



# The Need for a Reliable Code of Police Investigation in India

**For Prelims:** [Supreme Court of India](#), Malimath Committee, [Police Reforms](#)

**For Mains:** Challenges Related to Policing in India, Committees/Commissions on Police Reforms.

**Source:** [TH](#)

## Why in News?

In a recent ruling, the [Supreme Court \(SC\) of India](#) stressed the necessity for a **“consistent and dependable code of investigation”** to prevent legal loopholes leading to the acquittal (found not guilty of a crime or wrongdoing) of the guilty.

- The observations came after the court acquitted 3 accused in a 2013 kidnap and murder case, citing flaws in the police investigation.

## What are the SC's Observations Regarding Police Investigations in India?

- The court highlighted the 2003 report by [Justice V.S. Malimath Committee on Reforms of the Criminal Justice System](#), which emphasised that the “successful prosecution of the guilty depends on a **thorough and careful search for truth and collection of evidence** which is both admissible and probative”.
- The court referred to a [Law Commission of India report in 2012](#) that the reasons for a low rate of conviction included **“inept, unscientific investigation by the police and lack of proper coordination between police and prosecution machinery.”**

## What is the Need for Consistent and Dependable Code of Police Investigation in India?

- To prevent lapses in police probes that lead to the **acquittal of the guilty on technical grounds, as highlighted by the Supreme Court.**
- To improve the standards of investigation and evidence collection, which are often inept and unscientific, as noted by the [Law Commission of India](#).
- To enhance the **credibility and legitimacy of the criminal justice system**, which is often marred by [corruption, political interference, and human rights violations](#).
- To ensure the successful prosecution of the offenders, especially in cases involving serious crimes, such as murder, rape, terrorism, etc.
- To protect the rights and interests of the victims, witnesses, and accused, who often face harassment, intimidation, and coercion during the investigation process.

# Police Reforms in India



## CONSTITUTIONAL STATUS

- Police and Public Order: State subjects (7<sup>th</sup> Schedule)



## NEED FOR REFORM

- Colonial Law
- Custodial Death
- Lack of Accountability
- Political Interference
- Poor Gender Sensitivity
- Communal/Caste Bias
- No Anti-Torture Law



## RELATED DATA

- Police-People Ratio: 153 police/100,000 people (Global benchmark: 222 police/100,000 people)
- Custodial Deaths: 175 in 2021-2022 (as per MHA)
- Women's Share: 10.5% of entire force (India Justice Report 2021)
- Infrastructure: 1 in 3 police stations is equipped with CCTV (India Justice Report 2021)



## IMPORTANT COMMITTEES/COMMISSION



## RELATED INITIATIVES

- SMART Policing (pan-India)
- Automated Multimodal Biometric Identification System (AMBIS) (Maharashtra)
- Real Time Visitor Monitoring System (uses AI and blockchain) (Andhra Pradesh)
- CyberDome (Tech R&D Centre) (Kerala)

## WAY FORWARD

- ↑Police Budget, Resources
- ↑Recruitment Process
- Implement Measures to Reduce Corruption
- ↑Skills of Policemen
- Better Representation (Women, Minorities)



## CHALLENGES WITH POLICING

- Low Police-Population Ratio
- Political Superimposition
- Unsatisfactory Police-Public Relations
- Infra Deficit
- Corruption
- Understaffed/Overburdened



## What are the Malimath Committee's Recommendations for Police Investigation in India?

### ▪ About:

- The Malimath Committee was established by the Ministry of Home Affairs in 2000, which aimed to **reform India's criminal justice system**. It presented its recommendations in its report titled as the Report of the Committee on Reforms of the Criminal Justice System in 2003.
- The Committee was headed by Justice V.S. Malimath, former **Chief Justice of Karnataka and Kerala High Courts**.
  - The Committee had opined that the existing system **“weighed in favor of the accused and did not adequately focus on justice to the victims of crime.”**

### ▪ Recommendations for Police Investigation:

- The panel recommended borrowing features from the inquisitorial system of investigation, seen in countries like Germany and France, where a **judicial magistrate oversees the investigation**.
- The Committee suggested hiving off the **investigation wing from Law and Order**.
- It also recommended setting up of a **National Security Commission and State Security Commissions**. To improve the quality of investigations.
- It suggested a slew of measures, including the appointment of an Additional. SP in each

- district to **maintain crime data, organisation of specialised squads** to deal with organised crime, and a team of officers to probe inter-state or transnational crimes, and setting up of a Police Establishment Board to deal with posting, transfers, and so on.
- Police custody is now limited to 15 days. The Committee suggested this be extended to 30 days and an **additional time of 90 days be granted for the filing of charge sheets in case of serious crimes.**

## Criminal Justice System

- The criminal justice system is the set of laws, processes, and institutions that aim to prevent, detect, prosecute, and punish crimes while ensuring the rights and safety of all people.
- It has four subsystems:
  - Legislature (Parliament)
  - Enforcement (Police)
  - Adjudication (Courts)
  - Corrections (Prisons, Community Facilities)
- India's criminal justice systems have evolved under different rulers, during British rule, criminal laws were codified in India, which remain largely unchanged even today. Later the **Indian Penal Code (IPC)** was drafted in 1860, in the wake of the first law commission established in 1834 under the Charter Act of 1833.
- In line, the **Code of Criminal Procedure (CrPC)** provides procedures for administering criminal law in India. It was enacted in 1973 and became effective on 1 April 1974.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims:

**Q. For which one of the following reforms was a Commission set up under the Chairmanship of Veerappa Moily by the Government of India? (2008)**

- (a) Police Reforms
- (b) Tax Reforms
- (c) Reforms in Technical Education
- (d) Administrative Reforms

**Ans: (d)**

### Mains

**Q.1** National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of above observation assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards. **(2014)**