

POLICE REFORMS IN INDIA AN OVERVIEW



The Haryana Police Journal
Vol.3 | 2020

Dr. Sugato Mukherjee

Abstract

Police is an important organ of Justice System of State. The term 'police' refer primarily to agents of the State whose function is the maintenance of law and order especially the enforcement of the regular criminal Code. Police in modern days not only does the task of prevention of crimes and detection of criminals but also other welfare works like helping in the observance of traffic rules, control of crowds in public meetings and fairs, help the fire brigade and flood rescue parties, and help public in settling the minor disputes. The scope of this paper, is, however, not confined to only the definitional aspect of police. As the title indicates, this paper is going to present an overview regarding police reforms in India. Which challenges the Indian police system is facing? What ways are supposed to be followed to deal with these challenges? What is the stand of law in this regard—these are going to be the focal point in this research paper in its succeeding parts.

Key words: Police System, police reforms, Indian Perspective

Introduction

Police is an important organ of Justice System of State. The term 'police' refer primarily to agents of the State whose function is the maintenance of law and order especially the enforcement of the regular criminal Code. According to the Royal Commission on the Police Powers and Procedures 1929, a policeman is a person paid to perform, as a matter of duty, acts which, if he were so minded, he might have done voluntarily. The term police today is designated to the executive civil force of a state which is entrusted the duty of maintaining public order and enforcing regulations for the prevention and detention of crime.

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The scope of this paper, is, however, not confined to only the definitional aspect of police. As the title indicates, this paper is going to present an overview regarding police reforms in India. Which challenges the Indian police system is facing? What ways are supposed to be followed to deal with these challenges? What is the stand of law in this regard—these are going to be the focal point in this research paper in its succeeding parts. However, before entering into the main part of the discussion, an overview discussion has been done regarding the police system in India and its historical background to make the entire discussion systematic.

Police System in India—A Brief History:

²⁹ See: M.S. Begum, "District Police Administration", Anmol Publication Pvt.Ltd., New Delhi, 1996, p.2.
Dr.Sugato Mukherjee, Assistant Professor-II, Amity Law School-Amity University, Gurugram

Origin of police can be traced to the early Vedic period as the Rig and the Atharva Veda mentions certain kinds of crimes known to the Vedic people. In fact, evidence indicates the existence of security forces even in the Harappan period. The Mauryan period reveals significant features of the criminal justice organization even though the thorough reference of the same during the Vedic period is unavailable. Kautilya's Arthashastra (310 BC) is a treatise on the criminal justice system. It reads like a manual for police in modern times. There is a reference to DANVARIKA, ANTEVANSIKA, PRADESIKAS, MAHAMATRAS, RAJJUKAS, and so on. There were 3 types of police—dandpal, durgapal, and antpal.

History of Indian police on modern lines dates back to the dawn of the 19th century. The idea of a separate regular police force as it exists today was never in consideration prior to the British period and for a considerable time even after the commencement of the rule. It was only in 1774 that Warren Hastings introduced for the first time under the Company's rule several measures for police reforms, which later culminated in the Police Act of 1861 on which the current police system is also based.

The Indian Police system and structure³² as currently organized are fundamentally based on an Act 159 years old, the Police Act of 1861. The working of the police has been analysed twice at an All India level within a period of 120 years. First was the Indian Commission of 1902-03 during the British regime and second was in 1977 by the National Police Commission. They found police far from efficient, defective in training and organization, lacking in public relations, welfare measures, machinery for redressal of grievances, etc. and that it was commonly observed as corrupt and oppressive. Even after independence, we were lacking a better police administration system. There is still a requirement for a reorientation of attitude and approach on the part of the police.

