

FROM COLONIAL LEGACY TO MODERN CHALLENGES: ADDRESSING POLICE MISCONDUCT AND CORRUPTION IN INDIA

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ADSTRACT:

This study looks into police misbehavior, corruption, and accountability in India's law enforcement, from historical roots to current concerns. It investigates systemic weaknesses, institutional flaws, and sociocultural variables that contribute to wrongdoing. It evaluates accountability systems, such as internal disciplinary processes, external supervision, and legal defenses, and emphasizes crucial laws such as the Indian Penal Code. Despite attempts, issues remain owing to political involvement and a lack of openness. The necessity for comprehensive changes, such as legislative strengthening, recruiting improvements, and professional development, is highlighted. Addressing systemic inequities and regaining public trust are critical for protecting civil and human rights.

KEY WORDS:

Historical legacies- Institutional flawsCorruption- Accountability- Police responsibility - Misbehaviour- Corruption- Accountability systems- Indian Penal Code- Systemic weaknesses- Departmental inquiry- Civil and human rights

CHAPTER 1: INTRODUCTION:

This research study investigates the complex dynamics of these events in India by conducting a detailed assessment of the body of current literature, empirical data, and legislative frameworks. The police are responsible with preserving peace and order while protecting fundamental human rights, which gives them tremendous power and responsibility as the state's primary representatives. However, there are still several issues, including instances of misbehavior, corruption, and power abuse within the ranks of the police, raising worries about the dependability and effectiveness of law enforcement organizations.

This article aims to provide light on the fundamental causes of police misconduct in India, which range from systemic flaws to institutional weaknesses and sociocultural influences. Furthermore, it seeks to critically evaluate the current police accountability systems, including internal disciplinary processes, external oversight mechanisms such as human rights commissions and judicial interventions, as well as the role of media scrutiny and civil society organizations in holding law enforcement agencies accountable.

This study attempts to give a thorough understanding of the possibilities and obstacles in combating police misconduct and corruption in India by a careful assessment of the complicated linkages between legal frameworks, institutional practices, and sociopolitical

processes. This paper intends to contribute to existing scholarly discourse and policymaking activities in India's law enforcement sector by noting inadequacies in present accountability systems and proposing solutions for improvement.

CHAPTER 2:HISTORICAL CONTEX

In India, police misconduct has persisted throughout history, following changes in societal standards and governance. Throughout the colonial era, the British utilized the police force as an oppressive tool to maintain control over the Indian populace. Misconduct was common, characterized by violent repression of resistance and putting colonial objectives before of Indian inhabitants' well-being. Prior to India's independence from British rule in 1947, incidents of police misconduct were regular, and they frequently aroused public outrage. The Jallianwala Bagh massacre of 1919 is a well-known occurrence that highlighted police brutality and serves as a vivid example of police misbehaviour in India during British colonial rule. On April 13, 1919, in Amritsar, Punjab, a peaceful assembly of unarmed residents gathered in the public park known as Jallianwala Bagh to protest the British administration's restrictive Rowlatt Act. The British government dispatched troops headed by Brigadier General Reginald Dyer to quell the rally, fearing an insurgency. When Dyer's soldiers came, they shot the calm gathering at random without warning or instruction to evacuate. The fire lasted around ten to fifteen minutes, injuring thousands and killing hundreds of men, women, and children. Dyer's command of the British soldiers resulted in horrific abuses of power and clear breaches of human rights. Despite not constituting an imminent threat to the government, the unarmed individuals were subjected to harsh cruelty. The decision to fire on the gathering without warning or to attempt to scatter them using non-lethal measures demonstrated a brazen disregard for the lives and wellbeing of the Indian people. The British government's subsequent measures, such as detaining the massacre culprits without penalties, emphasized the colonial police force's culture of impunity. Brigadier General Dyer's actions were severely denounced, both locally and internationally, although he did not suffer immediate consequences. He was not censured or ordered to quit the service until much later.

