

# Towards a ‘New Professionalism’ in Policing: An Indian Perspective

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## Abstract

The success or failure of a criminal justice system is mainly determined by the conduct of a disciplined and professional police force. The professionalism of the police can be evaluated based on three criteria such as the maintenance of law and order, the quality of investigations, and the contacts between the public and the police. According to various studies and assessments, police professionalism in India is not sufficient and is below average based on the above factors. The government frequently upgrades their employment status as part of efforts to reform the police system and boost professionalism. Frequent police training aids in the development of professionalism and discipline. Despite these attempts, police performance, even after 70 years of independence, lacks genuine professionalism in its structure. As a result, it has become a research issue to ponder the true problem behind India's low level of professionalism. This article focuses on police professionalism in India, police failures, and police reforms to increase professionalism.

**Keywords:** Constitutionalism, Professionalism, Community policing, Victim oriented policing.

## 1. Introduction

Police is the arm of the state and its mandate is to maintain the law and order and to ensure speedy and quality investigation. It is this rule of law, maintained by the police that builds confidence in the people and is the bedrock of a civilized society. In the modern world, no civilized nation can presume a country without police because the role of the police is inevitable in a welfare democratic country. To make a country a sovereign, socialist, democratic republic and to create a welfare state, the police play a pivotal role in shaping and building a nation as envisaged in the constitution. Hence the police are discharging their constitutional obligations. In this context, the police need to display high professionalism in their routine work, investigation, and services to the public in toto. But it has been observed that there is a sharp decline of public confidence in the police and this distrust has been growing every day. After the 1970s, successive governments and the Supreme Court noticed it and suggested recommendations for improving the police force. The first step towards such a reformation started in 1977 when the *Janatha Party* government constituted the *Shah Committee*. The main task of the committee was “to inquire into several aspects of allegation of abuse of authority, excess and malpractice committed and action taken in the wake of emergency proclaimed on 25<sup>th</sup> June 1975”<sup>1</sup>. The

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<sup>1</sup> Prakash Singh, “Police Reforms in India- A historical Perspective” (2012) Peoples Police Movement. Available in <[http://www.peoplepolicemovement.com/history\\_police\\_reforms.html](http://www.peoplepolicemovement.com/history_police_reforms.html)> Accessed on 1 September 2021.

committee has recommended various suggestions for the improvement of the police and also expressed its anguish over growing political influence and external interference in the police administration<sup>2</sup>. Then, successive governments are involved in massive attempts for decades to improve quality, efficiency, and legitimacy. The government frequently tries to elevate the status of their employment as part of the measures to increase the effectiveness of the police system, which is one of the key components of raising professionalism. The government was specifically focused on improvements in terms of salary, structure, resources, instruction, and recruit quality.

Police training is an important aspect of creating discipline in police professionalism. During the last few decades, there has been an unprecedented boom in police training institutions and police training programs in India. There are approximately 124 police training institutions imparting training to police officers of various ranks in India. The task of police training in India is challenging and very complex in nature and dimensions since the training needs of various levels of police officers are different and different states have their different socio-cultural milieus in which police officers have to operate. Police training in India has received considerable impetus since the *Gore Committee*<sup>3</sup> was set up by the Government of India in 1971. *National Police Reports* have further highlighted the need for the implementation of various recommendations of the *Gore Committee* on police qualitative training. Then, successive governments gave more emphasis to police training which in turn enhanced the quality of police professionalism in India. The training objectives need to be defined and a new focus has to be brought on training programmes. The need for adequate training of public service staff is now universally recognized<sup>4</sup>.

The police department is a distinctive technical profession where the skills and caliber are exercised mostly by the officers or policemen at the bottom level who also have frequent contact with the public, unlike the senior officers. The senior officers are mostly in supervisory roles and the subordinate officers including constables are accountable to senior officers. So, when we deliberate about professionalism, the whole pyramid has to be upgraded if professionalism has to be achieved. Mere training or apprenticeship either to higher officials or subordinate officers will not necessarily yield the expected goal. In this article, the author is mainly focused on police professionalism in India, the reason for the police failures, and the needed reforms in the police to increase professionalism.

## 2. Police professionalism: Meaning

Professionalism has to do with the way a person conducts himself or herself in the workplace.

The word professionalism has been defined as “someone exercising skills resting upon an established body of knowledge, and whose conduct is governed by norms deriving from a source independent of the employing organization”<sup>5</sup>. Thus every professionalism requires organization, occupational norms, skill, knowledge, etc. Commitment and respect for others are also part and parcel of professionalism. According to *John Lobo*, “Professionalism in police working is, to my mind, the ability and the skill to

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<sup>2</sup>The committee dealt with various issues such as police accountability, legitimacy of the public towards police, political interference in police function, misuse of power, performance evaluation etc.

<sup>3</sup>Gore Committee, 1971. The task of the committee was to review police training in India.

<sup>4</sup>Krishna Mohan Mathur, ‘Police Training in India: The challenges and Perspective’ in Krishna Mohan Mathur (eds), *Police in India: Problems and Perspectives*, (Gyan 2018).

<sup>5</sup> Dr. Maureen Cain, ‘Police Professionalism: Its Meaning and Consequences’ (1972) 1 *Anglo-American Law Review* 217. Also available in Hein online <[https://heinonline.org/njls.remotlog.com/HOL/Page?public=true&handle=hein.journals/com1wr1&div=28&start\\_page=217&collection=journal\\_s&set\\_as\\_cursor=2&men\\_tab=srchresults](https://heinonline.org/njls/remotlog.com/HOL/Page?public=true&handle=hein.journals/com1wr1&div=28&start_page=217&collection=journal_s&set_as_cursor=2&men_tab=srchresults)> Accessed on 28 August 2021.

formulate measures and techniques to assess and overcome the various causes of stress, to aid decision-making, to ensure quick, effective and purposeful action to deal with a problem, situation or set of circumstances.”<sup>6</sup>

According to *Dr. Maureen*, there are three models of police professionalism the *elitist model*, the *universalist model*, and the *Mixed model or indirect professionalism*<sup>7</sup>. The *elitist model* of police professionalism defines only the senior officials as professionals. It advocates training only for elite officers and the reflections of this training will automatically reflect in the subordinate officers. In the *universalist model*, an attempt is made to professionalize the whole police hierarchy. It advocates that professionalism is equally required of senior officials as well as subordinates including the constables in the policemen. Whereas the *mixed model* considers that “senior officers are the only professionals but since they define norms, values, standards, and appropriate knowledge for their juniors the ultimate effect may be similar to the universalist model with the organization showing a high degree of professional consensus”.

