



This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

The Police in India's Criminal Justice System: Challenges and Ways to Improve

N.Hari Sanjana

ABSTRACT:

The police in India are an important part of the criminal justice system. They are the people that citizens meet when they need help from the justice system. The police have to keep people safe, stop crimes from happening, protect people's lives and property, and investigate crimes. How the police do their job affects how well the courts, prosecutors and prisons work.. Over time, people have criticised the police in India for being too controlled by politicians, for being violent when they arrest people, for being corrupt, for not having enough staff, for not being well-trained, for having old laws, for not having good facilities and for not being accountable. The way crime is committed is. This is making it harder for the police to do their job. New types of crime like cybercrime, organised crime, financial fraud, terrorism, human trafficking and crimes that happen across borders need the police to have skills to be good with technology and to work well with other organisations. At the same time, people are more aware of their human rights, and they expect the police to do their job in a fair and transparent way and to respect people's freedom. Many committees, courts and government initiatives have said that the police in India need to be reformed. An important court decision, *Prakash Singh v. Union of India*, said that the police should be independent and accountable. Recently, new laws like the *Bharatiya Nyaya Sanhita*, *Bharatiya Nagarik Suraksha Sanhita* and *Bharatiya Sakshya Adhiniyam* are trying to modernise the way crimes are investigated and punished by using technology and focusing on the needs of victims.

This paper looks at the role of the police in India's criminal justice system, the challenges they face at what is being done to reform the police, and what can be done to make the police more professional, accountable and citizen-friendly and to make them better at using technology.

KEYWORDS:

Police Administration, Criminal Justice System, Investigation, Police Reforms, Rule of Law, Human Rights, Accountability, Criminal Procedure, Constitutional Governance, Public Order.

INTRODUCTION:

The criminal justice system is how society deals with crime and protects people's rights. Keeps the public safe. In India, this system is made up of the police, the prosecution, the courts and the prisons. The police are a part of this system because they are the first to detect crime, to register complaints, to investigate crimes, to collect evidence, to arrest people and to help the courts. So how well the whole criminal justice system works depends on how the police do their job. The Constitution of India says that India is a country where everyone is equal before the law and has the right to life and liberty. The police have to make sure that these rights are protected while also keeping the public safe and preventing crime. Their job is not just to enforce the law but to protect human rights, to keep the peace, to respond to disasters, to regulate traffic, to protect people from cybercrime and to protect vulnerable people.

Despite how important their job's the police in India still work under a system that was created during the colonial period. The Police Act of 1861 was made to create a police force that was loyal to the government, not to the people. Even though India is now a country, many of the old ways of doing things are still used. The police face problems like too much interference from politicians, not enough money, not enough trained staff, old-fashioned ways of investigating crimes, not enough help from forensic scientists, and not being accountable.

Indian society is changing fast, which makes the police's job harder. More people are moving to cities; there is globalisation, new technology is being used, and there are new types of crime. The police need to have the skills and the technology to deal with these changes. At the same time, people are more aware of their rights, and they expect the police to be transparent, professional and fair. Courts and expert committees have said that the police need to be reformed if democracy is to work properly and if the criminal justice system is to be improved. The Supreme Court has said that the police need to be independent and accountable if they are to protect people's rights and ensure that everyone is equal before the law. So many initiatives have been started to modernise the police to make them more accountable and to improve their training.

This paper looks at how the police in India have developed over time, the laws that govern their work at the roles they have to play, the challenges they face and the reforms that are being proposed.

I. HOW POLICING IN INDIA BEGAN:

Policing in India has a history that goes back to ancient times. Rulers used to appoint people to keep law and order, collect information, and protect property. Old books like Kautilya's talk about organised systems of policing that were used to prevent crime and keep the country safe. During the Mughal period, officials like the Kotwal were in charge of keeping the peace, regulating markets, preventing theft and running the cities.

The modern police force was created during the colonial period. After the Revolt of 1857, the British government made the Police Act of 1861 to create a police force that was controlled from the centre and was disciplined. The Act created a system of administration that was headed by the Inspector General of Police and the district Superintendents of Police. Although this system was uniform, it was more focused on controlling people than on being accountable to them.

After India became independent, it kept many of the policing systems. Although the country became a democracy, the police systems did not change much. The National Police Commission,

which sat from 1977 to 1981, criticised the ways of policing and suggested many reforms, including making the police more independent, improving recruitment, modernising the police training them better and making them more accountable.

