



NHRC on Police Reforms

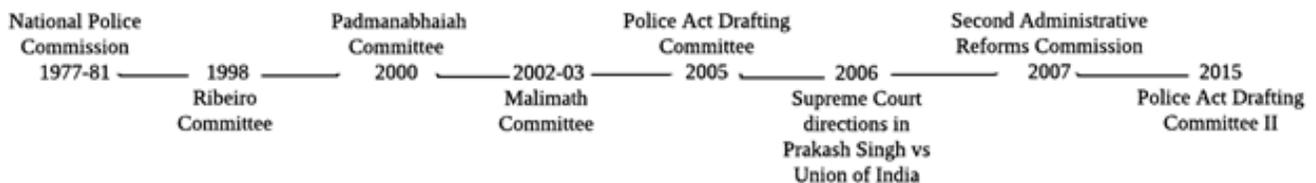
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Why in News

Recently, the **National Human Rights Commission (NHRC)** has asked the **Union Ministry of Home Affairs (MHA)** and the State Governments to set up **Police Complaints Authorities** as per the judgment in **Prakash Singh vs. Union of India, 2006**.

Police Reforms

- Police reforms aim to transform the values, culture, policies and practices of police organizations.
- It envisages police to perform their duties with respect for democratic values, human rights and the rule of law.
- It also aims to improve how the police interact with other parts of the security sector, such as the courts and departments of corrections, or executive, parliamentary or independent authorities with management or oversight responsibilities.
- Police come under the state list of **schedule 7** of the Indian constitution.



Key Points

- **NHRC Recommendations:**

- **Burden of Proof:** The MHA and the Law Ministry should consider implementing the recommendations of the **113th report of the Law Commission of India** to add Section 114 B to the **Indian Evidence Act, 1872.**

This would ensure that in case a person sustains injuries in police custody, it is presumed that the injuries were inflicted by the police and the burden of proof to explain the injury lies on the authority concerned.

- **Technology-Friendly Criminally Justice System:** The legal framework should be made technology-friendly to speed up the criminal justice system.

Presently the legal framework is not suitable for the adoption of technology in the criminal justice system.

- **Ensuring Accountability:** The group also recommended that the Supreme Court's December 2020 order to **instal CCTV cameras** with night vision in all police stations should be "**implemented immediately**" to ensure accountability.
- **Community Policing:** It also pitched for the involvement of trained social workers and law students with police stations as part of **community policing** and incorporating community policing in police manuals, laws and advisories.

- **Supreme Court Directives in Prakash Singh Case 2006:**

- The **seven main directives** from the Supreme Court in the verdict were **fixing the tenure and selection of the DGP** (Director General of Police) to avoid situations where officers about to retire in a few months are given the post.
- In order to ensure no political interference, **a minimum tenure was sought for the Inspector General of Police** so that they are not transferred mid-term by politicians.
- The SC further directed postings of officers being done by Police Establishment Boards (PEB) comprising police officers and senior bureaucrats **to insulate powers of postings and transfers from political leaders.**
- Further, there was a recommendation of **setting up the State Police Complaints Authority (SPCA)** to give a platform where common people aggrieved by police action could approach.
- Apart from this, the SC directed **separation of investigation and law and order functions** to better improve policing, **setting up of State Security Commissions (SSC)** that would have members from civil society and **forming a National Security Commission.**

SEVEN DIRECTIVES OF SUPREME COURT

- 1 **Constitute a State Security Commission**
- 2 **Fixed two-year tenure for DGP**
- 3 **Two-year term for SPs & SHOs**
- 4 **Separate Investigation and L&O functions**
- 5 **Set up Police Establishment Board**
- 6 **Set up Police Complaints Authorities at State & Dist levels**
- 7 **Set up National Security Commission at Centre level**



Way Forward

- **Modernisation of Police Forces:** The Modernisation of Police Forces (MPF) scheme was initiated in 1969-70 and has undergone several revisions over the years. However, there is a need to fully utilize the finances sanctioned by the government.
MPF scheme envisages:
 - Procurement of modern weapons
 - Mobility of police forces
 - Logistics support, upgradation of police wireless, etc
 - A National satellite network
- **Revamping Criminal Justice System:** Along with Police reforms, there is a need to reform the criminal justice system too. In this context, the recommendations of the **Menon and Malimath Committees** can be implemented. Some of the key recommendations are as follows:
 - Creation of a fund to compensate victims who turn hostile from the pressure of culprits.
 - Setting up separate authority at the national level to deal with crimes threatening the country's security.
 - A complete revamp of the entire criminal procedure system.

Source: TH