



Police Reforms in India: Constitutional Imperatives, Judicial Interventions and Contemporary Challenges

Dr. Salim Jawed

Assistant Professor (senior scale)
Patna Law College, Patna University, Patna

Abstract

Police reforms in India have long been recognised as a critical prerequisite for democratic governance, protection of human rights, and effective administration of criminal justice. Despite numerous expert commissions, judicial mandates, and model legislations, the police system continues to operate largely within a colonial framework characterised by politicisation, weak accountability, and declining public trust. This article is based on the earlier scholarly work on police reforms, critically re-examines the evolution of police reforms in India, with particular emphasis on constitutional mandates, the Supreme Court's decision in *Prakash Singh v. Union of India* (2006), and developments up to 2025. Using doctrinal and analytical methods, the paper argues that meaningful police reform is indispensable for strengthening the rule of law and democratic legitimacy. The study concludes by proposing a reform-oriented framework that balances autonomy with accountability and aligns policing with constitutional values.

Keywords: Police Reforms, Rule of Law, Accountability, Human Rights, Criminal Justice System, India.

1. Introduction

The police constitute one of the most visible and powerful instruments of the State, entrusted with maintaining public order, preventing crime, and enforcing the law. In India, however, policing has often been criticised for inefficiency, politicisation, corruption, and human rights violations (Verma, 2010). Although police reforms have been debated since Independence, they have rarely occupied a central place in the policy agenda of either the Union or State governments. This persistent neglect has adversely affected the credibility of governance and the effectiveness of the criminal justice system.

The continued reliance on the Police Act of 1861, enacted to serve colonial interests after the Revolt of 1857, has deeply influenced the structure and culture of Indian policing. Contemporary challenges such as terrorism, organised crime, cybercrime, and increasing public awareness of fundamental rights have further exposed the inadequacies of this colonial framework. Consequently, police reform has emerged as a constitutional necessity rather than a matter of administrative discretion.

2. Concept and Role of Police in a Democratic Polity

In a democratic society governed by the rule of law, the police are expected to function as protectors of constitutional values rather than as instruments of coercion. The legitimacy of policing rests on legality, accountability, professionalism, and public consent (Bayley, 2001). International human rights instruments, including the UN Code of Conduct for Law Enforcement Officials, emphasise that police powers must be exercised with restraint, proportionality, and respect for human dignity.

The Indian Constitution envisages a rights-oriented State in which executive authority is subject to fundamental rights and judicial review. Accordingly, policing must strike a balance between maintaining order and safeguarding civil liberties. Any imbalance in favour of unchecked coercive power undermines democratic governance and public trust.

3. Need for Police Reforms in India

The demand for police reforms in India arises from deep-rooted structural and functional deficiencies. Excessive political and bureaucratic interference, arbitrary transfers, lack of secure tenure, inadequate training, and poor infrastructure have compromised professionalism and morale within the police force (Second Administrative Reforms Commission, 2007). These deficiencies have contributed to widespread allegations of custodial violence, unlawful arrests, biased investigations, and corruption.

David H. Bayley's observation that the "rule of law in modern India has been undermined by the rule of politics" remains particularly relevant in this context (Bayley, 2001). Empirical studies and official reports consistently reveal low levels of public trust in the police, especially among marginalised communities. Strengthening the police is therefore essential not only for internal security but also for restoring faith in the criminal justice system.

4. Historical Evolution of Police Reform Initiatives

Efforts to reform the police in India date back to the colonial period. The Police Act of 1861, which followed the recommendations of the First Police Commission, prioritised control and discipline over accountability. The Second Police Commission (1902-03) addressed certain structural issues and advocated the Indianisation of senior ranks.

Post-Independence, several expert bodies examined police reforms. The National Police Commission (1977-81) provided a comprehensive blueprint focusing on autonomy, accountability, and insulation from political interference. Subsequent committees, including the Ribeiro Committee (1998-99), Padmanabhaiah Committee (2000), and Malimath Committee (2003), reiterated the need for systemic reform within the broader framework of criminal justice. The Model Police Act, 2006 sought to replace the colonial law with a service-oriented and rights-based framework. However, implementation of these recommendations has remained partial and uneven across States.

5. Judicial Intervention: *Prakash Singh v. Union of India*

A watershed moment in the reform discourse was the Supreme Court's judgment in *Prakash Singh v. Union of India* (2006). Acting on a public interest petition highlighting political misuse of the police, the Court issued binding directions to the Union and State governments. These included the

establishment of State Security Commissions, fixed minimum tenure for key police officers, separation of investigation from law and order functions, creation of Police Establishment Boards, and independent Police Complaints Authorities.

While the judgment reinforced the constitutional commitment to accountable policing, compliance has been uneven. Several States enacted new police laws that formally complied with the directives but substantively retained executive dominance, thereby diluting the spirit of reform (BPR & D, 2023).

6. Police Accountability and Police-Public Relations

Accountability is central to democratic policing. Traditional mechanisms such as political oversight and internal disciplinary control have often failed to prevent abuse of power. Independent oversight bodies, transparent complaint redressal systems, and judicial scrutiny are therefore essential to curb misconduct (UNODC, 2011).

Equally important is the relationship between the police and the public. The Second Administrative Reforms Commission noted that police-public relations in India remain unsatisfactory due to perceptions of corruption, inefficiency, and political bias. Community policing initiatives—such as Kerala's *Janamaithri Suraksha Project*, Maharashtra's *Mohalla Committees*, and Tamil Nadu's *Friends of Police*—demonstrate the potential of participatory models in improving trust and crime prevention. However, these initiatives require sustained institutional support and cultural change within police organisations.

7. Contemporary Challenges and Emerging Dimensions (Up to 2025)

Several factors continue to impede effective police reform. These include lack of political will, federal complexities arising from policing being a State subject, resource constraints, and resistance to change within the police hierarchy. Emerging challenges such as cybercrime, digital surveillance, use of artificial intelligence, and concerns over data protection further complicate the reform agenda (NCRB, 2024; World Justice Project, 2024).

Modern policing also demands enhanced forensic capabilities, scientific investigation techniques such as DNA analysis, and integrated communication systems. Without addressing these dimensions, police reforms risk remaining symbolic rather than transformative.

8. Conclusion and Way Forward

Police reform in India is indispensable for strengthening democratic governance, safeguarding human rights, and ensuring effective criminal justice delivery. Incremental and fragmented changes are insufficient to address systemic deficiencies rooted in colonial legacies and contemporary political realities.

A sustainable reform framework must prioritise comprehensive legislative overhaul, functional autonomy combined with robust accountability, professional training, technological modernisation, and meaningful community engagement. Above all, sustained political commitment and informed public



pressure are essential to translate long-standing recommendations into practice. Only then can the police evolve into a service-oriented institution aligned with constitutional values and the rule of law.

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