The first step to establishing police professionalism is the establishment of a police college<sup>8</sup> to impart training and apprenticeship to the police. The establishment of police colleges was a worldwide phenomenon, especially during the mid-1940s and the end of the Second World War. However, it has been noticed that only a small group of senior officers were allowed to these police colleges. Hence, it can be viewed that initially, they suggest either an elastic or an indirect model of professionalism.

### 3. The Idea of “New Professionalism” in India

The State has an inalienable liability to defend basic human dignity and guarantee to everyone the security and right to have life and peaceful co-existence in society. Hence, as a machinery to establish law and order, the police are expected to act judiciously. The idea of police professionalism is governed by the role of police in society. If the role is law enforcement then the attributes conducive to the function of law enforcement are the basic idea of professionalism in this context, for example; reliability, respect for the law, respect the superiors, discipline, etc. are the virtues that will define professional traits in the police. If the role is to keep peace in a society the idea will be to attribute the virtues like friendliness, sensitivity, common sense, intelligence, courtesy, etc. to the professionalism of the police. Professional police are distinguished by their dedication and commitment to the rule of law. It abides by the standard procedures and will always have concern for human dignity. For a professional police force, democratic rights would prevail over political or personal interests and it would uphold the appropriate attitudes, efficiencies, and values to act for what is legally right without any fear or apprehensions.

There are four characteristics of police professionalism: *accountability*, *Innovation*, *coherence with the nation*, and *legitimacy*.

**a) Accountability:** The National Police Commission in its eighth report recommended that “there must be a continuous monitoring mechanism to scrutinize the performance of the police in the country and each State Security Commission must have an independent cell to evaluate this

<sup>6</sup> K.N. Gupta, ‘Police Professionalism : Emerging new challenges’ The Indian Police Journal (eds) V.63, Sep (2016). Also Available <<https://bprd.nic.in/WriteReadData/CMS/The%20Indian%20Police%20Journal.pdf>> . Accessed on 28 August 2021.

<sup>7</sup> Ibid.

<sup>8</sup> During the end of second world war, most of nations established Police Colleges with an object to enhance professionalism and discipline which is suited to their profession.

performance and before preparing a final report the annual administration report from the head of the police force and central Police Committee assessment Report can be referred”<sup>9</sup>. The increased sense of accountability can improve the professionalism of the police force. The sense of duty rather than privilege must be inculcated in the minds of police officials by bringing each action under strict scrutiny. The protection provided by Cr. P.C under Sections 132 and 197 that provides for the protection of various police officers against any prosecution related to actions performed during official duties is a legal shield that generates a feeling of tyranny amongst the police forces and withdrawal of such protection can make our police more accountable.

**b) Innovation:** Innovation can add to police professionalism in a big way. Innovation in the context of professionalism is using resources innovatively and efficiently. It is not only in terms of technology but also encompasses new ideas and methods. India as a nation has changed and as a law enforcement agency if the police force follows the century-old methods of policing it will never fetch the required result. Hence the Police forces must understand the change in society, think new, evolve and use new methods, and, increase efficiency. A few innovations that can enhance police professionalism are digitalization to increase transparency and to build the trust of people in the police, the use of gadgets to investigate and collect the data, sensitive, customized, and individualistic approach while reaching out to the public, innovative and public-friendly ways to bring down the wall between the police and public, etc.

**c) Coherence with Nation:** Police professionalism without coherence with the nation can be a hollow concept. Police keep a nation in discipline and let the rule of law prevail. The force must understand what the fundamentals of a nation are and must abide by that character of a nation. In a country like India, the police need to understand what a welfare state is and then understand what is expected out of the police of a welfare state. State or territory-centric police cannot be called professional. There has to be coherence between the police methods, virtues, and training. Understanding, good practices, vital knowledge, and skills must have a common interpretation and protocol.

**d) Legitimacy:** Dicey specifies that the rule of law ensures that the law must be followed by all and it is highly probable that people in power might start thinking of themselves to be above the law. He thus insisted that “no person is above the law and it is law that rules all.” He said, “Every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen. The Reports abound with cases in which officials have been brought before the courts, and made, in their capacity, liable to punishment, or the payment of damages, for acts done in their official character but in excess of their lawful authority. (Appointed government officials and politicians, alike)...and all subordinates, though carrying out the commands of their official superiors, are as responsible for any act which the law does not authorize as is any private and unofficial person.”<sup>10</sup>

A professional police force derives its authority from the law and in no situation exceeds that. A law-abiding police is a professional police and that is when it receives cooperation, consent, and support

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<sup>9</sup> National Police Commission, *Eighth Report National Police Commission*, The report is also available on <<https://police.py.gov.in/Police%20Commission%20reports/8th%20Police%20Commission%20report.pdf>> Accessed on 17 December 2021.

<sup>10</sup>Walters MD, “Bibliography,” A.V. *Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind* (Cambridge University Press 2020).

from the people. A non-discriminatory policy that understands and stands for the constitutional mandate the one that can be called professional and can obtain recognition and respect as a professional from the public. Legitimacy is derived from law but the police keep on earning it from every interaction with the public and the legitimacy should not only be in the system but must always reflect through the behaviour too.

**4. Attempts to integrate new professionalism as a result of constitutionalism:** After the advent of the Constitution, the approach of the police and their duties and responsibilities towards the public has changed tremendously. After independence, as a welfare-democratic state, India imbibed a Constitution that enshrined the concept of liberal values and fundamental freedoms for all. When a nation stands for the rule of law and guarantees fundamental freedom to all, it becomes even more difficult to strike the balance between rights and duties. This is why in a welfare state, police professionalism is more important and it is imperative to align the police with the spirit of the Constitution. The Indian Constitution mandates that the police be held accountable for upholding the law and the interests of the people. This could be considered a "new professionalism" that developed in India after independence.

One of the uniqueness of new professionalism is it gives more emphasis to professional training to the police officers. With this view and the suggestions from the *Gore Committee*, many police colleges and academies were established in India to provide comprehensive training to police officers and constables. This was the first step towards good professionalism in India after independence<sup>11</sup>. One of the parameters to assess professionalism depends on the 'autonomy' of that institution. The word 'autonomy' is used here in a very restricted sense which means non-interference by the state government or any extraneous agencies which is imperative for good professionalism. However, the first 15 years of police function were impartial and independent, and very rarely the politicians interfere in the administration of the police. The situation continued till 1960. After 1960, the situation started declining, especially in the mid-1960s. Prakash Singh has opined that "the political leaders created a 'hierarchy of officers' who are committed to them and also officers were selected and given key placements in consideration of their affinity and loyalty to the ruling party and its political philosophy"<sup>12</sup>. This approach caused a serious setback to the growth of police professionalism in India. Moreover, the Police Act, of 1861 also gives immense power to the state government. Section 3 of the Act reads "The superintendence of the police throughout the general police district shall vest in and shall be exercised by the state government to which such district is subordinate and except as authorized as under the provisions of this Act, no person, officer or Court shall be empowered by the state government to supersede or control any police functionary"<sup>13</sup>. This section puts a limit on the court's power. The head of the state police i.e. Director General. or Inspector General of Police enjoys his tenure at the pleasure

<sup>11</sup> National Police Academy, Hyderabad; SVP National Police Academy, Hyderabad; Police Training College, New Delhi, Karnataka Police Academy, Mysore; Police Training College (PTC), Dergano; Maharashtra Police Academy (MPA), Nashik; The Maharaja Ranjit Singh Punjab Police Academy; North Eastern Police Academy; Andhra Pradesh Police Academy; Rajasthan Police Academy; Kerala Police Academy (KEPA) ; Police Training College, Trivandrum etc.

