or mediation (Singh KP 2016: 48). Online filing of non-FIR related grievances can also be allowed. This will reduce the work burden of the police and will increase management efficiency.

The police department also faces financial scarcity. Police are even more neglected financially because it is not a revenue-generating department. There was no direct funding for police stations, and police stations had to be dependent on SP to complete their financial requirements. For every small or large financial demand, they have to request the SP Office.

The inspection register is a valuable resource for learning about the inner workings of a police station and its problems. The tradition of maintaining an inspection register at police stations dates back to the British period. Senior visiting officers at the police station level used to write their comments in the inspection register. These remarks reveal the colonial police system's priorities and policies. Arvind Verma (2019: 21–47) mentioned a case study of an inspection note for Motihari Police Station. The importance of these note inspection comments is that the same system of inspection and comment writing is still in use in independent India. There is not much change in inspection notes in independent India. In simple words, colonial police culture still exists, and reforms in this area are very important if we want to make the police efficient and an instrument of serving the people. During British rule the visits of senior police officers to the police station were sporadic and occasional. It was more to complete the formalities and was not focused on the qualitative improvement of police stations and police forces. Police records from the United Kingdom show that even when the crime was on the rise, visiting police officers made no comments in that visitor report. Visiting officers generally commented on the building and other infrastructure of the police station, as well as the uniforms and physical appearance of the police forces. But they were less concerned about the

security situation in that police station area. They never tried to get a first-hand report from the public about the law, order, and crime of that police station area. The design of the police station was made in such a way that it was used to keep the general public away from the police. From British time to today, the police station had no room for citizens to sit and be received by police personnel. The high walls of the police station and the armed constable at the gate were to ensure no easy access to the citizens. Accommodation facilities for visiting police officers are lavish and spacious, whereas those for lower-ranking officers and constables of police stations are small and poorly ventilated.

15. Crime Measurement

The type of crime decides what type of policing is required. For this, we need to measure crime. Crime measurement is a difficult task, and in India, it is becoming more difficult due to more population and structural problems. For the measurement of crime, the Bureau of Police Research and Training (BPR & D) was established in 1953, but it could not publish crime on time and had several shortcomings. The National Crime Record Bureau (NCRB) was established in 1984, and since then it has been publishing crime data annually. But there are many question marks on the crime data provided by the police because (i) the NCRB obtains information from the state police headquarters. State police headquarters collects from district SP, who collects from the police station. But there is a difference between the monthly data given by police stations to the CID and the yearly consolidated data submitted. This needs to be improved. (ii) Many crimes are not reported to the police because many people think that crime is too trivial to be informed about. (iii) The police are considered to be corrupt and incompetent. (iv) The weaker sections of society lack knowledge and are unaware of the legal process for filing complaints. (v) The process of crime registration is complex and time-consuming. (vi) If the offender is powerful, then the victim is hesitant to file a case. (vii) Crimes against women are less reported due to fear of social disgrace (viii) Police often discourage crime registration because more cases mean more burdens. (ix) Many offences are ignored, like dowry, untouchability, bond work, etc. Many times, police try to settle disputes through mediation and not by legal procedure. (xi) Minimization of offences is also a serious problem. Many times, decoy crime is considered a less serious category of robbery. Burglaries are minimised as theft. Due to minimization, we could not get a real picture of criminal activities.

The classification of crime is also not good. There are no valid criteria for designating an act as a serious offence. Physical harm is divided into grievous and non-grievous types. But many times, non-grievous harms become as harmful as grievous harms. In multiple offences, only one serious violation is counted. So, in registering a case, damage to property and other such crimes are not counted. In the same way, an offence involving several actions is also considered a single offence.

Calculation of the rate of crime is also not accurate as a population census is done once every 10 years. The population increases every year, but the denominator remains the same. Some experts have even suggested not including the whole population as a denominator, like children, elderly populations, and women are not involved in crime, and the population involved in crime is generally aged between 16 and 35 years.

