

Policing in India: Legacy, Resistance, and Reform

Anuradha Shankar

Former Director General of Police, Madhya Pradesh, India

3.anushankar@gmail.com

ABSTRACT

India's policing system, born in 1861 with the colonial act of controlling the subjugated population, retains its coercive forms and normative persuasion even after so many years of Independence. Despite successive reform efforts, such as the National Police Commission (1979–81), progress on police reforms has been glacial. The police service in today's India retains an unsaid, rigid, caste-like hierarchy where the higher ups pander to political masters and get busy in media management, while the lower rungs bear the burden of rusty, target-driven processes that invariably pits them against the citizenry they are supposed to serve creating incentives for due-process violations. Political pressures that weaponise transfers, postings, and internal disciplining, unrealistic load of cases and interference by the entitled have created an environment where brutality, arbitrary arrest practices, and lack of public accountability have become the order of the day. This perspective piece shows how colonial subcultures persisting in policing have to be removed to create a service-oriented, rights-based policing system.

Keywords: Indian policing; Police Act 1861; National Police Commission; Prakash Singh; police hierarchy; due process; political interference; accountability; rights-based policing; evidence-based reform

La Policía en la India: Legado, Resistencia y Reforma

RESUMEN

El sistema policial de India, nacido en 1861 con la ley colonial para controlar a la población subyugada, conserva sus formas coercitivas y su persuasión normativa incluso después de tantos años de independencia. A pesar de los sucesivos esfuerzos de reforma, como la Comisión Nacional de Policía (1979-1981), el progreso en las reformas policiales ha sido extremadamente lento. El servicio policial en la India actual man-

tiene una jerarquía tácita, rígida y de tipo casta, donde los altos mandos se doblegan ante los líderes políticos y se dedican a la gestión de los medios de comunicación, mientras que los rangos inferiores soportan el peso de procesos obsoletos y orientados a objetivos que invariablemente los enfrentan a la ciudadanía a la que se supone que deben servir, creando incentivos para las violaciones del debido proceso. Las presiones políticas que instrumentalizan los traslados, las asignaciones y las medidas disciplinarias internas, la carga de trabajo irreal y la injerencia de quienes tienen privilegios han creado un entorno donde la brutalidad, las detenciones arbitrarias y la falta de rendición de cuentas pública se han vuelto moneda corriente. Este artículo de opinión muestra cómo es necesario erradicar las subculturas coloniales que persisten en la policía para crear un sistema policial orientado al servicio y basado en los derechos humanos.

Palabras clave: Policía india; Ley de Policía de 1861; Comisión Nacional de Policía; Prakash Singh; jerarquía policial; debido proceso; injerencia política; rendición de cuentas; policía basada en los derechos humanos; reforma basada en la evidencia

印度的警务：遗产、抵抗与改革

摘要

伴随着“控制屈服民众”的殖民法令，印度的警务体系诞生于1861年，即使在印度独立多年后，该体系的强制性形式和规范性说服力依然存在。尽管印度不断推行改革，例如成立国家警察委员会（1979-1981年），但警务改革的进展却迟缓无比。当今印度的警察部门依然保留着一种不言而喻的僵化、类似种姓的等级制度：高层官员迎合政治主子，忙于媒体管理；而基层官员则背负着生硬的、目标导向的程序重担，这些程序必然使他们与本应服务的公民对立，从而滋生了违反正当程序的动机。政治压力将调职、派驻和内部纪律作为武器，不切实际的案件数量以及权贵的干涉，共同营造了一种由暴力、任意逮捕和缺乏公共问责所组成的氛围。本篇观点文章探讨了如何消除警务工作中根深蒂固的殖民亚文化，从而建立以服务为导向、以权利为基础的警务体系。

关键词：印度警务，1861年《警察法》，国家警察委员会，普拉卡什·辛格，警察等级制度，正当程序，政治干预，问责，以权利为基础的警务，循证改革

But O good Lord! What strange phenomenon is this? What name shall we give to it? What is the nature of this misfortune? What vice is it, or, rather, what degradation? To see an endless multitude of people not merely obeying, but driven to servility? Not ruled, but tyrannised over?