Many other committees, like the Ribeiro Committee, the Padmanabhaiah Committee, the Malimath Committee and the Second Administrative Reforms Commission have also said that the police need to be reformed to make them more professional and accountable. The Supreme Court's decision in *Prakash Singh v. Union of India* was a step forward because it said that the police should be independent and efficient. Although the decision has not been implemented uniformly, it is still the basis for police reform in India.

II. THE LAWS THAT GOVERN POLICE ADMINISTRATION:

The Constitution of India provides the basis for police administration while also protecting people's fundamental rights. According to the Seventh Schedule, "Police" and "Public Order" are state subjects, which means that state governments are primarily responsible for policing. However, the central government also has a lot of influence through investigative agencies, paramilitary forces, financial help, intelligence coordination and national security laws. Police officers have powers under laws. The *Bharatiya Nagarik Suraksha Sanhita, 2023* regulates how crimes are investigated, how people are arrested, searched and seized and how trials are conducted. The *Bharatiya Nyaya Sanhita, 2023* defines what crimes are, and the *Bharatiya Sakshya Adhiniyam, 2023* governs how evidence is used in court. These laws are trying to modernise the criminal justice system by using evidence, forensic investigation and technology-based procedures.

The police also have to follow the Constitution, which protects people's rights. Article 14 says that everyone is equal before the law; Article 19 protects people's freedoms; Article 20 protects people from being prosecuted; Article 21 protects people's life and liberty; and Article 22 says how people should be treated when they are arrested and detained. So the police have to do their job in a way that's fair, reasonable and follows the Constitution. The Supreme Court has always said that the police have to work within the limits of the Constitution. In the case of *D.K. Basu v. State of West Bengal*, the Court gave guidelines on how to arrest and detain people to prevent violence and protect dignity. In the case of *Joginder Kumar v. State of Uttar Pradesh*, the Court said that the police should not arrest people without a reason. There are also laws like the *Protection of Human Rights Act, 1993*, the *Juvenile Justice (Care and Protection of Children) Act, 2015*, the *Protection of Women from Domestic Violence Act, 2005* and the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989* that give the police more responsibilities to protect vulnerable people and to enforce the law effectively.

III. ROLE OF POLICE IN INDIA'S CRIMINAL JUSTICE SYSTEM:

The police are the foundation of India's criminal justice system. They are the first to respond to crimes and start the process. The police have responsibilities. They have to control crime and protect the values of the Constitution. They have to keep order and prevent crimes. They have to investigate crimes and collect evidence. They have to help the courts and protect people who're

vulnerable. If the police do their job well, people will trust the law and justice will be fair and efficient.

A. Prevention and Detection of Crime

One of the jobs of the police is to prevent crimes before they happen. To prevent crimes, the police have to patrol the streets. They have to watch people who have committed crimes before. They have to gather information and talk to the community. They have to take steps to prevent crimes in areas where crimes happen a lot. If the police are visible, they can stop people from committing crimes. The police can make people feel safe. When the police get information about a crime, they have to start an investigation. They have to register a First Information Report. This is the start of the investigation. The police can then use their powers to search, seize and arrest people. The Supreme Court has said that the police have to register First Information Reports in cases. This is important for justice. To stop the police from being unfair. The police also have to keep records of people who have committed crimes before. They have to watch groups that are involved in crime. They have to teach people about crime and work with the community to find threats. The police are using technology like crime mapping and predictive analysis to anticipate crimes and use their resources well.

B. Investigation of Criminal Offences

Investigating crimes is an important job of the police. The quality of the investigation affects the outcome of the case. The police have to collect evidence and take statements from witnesses. They have to do examinations and identify suspects. They have to recover stolen property and prepare a report for the court. In recent years, forensic science has become very important in investigations. The police are using DNA profiling, fingerprint examination and other techniques to solve crimes. The police are also using technology like recognition and electronic surveillance. The Bharatiya Nagarik Suraksha Sanhita, 2023 is encouraging the police to use investigation more. The police are facing some challenges. They do not have forensic experts. They do not have training. They have a lot of work. The laboratories are slow. This is reducing the efficiency of the investigations. So the police need to improve their infrastructure.