Emerging Challenges:

As of now the discussion in this research work has covered mainly the history and development of police system in India. However, as the title of this research work indicates, the main focus of this research work is upon the police reforms in India. Here a question is getting raised spontaneously that why such reform is required. In answer, it can be pointed out that the main function of police is to maintain law and order situation under control but in spite of that police has failed to achieve its objectives fully on many occasion due to enormous factors in so far as the Indian perspective is concerned and in this way various exigencies have emerged. Certain main factors in this regard are stated as under:-

Misuse of Power:

Police faces very critical position in its every day working. It has to face with the cruel and hardened criminals, smugglers, murderers and other anti-social elements. The variety of works and responsibilities entrusted upon police in modern days has increased its powers at a wide scale. Government has given wide discretionary powers to police to meet with any situation or contingency like arrest without warrant, taking search of a house or place, trapping and causing physical injury up to the extent of causing death on the band of robbers, dacoits and other criminals in encounter. Police must, as a rule exercise its discretionary and other powers with prudence and judicious mind but that rarely happens. The poor and innocent persons are physically and mentally tortured by police

³²See Generally: Sharma, A., 2004. *Police in ancient India. The Indian Journal of Political Science*, Pp.101-110. ³³After the revolt of 1857, the British realized the threat of losing power and were determined to ensure complete suzerainty and suppression of all challenges to their power. Thus, a Police Commission was appointed in 1860, to make police an efficient instrument for the prevention and detection of crime. However, the system so

exercising those powers sometimes with ill feeling on to fulfil their own interests. Such tendency creates dissatisfaction, hatred and fear in the mind of people against police as a whole.

Oppressive Policy:

Amongst many other factors, police brutality is one more factor which has emerged to be a challenge for police system in India. Police is meant not only for the maintenance of law and order in the society but also to help the common people. In contrary to it, hard and oppressive attitude is adopted by police in tackling the cases. In addition, prisoners are getting tortured in its custody.

Use of torture on prisoners and under-trials has become an ordinary phenomenon in the police custody in India. The 'Police' which is the civil force of a state use torture to obtain information or confessions from the prisoners or under-trials. The use of torture has been strictly prohibited under the International Instruments and national laws of most of the countries. However, in India, no specific provision has been expressed to safeguard the rights of individuals against torture. It is a matter of great sadness on the legislature of India, that even after more than two decades of India signing the 'Convention against Torture', still no specific legislation or enactment has been enacted to ratify the convention. Nothing has been done by the legislature till now to enact the prohibition of torture laws. Moreover, under the National legislations, "Indian penal code 1890", under "Sections 330 & 348", makes the act considered as torture as penal, with 7 and 3 years of imprisonment, but when this offence is committed by a police officer on duty, it is not applied. Therefore, these provisions falls short of covering all the prospects of torture as defined in the Convention against torture.

The other instances of oppressive attitude of police are unwarranted Lathi Charge, firing on mob and undue arrest out of common mass.

Corruption:

One more important reason which has given stable land to the argument of police reforms in India is corruption. It is an open secret that tendency of earning money illegally or accepting gratification is on the peak in the police department. There are three forms of corruption. One form of corruption is that in which only a few isolated policemen accept bribes. The second form is that in which a large number of officers (lower as well as higher ranks) take bribes but they are not joined together to form networks of corruption. The third form of corruption is pervasive organised corruption. In this type, corruption is organised in a hierarchical authoritarian fashion. In fact, this variety of corruption extends beyond the police department to the high criminal justice and political officials and revolves around the vice operations of a local crime syndicate. Precisely, tendency of earning money illegally or accepting gratification is developing at a faster rate over the Government departments but it is on the peak in the police department. Police makes use of its discretionary powers to such an extent that an aggrieved person has to pay money even for lodging its First Information Report (hereinafter referred as FIR) at some police station, in case there is happening of anything wrong with him/her.

However, the noteworthy point is it is not a new thing in the Indian scenario. The First Police Commission of free India (1977-1981) headed by late Dharma Vira also found rampant corruption in the police and commented "in the perception of the people, the egregious features of the police are

politically oriented partisan performance of duties, partiality, corruption and inefficiency, degrees of which vary from place to place and person to person ... What the Police Commission said in 1903 appears more or less equally applicable to the conditions obtaining in the police today”³³.

The irony is that the situation has not been remarkably improved even after passing four decades since the submission of the report by the Police Commission. It does not mean that every police officer is dishonest and corrupt but even the minority engaged in these activities defame the whole department.