— *The Discourse on Voluntary Servitude*, Étienne de la Boétie

Legacy

“Yours [Police] is the responsibility to maintain the prestige of the Government and protect the honour of the citizens. It is not enough if you only detect crime and bring offenders to book. You must also try to win the affection of the people.... A police officer or policeman who loses his head in handling a situation is not fit to be a member of the police force”, said Sardar Vallabh-Bhai Patel in an address to the Delhi police in 1948¹. The Sardar was talking to the police that had served the British Raj under the aegis of an Act of 1861, formulated soon after the First Struggle for Independence in 1857. The Sepoy Mutiny, as the Raj called it, had demonstrated the capacity of Indians to unite despite bewildering diversity.

The Police Act of 1861 was a textbook of colonial control mechanisms under a thin guise of maintaining “order”. The ordinary young men who filled the ranks took to the mandate with urgent loyalty, all tallow taboos forgotten within a few years of the 1857 “Ghadar”, which had changed the very fabric of

society. In its inception, the security machinery of the Raj was interchangeable between military and police, which ingrained the use of weapons as essential to their duties. Officers could even run “civil” administration while being a part of the military in the early days. It was natural for it to be a “force” ready to combat the very people who put food on their plates.

This then, was a “national” security apparatus, which had taken a mere bark from Brigadier-General Dyer for the native sepoys to fire deadly bullets on a peaceful gathering of compatriots at Jallianwallah Bagh in Amritsar on Baisakhi Day 1919. A military response to internal unrest and public order management was part of the governance process. Part of India’s post-Independence police was also inherited from the “princely states”, who had no qualms in requisitioning a Major Bailey and a Captain Stiley to massacre hundreds of their own “praja” (subjects) in the Mangarh hills of Rajasthan on 17 November 1913.² As we rightly insist on apologies from Britain for their brutality, one wonders if those regiments and *rajās* have ever expressed regret for the massacres done by their predecessors.

The intelligence apparatus created by the British was a powerful tool of deception and exploited all fault lines in the Indian society. It pitted compatriots against each other and created the atmosphere, which eventually martyred Mahatma Gandhi. The cognitive dissonance of such human instruments of oppression is difficult to fathom. Many of them resurfaced as “nation-build-

ers” after their colonial masters left. The ever-accommodating people of India chose to forgive and forget. This colonial instrument of oppression through overt and covert means kept the Raj secure through a supervisory cadre of separately recruited commanders known aptly as “Imperial Police”. Initially these were upper class British boys culled from elite schools, George Orwell was one of them. As soon as young brown sahibs were ready, they were recruited to control their own people, *servitude volontaire*.

Independent India, led by “tired men...getting on in years” as Pundit Nehru had admitted, let these instruments of the Raj slide with ease into the new scheme of affairs.³ The leaders had on their hands a restive population after the horrific experience of Partition. Bigots of all hues were at large, stoking fires of hatred that was eventually doused only by the blood of the Mahatma. On the other hand, India needed to find a place commensurate with its professed history: leaders all throughout the struggle for national independence had invoked this memory. This kept the focus of the government on infrastructure, industrialization and modernization of the economy with the widest possible base, in an attempt to build a robust “nation” equal to the collective imagination of the freedom movement.

In this scenario, the maintenance of status quo took priority over any early reforms in the police. In the hubbub of the “developmental” governance of the first twenty-five years, the colonial subculture of policing was allowed to continue. Generally left to its own de-

vices, it ossified further. Look at the images of any protests during the British Raj, focus on the stance and expression of the *lathi*-wielding policeman and compare it to any contemporary “law and order” situation being “handled”. The pressure to control, manage and wrap up any gathering reflects in the often-overwhelming reaction of the police. The maintenance of public order is not a collaboration between police and citizenry; it is by default an adversarial relationship. This gets worse where prevention and detection of crime is concerned. The *Status of Policing in India Report (SPIR) 2025* by Common Cause, Lokniti, Lal Family Foundation (LFF) and Centre for the Study of Developing Societies (CSDS) (available at: https://www.commoncause.in/wotadmin/upload/SPIR_2025.pdf) has disturbing observations about police brutality and impunity.