<sup>12</sup> Prakash Singh, "Police Reforms in India- A historical Perspective" (2012) Peoples Police Movement. Available in <[http://www.peoplepolice movement.com/history\\_police\\_reforms.html](http://www.peoplepolice movement.com/history_police_reforms.html)> Accessed on 1 September 2021.

<sup>13</sup>Section 3 of Police Act 1861.

of the Chief Minister or the government of the concerned state. This stature created widespread politicization of police where the police owes to the ruling party not to the rule of law.<sup>14</sup>

This kind of indifference in the police department increased during emergencies from 1975 to 1977. The *Shah Committee*<sup>15</sup> in its interim report said that “the police was used and allowed themselves to be used for purposes some of which were, to say the least questionable. Some police officers behaved as though they were not accountable to any public authority. The decision to arrest and release certain persons was entirely on political considerations which were intended to be favourable to the ruling party. Employing the police to the advantage of any political party is a sure source of subverting the rule of law. The government must seriously consider the feasibility and the desirability of insulating the police from the politics of the country and employing its scrupulously on duties for which alone it is by the law intended”<sup>16</sup>.

In the same year, i.e. 1977, the National Police Commission (hereinafter NPC) was established to revamp the police organization especially relating to certain issues such as its role and functions, to enhance accountability, to improve the legitimacy of police, political interference in police function, misuse of power, performance evaluation, etc. The government of India felt that “far-reaching changes have taken place in the country since Independence but there has been no comprehensive review at the national level of the police system after independence despite radical changes in the political social and economic situation in the country”<sup>17</sup>.

The NPC has submitted eight exhaustive reports suggesting holistic reform within the police department. The *first reports* suggest that the working system of the police constable needs a complete overhaul. They suggested that police constables must be recruited and training should be imparted to the constables. The *second report* emphasizes an impartial service by the police and also explains concerns over the political interference in the police functions and the misuse of police. The *Third report* emphasizes the due process of law and non-registration of cases by the police. The *fourth report* talks about the need for coordination between the police and the prosecutor. The *fifth report* suggested rigorous training for constables and sub-inspectors of police. The *seventh report* talks about the management of police and the *eighth report* suggested to provide an independent cell to evaluate police performance both in quality and quantity. Apart from this, NPC also drafted a *Model Police Act* for the overall improvement of Police performance and also for the improvement of police professionalism in India.

Moreover, the state government is also empowered to constitute State Police Commissions (hereinafter SPC) at the state level with the same functions as the National Police Commission. The state commissions have been created throughout the country through various statutes such as “*the Kerala police reorganization committee 1959, West Bengal police commission 1961, Punjab police commission 196, Delhi police commission 1968, Tamil Nadu police commission 1971*” etc. to insulate the police from political pressure. Moreover, apart from NPC and SPC various committees have been constituted by the

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<sup>14</sup>Aston, Joshua and Paranjape, Vinay N, ‘Restructuring the Indian Police System: The Need for Accountability and Efficiency’ (2012). Nirma University Law Journal, 1(2), Available at SSRN <<https://ssrn.com/abstract=3113282>> Accessed on 14 September 2021.

<sup>15</sup>Shah Committee was constituted in 1977 by the Janatha Party Government. The main task of the committee was “to inquire into several aspects of allegation of abuse of authority, excess and malpractice committed and action taken in the wake of emergency proclaimed on 25<sup>th</sup> June 1975”.

<sup>16</sup>Shah commission Final Report. Available on “<http://library.bjp.org/jspui/handle/123456789/740>” Accessed on 1 September 2021.

<sup>17</sup>Ibid.

government of India for reforming the police system in India. Some of the committees are “The Gore Committee on Police Training (1971-73), the Padmanabhaiah Committee on Restructuring of Police (2000); and the Malimath Committee on Reforms in Criminal Justice System (2002-03). Ribero Committee, 1998, Justice Varma Committee and various Law Commission Reports” etc

Meanwhile, the honourable Supreme Court also keeps on intervening in police functions especially police investigations on numerous occasions. The court expressed its concern over the faulty police investigation and its impact on the criminal justice system. In the 2006 *Prakash Singh case*<sup>18</sup> honorable Supreme Court came up with seven suggestions for improving the police department. The suggestions included the establishment of a National Security Commission to upgrade the efficiency of the police force from time to time; the establishment of a State Security Commission to avoid the undue influence of state government and evaluate the performance of state police; bifurcation of the police department; establishment of Police Establishment Board to deal with promotions, transfers, and other service-related matters and to exclude the state interference on the same; Police Complaint Authority to deal with complaints against police, etc. However, the suggestions of the Supreme Court have not yet been implemented and public interest litigation has been filed before the Supreme Court questioning the central & state governments for not implementing the directions of the Supreme Court and this matter is now subjudice.

**5. New Professionalism and Police Investigation:** The idea of new professionalism gives a new outlook to police investigations in India. As discussed above, the four essential elements of new professionalism are accountability, Innovation, coherence with the nation, and legitimacy. Investigation is one of the important statutory functions of police along with law and order. When they carry out the investigatory powers the police should exercise due diligence and display sheer professionalism while searching for truth on behalf of society. The law granted exceptional powers to the police which are unfettered and unconditional. In *State of Bihar v. P.P Sharma*<sup>19</sup>, the Supreme Court view is the pointer to the measure of power given to the police. It was held that “the Code demarcates the field of investigation exclusively to the executive to be vigilant over law and order. Police officers have statutory power and right as part to investigate the cognizable offense suspected to have been committed by an accused and bring the offender to book ... Investigation is a tardy and tedious process. Enough power, therefore, has been given to the police officer in the area of the investigatory process, granting him or her great latitude to exercise his discretionary power to make a successful investigation”. However, it doesn’t mean that police can do everything according to their whims and fancies. The unconditional power granted to the police officer is to yield better results in terms of investigation and the same power cannot be challenged in any court unless there is gross negligence or abuse of powers. The settled position is that “if the offense is disclosed, the court will not normally interfere with the investigation of the case”. So the law expects better professionalism from the police, especially during the investigation.