Qualifications and training:

The policemen are generally either uneducated or less educated. That is why, the sense of regard for others, sincerity and good behaviour lack in them. It is a common phenomenon that police personals are using very rough and abusive language. Their attitude towards public generally remains harassing. They often forget that at the end of the day they are public servant and the end result is the development of a detaching tendency amongst public at large from the police personals. Lack of proper training is one of the most important factors behind the same. During their training they are taught basic lessons of the Indian Penal Code, Police Act and the Code of Criminal Procedure but probably not taught to keep good and sympathetic behaviour with public. Perhaps, they are not advised during their training that they are public servants and meant for the help and service of common-mass. The result is that after training when police-men are posted on their duties, they act like administrators. Such feeling creates obvious obstructions in keeping amicable relations between police and public.

Shortage of Staff and Political Interference:

Police has been entrusted with the variety of jobs and responsibilities but its strength is not such as it required for efficient performance of all such duties. There is a huge manpower shortage in the police department. The result is that despite shortage of them, it is employed on different works. The General Police maintains law and order in the society. It arrests criminals, investigates crimes, takes search of the place as per search warrant, prepares ‘Panchnama’ in case of murder and arranges post mortem of the body of deceased, collects evidence against accused and produces before Court, makes security from fire, flood, controls heavy crowd of people in the fairs and so on. It also provides security to government officials, factories, industrial establishments from damages and destruction from anti-social persons. In addition, police also has to comply with the everyday orders and instructions of the Court. It is, therefore, natural that too much police staff is required for proper functioning of these jobs. Unfortunately, the limited police staffs have to do all these duties. The police-population ratio, currently 192 policemen per lakh population, is less than what is recommended by UN i.e. 222 policemen per lakh population. Such overburdening of work not only reduces the effectiveness and efficiency of the police personnel but also leads to psychological distress which contributes to various crimes committed by the policemen. Moreover, political interference in the affairs of police is also one of the reasons of its failure. It is a well-known fact that when a person belonging to a particular group is arrested, the police station is besieged within a few minutes by numerous persons of such group. For instance, when any teacher, lawyer or sweeper is arrested, such crowd besieged the whole police station. The work of police becomes more difficult when political forces appear on the scene to exploit the situation for their own ends.

Faujdar, and Kotwal. The Act imposed in the whole country a uniform police system. It relieved the District Magistrate of his duty to keep a check over the local police and made it more professional, organized, and disciplined in nature. The system of policing instituted by the Act is still in force and brought uniformity in administration. However, the general conditions of crime control remained unsatisfactory probably due to poverty, 16

Measures Taken to Improve Police System in India:

The narration (as stated above) regarding the exigencies that police system is facing in India presently has necessitated police reforms in our country. However, it does not mean that the aspect of police reforms has not been given any attention in India earlier. Both before and after the independence, several committees and commissions have been appointed and have pondered on innumerable aspects of restructuring the effectiveness of police governance in the country. It all commenced with the 1st Police Commission which was set up soon after the 1857 Mutiny to deliberate upon the regulatory framework for police in the country.

Set up in 1860, the recommendations of this Commission resulted in the enactment of the Police Act of 1861-a law that still governs police. A review of the issues arising from the implementation of the Police Act of 1861 was done in 1902, through the setting up of the 2nd Police Commission. The Commission came out with a detailed report covering various aspects relating to the organization of police force, adequacy of training, strength, pay, the sufficiency of procedure for reporting crime, investigating offences, adequacy of supervision exercised by the Magistracy over the police, the control of the superior officers over the investigation of crime, relation between railway police and district police etc.

What is intriguing to note is that even path in those days, it found the police a long way from proficient, faulty in preparing and association, and one which was commonly viewed as “degenerate and abusive.” Post-freedom with evolving socio-economic and political set up in the nation, the need for giving a fresh look to the police administration was felt a few times.