C. Maintenance of Public Order and Internal Security

The police have to maintain order. This means they have to keep the peace and make sure people can exercise their rights without fear. The police have to regulate gatherings and events. They have to prevent violence and control riots. They have to protect property and enforce the law during emergencies.

The police also have to respond to disasters and pandemics. They have to help people and restore order. The police have to work with agencies to maintain internal security. They have to stop terrorism and organised crime. The police have to coordinate with agencies and use intelligence to respond to threats. The police have to be careful. They have to make sure they do not use too much force. They have to respect people's rights and freedom. If the police are excessive, they can undermine democracy and trust.

D. Protection of Human Rights and Vulnerable Sections

The police have to protect rights. They have to respect the dignity and liberty of every person. The police have to be sensitive to women, children and other vulnerable groups. They have to register complaints and investigate crimes against these groups. The police have to work with social welfare agencies to protect victims. The Supreme Court has said that the police have to follow guidelines when they arrest people. They have to prepare arrest memos and do examinations. They have to tell the relatives of the person who is arrested. The police have to maintain records of custody. This is to prevent abuse of power and protect liberty. The police have to be trained in rights. They have to be professional and transparent. They have to respect the rights of victims and follow the law. The police have to be accountable, and independent oversight mechanisms can help.

IV. EMERGING RESPONSIBILITIES OF THE POLICE:

The police have responsibilities because of technology, globalisation, and new patterns of crime. The police have to be specialised. Have new skills.

A. Cybercrime Investigation

Cybercrime is a growing problem. The police have to investigate crimes like financial fraud and identity theft. They have to use technology and work with internet service providers and financial institutions. The police have to be trained in forensic capabilities.

B. Counter-Terrorism and National Security

The police have to prevent terrorism and protect security. They have to collect intelligence and surveil groups. They have to protect infrastructure and respond to emergencies. The police have to work with agencies and international partners.

C. Community Policing

Community policing is an approach. The police have to work with the community to prevent crime. They have to build trust and cooperation. The police have to be transparent and accountable. They have to involve citizens in maintaining peace and security.

D. Use of Technology in Policing

Technology is changing policing. The police are using digitisation, online complaint registration and surveillance technology. They are using intelligence and data analytics to investigate crimes. The police have to be careful about privacy and accountability. They have to use technology to improve their work and protect people's rights.

V. CHALLENGES FACED BY THE INDIAN POLICE:

The Indian police system has changed a lot since India became independent. The Indian police still face many problems. These problems affect how well the Indian police do their investigations and how much the public trusts the police.

A. Political Interference

One big problem the Indian police face is that politicians try to control what the Indian police do. The Indian police officers get transferred a lot. Politicians try to influence how the Indian police investigate crimes. This makes it hard for the Indian police to do their job in a way. The Supreme Court of India said that this is an issue and told the states to set up committees so that the Indian police can work on their own.

B. Shortage of Police Officers

India does not have as many police officers as other countries. There are empty positions in the Indian police, and the population of India is growing. This puts a lot of pressure on the police officers who are working. They often have to work for hours without getting enough rest, which can make them very tired and less effective.

C. Inadequate Training and Modernisation

The Indian police officers need to learn about crimes like cybercrime and terrorism. Many Indian police officers still get training on old policing methods. They also do not have the equipment or technology to help them do their job. This makes it hard for the Indian police to investigate crimes in a way.

D. Custodial Violence and Human Rights Concerns

There are reports of the Indian police torturing people when they are in custody, keeping them in jail without a reason and using too much force. These things are against the law. They make people lose trust in the police. The Supreme Court of India has given rules to prevent these things from happening.

E. Corruption and Lack of Accountability

Corruption is a problem in the Indian police. Many Indian police officers take bribes, misuse their power and manipulate investigations. This makes people lose trust in the police. The Indian police need to have systems in place to stop corruption and hold Indian police officers accountable.

VI. POLICE REFORM INITIATIVES IN INDIA

Many committees, commissions and court decisions have suggested changes to improve the police.

A. National Police Commission

The National Police Commission was set up in 1977 to look into how to improve the police. It suggested changes like keeping the police away from political interference and modernising the Indian police administration.

B. Ribeiro Committee

The Ribeiro Committee looked at how the suggestions were being implemented. Said that the Indian police need to be independent and have transparent ways of appointing officers.

C. Padmanabhaiah Committee

The Padmanabhaiah Committee suggested modernising the police infrastructure using more technology and improving the working conditions of the Indian police officers.