The best way to access professionalism as far as investigation is considered is “strict compliance of provisions of the code”. Normally the court refrains from intervention in the investigation and if the court interferes in the investigation there is every likelihood of derailing the investigation. In *Emperor v. Kwaja Nazir Ahamed*<sup>20</sup> the privy council held that the judiciary should not interfere in the investigation.

<sup>18</sup>Prakash Singh v. Union of India, (2014) 5 SCC 108.

<sup>19</sup>1992 Suppl (1) SCC 222.

<sup>20</sup>AIR 1945 PC 18.

It said that “so it is of the utmost importance that the judiciary should not interfere with the police in matters which are within their province and into which the law imposes upon them the duty of inquiry. In India as has been shown there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities, and it would, as their Lordships think, be an unfortunate result if should be held possible to interfere with those statutory rights by an exercise of the inherent jurisdiction of the court”. However, if it is proved that “if there is a serious prejudice against the suspect, then the court can interfere and that too, not to question the authority of the police in any case”. In *State of Haryana v. Bhajan Lal*<sup>21</sup>, the apex court discussed on the issue when a court can interfere in investigation. It held that “but if a police officer transgress the circumscribed results and improperly and illegally exercise his investigatory powers in breach of any statutory provision causing serious prejudice to the personal liberty and also property of a citizen, then the court on being approached by the person aggrieved for the redress of any grievance has to consider the nature and extent of the breach and pass appropriate orders as may be called for without leaving the citizens to the mercy of police echelons since human dignity is dear value of our Constitution”. The gist of the decisions is the law imposes heavy responsibility and high legitimacy, and expects top professional conduct and discipline from the police.

Similarly, the executive is also not permitted to interfere in the investigation. The interference of an executive in investigation is prohibited under the law and the same is reiterated by the Supreme Court and the law commissions in numerous instances<sup>22</sup>. This view and the power of the accusatorial police has been expressed by Lord Denning in *R v. Metropolitan Police Commissioner*<sup>23</sup> that “... in all these things he is not the servant of anyone save of the law itself. No minister of the Crown can tell him that he must or must not, keep observation on this place or that, or that he must or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and the law alone”.

**6. Where the police fail:** There are many reasons for the poor professionalism such as frequent human rights violations, low conviction rates, biased investigation, non-registration of cases, illegal detention, illegal search, unfair and oppressive interrogation, fabrication of evidence, custodial torture, etc.

**a) Low Conviction Rates:** A low conviction rate is also an indicator of a failing institution along with considerations. As per the NCRB data, the conviction rate in India for the year 2018 was 50.00% which is the highest ever in history. This statistic is the overall conviction rate of session cases, warrants, summons, and petty offences. According to 2018 data, the conviction rate in rape cases is only 27.2% whereas, in 2017, it was 32.2%. In the case of Kidnapping and abduction, the conviction rate is 29.2%, rioting is 18.2% and Hurt including acid attack is 32.6%<sup>24</sup>. The conviction rate of crime against children is only 36.7%. In the states of AP, Assam, Telangana, WB, and J&K it is less than 20% and the states

<sup>21</sup>AIR 1992 SC 604.

<sup>22</sup> John, *Policing in the Accusatorial System. Challenges and Perspectives- A Comparative Approach*, (1<sup>st</sup> edn, R. Cambray & Co, 2017).

<sup>23</sup> (1968) 1 ALL ER 763.

<sup>24</sup>National Crime Records Bureau <<https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201.pdf>> accessed on 25 June 2020.



like Odisha and Goa the conviction rate is less than 10%<sup>25</sup>. These low rates are indicative of a failing institution. If we analyse state-wise, the conviction rate is very low in most of the states except Delhi, Tamil Nadu, and Kerala which have relatively higher conviction rates. However, in most of the common law countries, the conviction rate is above 90%. In the UK the conviction rate in rape cases is 93% and 96% in man slaughter cases and the overall conviction rate is 86%.<sup>26</sup> The United States Department of Justice in its Attorneys Annual Statistics Report mentioned that 93% of convictions, were either pleaded guilty or found guilty<sup>27</sup>. Similarly, the conviction rate is high in states like Australia, European countries, and continental countries as well.

**b. Biased investigation:** The purpose of the criminal trial is to serve justice to all parties to the proceedings. In criminal jurisprudence three things are very important such as "an accused is presumed to be innocent till proven guilty; he is entitled to unbiased and impartial investigation and fair trial and; the prosecution is expected to play balanced role in the trial of a crime". Biased Investigation is having a certain impact on the public as well. The biased investigation will certainly shake the credibility of the police and this public distrust will affect the entire function of the police department.

**c. Non-registration of cases:** It is the cardinal principle of criminal law that an investigation cannot be completed without an FIR. There has been a growing tendency among police officers not to register FIRs due to some vested interest or to avoid the burden of investigation. The non-registration of cases is considered a gross violation of human rights, especially against the victim. However, "the Law Commission and the Second Administrative Reforms Commission have noted that state police officers often neglect this responsibility because they are understaffed and overburdened with various kinds of tasks"<sup>28</sup>. Beyond this, on jurisdictional grounds, the police are also reluctant to register cases<sup>29</sup>. To overcome this, the Supreme Court came up with a new concept called 'Zero FIR'<sup>30</sup>. It means an FIR can be registered in any police station where the information regarding the commission of a cognizable offence is received, irrespective of whether it has territorial jurisdiction or not. The FIR will be registered but it will be unnumbered and the same will be forwarded to the concerned police station having jurisdiction along with the informant the police station having jurisdiction can register an actual FIR under section 154 and proceed further. Hence, for the registration of FIR, the territorial jurisdiction of the police station doesn't matter.

**d. Illegal detention:** The power of the police officer to arrest is always subject to judicial scrutiny. As far as the arrest and detention are concerned, the code mandates the arrested person shall be produced before the magistrate within 24 hours of arrest<sup>31</sup>. The police sometimes abuse their power by taking custody of a person and retaining them in custody beyond 24 hours without an arrest warrant and they may not record the proper time of arrest in such circumstances. In such a situation, the constitutional

<sup>25</sup>National Crime Records Bureau <<https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201.pdf>> accessed on 25<sup>th</sup> June 2020. P. 341.

<sup>26</sup> Criminal Justice Statistics quarterly, England and Wales, April 2017 to March 2018 (provisional), Ministry of Justice, England and Wales, 2018.