As far as the post-independence era is concerned; the first Police Reforms Committee was set up by Kerala in 1959. This was followed by a succession of Police Commissions appointed by different State Governments mainly during sixties and seventies (West Bengal in 1960-61, Punjab in 1961-62, Delhi in 1968, Tamil Nadu in 1971 to name a few). At the Central Government level, a Working Group on Police by the Administrative Reforms Commission was set up in 1966. This was followed by the setting up of the Gore Committee on Police Training in 1971 and subsequently the National Police Commission (hereinafter referred as NPC) which, between 1977-1981, submitted 8 reports suggesting wide ranging reforms in the existing police set-up and also a Model Police Act. None of the major recommendations by the National Police Commission were adopted by any government.

This influenced two former Director Generals of Police (DGPs) in 1996 to file a Public Interest Litigation (PIL) in the Supreme Court (Prakash Singh vs. Union of India) asking the Court to direct governments to implement the NPC recommendations. In the course of the 10 year long case, in 1998 the Court set up the Ribeiro Committee to review action taken to implement the recommendations of the. While the matter was underway in the SC, in 2000, the Ministry of Home Affairs set up the Padmanabhaiah Committee to examine the requirements of policing in the new millennium. Subsequently, the Malimath Committee on reforms of Criminal Justice System in India was set up in 2003. Finally, it was the landmark judgment delivered by the Supreme Court of India in Prakash Singh v/s. Union of India in 2006 by which the issue of police reforms has got a new motion in India which is stated as under:-

Judicial Intervention in Prakash Singh v/s Union of India-- A New Dimension:

In 2006, the Hon'ble Supreme Court gave a landmark judgement in the Prakash Singh case with seven directions (six for the state government and one for the Union) for setting up of state Security Commission to lay down broad policies and give directions for preventive tasks and service and constituted the Soli Sorabjee Committee which suggested a Model Police Act. The seven directions are stated below:-

[S]tate Security Commission: The State Governments are directed to constitute a State Security Commission in every State to ensure that the State Government does not exercise unwarranted influence or pressure on the State police and for laying down the broad policy guidelines so that the State police always acts according to the laws of the land and the Constitution of the country. This watchdog body shall be headed by the Chief Minister or Home Minister as Chairman and have the DGP of the State as its ex-officio Secretary. The other members of the Commission shall be chosen in such a manner that it is able to function independent of Government control³⁴.

The recommendations of this Commission shall be binding on the State Government³⁵.

It is also mentioned in the judgment that for the above stat purpose, concerned State/States is/are free to choose any of the models as recommended by the National Human Rights Commission, the Ribeiro Committee or the Sorabjee Committee³⁶.

[S]election and Minimum Tenure of DGP: The Director General of Police of the State shall be selected by the State Government from amongst the three senior-most officers of the Department who have been empanelled for promotion to that rank by the Union Public Service Commission on the basis of their length of service, very good record and range of experience for heading the police force. And, once he has been selected for the job, he should have a minimum tenure of at least two years irrespective of his date of superannuation. The DGP may, however, be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules or following his conviction in a court of law in a criminal offence or in a case of corruption, or if he is otherwise incapacitated from discharging his duties.

Minimum Tenure of I.G. of Police & other officers: Police Officers on operational duties in the field like the Inspector General of Police in-charge Zone, Deputy Inspector General of Police in-charge Range, Superintendent of Police in-charge district and Station House Officer in-charge of a Police Station shall also have a prescribed minimum tenure of two years unless it is found necessary to remove them prematurely following disciplinary proceedings against them or their conviction in a criminal offence or in a case of corruption or if the incumbent is otherwise incapacitated from discharging his responsibilities. This would be subject to promotion and retirement of the officer.

Separation of Investigation: The investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people. It must, however, be ensured that there is full coordination between the two wings. The separation, to start with, may be effected in towns/urban areas which have a population of ten lakhs or more, and gradually extended to smaller towns/urban areas also.

Police Establishment Board: There shall be a Police Establishment Board in each State which shall decide all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. The Establishment Board shall be a departmental body comprising the Director General of Police and four other senior officers of the Department. The State Government may interfere with decision of the Board in exceptional cases only after recording its reasons for doing so. The Board shall also be authorized to make appropriate recommendations to the State Government regarding the posting and transfers of officers of and above the rank of Superintendent of Police, and the Government is expected to give due weight to these recommendations and shall normally accept it. It shall also function as a forum of appeal for disposing of representations from officers of the rank of Superintendent of Police and above regarding their promotion/transfer/disciplinary proceedings or their being subjected to illegal or irregular orders and generally reviewing the functioning of the police in the State.

