Need for Police Reforms in India

What is the issue?

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India needs to revamp its criminal justice system but the ground reality defies the police reforms.

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What is the status of crimes in India?

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- In India there various instances some heinous crimes have been committed, indicating scant respect for the law.
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- Cases of molestation and rape showing an upward trend, even after the Supreme Court judgment on gangrape.
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- It is a clear indication of the fact that a harsher punishment in the statute book does not offer much deterrence.
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- Over the years, the technology and modus of crimes have changed, and, society too has moved on, raising the expectations of the public befitting the progress of a modern nation.
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- Criminals continue to shock society with their daring, on the other hand, the common man expects to secure speedy and inexpensive justice.
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What are the issues with existing justice mechanism?

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- A number of glaring malpractices, including the one of fake encounters, are clear manifestations of the lack of confidence in the existing system, even at the level of senior police functionaries themselves.
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- There are several other police procedures of investigation including recording of statements, confessions, etc which have now become outdated, considering that they were codified in 1898.
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- The Code of Criminal Procedure was indeed amended in 1973, but the police procedures did not undergo much change.
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- In fact, the National Police Commission had made a specific suggestion for the constitution of a criminal justice review commission, but it is still pending.
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- The thrust of the existing directives of the Supreme Court is limited to postings, transfers, the separation of investigation from law and order, and, the constitution of a police complaints authority at various levels.
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- A closer look at all these recommendations reveals that none of them would be able to address the expectations of the general public for a speedy and inexpensive justice delivery system.
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What measures needs to be taken?

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- In larger public interest an enthusiastic implementation of various directives would have been desirable.
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- In Indian legal system, more or less every action of the police has to come under judicial scrutiny.
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- This is also a basic requirement specified in all the state police rules.
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- It is necessary to institute a wider spectrum of reforms rather than focusing simply on police reforms.
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- Separation of investigation from law and order can be very fruitful, provided the basic police procedures are also revised.
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- To some extent, this should take care of a large number of cases where the facts are deliberately stretched to make a non-cognizable offence into a cognizable one.
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- In order to ensure greater accountability, for example, the refusal to register a complaint regarding the commission of a crime can be made a punishable offence for the police.
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- In the courts, the trial procedures need to be simplified and the separate nature of the burden of proof required for crimes against the human body and property or social welfare-related offences needs to be recognised.
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Source: Indian Express

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