The methods of compilation and classification of crimes are also inadequate. The NCRB has compiled offences into 2 categories: (i) crimes under the IPC and (ii) local and special laws (LSLs). These two have been classified into several sub-categories. One sub-category is "other crimes." High percentages of crime are under the "other crimes" category. The percentage of crimes in the "other crimes" category is 54% for IPC cases and 70.9% for L & SL. Therefore, this classification needs to be improved. Crime data also does not present the right statistics for murder cases because multiple murders in a single incident are counted as solitary murder cases (Verma 2019: 92).

An expert has suggested two other methods for better measurement of crime: (i) the victimisation survey method and (ii) the self-report type. When crime data was collected using these methods, there was a 200% increase in property-related cases compared to the actual data provided by the FBI (Verma 2019: 90).

16. Terrorism in India and the Police Reforms

Terrorism and the Naxal movement started in 1967 and have continued till today. Several Naxal and terrorist groups have emerged and created security problems in India. Terrorist activities are aided by neighbouring countries like Pakistan, China, and Afghanistan. The government is using two strategies: (1) negotiation to discuss the problem and (2) counter-terrorist operations against terrorists. Many groups have renounced armed struggle and joined the mainstream. Terrorism in Jammu and Kashmir and other parts of India is a major challenge, not only for security forces but also for the police. In Kashmir, the situation was very

critical. Here, terrorists adopted two main tactics: First is the occupying of main Islamic places of worship and the abduction of civilians, government officials, and foreign tourists. The fulfilment of a terrorist demand in the Rubiya Sayed case encouraged terrorists to carry out additional abductions. From 1989 to 1995, there were around 1700 abductions in J & K and terrorist have also abducted tourists.

In the majority of terror incidents, state or central police forces were the first responders. After independence, the police had to face the challenges of terrorism and insurgency. This problem became more challenging because terrorism, insurgency, and Naxalism in India were supported by India's neighbours. The insurgency in the North-East and the Naxal movement were supported by China. During the period 1983–1994, 1777 police officers were killed in the course of combating terrorism in Punjab. This includes eight IPS officers (Raghavan 2021: 73). Many police personal families were targeted. Two senior officers who played an important role in countering terrorism in Punjab were J.F. Riberio and KPS Gill.

To counter-terrorism, police use armed methods. Apart from this, it also uses nonviolent techniques. In Punjab, it designed armed tractors that could be used in agriculture fields. The police used terrorist group rivalry and supported internal fighting among groups. It also broke up terrorist organisations through infiltration. Andhra Pradesh police used media and propaganda techniques to counter-terrorism. It hired and paid writers and poets to counter the ideological narrative set by communist organisations. Former communist members who broke away from the party used to speak against communist ideology.

The security of VIPs and other important people is mostly in the hands of the state police. After the death of Indira Gandhi, a special protection group (SPG) was formed in 1985 to protect the VIPs of the central government. But even after that, Rajiv Gandhi was killed by terrorists in 1991 at an election rally. The assassination of Beant Singh by terrorists in 1995 as well as the assassination of many leaders of the Naxal movement and the North-East insurgency, also demonstrates the need for police to improve their quality.

Every year, many police personnel lay down their lives in an insurgency, terrorism, and Naxal attacks. Though the police are trying to improve their strategy against the enemy, a lot of improvements are still required at the level of planning, infrastructure, recruitment, etc. The use of new tactics by terrorists is also compelling police to improve their training, recruitment, equipment, weapons, etc. The police also have to tackle human rights and violence-related issues.

17. Community Policing

"Community policing" means the role of the public in decision and policy making by the police. The aim of community policing is to make the community proactive in crime prevention. Public participation has been reduced since the British established their rule. The British established their court and this led to the decline of panchayats. A panchayat was a system that ensured public participation in law, order, and justice. Police behaviour was also a reason for the weakening of community participation. David Bayley's study on Indian police (1965) reveals that police demanded bribes even for legitimate work and their behaviour was rude. Many times, people are physically assaulted without any reason. All of these created a negative image of the police and the scope for community policing was reduced. The police commission, in its fifth report, also said that people try to do all they can to avoid any connection with the police investigations. (Raghavan 2021: 166).