Police Complaints Authority: There shall be a Police Complaints Authority at the district level to look into

Indianisation of the services remained very slow despite pronouncements and recommendations. Due to the unavailability of Europeans, more Indians started getting appointed to the services later. After independence, India adopted the 1861 system unaltered in any basic respect. See Generally: Das, D.K. and Verma, A., 1998. The armed police in the British colonial tradition: the Indian perspective. Policing (Bradford), 21(2), p.354.

complaints against police officers of and up to the rank of Deputy Superintendent of Police. Similarly, there should be another Police Complaints Authority at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level Authority may be headed by a retired District Judge while the State level Authority may be headed by a retired Judge of the High Court/Supreme Court. The head of the State level Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice; the head of the district level Complaints Authority may also be chosen out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. These Authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts, and they shall be selected by the State Government from a panel prepared by the State Human Rights Commission/LokAyukta/State Public Service Commission. The panel may include members from amongst retired civil servants, police officers or officers from any other department, or from the civil society. They would work whole time for the Authority and would have to be suitably remunerated for the services rendered by them. The Authority may also need the services of regular staff to conduct field inquiries. For this purpose, they may utilize the services of retired investigators from the CID, Intelligence, Vigilance or any other organization. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The district level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. The recommendations of the Complaints Authority, both at the district and State levels, for any action, departmental or criminal, against a delinquent police officer shall be binding on the concerned authority.

National Security Commission: The Central Government shall also set up a National Security Commission at the Union level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organisations (CPO), who should also be given a minimum tenure of two years. The Commission would also review from time to time measures to upgrade the effectiveness of these forces, improve the service conditions of its personnel, ensure that there is proper coordination between them and that the forces are generally utilized for the purposes they were raised and make recommendations in that behalf. The National Security Commission could be headed by the Union Home Minister and comprise heads of the CPOs and a couple of security experts as members with the Union Home Secretary as its Secretary³⁷.

It has also been mentioned in the judgment that the implementation of the stated directives shall be accomplished by the Central Government, State Governments or Union Territories, as the case may be, on or before 31st December, 2006 so that the bodies afore-noted became effective on the onset of the new year. The Cabinet Secretary, Government of India and the Chief Secretaries of State Governments/Union Territories were directed to file affidavits of compliance by 3rd January, 2007³⁸. This is, how, a new door got opened in the journey of police reforms in India through the Prakash Singh v/s Union of India case.

Drafting of the Model Police Act, 2006—A Forward Step:

One more landmark step in the journey of police reforms in India is the drafting of Model Police Act, 2006. The central government set up the Police Act Drafting Committee (Chair: Soli Sorabjee) in 2005 to draft a new model police law that could replace the Police Act, 1861. The committee submitted the Model Police Act in 2006, which was circulated to all the states in 2006. 17 states (Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand) passed new laws or amended their existing laws in light of this new model law³⁹. Key features of the Model Police Act, 2006 include:

- Organisation and recruitment: Each state will have one police service, which shall be

headed by the DGP. Direct recruitments to subordinate ranks (i.e. below Deputy SP) will be made through a state level Police Recruitment Board. Recruitment to officers' ranks will be through the Union Public Service Commission or State Public Service Commission.