<sup>27</sup>United States Attorney's Annual Statistical Report, 2012. Available in <<https://www.justice.gov/sites/default/files/usao/legacy/2013/10/28/12statrpt.pdf>> Accessed on 25 May 2020.

<sup>28</sup> Anviti Chadurvedi, *Police Reforms in India*, (PRS Legislative Research, 2017) P.12.

<sup>29</sup>Delhi Gang Rape case, Asaram Bapu Case etc.

<sup>30</sup>*Lalitha Kumari Case v. State of UP*, AIR 2014 SC 187; *Kirti Vashisht v. State*, CrI M.C. 5933/2019 & CrI M.A. 40833/2019, dated 29<sup>th</sup> November 2019.

<sup>31</sup>Article 22 of Constitution, Section 57 of CrPC.

protection against arbitrary arrest and detention cannot be claimed since there is no arrest *per se* and even the constitutional remedy cannot be invoked. This is a serious situation that needs to be addressed. In *Joginder Kumar v. State of U.P.*,<sup>32</sup> the apex court observed, “There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offenses, an arrest must be avoided”. The burden of justifying the arrest lies with the prosecution and if he fails to do so it will be tantamount to unlawful detention. The normal remedies in such cases are the aggrieved can approach the high court or supreme court under the writ of habeas corpus for the violation of fundamental rights. So the practice is whenever the relatives of an illegally detained person approach the high court or supreme court, the police either release him or immediately produce him before the court to avoid further legal consequences. Moreover, the victim is also having another remedy under section 190 read with 200 of CrPC to file a private complaint before the magistrate. The victim can also approach human rights commissions for a swift remedy or urgent visit to jail. But this illegal detention is a frequent allegation against the police.

**e. Illegal search:** Search is always an intrusion into the privacy of a person which the law always demands that it is to be done only if it is necessary for the administration of justice. The Criminal Procedure Code has given wide powers to the police to conduct searches even without a warrant. However, in most of the cases, police try to manipulate the records to make the occupant liable to the charges. The code mandates that in every search there shall be two independent witnesses. At times, the police may not be able to find the independent witness, and in their place, the police plant stock witness or recovery witness which will certainly hamper the trial of the prosecution case in a later stage. There is a higher need to revise or amend the law to solve this issue...In *Hazara Singh v. State of Punjab*<sup>33</sup>, the Supreme Court held that a “recovery witness who has joined the police raids and had been appearing, as witness for the police for the last fifteen years cannot be treated as an independent witness”. This kind of practice will certainly lower the confidence of the public in the police.

**f. Unfair and oppressive interrogation:** Interrogation is indispensable in investigation. The CrPC grants the power of the police to interrogate the suspect who is having acquaintance with the case. Under the code for interrogating the suspect prior permission from the court is not required. However, for the accused who is already in judicial custody and needs to be interrogated, the police have to get permission from the court for police custody. This can be treated as an exception. So the normal rule is no permission is necessary for interrogation. On the other side, the evidentiary value of the police statement is categorically laid in the Evidence Act as ‘not admissible evidence’. Section 161 of the code give ample power to the police to interrogate the suspect who is bound to answer all the question best of his knowledge except the answer to the question is self-incriminating<sup>34</sup>. The constitution also guarantees as one of the fundamental rights of the accused to deny or remain silent during interrogation if it is incriminating<sup>35</sup>. Further, to avoid unfair interrogation the supreme court in *Nandini Satpathi v. P.L Dani*<sup>36</sup> held that “ if the accused person wants the presence of his lawyer beside him when the police interrogate him, this facility should be extended to him. Further, it added that if the lawyer of the accused is not present at the time of interrogation, the accused must be taken to a magistrate or doctor or

<sup>32</sup>1994 AIR 1349, 1994 SCC (4) 260.

<sup>33</sup>1971 1 SCC 529.

<sup>34</sup>In the case of interrogation with witness, he has no right to evade from the questions.

<sup>35</sup>Article 20(3)- Rule against self-incrimination.

<sup>36</sup>1978 2 SCC 424.

any other responsible nonpartisan official after the examination, who must ascertain whether the accused suffered any duress, and must report all the conversations to the magistrate”. The CrPC also have a provision under section 41D, inserted through amendment, also allows “the accused meet an advocate of his choice during interrogation, though not throughout interrogation”. The rationale of these provisions is to avoid the abuses by the police during interrogation. However, the above directions are not mandatorily followed in the cases and even the Supreme Court is not making it mandatory. If the lawyers' presence is ensured in the pre-trial stage, the chance of using third-degree methods in the interrogation process may be minimized to some extent<sup>37</sup>.

**g. Fabrication of evidence:** It becomes the habit of investigating officers to create or fabricate evidence. It is bitter but true that “our police officers are in the habit of manipulating entries in the daily diary. Such practices cannot help the prosecution in any manner; rather it helps the defence to create doubt in the prosecution case, hence, such practices should be stopped immediately and appropriate action should be taken against erring officials”<sup>38</sup>. The consequence of the fabrication of evidence may lead to wrongful acquittal or innocent persons may get convicted. The fundamental principle of criminal law is that ‘no innocent person shall be convicted even though hundred guilty may be acquitted’. So the criminal justice system is very much concerned about the conviction of innocent persons. In the case of fabricated evidence, there are higher probability that an innocent person may get convicted. These erroneous judgments may shake the credibility of the criminal justice system in toto.

**h. Custodial torture, death, false encounter, etc:** Custodial tortures, death, and false encounter are universally considered as one of the brutal forms of human rights abuse. The Indian constitution strictly adheres to the rule of law. However, arbitrary and illegal actions on the part of police pose a serious threat to the rule of law. The study reveals that “in 2019, the National Human Rights Commission (NHRC) recorded 1,723 cases of death in custody. It noted that ‘most deaths in police custody occur primarily as a result of torture’. Of the 125 deaths in police custody, 93 (74.4%) were due to alleged torture or foul play while 24 people (19.2%) died under suspicious circumstances, such as suspected suicide (16 persons), illness (7 persons) and slipping in the bathroom (1 person). Uttar Pradesh had the highest incidence of such deaths with 14 cases, followed by Tamil Nadu and Punjab with 11 cases each”<sup>39</sup>. Here, torture includes beating, pulling third-degree methods, etc. Using third-degree methods is very often practiced by the police to extract information from the suspect. It is very difficult to prove custodial torture since the police can manipulate the evidence in their favour. Police encounters are another grave concern in modern society. Most of the encounters are fake encounters where innocent people or political opponents suspected terrorists etc. are the common victims' of encounters<sup>40</sup>. The supreme court has given guidelines in *PUCL v. State of Maharashtra*<sup>41</sup> such as in the case of an encounter the investigation shall be conducted by a separate police team under the supervision of a senior officer, FIR should be registered in every encounter case and report shall be

<sup>37</sup>Ibid Nandini case, John, *Policing in the Accusatorial System. Challenges and Perspectives- A Comparative Approach*, ( 1<sup>st</sup> edn, R. Cambray & Co, 2017).