There have been many attempts in post-Independence India to study the ailments that plague policing in India and a galaxy of Police Commissions have forwarded their recommendations to lawmakers. The first National Police Commission (NPC) of 1977 submitted eight reports from 1979 to 1981 dealing with police structure and behaviour, public complaints, political interference, investigation, accountability and so on—a fairly wide spectrum. The Ribeiro Commission of 1998-99 was directed by the Supreme Court to examine how much dust the NPC recommendations had gathered. This Commission submitted two crisp reports summarizing the NPC and adding further contemporary sugges-

tions. This was followed by the Padmanabhaiah Committee of January 2000 whose mandate went beyond the times to include suggestions that would help build a police for the new millennium. This report came in the August of the same year and suggested core changes from recruitment and training to special investigations. Parallel to these, a well-known PIL was filed in the Supreme Court, which resulted in the *Prakash Singh & Ors vs. Union of India & Ors* judgement of September 2006. Informed by the ongoing PIL, Government of India set up the Police Act Drafting Committee with Soli Sorabjee as the Chairperson in 2005. A Model Police Act was submitted to the government in 2006. It was a debatable yet fair enough template for a transparent, contemporary police. This became part of the reformatory directives issued by the Supreme Court in the *Prakash Singh* PIL through 2006-7. These directives, deemed mandatory for the States of the Union have met with befuddling resistance. Not more than twenty States have drafted or enacted a truly fresh Police Act or formed the various instruments of accountability like a State Security Commission, Police Establishment Boards, Police Complaints Authority etc. Some have used every dilatory tactic to delay the compliance of Apex Court orders, others have diluted every tenet and produced some eyewash. Only a few States have found it in themselves to enact actual reforms. What is the block? One can identify three aspects of the resistance to re-form. The fossilized structure, amorphous processes and extraneous influences by entitled entities.

Structure

Rule 42 of the Code, “No one shall speak to the Man at the Helm,” had been completed by the Bellman himself with the words “and the Man at the Helm shall speak to no one.”

— *The Hunting of the Snark*,
Lewis Carroll

The Constitution of India envisages the Executive, of which police is an essential part, as a change agent for a diverse society riven by disparity. From Fundamental Rights to Schedules addressing vulnerabilities, it seeks to guarantee opportunity and participation. This must presume the same assurances for its own instruments. However, the Executive, alas, is anything but participative within itself. It gives no opportunity for any person to move beyond the stated perimeter of their recruitment. This hierarchical structure with little exogamy or even conversation, has stultified the police more than other branches, as the “Force” may not even form an Association to place their grievances.

There is a *varnashrama*-like⁴ hierarchical norm in this structure of Governance. There is a sinister similarity with the ancient regime: the four levels of entry with the actual nomen written with the word “class”. An officer directly recruited in the Indian Police Service (IPS) is termed “Class One”, the directly recruited Deputy Superintendents of Police are “Class Two”, all the working ranks from constabulary

to inspectors are “Class Three” and the menial staff putting up tents are “Class Four.” Some states may pull up their senior Deputies to Class One and senior inspectors to Class Two, but regional variations do not erase the core hierarchy in any way. Except for stupendously rare cases, a constable may not aspire to get beyond the rank of inspector. Although a State Police Deputy Superintendent may acquire the membership of the Indian Police Service, the transmogrified Imperial Police, they shall forever be marked as a “promotee.” A rigid framework cannot meet dynamic challenges. As wise “police leaders” debate ways to “improve” police performance, there is complete silence on the irrelevance of a non-communicative hierarchy in a functioning democracy. Even the meekest suggestion to that effect is beyond the cognitive horizon of the planners and prescribers.