- **Responsibilities:** The responsibilities of the police serve will include: (i) enforcing the law impartially, and protecting life, liberty and human rights, (ii) preserving public order, and preventing terrorist, militant and other activities affecting internal security, (iii) protecting public properties, (iv) preventing and investigating crimes, (v) providing help in natural or man-made disasters, (vi) collecting intelligence, etc. In police stations in urban areas and crime prone rural areas, investigation of heinous and economic crimes (e.g., murder, serious cases of cheating) will be carried out by a Special Crime Investigation Unit, headed by an officer at least of the rank of a Sub-Inspector. Officers of these units will generally not be diverted for any other duty.
- **Accountability:** The state government will exercise superintendence over the police service. This will include laying down policies and guidelines, setting standards for quality policing, and ensuring that the police perform their duties in a professional manner. State Police Boards will be constituted in each state to frame guidelines, select officers who are qualified to be promoted to rank of DGP, and evaluate police performance. Police Accountability Commissions will also be set up by states to address complaints of police misconduct. However key police functionaries (e.g., DGP and police station in charge) will have a minimum tenure of two years unless they have been convicted by a court, or suspended from service, etc.
- **Service Conditions:** The state government will ensure that the average hours of duty of a police officer do not exceed 8 hours (in exceptional situations, 12 hours). Adequate insurance coverage will also be provided to personnel against any injury disability or death caused in line of duty. A Police Welfare Board must also be set up to administer and monitor welfare measures for police, including medical assistance, group housing, and legal aid for officers facing court proceedings⁴⁰.

Thus, it gets clear that attempts are being taken to improve the police system in our country. Even in recent past bringing the Model Police Bill 2015⁴¹ is also a forward step in this regard.

Implementation of the Prakash Singh Judgment:-

As already explained, a landmark attempt has been taken in the direction of police system in our country by means of the Prakash Singh judgment. However, the reflections of these steps are not that bright as it was supposed to be. Explaining the same, it can be mentioned that the Court directed the Union and the States to implement its orders by the end of 2006. This deadline was subsequently extended till March 31, 2007.

The Court opined that its directions would be operational till a model Police Act is prepared by the Central Government and / or the State Government pass the requisite legislations. Initially, the Court itself monitored compliance of all States and Union Territories.

However, in 2008 it set up a three member Monitoring Committee with a two year mandate to examine compliance state by state and report back to it periodically. The Supreme Court also appointed the Justice Thomas Committee which submitted a report in 2010. It expressed disappointment over the total indifference to the issue of reforms in the functioning of Police being exhibited by the States⁴².

Another committee constituted under Justice Verma to examine Amendments to Criminal Law in the context of a gang rape incident in 2012 denounced the lack of implementation of the Court's seven directions in the Prakash Singh case⁴³. Moreover, the Model Police Act 2006 is yet to be enforced.

This is, how, the reformation in the police system is still in a hanki-dori situation in India.

Conclusion:

At the end, this conclusion can be drawn that police reforms in India is the need of the hour. As India makes rapid advances towards becoming an economic and political superpower, our police cannot continue to remain frozen in the frame of a past era. The transformative reforms in the Indian Police is possible through appropriate interventions in skill building and attitudinal training, through reforms that are both bold and practical, and through collective action of all stakeholders to drive a nationwide campaign for change, keeping in mind, the difficult conditions under which our police functions. It is imperative that more needs to be done than simple underlying changes inside the framework.. It is essential to give a fresh look at the police as a service organization meeting those needs of the society that are essential for safety, security, quality of life and peace. Network inclusion, issue situated policing and proactive policing techniques should be embraced in the changing condition of society.

³²As per the Constitution of India, the police force is a state subject. States are the authority to draw rules, regulations and guidelines for the police in the state police manual. The organization structure of police forces in India is fairly uniform in all the states throughout the country. The head of the police force in a state is called the Director-General of Police (DGP). A state is further divided into several zones, ranges, and districts. The district force is headed by an officer of the rank of Superintendent of Police (SP). Group of districts forms a range which is headed by an officer of the rank Deputy Inspector General of Police (DIG). Zones are composed of two or more ranges headed by an officer of the rank Inspector General of Police (IG). Districts are further subdivided into sub-divisions like circles and police stations which are headed by officers of different ranks. The district police are also divided into two branches—the civil police and the armed police, where the former primarily controls crime, and the latter deals with law and order situations and is also the reserved police of the district kept to meet an emergency situation. See Generally: Dhillon, K., 2011. *The police and the criminal justice system in India. The Police, State, and Society: Perspectives from India and France*, 27. See Also: Varghese, John, *Police Structure: A Comparative Study of Policing Models* (May 12, 2010). Available at <https://ssrn.com/abstract=1605290> or <http://dx.doi.org/10.2139/ssrn.1605290> [Accessed Date: 1st December 2020]

