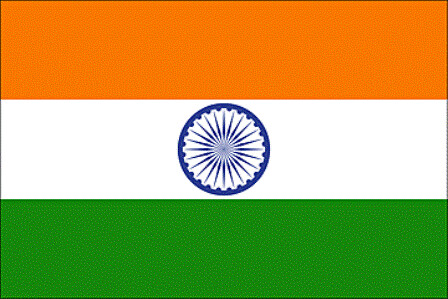
** INDIA ALL INDIA POLITICAL PARTY MEET**

TOPIC- DISCUSSION ON POLICE BRUTALITY IN INDIA AND NEW LEGAL REFORMS TO STRENGTHEN THE JUSTICE SYSTEM.

The principal purpose of criminal justice administration is to preserve and protect the rule of law, which implies, enforcement of law, maintenance of order, just, fair and speedy trial, punishment of offenders, rehabilitation of offenders through correctional system and a solace to victims of crimes. The existing criminal justice system is affected with various maladies and faults. The legal process is time consuming and it is accused oriented system i.e., system is more concerned with the rights and interests of the accused rather than those of the victims, there is lack of coordination between Police and prosecution, overcrowding in jails, expensive legal process, no protection to witnesses and fault}" investigation etc.

The present criminal justice system has failed to deliver speedy and prompt justice to people and ensuring certainty of punishment to perpetrators of crime. Criminal cases are pending in courts from several years and in some cases more than 15 years or more and number of under trial prisoners languishing in jails is increasing day by day. The different sub-systems of criminal justice system, viz., the police, prosecution, judiciary and correctional institutions have not been able to meet their goals and people have lost faith in existing Criminal Justice System.

Issues Related to Functioning of Police

* **Political Criminalization Nexus: Second Administrative Reforms Commission** (2007) has noted that the excessive power in the hands of police has been abused in the past by the political executive to unduly influence police personnel, and have them serve personal or political interests.  
  + Further, there has been an increasing phenomenon of [**criminalization of politics.**](https://www.drishtiias.com/daily-updates/daily-news-editorials/criminalisation-of-politics-2)
  + This interferes with professional decision-making by the police (e.g., regarding how to respond to law and order situations or how to conduct investigations), resulting in a biased performance of duties.
* **Need to set Police accountability:** In India, various kinds of complaints are made against the police including complaints of unwarranted arrests, unlawful searches, torture and custodial rapes.  
  + To check against such abuse of power, various safeguards should be adopted, such as accountability of the police to the political executive, internal accountability to senior police officers, and independent police oversight authorities.
* **Lack of Resources:** CAG audits have found shortages in weaponry with state police forces. For example, Rajasthan and West Bengal had shortages of 75% and 71% respectively in required weaponry with the state police.  
  + Also, the Bureau of Police Research and Development has also noted a 30.5% deficiency in stock of required vehicles with the state forces.
  + Further, funds dedicated to the modernization of infrastructure are typically not utilized fully. For example, in 2015-16, only 14% of such funds were used by the states.

Ways Forward

* **Curbing Criminalization of Politics:** The criminal nexus with politics will have to be broken and reforms must start with the political system. Thus, there is a need for laws which debars persons with serious criminal cases from entering the assemblies and the Parliament.
* **Revamping Criminal Justice System:** There is a need to incorporate the  [**Menon Committee**](https://www.drishtiias.com/daily-updates/daily-news-editorials/a-road-map-for-criminal-justice-system#:~:text=Malimath%20Committee%20(2000)%20on%20reforms,submitted%20its%20report%20in%202003.&text=The%20Committee%20had%20opined%20that,to%20the%20victims%20of%20crime.%E2%80%9D)  recommendations for devising a national policy paper on the criminal justice system. 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 of separate authority at the national level to deal with crimes threatening the country security.
  + A complete revamp of the entire criminal procedure system.
* **Independent Complaints Authority:** The Supreme Court has observed that there is a need to have an independent complaints authority to inquire into complaints of police misconduct.  
  + The [**Model Police Act, 2006**](https://www.drishtiias.com/daily-updates/daily-news-editorials/a-cop-out)requires each state to set up an authority comprising retired High Court Judges, civil society members, retired police officers and public administrators from another state.
* **Implementing the Supreme Court’s Directive**: The Supreme Court’s directions in **Prakash Singh case 2006** on police reforms must be implemented. The court laid out seven directives where considerable work in police reforms is still needed.

The challenge before India is to develop human rights in its domestic criminal administration by upgrading its law-enforcement machinery, and on the other hand not to be swayed away at the cost of social development and nation's unity. The establishment of National Human Rights Commission can contribute if, instead of becoming a face-saving device against international criticism of human rights conditions, it dedicates itself sincerely to the detection of human rights violations in crime control activity and activates itself towards corrective and remedial steps. Reconciliation lies in improving the domestic culture of human rights which in turn will replenish our image in the international platform also. Thus it can be concluded that in order to protect human rights and fundamental freedoms of accused, we must generate an awareness for human rights in people's mind, otherwise, the concept of human right will zigzag one step forward, and two steps back.

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