Many states encouraged community policing, which helped in crime reduction. Delhi Police appointed a special police officer in 1985. These officers were given tasks like organising de-addiction camps, patrolling, and self-defence activities. This scheme proved successful. The Neighbourhood Watch scheme was launched in 1989. Under this, neighbourhood watch committees (NWC) were formed for each block of 500 residents to control crime and to register the names of domestic servants and outside vendors. This helped to bring down crime. Juvenile aid camps and self-defence camps for girls were also organised by Delhi Police.

Maharashtra police started a scheme of a mohalla committee in Bhiwandi town to establish Hindu-Muslim harmony. Each mohalla committee had 30 members. These committees used to meet with local sub-inspectors weekly to discuss various social issues. This police public coordination helped in better intelligence gathering related to the Hindu-Muslim conflict. The mohalla committee also ensured regular interaction between Hindu and Muslim leaders, and this helped in bringing better relations between both communities (Raghavan 2021: 168).

Tamil Nadu has established a Village Vigilance Committee (VVC) at the police station level. VVC's utility was depended on the interest of SHO, and later it became a mere ritual. The Friends of the Police movement (FoP) was started in 1993 by the initiative of SP Prateep Philips. It aimed to promote crime awareness and civic responsibilities. FoP is open to anyone over the age of 18 who has never been involved in a civil or criminal dispute. FoP was used for a neighbourhood watch

scheme. FoP quickly gained recognition and spread throughout Tamil Nadu (Raghavan 2021: 170).

Improving the beat system will definitely help in improving community policing. The beat system establishes direct communication with the people. In Delhi and some other states, beat policemen were instructed not only to listen to problems related to police matters but also to grievances related to water, power, roads, sanitation etc. These initiatives helped in creating cordial relations between the police and the public, a crime reduction, and improving the intelligence system (Raghavan 2021: 168–69).

The NPC recommended the establishment of boys clubs. These clubs will start activities like sports, reading, etc. in poor societies so that youth in these societies do not get involved in illegal activities (Raghavan 2021: 166). Many other activities can be initiated to establish a public–police relationship.

18. Organised Crimes in India

Organised crimes are creating an extra burden for the police, and to control this requires special laws, specialised staff and agencies. India is situated between the Golden Triangle (Laos, Thailand, and Myanmar) and the Golden Crescent (Iran, Afghanistan, and Pakistan). This makes India vulnerable to the drug supply chain. India is a producer of cannabis and poppy plants, which are used to make several types of drugs. To control drug-related issues, the Narcotics, Drugs, and Psychotropic Substances Act (NDPS) was passed in 1985. All offences under this Act are cognizable, i.e., the police can arrest you without a warrant. It also has a provision for a maximum penalty of ten years of rigorous imprisonment, which is extendable to twenty years. (Raghavan 2021: 114).

Criminal gangs are active in metro cities. Mumbai has seen gang wars for a long period when gangs like Dawood Ibrahim, Amar Naik, and Arun Gavli, etc. were involved in extortion, drug and gold smuggling, and land encroachment. These gangs also have links with politicians and the Bollywood industry. The police have controlled these gangs after decades of struggle.

Bihar has also seen private armies. These armies were created to help the rich and landlords from land grabbing and extortion by extremist groups. Many armies were formed on the basis of caste. Politicians and businessmen also used these armies for their own vested interests. This causes severe law and order problems in states, which is why the central government appointed the N.N. Vohra Committee to study the politician-

criminal nexus. The committee report mentioned the linkages among gangs, politicians, and bureaucracy. On the recommendations of the Vohra Committee report, a nodal agency was set up to exchange information among central government agencies (Raghavan 2021: 116).

Arms smuggling from across the border is also a big challenge for police. Insurgents and terrorists get weapons from outside India. Therefore, more sophisticated weapons are required for the police to counter insurgents and terrorists. The Puruliya arm drop case was an indication that, in the future, internal security mechanisms would need to be strengthened.