The Jallianwala Bagh massacre is widely recognized as a horrible occurrence in Indian history that exemplifies colonial rulers' injustice and cruelty. It fueled the embers of India's independence movement and reinforced the people's resolve to reject colonialism. The tragedy established the groundwork for future measures to safeguard the preservation of civil liberties and human rights in India by emphasizing the urgent need for police reforms and accountability. Yet another remarkable incidence of police misconduct happened. Another significant event in Indian history that illustrates police corruption during the colonial era is the Chauri Chaura case of 1922. It occurred on February 5, 1922, in the Uttar Pradesh town of Chauri Chaura, Gorakhpur district. The incident began with a protest by Indian peasants against the actions of the British colonial administration and police force. The protestors, frustrated with their socioeconomic situations and inspired by Mahatma Gandhi's ongoing Non-Cooperation Movement, came to fight strict land revenue rules and discriminatory taxes. Tensions between the population and the colonial police escalated, ending in a clash outside the Chauri Chaura police station. Demonstrators stormed and set fire to the police station in retaliation to what they viewed as police brutality. As a result, the fire killed a large number of police officers. The Chauri Chaura incident marked a watershed point in India's independence

fight, with far-reaching implications. When Mahatma Gandhi learnt about the violence, he halted the Non-Cooperation Movement, which promoted nonviolent resistance to British power. Gandhi believed that violence undermined the principles of nonviolence and civic disobedience. The colonial authorities dealt with the Chauri Chaura issue swiftly and harshly.

Hundreds of individuals were seized, and a special tribunal was set up to try the accused. In a contentious decision, the British government sentenced over 150 individuals to death, while many others received lengthy prison terms. The Chauri Chaura event emphasizes the long-standing tensions between the Indian people and the colonial police, as well as the injustices inherent in British rule. It depicts how police misconduct, along with socioeconomic grievances, may rise to violent clashes and influence the course of India's independence fight. The experience also prompted Indian nationalists to reflect on the most efficient strategies to achieve independence from colonial authority.

Police misconduct persisted after independence, since the newly created government inherited a system deeply ingrained in colonial norms. Throughout this historical period, police brutality, corruption, and political meddling were prevalent, undermining the rule of law and eroding public trust in law enforcement institutions. The 1970s and 1980s saw an upsurge in police misconduct, particularly during periods of political instability and government persecution. In 1975, Prime Minister Indira Gandhi proclaimed an emergency in India, resulting in widespread abuse of authority by law enforcement officials. The Emergency, which lasted from June 25, 1975, to March 21, 1977, was a dark period in Indian democratic history, with civil liberties suspended, the press restricted, and political opposition crushed. Under the pretense of maintaining law and order, the government, led by Indira Gandhi's Congress Party, employed the police and other law enforcement agencies to silence dissent and repress political opposition. Political leaders, activists, journalists, and regular citizens who were deemed to be critical of the regime were frequently detained. Many people were apprehended without trial under the severe Maintenance of Internal Security Act (MISA) and Defence of India Rules.

Police were given vast powers to crush opposition, which led to arbitrary arrests, imprisonment, and the use of excessive force against nonviolent demonstrators. Torture, custodial deaths, and extrajudicial murders by police were reported across the country. The ancient Turkman Gate demolition in Delhi, when slum dwellings were razed, resulting in the deaths of many people, stands as a stark example. Furthermore, police and other security personnel were deployed to carry out strong suppression measures, with a particular focus on journalists, authors, and publishers who were critical of the regime. Newspapers and publications considered unfavorable of the regime were shut down, and journalists were imprisoned or forced to self-censor. The misuse of authority by law enforcement during the Emergency instilled widespread fear and despair among the Indian people. The erosion of democratic standards and apparent disregard for human rights drew criticism both domestically and internationally. The Emergency era serves as a reminder about the dangers of unchecked authority, as well as the need of safeguarding democratic institutions and freedoms. The 1990s witnessed an increase in awareness and activism against police misconduct, fueled by media scrutiny and public outrage over high-profile cases of custody deaths and human rights violations. Efforts to restructure the police force were begun, but were met with little success since structural issues and established practices were difficult to overcome.

Despite technical and legal advancements in the twenty-first century, police corruption is a persistent issue in India. According to India's National Human Rights Commission (NHRC), 1,782 persons died in detention between April 2018 and February 2019. These killings are

typically caused by police personnel who use excessive force or torture individuals. Transparency International's 2019 Corruption Perceptions Index ranked India 80th out of 180 countries, emphasizing the persistence of corruption in a variety of domains, including law enforcement. Despite technical and legal advances, police misconduct continues in the twenty-first century.

CHAPTER 3: DEFENSES USED FOR MISCONDUCT

In India, law enforcement officials charged with misconduct typically employ a variety of arguments to evade punishment. These defenses might be based on legal principles, procedural faults, or statutory interpretations. The Code of Criminal Procedure, 1973 (CrPC) offers procedural safeguards for government workers to prevent frivolous litigation against an official performing a public duty. Section 197 of the Criminal Procedure Code has been interpreted as providing protection to law enforcement officials. Sections 129-131 of the Criminal Procedure Code deal with the management of an unlawful assembly that is alleged to have caused a breach of peace. Section 132 affords protection if the accused police officer can establish that he or she attempted to disperse the unlawful gathering and, when that failed, used force.