<sup>38</sup>Shalini Narayan, ‘Court pulls up police on fabricating evidence’ The Indian Express ( New Delhi, April 24 2014); Available in <<https://indianexpress.com/article/cities/delhi/court-pulls-up-police-for-fabricating-evidence/>> Accessed on 4 September 2021.

<sup>39</sup> “Custodial Torture Continues Unabated in India Amidst Culture of Impunity: Report”, The Wire ( New Delhi, 8 July 2020), Available in <<https://thewire.in/rights/custodial-torture-continues-unabated-in-india-amidst-culture-of-impunity-report>> Accessed on 4 September 2021.

<sup>40</sup> Seva Singh Dahiya, ‘Police and Human Rights Violation in India’ (2016) 63 The Indian Police Journal 49.

<sup>41</sup>AIR 2014 10 SC 635.

forwarded to the magistrate under section 157 of CrPC, medical treatment should be provided to the victim if injured, in the event of death, next kin of the alleged offender must be informed at the earliest, etc. However, these guidelines are quite insufficient since fake encounters are still happening routinely. This will certainly shake the credibility of the police.

**7. Community Policing and New Professionalism:** Community policing is a product of new professionalism that envisages finding out community concerns and resolving them through closer interaction with the community. Since it is a new concept a proper definition is required for the proper understanding of the same. According to the Community Oriented Policing Service, the U.S. Department of Justice tried to define the concept of community policing as “Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime”<sup>42</sup>.

Collis Dictionary defines it as “The assigning of the same one or two police officers to a particular area so that they become familiar with the residents and the residents with them, as a way of reducing crime”<sup>43</sup>.

The Sage Dictionary of Criminology defines community policing as, “A philosophy of policing that promotes community-based problem-solving strategies to address the underlying causes of crime and disorder and fear of crime and provides reassurance. It is a process by which crime control is shared or co-produced with the public, and a means of developing communication with the public thus enhancing the quality of life of local communities and building police legitimacy.”<sup>44</sup> Hence, the concept of Community police has three main components such as (i) *community Partnership* (ii) *Organisational Transformation* (iii) *Problem Solving*.

The idea of community policing is to minimize the existing gap between the police and the public to the extent that policemen become an integrated part of the community that they serve. So, one of the basic advantages of community policing is that the police will get to know each member of the community since he is having close interaction with the public. This will help the police in crime prevention, and detection and will certainly help to a large extent in police investigation. It is a philosophy that only by working together can the people and police improve the quality of life in the community. The concept of community policing is decentralizing the police power to the public.

There is enormous literature regarding community policing. Many authors discuss the relevance of community policing in contemporary times. Sir Robert Peel propounded nine principles of law enforcement, Three principles are closely connected with community policingsuch as (i) The basic aim of the police is to prevent crime and disorder, as an alternative to the repression of crime and disorder, by military force and severity of legal punishment. (ii) The ability of the police to perform duties is dependent upon public approval of police actions and behavior. (iii) The police must secure the willing and voluntary cooperation of the public in observation of the law.

<sup>42</sup> Community Oriented Policing Service, *Community Policing Defined*, (U.S Department of Justice). Also Available in <<https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>> Accessed on 12 September 2021.

<sup>43</sup> Collins Dictionary Online. Available in <<https://www.collinsdictionary.com/dictionary/english/community-policing>> Accessed on 10 September 2021.

<sup>44</sup> Alison Wakefield, Jenny Fleming, *The SAGE Dictionary of Policing*, (2008 SAGE Publications). Also Available in <<https://uk.sagepub.com/en-gb/eur/the-sage-dictionary-of-policing/book230528>> Accessed on 10 September 2021.

**7.1. Community Policing Initiatives in India:** India has several community policing initiatives with the aim of bringing public trust and building public participation in police governance.

**7.1.1 Janamaithri Police Station in Kerala:** This scheme was introduced in Kerala in 2008 in selected police stations and subsequently it spread to all police stations throughout the state. It bridges the gap between the community and the police in terms of crime control and crime prevention, intelligence sharing, and building trust among the public. The designated trained male and female police officers directly interact with each member of the community during their beat and develop familiarity within the locality. This will ease the police in law enforcement and the same can be done effectively.

**7.1.2 Crime Prevention Committees:** These committees consist of the local public and the local police to discuss crime-related issues at the local level and various methods to control crimes. Besides, from time to time meetings will be held with the members to update the developments in the community.

**7.1.3 Crime Stopper:** “The ‘Crime Stopper’ facility is another form of community policing where the people can call the police on a non-metered telephone number and share information about crime and criminals without disclosing the caller's identity”<sup>45</sup>.

**7.1.4 Eyes and Ear Scheme:** It is introduced mainly with an object to prevent crimes based on the information provided by the ‘informant’. Here, the informant includes security guards, car/ auto drivers, landlords, shopkeepers, *Rikshawala*, etc. Moreover, the toll-free number 1090 has been activated to enable the public to share the information.

**7.1.5 Neighbourhood Watch scheme:** Many states have introduced his scheme through various housing societies and residential associations. It aims at enhancing the security of the neighborhood by harnessing the capabilities of residents. The residents and the local police are partners in the scheme and work in a coordinated effort to improve the security of the area concerned.

## 8. Victim Oriented Policing

The crimes in India are increasing every year due to many reasons such as increasing population, rapid urbanization, unequal distribution of wealth, terrorism and naxals, etc. As per, the 2019 report of the National Crime Records Bureau (NCRB) a total of 51,56,172 cognizable cases were registered, 32,25,701 were under the Indian Penal Code and the remaining 19,30,471 were under special and local laws.<sup>46</sup> In all these cases the police were engaged in investigation and trying to find the real culprit. In fact, that is the primary duty of the police. However, the police are least bothered about the victims of the crime. Even our legal system considers the victim as only a ‘witness’ for the prosecution and his role will come to an end when he deposes his statement in the court. The victim's role is very limited in investigation and trial. At the same time, the accused is burdened with many constitutional and statutory rights on the other hand the victim has fewer rights and there is no statutory protection for the rights of victims during investigation and trial.

The criminal justice system works on the Blackstone's ratio as “Ten guilty persons should escape than that one innocent suffer”. This type of approach leads the victims to suffer silently in the hands of the justice system, where the accused has more rights than the victim.