19. Police Accountability

For a successful democracy and for good governance, it is necessary to have an institutional mechanism that can control the misuse of power by the executive and sort out public grievances in good time. These mechanisms are not well established in India. Generally, sufferers of police misconduct are from the weaker sections of society. According to the NPC report of 1979, in 1977, there were 68,275 complaints filed against police personnel and allegations were proved against only 4797 complaints. It means only seven per cent were found guilty in the departmental inquiry (Verma 2019: 191). Torture, death in police custody, misbehaving with complainants, demand for bribes, and extortion remain complaints against police, but no proper mechanism has been set up yet to control these acts. Around the world, it has been found that internal departmental inquiries into complaints are ineffective and biased. Therefore, the best option would be to set up a mechanism through which outside departmental inquiry would be possible. A judicial or administrative official, an NGO person, or a reputed person from society could be included in the committee body that investigates complaints against police personnel.

There are two external methods for examining complaints against police officers: i) a government-appointed commission and (ii) a legal review (Verma: 2019: 192). There is the possibility of partiality in commission inquiry because the ruling party appoints a commission to investigate complaints against police personnel or police conduct. Judicial review through Public Interest Litigation (PIL) is a more reliable source for the public. Judicial activism has resulted in ensuring administrative and police accountability. Due to judicial activism, many corrupt politicians and administrative and police officers have been punished. But both of these methods are ad-hoc. There are millions of complaints, and the government cannot appoint a commission for every

complaint. It is difficult for the ordinary man to go to court and fight a case for years to get justice. In these situations, there is a need for the establishment of an investigative body to probe police complaints, at least at the district level.

The present departmental inquiry system requires a person to make a complaint to the SP of the district. Following receipt of the complaint, the SP orders an explanation from the police officer. If explanation is not satisfactory, then the SP either gives minor punishment or approves a departmental inquiry if he finds that the charges are serious. An inquiry officer is either an inspector or an officer who is senior to an inspector. If charges are proved right, then the SP can give punishment. In the event of dismissal or reduction in rank, the SP has to send a report to his senior officers.

But there are many problems with this departmental inquiry process. An inquiry officer has sympathy for his subordinate against whom the inquiry has been ordered. If the complaint is related to acts done during official duty, like torture during interrogation, firing during demonstrations, etc., then the inquiry officer generally takes the side of police personnel. Most of the time, the inquiry officer emphasises that the complainant himself produces all evidence against the accused, which is very difficult. Many times, inquiry officers use delay techniques like remaining absent when witnesses are present. Many times, investigating officers frame the charges without proper evidence. Departmental inquiries many times get delayed because the investigating officer gets busy with other duties. Many inquiry officers are not aware of legal and technical issues surrounding the inquiry. Delinquents often file writs and get stay orders from the court, and this also delays the inquiry (Verma: 2019: 192).

The District Magistrate (DM) has some power to supervise the police on these complaint issues. According to the Indian Police Act of 1861, the police will function under the control and supervision of the DM. But generally, when DM gets any complaint against a police official, he just forwards it to the concerned police authority. So this mechanism is not effective either.

In this regard, the NPC suggested that a District Inquiry Authority (DIA) should be set up with a senior Judge of the District Court as its head. This recommendation has not been implemented yet. One important suggestion in this regard is that a citizen form can be established as an external control mechanism over the police. But no progress has been made in this regard.

Police Accountability of the System in Developed Countries

Australia has a provision for an ombudsman. Generally, a complaint is made to the police commissioner, and he/she initiates the departmental inquiry and informs the ombudsman about it. The Ombudsman has the power to conduct an independent inquiry if required. Australia has also done experiments with a fully external body of investigation, but they did not get much success. The whole police department opposed the establishment of such a body. Even after the opposition government had established it. But due to the continuous non-cooperation by citizen investigation bodies, they could not get much success.

In Canada, the office of the commissioner monitor complains to the police department. If the complaint is not satisfactory, then it can reinvestigate the complaint. It can forward cases to the civilian Adjudicative Tribunal (CAT) (Verma 2019: 200).