D. Malimath Committee

The Malimath Committee proposed changes to improve how the Indian police investigate crimes and to help the victims of crimes.

E. Supreme Court Directions in *Prakash Singh

The Supreme Court of India gave seven directions to improve the police, including setting up State Security Commissions and making sure that Indian police officers have a fixed time to work in one place.

VII. IMPORTANT JUDICIAL DECISIONS:

1. Prakash Singh v. Union of India (2006) 8 SCC 1

This decision laid the foundation for improving the police.

2. D.K. Basu v. State of West Bengal (1997) 1 SCC 416

The Supreme Court of India made rules to protect people from violence and illegal detention by the police.

3. Joginder Kumar v. State of Uttar Pradesh (1994) 4 SCC 260

The Court said that the Indian police should not arrest people automatically and that they must have a reason to do so.

4. Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1

The Court ruled that the Indian police must register a case when they get information about a crime.

VIII. CRITICAL ANALYSIS:

The Indian police system is very important because it has to make sure that people are safe and that crimes are solved. The police system has to be efficient, honest and professional. Even though there have been some changes in the law to protect people's rights, these changes are not being applied consistently across the country. Many police departments are still using methods that were used during the colonial period, which focused on controlling people rather than helping them.

The introduction of the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023 is a step forward in modernising the police

system. These laws encourage the use of technology, forensic science and digital evidence in investigations. They also focus on helping the victims of crimes. However, just changing the laws is not enough to improve the police system. The police need to have money, modern equipment, skilled staff and the freedom to make their own decisions.

The police system is often influenced by politics, which can affect the fairness of investigations. When police officers are transferred frequently or when outsiders interfere in investigations, it can undermine the independence of the police. The police also face other challenges, such as not having enough staff, using outdated equipment and having too much work. These problems can affect the quality of investigations. Delay the delivery of justice. Another big concern is the protection of rights. There have been cases of police violence, illegal detention and misuse of power. The police have to balance the need to keep people safe with the need to protect freedoms. They have to work within the law and be transparent, accountable and respectful of dignity. Community policing is a way to build trust between the police and the public. When the community is involved in policing, it can help to prevent crimes and solve problems. The police can use technology, have units for investigations and have independent oversight to improve their performance. To really reform the police, we need to take an approach that includes changing the laws, restructuring the police administration, supervising the police and providing continuous training.

IX. SUGGESTIONS:

To make the police system in India, the following steps should be taken:

- 1. Implement Police Reforms:** All states should fully implement the changes suggested by the Supreme Court in the Prakash Singh case regarding the tenure of police officers, police complaints authorities, and state security commissions.
- 2. Reduce Political Influence:** The police should be independent and free from interference. This can be done by limiting the number of times police officers are transferred and preventing outsiders from interfering in investigations.
- 3. Improve Investigations:** The police should have units for investigations and law-and-order duties. This can help to improve the quality of investigations and reduce the workload.
- 4. Modernise Infrastructure:** The government should invest in equipment, such as forensic laboratories, cybercrime units and digital investigation tools.
- 5. Train Police Officers:** Police officers should receive training in areas such as cybercrime, forensic science and human rights.
- 6. Improve Working Conditions:** Police officers should have working conditions, including adequate staff, reasonable working hours and access to mental health support.
- 7. Protect Human Rights:** The police should always follow the law. Protect human rights. They should be held accountable for any misconduct.
- 8. Community Policing:** The police should work closely with the community to prevent crimes and solve problems.

9. Use Technology: The police should use technology, such as the Crime and Criminal Tracking Network and Systems, to improve their performance.

10. Independent Oversight: There should be bodies to oversee the police and investigate any allegations of misconduct.

X. CONCLUSION:

The police are a part of the Indian justice system. They have to investigate crimes, maintain law and order, and protect people's rights. The police system in India faces challenges, including political interference, lack of resources and outdated methods. Despite these challenges, there have been efforts to reform the police system, including changes in the law and the introduction of new technologies. To really improve the police system, we need to take an approach that includes changing the laws, restructuring the police administration, supervising the police and providing continuous training. The police should be independent, transparent and accountable. They should work closely with the community to prevent crimes and solve problems. By doing so, we can strengthen the justice system and promote public confidence in the police.