There is much talk about the approachability of “seniors” in some States. It is a grandly whimsical, expansively condescending at best, and crushingly contemptuous at worst. The general constabulary is just a number to be reckoned upon for deployment, to be rewarded or punished at the sweet will of the supervisors who have the power to do so. The police “family” keeps the form, with no real interaction, no feedback loop. The police pyramid is a fantastic structure: the top is much heavier than its base. Archaic arguments about command and control are put forth to drag this humongous fossil around. The general misbehavior of any senior is culturally tolerated through this structure where “toughness” and dehuman-

izing “discipline” flows down the ranks. Eventually the person on the ground vents it out on the public! “You taught me language, and my profit on’t / Is, I know how to curse” (Caliban to Prospero in *The Tempest* Act 1, scene 2, W. Shakespeare).

The uniform that the police wears creates a stupor and confuses them to think that they have a military aspect. A vestment of identification is thus converted into an accoutrement of separation. The epaulettes become the person, who has little regard for the sad reality that their authority is conveyed largely through fear, not respect. There is no way that such an internally dysfunctional organism would meet the expectations of a modern rights-based polity. The ingrained autocratic authority of the superior over the subordinate has no space for consent or consultation across ranks. Ultimately, the person on the ground has almost no sense of ownership. The field officer’s position has no real power but in the event of a citizen’s complaint, their head rolls first.

Processes

“It is precisely because happy endings are so rare,” the Walrus continued, “that we at P2C2E House have learnt how to synthesize them artificially. In plain language: we can make them up.”

— *Haroun and the Sea of Stories*,
Salman Rushdie

It is always a “process too complicated to explain” (P2C2E) at any government department, and hilarious

anecdotes such as that of the old woman who was gifted the same wheelchair for many years, but photographed in different sarees, abound. After all, targets, decided in hallowed rooms of high office must be met! The police have this performance pressure especially during traffic duties where they must cut a certain number of receipts (*challans*) to satisfy the Target gods. This number game is also a highlight of preparations for religious events, fairs or large gatherings, elections etc., where the police must notch up cases of “preventive measures”, ranging from an innocuous notice to actual incarceration of “anti-social elements.” The easiest prey to this are the most vulnerable: routine seizures of country liquor from tribal citizens in rural communities are a case in point.

The procedure of criminal investigation is supposed to be circumscribed by judicial oversight. It would appear natural for it to proceed without major aberrations. However, despite the Arnesh Kumar Guidelines (available at: https://judicialacademy.nic.in/sites/default/files/1_Arnesh_Kumar_v_State_of_Bihar.pdf), arrests in minor cases are routine (*SPIR 2025*). The presumption of guilt is ubiquitous and the “Guardian” police spares the rod only for the accused with power or pelf. The dehumanizing of “suspects” is due to the utter disregard for due process despite constitutional guarantees. The case diary is rarely simultaneous with the investigation, which more often than not, is recorded *post facto*. It is such a routine process in a system choked to the brim with piled up cases, with report-

edly 58 million matters pending before the courts, some for over four decades!⁵ This generates a general nonchalance towards rules and procedures as the dynamic pendency at police stations are much more than courts. Punitive action related to investigations are rare, often used to discipline rather than correct. The brazen among the ranks take advantage of such a scenario. This impunity is the cause of most violence and travesty of justice. In India, an “encounter” with the police (*SPIR 2025*, 6.3) is a sinister event, written with a capital E, signifying the End of the Constitutional guarantees for life and liberty (Article 21, Indian Constitution).

Lack of integrity and accountability vitiates all governance processes, and the police are no exception. Corruption and lack of transparency in the police is as prevalent as it is in the society. Stashes of cash and glittering glamour pervade the various labours of our Republic: rituals of Democracy, rites of Governance. Many of our venerable “spiritual” guides who have denounced materialism and renounced the world live in air-conditioned quarters even on the temporary banks of holy gatherings. They need comfortable cars, latest gadgets and all the trappings of high living. The percentage of police personnel of integrity is commensurate with such numbers among the populace.

Influences

And suddenly I realized that I should have to shoot the elephant after all. The people expected it of me and I had got to

do it; I could feel their two thousand wills pressing me forward, irresistibly.