Britain's internal inquiry system is almost the same as India's. In Britain, the Public Complaint Authority (PCA) was established in 1985 as an external mechanism to resolve complaints against police, but it could not get much success.

In the USA, 83.9% of complaints are inquired by the police department itself without any civilian involvement. There are some external agencies like the Office of Citizen Complaint (OCC), the Civilian Review Board, etc. External monitoring mechanisms and civilian monitoring mechanisms over police inquiries have some positive outcomes in the USA. From 1960 to 1970, there was a 15-time increase in complaints filed against police misconduct (Verma 2019: 202). Increasing complaints also compelled the USA to make police more professional and target them so hard that they do not malign the name of the police. The Commission for Accreditation was established for the accreditation of law enforcement agencies.

Having the inquiry process only in the hands of the police or in the hands of the civil administration is not good at all. Because departmental bias will always be there and both bodies have been involved in corruption. The judiciary has done good work in this regard, but the judicial process is time-consuming and requires money. Therefore, the involvement of citizens in an inquiry body is necessary.

20. Corruption in Police

In India, there is a high level of police corruption. The Police Commission of 1902 mentioned a letter written by the Government of Bengal to the Central Government. The letter wrote “In no branch is

improvement so imperatively required as in the police. There is no aspect of our government system that is so universally and bitterly criticized...The evil is essentially in the investigating staff. It is dishonest and it is tyrannical.” (Raghavan 2021:226)

Referring to the 1902 police commission report, NPC-1977 said that “what the police commission said in 1903 would more or less fully apply even to the present situation. If anything, the position has worsened.” (NPC Third Report 1980: 25)

Corruption in the police comes in two forms: (i) unauthorised use of government resources such as manpower, vehicles, and so on. This misuse has been so common that no one even takes care of it. (ii) Using police authority to extort money. The drug and liquor mafias, as well as people involved in prostitution, frequently provide illegal money to the police, and the police generally turn a blind eye to these crimes (Raghavan 2021: 227). Many illegal businessmen, like the sand mafia and bootleggers, give monthly payments to police people so their illegal work can continue. Arbitrary arrest, unauthorised detention, and bail decisions are some of the other means by which the police make money.

From top to bottom, the Indian police are involved in corruption. The constable extorts money from hawkers, footpath dwellers, etc. Inspectors who have investigation power extort money from complainants and the accused. An IPS officer makes money from transfers, postings of subordinates, and vendors who supply different items to the government. 17 senior IPS officers were prosecuted by the Central Bureau of Investigation (CBI) for making illegal purchases from vendors (Verma 2019:162).

The post of SHO is considered the most coveted and lucrative because SHO has the power to register and investigate criminal cases, control and guide investigations of cases, and decides to arrest the culprit. These powers of SHO open the door to corruption.

The police station generally collects illegal weekly or monthly money from business houses, industrialists, shopkeepers, hawkers, etc. The larger the market, the greater the collection of money from extortion. Therefore, every officer wants a posting in a police station, which comes in a large market and industrial areas. Police chiefs and even ministers are frequently involved in the transfer and posting of officers to these lucrative police stations.

The RTO department is also corrupt. They take money for license making, vehicle registration, and issuing transport permits from one state to another. They take the money and allow smuggled items to pass from the state border or from other checkpoints. Almost all border check posts

are dens of corruption. Private bus owners provide bribes for driving on illegal routes or without permission.

The politicisation of the police, unaccountability to the people, poor management system, elitist nature of police leadership etc. are responsible for corruption in the police.

States do not have a full or adequate system for controlling corruption. Senior officers generally do not have time or they themselves are not much interested in controlling corruption because they are also part of it. Now the burden comes to the Anti-Corruption Bureau (ACB). But the ACB has responsibility for not only the police but also for all government departments. Therefore, it cannot control police corruption alone.