<sup>45</sup> Tapan Chakraborty, ‘Prospect Of Community Policing : An Indian Approach’ (2003) 64 *The Indian Journal of Political Science* 251. Also available in <<https://www.jstor.org/stable/41855784>>. Accessed on 21 August 2021.

<sup>46</sup> Report, *Crimes in India, 2019*, National Crime Records Bureau, Government of India. Also Available in <<https://ncrb.gov.in/en/crime-india-2019-0>>. Accessed in 8 September 2021.

The Criminal justice system has four key players, namely, the police, the public prosecutor, the defence lawyer, and the judge. The police plays a pivotal role in assisting victims as it is the first authority that victim approaches after the commission of the crime. The modus operandi of police plays a crucial role in the final delivery of justice. However, it is seen that at the very first stage itself, it is not easy for a victim to approach the police authorities. Usually, police are reluctant to register an FIR. Even after registration of an FIR, the meagre rights of victims' are invaded by the accused such as fair investigation, updates about the investigation, fabrication of evidence, etc. The system provides meagre rights to the victim to participate in the proceeding. The Malimath Committee report also highlighted the existing criminal justice system of India is more accused-centric but it fails to adequately focus on providing justice to the victim.<sup>47</sup> It is often seen that the unsympathetic attitude of criminal justice personnel, especially the police, during the investigation and in the trialoffense results in secondary victimization of the victim. To stop secondary victimization the existing system ought to give a more prominent role to the victim during the pretrial and trial stage

**8.1. Victim-oriented police reforms in India:** Victims play a prominent role in every criminal justice system. Without a 'victim,' no dispute will arise and there won't be any concept of a 'criminal justice system'. But the question is do our legal system gives relevant considerations to the victim in the criminal justice system, especially during police investigation. As far as the common law is concerned, the relevance of the victim is much less during investigation and trial. However, the CrPC and the constitution guarantee certain rights to the victims both at the pre-trial and post-trial stage. One aspect of police reform must be towards 'victim-oriented police reform' which is necessary to build a trust-based police system in our country. The victim has every right to register an FIR, either orally or in writing, in any police station in India regardless of its jurisdiction. This right is imperative since it sets the criminal law into motion. This right of the victim is absolute and shall be protected in every legal system<sup>48</sup>. If the information about the commission of an offence is oral, such information shall be reduced to writing by the police and the same shall be acknowledged by the victim. A copy of the FIR or the acknowledgment of registration of the FIR must be given to the victim forthwith. In case the police refuse to register an FIR, the victim can approach the Superintendent of police in writing for the registration of FIR. If the superintendent is also not responding, the victim can file a complaint before the magistrate under section 200 of the CrPC. On receipt of such a complaint, the magistrate shall conduct an inquiry or can order an investigation. Further, if the investigation is not proper or the police officer is not conducting the investigation as required by the law, the victim can approach the magistrate under section 156(3) of CrPC. Based on an application under section 156(3), a magistrate can supervise the investigation and can order for investigation progress report from time to time. The Supreme Court in the *Lalita Kumari case* held that "registration of FIR is mandatory if the information discloses commission of the cognizable offence". However, to register FIR jurisdiction is not a bar. FIRs can be registered at any police station regardless of its jurisdiction. If the victim receives any threat or inducement from the accused or his agent the police can register a fresh case under section 506 IPC.

Before interrogation, the police are duty-bound to inform the victim for legal assistance. If the offence is a sexual offence or serious crime the recording of statement shall be made in the presence of the members of the family or relative or friends of the victim. If the victim is a child, the statement shall be recorded in the presence of parents or guardians of the child or at his residence and it shall be strictly in a

<sup>47</sup> Malimath Committee on Reforms of Criminal Justice System.

<sup>48</sup> Section 154 of CrPC.

friendly manner by the investigating officer who is not in uniform. If a victim is a female, the presence of a female officer is necessary during the recording of the statement. In the case of an offence like rape or any sexual assault, the victim shall be subject to medical examination within 24 hours from the time of information. While taking the victim to the hospital the investigating officer and the lady officer shall accompany the victim. One important case that needs to be analysed in this regard is *Zahira Habibulla H. Sheikh v. State of Gujarat*<sup>49</sup>, which is very important for many aspects of the criminal justice system and also from the victims' rights perspective. It was held that an essential requirement of the trial process is that it should be fair and impartial. The importance of fair trial is reflected in the very fact that it is considered a norm and has been provided as an essential ingredient of a judicial process. The UDHR, 1948 under Article 10 and Article 11 provides for the importance of the fair trial in criminal justice administration. Further, Article 14 of the ICCPR reaffirmed the objectives of the UDHR and the responsibility of the state to ensure that every individual is entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law. The idea of fair trial varies from jurisdiction to jurisdiction however fair trial as a concept exists in some form or the other in all legal systems around the world. The judicial process also depends largely on the country following inquisitorial or adversarial systems. In India which follows an adversarial system the present case has acquired the status of being a landmark case as it accords a pivotal role to “fair trial” in the criminal justice administration.

**9. Police Training in India:** The traditional objective of the training is to attain “the greatest possible degree of efficiency and effectiveness”<sup>50</sup>. Knowledge and training certainly enhance police professionalism which is, however, due to various reasons found to be missing among the majority of investigating officers and supervisory officers in India. This poor professionalism is very apparent in the conviction and acquittal rates in India. Special focus and attention should be given to the frequent police training. Merely increase in the strength will not help in bringing professionalism to the police. To ensure complete justice to the party to the dispute and the rule of law, every stakeholder involved in the criminal justice system such as police, prosecutors, judges, prison authorities, etc. should be periodically trained. By realizing the relevance of training and also based on lessons from other countries, India also adopted various training sessions, especially after 2000. Many noticeable changes and developments both qualitative and quantitative in the field of police training as a result of the implementation of some of the recommendations of the *Gore Committee* which is also known as the *Committee on Police Training*. Many police training colleges were established in between and various capacity development programmes are now in place as a routine affair.

As far as the total number of training and orientation programs for the police, India conducts the maximum number of police training courses in the world<sup>51</sup>. The quality of training imparted, however, varies from one training center to another and certainly, it depends upon the quality and efficiency of the trainer. During the last decade, there has been a proliferation in the number of training institutions and the number of police personnel receiving training. It is mandatory that in many of the states investigating officers have to attend training programmes mandatorily. During the 1970s and 1980s, several

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<sup>49</sup>(2004) 4 SCC 158.

<sup>50</sup>The Asheton Committee, UK 1944.