— “Shooting an Elephant”,
George Orwell, *Indian Imperial Police in Burma* (1922–27)

It is nobody’s case that the police exceeds its brief more often than not. Every complainant demands satisfaction and expects procedural integrity only until it yields quick results for them. There is a keen sense of entitlement that derives from family clout, political muscle or community heft. Many a policemen have been martyred under the wheels of an entitled vehicle during an otherwise innocuous traffic check.⁶

Forever in the doldrums of being a provincial responsibility, the police is tasked with ensuring that the Indian Constitution prevails in all conditions. As it is an integral intervener in violations of citizen’s rights, it is only proper to subject the police to more scrutiny than any other arm of the government. The scrutiny is such that various agencies, state and non-state, fall over each other in chastising this most visible instrument of the “rule of law.” The department itself is harsh in punishment, albeit to the lowest possible ranks. Personnel of various ranks are shown the door on grounds of misconduct ranging from indiscipline to criminal conduct. Many more are meted out fines and displeasures, which arrest their promotions and increments.

In this era of perception management and subliminal messages, the in-

ternal security forces have little wherewithal to counter the constant negativity against them. This reality does not get much traction in the overall assessment of police. A rigorous study of mandates, expectations, duties, complaints and inquiries of public servants of various departments may reveal how much actual accountability exists in the police compared to other government agencies.

When Sardar Patel, the acknowledged architect of Indian Police, gave the prescription for policing, he spoke as the Home Minister of the Union of India. He was a key Freedom Fighter, a politician. His idealistic approach should have strengthened the police as a Service despite the shortcomings of its anachronistic structure and procedural duress.

Soon after the generation of frontline Freedom Fighters passed the baton to the next rung, the police slid into being a tool of the party in power. Its inherent vulnerabilities, the legacy of a feudal Raj limited it to what Vipul Mudgal⁷ calls “Private Armies of Elected Rulers.” Unfortunately, *facilis descensus Averno*, easy is the descent to hell. Once the political class found out the use of police in establishing their clout, it mattered little if they were elected or aspiring. India’s political leaders breed on the fertile ground of caste and community, which supply them with the numbers to pressure the system. If they have any link with the power of the day, they have enough traction to punish a noncompliant police officer.

This political interference would come to naught if the department stood

its ground. However, senior officials looking for lucrative positions are more than willing to put their colleagues on the chopping block. The baying media fed by stakes are ever ready to shred to bits any inconvenient officer. Those of the department who understand and support are never in a position to be effective. This cowed down “Service” then serves a false master. On the one hand the department closes in to ‘protect their own’ when a mere citizen complains, on the other hand they go overboard to punish, almost without a fair inquiry, when a powerbroker frowns. As the NPC pointed out in 1979, politicians have weaponized transfers and suspensions of nonconforming police officers, though not recognized as penalties.⁸ This has resulted in the conversion of much of the police into a tool, lethal due to its ability to control and restrain. Tools can only be used, manipulated. It would be naïve to expect any independence or sensitive impartiality from them. There are of course honorable exceptions who are remarkable in their stoic perseverance in the face of being pushed to the sidelines.

Onwards

It’s a long, long way to Ba Sing Se

— Firebender Uncle Iroh’s song
in the *Avatar* series

MP Manoj Jha pointed out in his poignant pandemic speech in the Indian Parliament that the people of India pay for their government, even as they buy salt

or soap. The poorest of them finance the apparatus of Government.⁹ What does the last person standing get from their public servants? The legislature has a mandate to set the roadmap and the standards to negotiate it. All elected representatives are deemed to speak for their constituents and must be heard. The rider is that their demands do not go beyond the limits of what is permissible under the rule of law.