To stop police brutalities that have caused many deaths in police custody, the NPC has suggested a surprise visit by senior police officers. To stop police brutality, now in every custodial death, an administrative or judicial inquiry is held. To control police and administrative atrocities, the government has established the National Human Rights Commission (NHRC). If any party fears police brutality in police custody, it can reach the high court by filing a writ of habeas corpus. The court then asks the government to submit a factual report, and if the court finds any evidence of atrocities, it can order an investigation by the CID. Improper management and poor supervision also contributed to increasing corruption. So, senior police officers should also improve the supervision mechanism.

Future Prospects for Police Reforms

Reforms are rigorous processes. It needs planning and determination. The London Metropolitan Police is now regarded as one of the best police forces in the world, but it was once regarded as one of the most corrupt, inept, and oppressive forces in the world. Robert Peel, then home secretary, was determined to change police character. Opposition to the change came from many quarters, including parliament and the judiciary. But the British government remained firm on reform and focused on reorientation and retraining of police. Those police personnel who failed to perform according to the new parameters were removed from service after being given compensatory benefits (Dhillon 2016: 39). Consistent efforts were rewarded, and London's police became the people's police. One thing is worth noting here: reform in the British police was initiated and implemented by political leaders with the desire to effect positive change. In India, the police have been politicised and

change can occur in this situation if Indian politicians have the willpower to make a change.

The Supreme Court's (SC) guidelines will help reform police, but these alone are not sufficient. Many other changes are also required. In general, the requirement for reforms in society means that justice and equality are not present in society, and the common man is suffering. The aim of any reform, particularly in the governance field, is to benefit the common people. The Supreme Court guidelines are less likely to improve the situation of common people at the grass-root level (Singh 2016A: 47). The SC guidelines basically focus on giving more power to senior officers by reducing political interference, fixing the tenure of senior officers, establishing a police complaint board etc. But the police also require reform in recruitment, training, scientific investigations, infrastructure development, etc. So for proper police reform, we need to go beyond the Supreme Court's suggestions.

The government should establish a free online system for the registration of FIRs and other grievances. The discretionary power to register FIR is a legacy of British rule. For British rulers, the police were not for solving grassroots complaints but for suppressing revolts and anti-British sentiments. This needs to be changed now. People should be allowed to file complaints online and the government should think of establishing a centralised control room (online/ offline/ telephone message) where people can register their complaints and later these complaints could be sent to the concerned police station. With this, the complainant should be given a chance to either register an FIR immediately or try to solve the issue first by negotiation. For negotiation, a dispute resolution mechanism should be established at the police station level. The target should be minimum discretion and maximum transparency (Singh K P 2016A: 48-51).

Laws are there, but it is important to use them efficiently. Under Section 151 of the CrPC, police can arrest a person for the prevention of a cognizable offence. Under Section 107, magistrates can restrict a person for a year who could breach the peace. Section 109 of the CrPC allows police to restrict a person for one year if they think that he/she may commit a cognizable offence. In the same way, Section 110 can be used against habitual offenders. Many crimes can be avoided if police use them properly; however, if they are misused, many problems for law and order in society can arise. Police reform requires the posting of honest police officers on key posts, but these posts are given to officers who are close to politicians of the ruling party. This system should be improved.

The involvement of local people in police administration is another tool to control the misuse of power by the police. Indian police have failed to involve the citizens in keeping order in their communities. One main reason for this is that the Indian police have a poor public image and the police still function with colonial baggage. The politicisation and criminalisation of the police, as well as corruption and ongoing political interference in the police, have taken the police away from the common man, for whose protection it was established. Some steps to instill trust in the police among the general public and to prevent police abuse of power (Verma 2019: 188).

Personal problems of police personnel like transfers, postings, departmental inquiries etc. also impact negatively police work and their focus shifts from controlling crime and maintaining law and order to managing the personal problems of police staff. As a result, a proper and transparent transfer and posting system is required. There is a need to develop criteria for continuous evaluation of police personnel for promotion, transfer, pay, posts, etc. (Verma 2019: 188).

The growth of private security agencies is not only a result of a stronger global economy but also of a lack of trust in law enforcement. People are searching for an alternative security mechanism because the police cannot provide it. This is a big challenge for the police. Private security firms cannot serve as substitutes for police because police are state agencies with authority that private security firms do not have.

