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POLICING THE POLICE: ETHICAL CHALLENGES AND DEVIANT BEHAVIOUR IN LAW ENFORCEMENT

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ABSTRACT

This article explores the issue of police deviance, focusing on misconduct, abuse of power and the systemic factors that enable such behaviour within the law enforcement framework. Despite their role as protectors of law, there are instances of custodial violences, torture, rape, corruption, hate crimes, gender based discrimination and so on which reflect deep rooted structural flaws. Throughout the paper one can observe the need of AI Policing system and its potential to either reduce or reinforce existing biases. The article highlights the urgent need for accountability, transparency and ethical policing to restore public trust and uphold constitutional values

Key Words: CUSTODIAL TORTURE, HATE CRIMES, CORRUPTION, SEXUAL HARASSMENT, AI-POLICING

INTRODUCTION

It was a quiet moment which touched deep within me-watching a year old news clip aired on Asianet News.² A retired police officer who made an apology to T Geena Kumari, once a young student leader of the Student's Federation of India. His apology carried the weight of nearly three decades, where she had suffered a brutal head injury during a police lathi charge.³ The blow led to a stroke and then she survived but not without bearing the scars of that day, both visible and

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² Asianet News, "*Retired Police Officer Seeks Forgiveness from Ex- SFI leader injured in 1994 Lathi Charge*", broadcast October 2023 <https://youtu.be/23wRsu8qJJ4?si=NkthhAhGCzAKLCrU>

³ TR Suresh, "Three Decades Later, Former SFI Leader Forgives Cop for Protest Violence", Mathrubhumi English, online: <https://english.mathrubhumi.com/news/kerala/3-decades-later-former-sfi-leader-forgives-cop-for-pain-inflicted-during-protest-ac7c005a> [<https://perma.cc/XXXXXX>] (last visited 30 June 2025).

unseen. This incident revealed something far more unsettling; how an act of state violence, even one carried out in the name of duty, can permanently alter the course of an individual's life. The officer was following orders, functioning within a system that chose force over dialogue and suppression over dissent. This moment led to the question of the ethics of power and the human cost of institutional violence.

Despite being entrusted with the role of upholding the rule of law, several instances across the country reveal a disturbing pattern of police misconduct-ranging from negligence to outright brutality. This is not a matter of isolated events but a reflection of systemic failures. Even though the Supreme Court laid down procedural safeguards in the Sunil Batra⁴ case to prevent custodial abuse, violations continue unabated. The horrifying deaths of Jayaraj and Bennix in Tamilnadu due to custodial torture starkly highlighted the unchecked violence within the lockups. Similarly, in Kerala, the tragic case of Vismayawho was subjected to domestic violence, exposed how police officers often treat women's complaints with indifference and delay, further endangering victims rather than protecting them. Caste based discrimination continues to plague correctional institutions, where prisoners from marginalized communities face harsh treatment, both physically and psychologically.⁵ The problem is not just of violence, but of attitude. A stark example was seen in the conflict that erupted between a police officer and a lawyer in Kerala's Alappuzha district, when the lawyer, who had gone to secure bail for a client, was allegedly assaulted which was a sign of the fragile and ego driven relationship between law enforcement and legal professionals.⁶ Incidents like the Mathura rape case⁷, where a minor girl was sexually assaulted inside a police station by officers she approached for help, shattered the very idea of police as protectors. There are many such unreported cases where survivors of sexual harassment are either turned away, blamed, or worse-re victimised by those in uniform.

⁴ *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675

⁵The Wire, "Indian Prisons Still Segregate Caste and Labour", The Wire (12 June 2025), online: <https://thewire.in/politics/rights/india-prisons-caste-labour-segregation> (last visited 30 June 2025).

⁶*The Hindu*, "Lawyers Protest Over Assault by Police in Alappuzha", *The Hindu* online: <https://www.thehindu.com/news/national/kerala/lawyers-protest-over-assault-by-police-in-alappuzha/article65891956.ece> (last visited 30 June 2025).

⁷ *Tukaram v. State of Maharashtra* (Mathura rape case) AIR 1979 SC 185

Each of these incidents underscores a truth that when those empowered to uphold justice misuse their authority, they not only violate individual rights but erode public faith in the justice system itself. What begins as abuse of power often transforms into institutional betrayal. Instead of standing as custodians of the law, such officers bend it to serve their own impulses-whether driven by prejudice, ego or personal gain.

CUSTODIAL TORTURE: A MANIFESTATION OF POLICE DEVIANCE

Custody, though undefined in any Indian statutes, has been judicially understood to mean a condition wherein a person's liberty is curtailed either by surveillance or by physical restraint, at the instance of lawful authority⁸. In such a setting, the law enforcement mechanism, by interfering with an individual's liberty and privacy, assumes a grave responsibility which demands adherence to constitutional and procedural safeguards. In the realm of foundational maxim 'actus non facit reum nisi mens sit rea' the act does not make a person guilty unless there is a guilty mind which affirms presumption of innocence until proven guilty⁹. It becomes problematic when the police, in the absence of judicial determination of guilt, exercises coercive powers over individuals under the pretext of enforcement or investigation.