As unprecedented conflicts arise between erstwhile peaceful patriots, using techniques upgraded for maximum harm, the police have an essential service to ensure the basic safety of society. There is urgent need to allow critical analysis of police as a public service in a vibrant democracy rather than an agency loyal to the government of the day. Indeed, it is a tall order to expect the police to open itself to scrutiny and corrections. The sporadic experiments of “third party surveys” and “randomized control trials” in the interest of “evidence based policing” are all consolations to say the least. Not one of them have been conducted without the merciful magnanimity of the senior most police leadership. Not a column of data would be made available to the research team without the interest, goading and “orders” from the top brass. Such “research” is contaminated by use of the same construct it looks at deconstructing! None of these reports have had the gumption to point out how they needed the authoritative attention and fear of the “senior” for the data to come forth. This has to change. Academia is the best partner in governance to ensure contemporaneity informed by sci-

entific temper. It will soon be time that the burgeoning, restless, young of India will come out of their stupefaction and decide to challenge the status quo. The first responders, those that maintain the status quo, will be the prime target.

Even Mahatma Gandhi had to say, “Nevertheless, I have conceded that even in a non-violent State a police force may be necessary. This, I admit, is a sign of my imperfect Ahimsa. I have not the courage to declare that we can carry on

without police force... The police of my conception will, however, be of a wholly different pattern from the present-day force. Its ranks will be composed of believers in non-violence. They will be servants, not masters of the people. The people will instinctively render them any help, and through mutual co-operation, they will easily deal with the ever-decreasing disturbances. The police force will have some kind of arms, but they will be rarely used, if at all. In fact the police men will be reformers.”¹⁰

Notes

- 1 Sardar Vallabh-Bhai Patel, Address to Delhi Police Personnel at Irwin Stadium, Delhi, 1948, Prasar Bharati Archives, Government of India, Delhi (translated by the Author). Speech available in Hindi at: <https://www.youtube.com/watch?v=1LExstiBjWg>
- 2 Madhushree Goswami, “What Was the 1913 Massacre of Mangarh That PM Modi Spoke About?” Nov 2, 2022. www.quint.com Available at: <https://www.thequint.com/explainers/explained-whats-the-1913-massacre-of-mangarh-that-pm-modi-spoke-about>
- 3 Pt. Nehru’s interview with Leonard Mosley in 1960 for Mosley’s *The Last Days of British Raj*, Harcourt, Brace and World, Inc.: New York, 1961, p. 248
- 4 The term *varnashram* refers to the ancient Indian coda of hierarchical structuring of society, based on a creation myth found in Brahminical religious texts. In modern Hinduism, it has been used to sanctify and legitimize differential status of social groups/communities that make the Hindu caste-society. According to this myth, Brahmins, born from the mouth of the primeval man, are purest in their essence and placed at the top, and the Shudras, born of the feet are at the bottom rung of status based on their essential “impurity.” The caste system, inherently hierarchical, pervades the normative structures of many modern institutions in India.
- 5 National Judicial Data Grid: High Courts of India, available at: https://njdg.ecourts.gov.in/hcnjdg_v2/.
- 6 Mukesh Singh Sengar, “Delhi Cop Asks Speeding Car To Slow Down, He Is Dragged To Death,” Sep 29, 2024, www.ndtv.com. Available at: <https://www.ndtv.com/india-news/delhi-cop-30-dies-on-duty-after-car-drags-his-bike-on-road-for-10-metres-6675016>
- 7 Vipul Mudgal, “India’s Police Forces Turning into Private Armies of Elected Rulers,”

22 April 2021, www.article-14.com. Available at: <https://article-14.com/post/india-s-police-forces-turning-into-private-armies-of-elected-rulers>.

- 8 The Commonwealth Human Rights Initiative, “The Police Politician Paradigm”, Available at: https://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/police_executive_paradigm_stenning.pdf
- 9 Manoj Jha, Speech in Rajya Sabha, 20 July 2021, available at: <https://www.youtube.com/watch?v=7XluFa77Cks>; “Anatomy of an Abandonment: The Second Wave of the Covid-19 Pandemic and the Indian State”, in *In Praise of Coalition Politics and Other Essays on Indian Democracy*, Delhi: Speaking Tiger, p.146.
- 10 Mohandas Gandhi, *Harijan*, September 1, 1940, p. 265