³³See: First Report, National Police Commission, 1979, Available at: <http://police.pondicherry.gov.in/Police%20Commission%20reports/1st%20Police%20commission.pdf> [Accessed Date: 25th September, 2020]. See Also: Thomas, KV., [2004] “CORRUPTION IN INDIAN POLICE” *Academy Journal*, Volume: Not Found [Jan-June], Pp.3-9

³⁴[No Signal] Prakash Singh & Ors vs Union Of India And Ors. Writ Petition (civil) 310 of 1996 ¶ 25, (September 22, 2006)

³⁵Id.

³⁶NHRC Ribeiro Committee Sorabjee Committee

1. Chief Minister/HM as Chairman.

1. Minister i/c Police as Chairman

1. Minister i/c Police (ex-officio Chairperson)

2. Lok Ayukta or, in his absence, a retired Judge of High Court to be nominated by Chief Justice or a Member of State Human Rights Commission.

2. Leader of Opposition.

2. Leader of Opposition.

3. A sitting or retired Judge nominated by Chief Justice of High Court.

3. Judge, sitting or retired, nominated by Chief Justice of High Court.

3. Chief Secretary

4. Chief Secretary

4. Chief Secretary

4. DGP (ex-officio Secretary)

5. Leader of Opposition in Lower House.

5. Three non-political citizens of proven merit and integrity.

5. Five independent Members.

6. DGP as ex-officio Secretary.

6. DG Police as Secretary.

³⁷[No Signal] Prakash Singh & Ors vs Union Of India And Ors. Writ Petition (civil) 310 of 1996 ¶ 27-32, (September 22, 2006)

³⁸See: Prakash Singh & Ors vs Union Of India And Ors. Writ Petition (civil) 310 of 1996 ¶ 33, (September 22, 2006)

³⁹See Generally: Chaturvedi, A (2017). *Police Reforms in India*. Available at:

https://www.prsindia.org/sites/default/files/parliament_or_policy_pdfs/Police%20Reforms%20in%20India.pdf [Accessed Date: 4th October, 2020]

⁴⁰Id.

⁴¹The Government has reviewed the Model Police Act, 2006 and accordingly, a draft Model Police Bill, 2015 has been prepared and placed on the website of BPR & D. Further, as “Police” is a State subject, falling in List II of the Seventh Schedule of the Constitution of India, it is primarily the responsibility of the State Governments to formulate new Police Act or amend their existing Act on the lines of draft Model Police Bill prepared by the Central Government.

⁴²See: Thomas, K. T., Kumar, K., and Sharma, D., 2010. *Final Report of Justice K. T. Thomas Committee. Part IV and V*. Copy is also available at: <http://www.peoplepolice movement.com/committee.html> [Accessed Date: 30th November, 2020]

⁴³Justice J.S. Verma Committee, which was constituted in the wake of the brutal gang rape in Delhi on December 16, 2012, submitted a comprehensive report on Amendments to Criminal Law. The Committee regretted that “the Supreme Court’s judgment of 2006 in Prakash Singh’s case giving certain directions for the autonomy and improving the quality of the police force remain to be implemented by all the governments” and emphasized that “action in this behalf does not brook any further delay”. In Chapter XII of the Report, which deals exclusively with Police Reforms, the Committee expressed the view that “ensuring full compliance with this judgment across all of India is of utmost priority to national welfare; including the welfare of women and children and towards the weaker sections of the community”, and urged “all states to fully comply with all six Supreme Court directives in order to tackle systemic problems in policing which exist today”. It further made the following observations: “We believe that if the Supreme Court’s directions in Prakash Singh are implemented, there will be a crucial modernization of the police to be service orientated for the citizenry in a manner which is efficient, scientific, and consistent with human dignity. The Committee believes that this will be reflective of the need of society today and not that of control or suppression as in the colonial era.” See: Verma, J.S., Seth, L., Subramanian, G. and Justice JS Verma Committee, 2013. *Report of the committee on amendments to criminal law*. P.321

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