



## Policing in India and Ethics

**For Mains:** Indian Police and Ethics, Various Issues with Ethical Policing in India

### Why in News?

Former President Ram Nath Kovind gave the message that an 'ideal police system' indicates that the job of a police officer is full of responsibility and accountability.

### Why are Police Ethics Different?

#### ▪ Taking Moral Decisions:

- **Life and liberty are fundamental moral values** and are held to be so in all human societies, and the police routinely have to decide whether to arrest, i.e., whether or not to take away someone's freedom, and at its extreme, sometimes they must decide whether or not to take away someone's life.
- While making any moral decisions, **the police have to consider a complex array of actions.**
- They have to consider the goodness and badness of a person before they can consider whether their actions are wrong.
- For any action taken by a person, they have to see the motivation and intentions of the action and its consequences.

#### ▪ May be Required to Face Danger or Hostility:

- The police may be **required to face danger or hostility in order to do their duty**, and predictably, in the course of their work, police officers are likely to experience a range of emotions including fear, anger, suspicion, excitement, and boredom to a far greater extent than people in other occupations.
- To act effectively as police, **they must be able to respond to these emotions** in the right way, which requires them to be emotionally intelligent.

### What are the Various Issues with Ethical Policing in India?

#### ▪ Politicization of the Police:

- The rule of law in India, the frame on which justice hangs, has been "**undermined by the rule of politics**".
- The major reasons for the politicisation of the police is the **lack of a proper tenure policy for the posting of officers at different levels** and the arbitrary transfers and postings that have been used for political interest.
- **Politicians use transfer and suspension as weapons** to tame police officers.
- These **punitive measures affect the morale of the police** and damage the chain of command within the organisation, thereby undermining the authority of those of their superiors who might be honest, competent, and fair-minded, but not sufficiently supportive or politically useful.

#### ▪ Mindless Denigration of the Police:

- Bayley and the authors of Ethical Issues in Policing in India say that the **rule of law is**

being replaced by the rule of politics, which is a cause of concern for establishing **good governance** in the country.

- According to them, **mindless denigration of the police is irresponsible** because it is counterproductive in terms of assisting those honest and competent police officers who are trying to renovate Indian police institutions.

▪ **Corruption:**

- Though corruption is prevalent in every part of the world, India ranks 85 out of 180 countries in the **corruption perception index, 2021**.
- The **police department is not untouched by the corruption** that is prevalent in the department at almost every level and in different forms.
- There have been instances where high ranking police officials were found to be indulged in corruption activities and there have also been instances where low ranking police officials were caught red-handed taking bribes.

▪ **Custodial Death:**

- The total number of custodial deaths in India increased from 1,940 in 2020-'21 to 2,544 in 2021-'22, according to government data.
- **Uttar Pradesh** has reported the highest number of custodial deaths among all states and Union Territories in the last two years.

▪ **Use of Coercive Methods:**

- The term police coercion can best be defined as when a police officer uses undue pressure or intimidation in an effort to secure a confession from a suspect to a crime.
- Police coercion can take many forms and police officers have been accused of using different types of coercion in an effort to get a suspect to confess.

## What are the Various Related Suggestions?

▪ **Recommendation of Shah Commission (1978):**

- The **Shah Commission of Inquiry in its report recommended** that the government **should seriously consider the viability and desirability of insulating the police from the politics of the country** and employing them scrupulously on police duties that alone by law are intended to stop political interference.

▪ **National Police Commission (1977):**

- To protect the police from outside influences and internal influence, the National Police Commission also offered a number of important suggestions.
- The commission recommended that judicial inquiry should be made mandatory in case of Custodial rape, Death due to police firing and excessive use of force.

▪ **Model Police Act:**

- **The Soli Sorabjee Committee** was established to frame a Model Police Act.
- The committee submitted its recommendations in 2006, **“to enable the police to operate as an efficient, effective, people-friendly, and responsive agency”**.
  - In general, the **committee adhered to the precedent** established by the **Supreme Court** in its **Prakash Singh decision**.
  - In the Prakash Singh Case of 2006, the **Supreme Court gave 7 directives with a view to bring in police reforms.**[//](#)

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



- The Government of India promised in Parliament that a Model Police Act would be introduced in the near future, which has not yet occurred.

## Way Forward

### ▪ Protecting Human Rights:

- The [National Human Rights Commission, in 1998](#), has said that in a democratic society, the **police must be “low in authority and high in accountability.”**
- Also, the **police ethics and police institutions exist to serve the highest of moral purposes**, to protect the rights to life, liberty, and property of citizens in a democratic polity. So, the protection of human rights is a core police function.

### ▪ Police Practice must Comply with Ethical Principles:

- The National Human Rights Commission in 1998 says that **police practice must comply with carefully worked out ethical principles that appropriately balance the moral rights of victims with those of suspects.**
  - For example, the use of deadly force by police to protect citizens and themselves must be constrained by the ethical principles of necessity and proportionality.

### ▪ Depoliticise the Police:

- The urgent need of the hour is to **depoliticise the police and insulate it from extraneous pulls and pressures**, as recommended by the National Police Commission, and re-emphasise the Supreme Court directives in Prakash Singh’s case.

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