Women's awareness is also increasing day by day, and this will help in raising the voice against women's crime (Raghavan 2021: 270). Increasing education among women, creation of special women's police stations, increasing women in administration, police, and local politics, increasing female journalists, and women's related issues taken up by the media will ensure or help in affirmative actions by the police against women-related crime. The same will be true for discrimination against SC and ST.

Democracy means accountability. The growing influence of print, electronic, and social media, as well as increased education and communication facilities, make it difficult for police to conceal the crime and the perpetrator. Laws like Right to Information also help control misuse of power and corruption, not only in the police department but also in all government departments. Public awareness is necessary for the success of democracy, and in India, the public is becoming aware of their rights and NGOs are also playing a positive role in protecting people's rights. Public awareness about their rights and the peaceful struggle for these rights will make the police accountable. All these developments

will also push us to reform the police. The system of accountability can be improved by the vigilance of senior officers. Honest senior officers can make police accountable by making regular visits to the police station and in their area. The Supreme Court's several decisions are also important in keeping people accountable. The Home Minister can play an important role in keeping the police accountable on behalf of the people.

As the nature of crime is changing, the police should prepare for future problems. Now, cyber-crime and economic fraud in banking and non-banking financial cooperation (NBFC) have increased. The police have to equip themselves and train their people to handle these crimes. The police have created a special cyber-crime wing and a special economic offence wing to counter these crimes, but a lot of training and expertise is still needed. Computerisation of crime information is necessary. It will help in interstate cooperation and in the neutralisation of gangs that have their own interstate network. Proper data management will help in criminal investigation and other requirements of police.

Suggestions for Reforms

When we think of police reform, the first thing that we need to remember is that police problems are not due to the police alone. Global, social, political, and economic factors play an important role in the creation of law and order and crime-related problems. The inability of the government to fulfil the basic needs of the people, urbanization, and the breaking of the family system has created many problems which the police also need to sort out. Due to liberalisation and industrialization, many things have changed in society, and the responsibilities of the police have increased.

In the nutshell following reforms are required in Indian police system –

1. Police strength should be increased and police accommodation and other infrastructure needs required to be improved.
2. There should be a Police University in every state.
3. Recruitment of Sub-Inspector should also start after 12th class and selected candidates should be given 3 years of training. Constable should be recruited after 10th class and they should be given 2 or 3 years of training.
4. Law and order maintenance should be separated from investigation work.

5. Beat system is not working properly. For internal security, successful investigation and for establishment of communal harmony proper functioning of beat system is must.
6. Police-community interaction and community policing required to be improved.
7. Apart from departmental inquiry system against police complaint there should be a mechanism where an independent committee monitor and hear complaint against police. This committee should include district or high court judges and prominent citizens.
8. Forensic labs should be increased and modern equipment should be purchased for labs. Strength of scientist is not sufficient in Forensic Science Laboratory (FSL). Scientist for FSL should be recruited regularly as per required.
9. Transparent transfer policy should be established. A special board can be established for transfer related matters.
10. Specialised units for new emerging crime should be established.
11. Political interference should be reduced in police functioning.
12. Misuse of discretionary power can be reduced by forming broad guidelines for using these powers. According to Devis, discretion is best controlled by clear administrative guidelines (Verma 2019:188).
13. The government should establish a free online system for the registration of FIRs and other grievances.
14. Coordination among different states police agencies and centre and state police agencies in also required.
15. On the basis of National Cadet Corps (NCC), National Police Corps (NPC) and National Civil Defence Corps (NCDC) should be established in every school, college and university.

Finally, India is one of the most ancient civilizations. It has its own culture and tradition. Any reform in the police or any other organisation should be based on its own culture and value system. Every society is different, and, therefore, it has different problems and solutions to these problems. We can definitely learn many things from other countries, but solutions will be our own, and those will be rooted in our way of living. As Yang said, "The police and their functions are always determined by the nature of the state which they serve and the theory upon which such a state is based." (Verma 2019: 39).

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