<sup>51</sup> Dr. Krishna Mohan Mathur, “The Police Training in India: The Changing Perspective” in Dr. Krishna Mohan Mathur (eds), *Police in India: Problems and Perspective* (Gyan, 2018).

management and behavioral science inputs were introduced in police training syllabi for senior police officers. Based on the recommendations of the *Gore Committee*, the contents of police training programs have undergone substantial changes, especially based on judgments, Supreme Court guidelines, etc. Moreover, the advent of forensic evidence in the investigation also led to substantial changes in the training modules. Value orientation and attitudinal changes were two important facts that were given great importance by the *Gore Committee* training on police training<sup>52</sup>.

Quality and efficient training are always the matters of concern. Effective police training can only be the outcome of a desirable series of interactions between the police trainees, the trainers, the training environment, training strategies, and the training programmes. *Dr. Krishna Mohan Mathur* who conducted a study on police training in India says that 60 percent of police training institutions in the country do not have adequate living accommodations for trainees and even minimum physical facilities are not available in more than 70 percent of the police training institutions of the country. The author found that the latest training tools and equipment for police training are not being used in the majority of police training institutions and very few innovative efforts are being made by trainers in imparting training. Further, he observed that “Feedback from police trainees indicates that they find training programs theoretical, irrelevant and highly academic away from realities. Poor trainers, lack of preparations, boringly delivered lectures, the impersonality of the large classes, rigid adherence to the letters of the law, overloaded syllabi, emphasis on traditional examinations testing merely formal role learning and stress on teaching instead of learning, lack of realities and too idealistic approach were enumerated as some of the reasons for poor police training outcome. The failure to appreciate the real responsibilities, expectations, and role of police officers lies at the core of unsatisfactory police training. Many trainees held that de-militarization of training could go a long way in making the policemen less authoritarian. Police training alone cannot bring change in the behavior and attitudes of policemen unless it is reinforced by the organizational environment. There is a need to develop institutional structures for a supportive climate in police training. Most of the trainees felt the need for faculty improvement since value orientation and attitudinal changes cannot be brought about by incompetent, disgruntled, and demotivated trainers. Most of the trainers should have self-education to develop appropriate expertise in organizing training and they must have constant and close interactions with two poles—the knowledge of their subject and the evolving realities of the field. Police trainers, while selecting appropriate training strategies, must make decisions about the range i.e. the extent of content to be covered; the time i.e. the length of the training program; and the depth i.e. to what extent the content is to be treated”.

There is an urgent need for scientific and qualitative evaluation of police training in India. In many places, it has been found that the police officers are not taking the training programmes seriously and for the sake of implementation they are organizing the training programmes. In many places trainer comes with a huge syllabus and the trainer will be in a hurry to finish the syllabus rather than focusing on the result-oriented training. The trainers are not appointed on a serious note and it is tagged as unimportant and equivalent to punishment. The quality of trainers, curriculum, and methodology needs a complete overhaul and emphasis must be laid on periodic training. It is high time to link the promotions and other advantages with training and other professional skills<sup>53</sup>.

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<sup>52</sup>Ibid.

<sup>53</sup>Dr. G.K. Goswami, “Fair and Participatory Investigation: The New Paradigm Towards Internal Police Reforms” in Sanker Sen (eds), *Police Reforms* (Anugya 2016).



In the *Kishanbhai case*<sup>54</sup>, the Supreme Court has given very important guidelines regarding the development of course curricula for police training. The Supreme Court suggested that “it is essential that Home Departments of every state should review all orders of acquittals and to record reasons for the failure of each prosecution case. Further, the court directed to establishment of a Standing Committee in every state consisting of senior officers of the police and prosecution departments. The main task of the committee must be to review all acquittals, find out the reasons for the same, the rectification of mistakes committed during the investigation, and/or prosecution or both. The findings of the review must be incorporated into its training programmes for junior investigation or prosecution officials. The same course content shall be followed in the refresher training programmes, for senior investigating/prosecuting officials. The above responsibility for preparing training programs for officials should be vested in the same committee of senior officers referred to above. Moreover, there shall be revision of course content annually by the committee based on fresh inputs including emerging scientific tools of investigation, judgments of Courts, and based on experiences gained by the standing committee while examining failures, in unsuccessful prosecution of cases. Lastly, the court directed all the state governments, the above training program shall be put in place within 6 months from the date of the judgment. This would ensure that those persons who handle sensitive matters concerning investigation/prosecution are fully trained to handle the same. Thereupon, if any lapses are committed by them, they would not be able to feign innocence, when they are made liable to suffer departmental action, for their lapses”<sup>55</sup>.

## Conclusion

Police play a crucial role in maintaining law and order, building trust in the public, and creating a welfare democratic country. However, there has been a decline in public confidence in the police, leading to suggestions for improvement. The Shah Committee, established in 1977, recommended various suggestions for improving the police force, including addressing political influence and interference. Governments have been working to improve police training, with an unprecedented boom in institutions and programs in India. The Gore Committee, established in 1971, has been instrumental in implementing these recommendations, and successive governments have emphasized police training, enhancing the quality of police professionalism.

Police professionalism in India has evolved, with the need for reforms to increase professionalism and maintain the trust of the public. There are three models of police professionalism: elitist, universalist, and mixed model. The establishment of police colleges and academies was a worldwide phenomenon during the mid-1940s and the end of World War II. Post-independence, new professionalism emerged, emphasizing professional training for police officers.

India conducts the largest number of police training courses globally, but the quality of training varies depending on the trainer's quality and efficiency. A study by Dr. Krishna Mohan Mathur found that 60% of police training institutions in India lack adequate facilities and the latest training tools and equipment are not being used. Feedback from police trainees indicates that they find training programs theoretical, irrelevant, and academic, away from realities.

To improve police training, institutional structures must be developed, trainers should have self-education and close interactions with their subjects and the evolving realities of the field, and the quality

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<sup>54</sup>State of Gujarat v. Kishanbhai, ,(2014) 5 SCC 108.

<sup>55</sup> Ibid.

of trainers, curriculum, and methodology needs a complete overhaul. The Supreme Court's Kishanbhai case provided guidelines for developing police training courses, requiring Home Departments to review acquittal orders and record reasons for prosecution failures. The training program should be implemented within six months to ensure that those handling sensitive matters are fully trained to handle such matters, preventing lapses and departmental action. Victim-oriented policing is a global approach to protecting victims of crime. In Japan, the National Police Agency has implemented a Programme for the Protection of Victims of Crime, providing prefectural police with information and support services. In India, a right-based approach is crucial for building a trust-based police system. Victims have the right to register an FIR, file a complaint, and receive legal assistance before interrogation. Recording statements in the presence of family members, relatives, friends, or children, and a female officer are necessary for serious crimes. Medical examinations are conducted within 24 hours of information, and the investigating officer and lady officer accompany the victim. Addressing challenges in the criminal justice system in India requires a shift towards victim-oriented reforms that prioritize victims' rights and ensure a more just and equitable criminal justice system.