BIBLIOGRAPHY:

Primary Sources

1. India Constitution
2. Bharatiya Nagarik Suraksha Sanhita, No. 46 Of 2023 (India)
3. Bharatiya Nyaya Sanhita, No. 45 Of 2023 (India)
4. Bharatiya Sakshya Adhiniyam, No. 47 Of 2023 (India)
5. Police Act, No. 5 Of 1861 (India)
6. Protection of Human Rights Act, No. 10 Of 1993 (India)

Cases

1. D.K. Basu v. State of W.B., (1997) 1 SCC 416
2. Joginder Kumar v. State of Uttar Pradesh (1994) 4 SCC 260
3. Lalita Kumari v. Gov't of Uttar Pradesh, (2014) 2 SCC 1
4. Prakash Singh v. Union of India (2006) 8 SCC 1

Government Reports

1. Committee on Reforms of Criminal Justice System (Malimath Committee) Report (Government of India 2003)
2. National Police Commission, First Report (Government of India 1979)
3. Ribeiro Committee, Report on Police Reforms (Government of India 1998)

4. Padmanabhaiah Committee, Report on Police Reforms (Government of India 2000)
5. Second Administrative Reforms Commission, Fifth Report: Public Order (Government of India 2007)

Books

1. K.D. Gaur, Textbook on Indian Penal Code (ed. 2023)
2. K.N. Chandrasekharan Pillai, R.V. Kelkar's Criminal Procedure (8th ed. 2022)
3. V.N. Shukla, Constitution of India (14th ed. 2023).

Citations (Bluebook 21st Edition)

- INDIA CONST. Art. 14.
- INDIA CONST. Art. 19.
- INDIA CONST. Art. 20.
- INDIA CONST. Art. 21.
- INDIA CONST. Art. 22.
- INDIA CONST. Sched. VII, List II, Entry 2.
- Police Act, No. 5 of 1861 (India).
- Bharatiya Nyaya Sanhita, No. 45 of 2023 (India).
- Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).
- Bharatiya Sakshya Adhiniyam, No. 47 of 2023 (India).
- Protection of Human Rights Act, No. 10 of 1993 (India).
- Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).
- Protection of Women from Domestic Violence Act, No. 43 of 2005 (India).
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989 (India).
- Prakash Singh v. Union of India, (2006) 8 S.C.C. 1.
- D.K. Basu v. State of W.B., (1997) 1 S.C.C. 416.
- Joginder Kumar v. State of Uttar Pradesh, (1994) 4 S.C.C. 260.
- Lalita Kumari v. Gov't of Uttar Pradesh, (2014) 2 S.C.C. 1.
- National Police Commission, First Report (Gov't of India 1979).
- National Police Commission, Second Report (Gov't of India 1979).
- National Police Commission, Third Report (Gov't of India 1980).
- National Police Commission, Fourth Report (Gov't of India 1980).
- National Police Commission, Fifth Report (Gov't of India 1981).
- National Police Commission, Sixth Report (Gov't of India 1981).
- National Police Commission, Seventh Report (Gov't of India 1981).
- National Police Commission, Eighth Report (Gov't of India 1981).
- Committee on Police Reforms (Ribeiro Committee), Report (Gov't of India 1998).
- Committee on Police Reforms (Padmanabhaiah Committee), Report (Gov't of India 2000).

- Committee on Reforms of Criminal Justice System (Malimath Committee), Report (Gov't of India 2003).
- Second Administrative Reforms Commission, Fifth Report: Public Order (Gov't of India 2007).
- Ministry of Home Affairs, Government of India, Crime and Criminal Tracking Network & Systems (CCTNS).
- Ministry of Home Affairs, Government of India, Interoperable Criminal Justice System (ICJS).
- K.D. Gaur, Textbook on Indian Penal Code (7th ed. LexisNexis 2023).
- K.N. Chandrasekharan Pillai, R.V. Kelkar's Criminal Procedure (8th ed. Eastern Book Co. 2022).
- V.N. Shukla, Constitution of India (14th ed. Eastern Book Co. 2023).
- M.P. Jain, Indian Constitutional Law (9th ed. LexisNexis 2023).
- B.B. Pande, The Constitution of India (Central Law Agency 2021).
- B.R. Sharma, Police and Polity in India (A.P.H. Publishing 2018).
- Commonwealth Human Rights Initiative, Police Reforms Debates in India (CHRI 2020).