P.P. Unnikrishnan v. Puttiyottil Alikutty is a case in which two law enforcement officials were accused of wrongfully locking up and assaulting a complainant for a prolonged length of time. The Supreme Court's division bench heard defense arguments raised by law enforcement personnel under Section 64 of the Kerala Police Act, which provides procedural safeguards against the initiation of lawsuits against police officers who act in good faith in accordance with any duty implemented or responsibility entrusted to the State.

Another example is **Uttarakhand Sangharsh Samiti v. State of U.P.**³¹ A divisional bench of the Allahabad High Court was presented with a case of human rights breaches involving police and paramilitary forces firing on an unarmed demonstration, resulting in the deaths of twenty individuals and unlawful arrests. In this case, when the topic of a State Government sanction under Section 197 of the CrPC was raised, the division judge stated that "it is not every conduct done by a public worker while on duty that falls under the ambit of S. 197, but only those acts which have a direct link to the official function.

Both of the aforementioned abuses highlight how the police frequently violate different legal regulations and fundamental morals. The nature of police brutality is critical to understanding, as are the violations of specific law provisions and constitutional obligations at several levels that occur whenever police personnel knowingly choose to act in complete defiance of their responsibilities. Under some conditions, police executions without a trial are legal and do not constitute a crime. Section 100 of the IPC authorizes the use of force, including murder, as part of private defense.

According to Exception 3 of Section 300 of the IPC, culpable homicide does not constitute murder if the offender is a public official or supports a public servant who exceeds their lawful authority and causes death while acting in good faith to benefit society. The perpetrator must act without malice against the person whose death was caused. Constitutional provisions such as Article 21 safeguard an individual's right to life and personal liberty, with the mandate that the government cannot take action against an individual in violation of the 'process provided by law'. Article 22 and Section 303 of the CrPC, which allow every accused individual the right to a lawyer, are also violated in situations of fraudulent police.

Police personnel may claim that their actions were justified by emergency situations or pressing necessities. While the IPC and CrPC include no specific provisions addressing need as a defense, courts have recognized the concept of need as a valid defense in various cases. Police officers may utilize procedural faults or anomalies while investigating or prosecuting misbehavior charges. These may include issues with evidence collection, witness testimony, or maintaining legal compliance during the investigation. By engaging in such methods, the police effectively deprive the accused of their right to a fair trial while also hiding embarrassing facts that would have been revealed if a trial had occurred. It is critical to note that, while police officers may utilize these reasons, they must adhere to the standards of lawfulness, necessity, reasonableness, and respect for the rights of others. The use of these defenses to justify serious misbehavior or violations of civil rights undermines the rule of law and erodes public faith in law enforcement.

CHAPTER 4: ACCOUNTABILITY SYSTEM

Internal accountability systems in Indian law enforcement agencies are primarily regulated by the Police Act of 1861, state-specific Police Acts, and standards outlined in state Police Manuals. According to the Police Act of 1861, high-ranking police officials with the rank of Superintendent of Police or above have the ability to commence disciplinary actions against junior officers who are judged to be careless or incompetent in carrying out their duties. Disciplinary actions may include termination, suspension, rank reduction, fines, detention, denial of perks, or removal from certain tasks.

The Act also lists the charges for which a police officer can be reprimanded, including rule violations, unlawful absences, unauthorized employment, cowardice, and excessive use of force. Fines are one kind of punishment for these violations. However, establishing a departmental inquiry can be complex and time-consuming, creating delays in imposing heavy sanctions even once allegations are proven. Furthermore, political meddling has undermined the authority of police officials, resulting in a lack of discipline inside the force and a dependence on external patronage to avoid accountability.

Understanding the flaws in present accountability processes, the National Police Commission proposed provisions for independent inquiries into specific sorts of police complaints, such as rape, grave harm in police custody, or fatalities as a result of police action. However, the administration has not fully implemented these proposals. As a result, the public's faith in departmental mechanisms for addressing police misconduct is low. There have been allegations that police departments conceal acts of misconduct in order to protect their reputation, and investigations into citizen complaints are commonly viewed as lacking credibility since they are performed internally. Overall, adjustments are required to increase police accountability and restore public trust in law enforcement agencies.

External accountability mechanisms, such as the court, are crucial to ensuring police accountability in India. Writ petitions, public interest litigation, and criminal prosecutions are all methods for courts to address police misconduct and abuse of power. Higher courts have issued important rulings defining norms for police conduct, requiring reparations for custodial violence, and condemning discriminatory practices. The Supreme Court's 1997 decision to

protect investigative agencies like the Central Bureau of Investigation (CBI) from outside influences indicates the judiciary's commitment to impartiality and the rule of law. However, government actions, such as the return of the Single Directive, which requires government approval for investigations involving top civil officials, have reduced the influence of such judicial interventions. Despite the judiciary's role in holding the police accountable, there are inadequate effective tools to monitor the execution of court decisions, limiting long-term accountability efforts.

Furthermore, human rights commissioners, established under the Protection of Human Rights Act of 1993, give an additional avenue for addressing police misconduct. While these commissions have made some headway in holding police accountable, deficiencies in the statute that controls their administration limit their effectiveness. For example, the National Human Rights Commission (NHRC) is limited in its power to investigate violations perpetrated by members of the armed forces since it is funded by the government. Furthermore, the NHRC's inability to enforce its judgments, along with state governments' unwillingness to implement its recommendations, limits its effect. The establishment and functioning of state human rights commissioners varies, with many states still without operating commissions, impeding efforts to address police accountability at the local level. Non-governmental organizations (NGOs) help police accountability efforts by documenting human rights violations and advocating for reforms. However, concerns such as insufficient information and government distrust limit their effectiveness. While the media serves as a vigilant watchdog over police operations, its coverage of human rights violations can be selective, and charges of abuse or harassment by authorities have surfaced. Overall, resolving police accountability requires legislative measures that retain the police's functional autonomy, strengthen present accountability procedures, and enhance officers' working circumstances. Simultaneously, attempts to increase recruiting, training, and leadership standards are vital to boost police performance under the current system.

In India, the legal framework for holding law enforcement officials accountable for corruption incorporates multiple essential elements and clauses from various laws and regulations. Section 7 of the Indian Penal Code (IPC) deals with offenses involving public officers accepting bribes. The Prevention of Corruption Act (PCA) is a crucial piece of legislation intended to combat corruption in India. Sections 7-9 of the PCA are particularly important for police accountability. In addition, Sections 154-173 of the Code of Criminal Procedure (CrPC) explain the legislation guiding the investigation and punishment of corruption cases involving police personnel. These outlined legal provisions are key tools for combating police corruption in India since they provide accountability and deterrent mechanisms. However, vigorous enforcement and continuing reform initiatives are essential to preserve the practicality and integrity of law enforcement agencies.

CHAPTER 5: CONCLUSION

The investigation of police misconduct, accountability, and corruption in India reveals a complex landscape rife with systemic issues, historical legacies, and institutional flaws.

Despite significant progress on these issues, major improvements are required to strengthen police accountability and restore public trust in law enforcement institutions. The historical context of police misconduct in India, which extends back to the colonial era, reveals the system's long-standing problems. Instances of brutality, oppression, and political involvement have had a long-term impact on the relationship between police and the people, necessitating urgent reforms to break away from colonial practices and sustain democratic ideals.

The use of defenses by police officers accused of misconduct highlights the significance of strong legal frameworks and robust supervisory mechanisms in avoiding abuse of power and upholding constitutional ideals. Procedural safeguards must be strengthened to prevent exploitation of legal provisions and to guarantee accountability for improper behavior. Internal accountability processes, as outlined in the Police Act of 1861 and state-specific legislation, require significant changes to address weaknesses such as political interference and a lack of transparency. To restore public faith in the disciplinary process, the National Police Commission considers conducting independent inquiries into complaints about police officers. External accountability mechanisms are crucial for holding the police accountable and advocating for reform. However, limited resources, government interference, and institutional limits impede their effectiveness, necessitating the control of peaceful social functions.

To summarize, reducing police misconduct requires a complex strategy that includes legislative reforms, institutional improvements, and expert recommendations. Comprehensive efforts to strengthen recruiting standards, training programs, and leadership development are essential to foster a culture of accountability and professionalism within the police force. Simultaneously, steps to improve working conditions, eliminate systematic inequities, and promote community policing are vital to restoring public trust and protecting civil and human rights.

Reference:

1. Sourav Suman. (2020). The police brutality in India, 34, 37-39 The Law Brigade(publishing) group.
2. Ravikanth B. Lamani, G.S. Vvenumadhava. (2013). Police Corruptions in India, 2, 5-7
3. Kalaskarneta. (2013-2014). Centre for law and policy research, Accountability of police in India. 2-8
4. Uttarakhand Sangharsh Samiti v. State of U.P.31,
5. P.P. Unnikrishnan v. Puttiyotttil Alikutty