In June 2020, the Indian media laid bare the custodial deaths of P Jayaraj and his son J. Bennix in Sathankulam, Tuticorin district of Tamil Nadu whom were arrested for violating Covid 19 lockdown protocols, two of them were subjected to brutal torture while in custody, including acts of sexual assault¹⁰ a disturbing violation of human dignity and the rule of law. What is alarming in the incident was that the police personnel reportedly expressed confidence in evading their accountability. They were allegedly prepared to sign the documents testifying the injuries inflicted, operating under the belief that custodial torture was a normalised systemic practices in their

⁸ *State of Punjab v. Ajaib Singh*, AIR 1953 SC 10

⁹ Glanville Williams, *Textbook of Criminal Law*, 2nd ed (London: Stevens & Sons, 1983) at 20.

¹⁰ Jinee Lokaneeta, "Justice in Custody" in Deana Heath & Jinee Lokaneeta, eds, *Policing and Violence in India: Colonial Legacies and Contemporary Realities* (New Delhi: 2025) 104 at 104–105.

jurisdiction¹¹. This incident underscores a crisis within the policing system where certain officers, empowered by impunity and institutional complicity, arrogate to themselves the role of judge and the executioner.

In Indian criminal procedure, custody broadly takes two forms which are judicial custody and police custody. Police custody involves the accused being held in the physical custody of the investigating authorities, for interrogation, while the judicial custody refers to the confinement in prison under the order of the magistrate¹². Under Section 57 of CrPC (corresponding section 58 of BNSS 2023), if the investigation cannot be completed within 24 hours, the accused must be brought before a magistrate, and further detention is allowed only under the judicial order. Section 167 of CrPC allows the magistrate to authorize detention for 15 days and in serious offences, a total of 90 days (or 60 days for less serious offences) beyond which the accused becomes entitled to statutory bail¹³. However, Section 187 BNSS (Corresponding section 167 CrPc) introduces a significant change from the earlier norms. While it retains the 15 days limit for police custody, it permits the 15 day period to be distributed flexibly across the entire 60 or 90 day pre charge detention period, depending on the nature of the offence. Though the BNSS claims to mark a departure from colonial policing traditions, this provision appears to reinforce colonial era policing discretion, allowing police to seek custody at multiple intervals. The lack of specific guidelines regulating when police can re seek custody post the initial 15 day period raises serious concerns about potential misuses¹⁴. This loophole could result in repeated harassment of the accused, who might face multiple custodial tortures, even while on bail, thereby interfering with their personal lives.¹⁵ At the time when the CrPC was drafted technological aids such as CCTV tracking, forensic labs and data analytics were far less developed, yet even then, the courts restricted the 15 day cap on police custody notably in the case of *CBI v. Anupam J Kulkarni*¹⁶. With the advancement of

¹¹ Id. at 107

¹² *State of Punjab v. Ajaib Singh*, AIR 1953 SC 10, *D.K Basu v. State of West Bengal*, (1997) 1 SCC 416

¹³ *Uday Mohanlal Acharya v. State of Maharashtra*, (2001) 5 SCC 453

¹⁴ *Police Custody under CrPC & BNSS: A Paradigm Shift in Balancing Liberty and Investigation*, Citizens for Justice and Peace (May 7 2024) <https://share.google/k1397QJE3beS4sD9A> last accessed on July 1 2025

¹⁵ Id.,

¹⁶ *CBI v. Anupam J Kulkarni* (1992) 3 SCC 141

technology, power to part 15 day police custody offers disproportionate and unnecessary leverage to police forces.

There exists an unwritten social perception that the police possess the authority to extract the truth by resorting to uncivilised or forcible methods. Even the general public often equates effective investigation with the physical dominance of police officers- an outlook deeply rooted in the era of colonial policing, which emphasized force over fairness. Despite established legal safeguards and clear guidelines prohibiting the use of torture and making custodial confessions inadmissible, incidents of custodial violence continued to occur. The tragic case of Tamir Jiffry, a 30 year old man from Malappuram is a sharp reminder. Tamir was arrested by Anti-Narcotics Special Force Action on July 31 2023 for alleged drug possession, Tamir died the next day in police custody at the Tanur Police station. While the police initially claimed a drug overdose, an autopsy revealed 21 injuries on his body and expert analysis by AIIMS Delhi confirmed that his death resulted from custodial torture.¹⁷

The United Nations Convention against Torture and other cruel, Inhuman or Degrading treatment or Punishment(UNCAT) stands one of the earliest and most significant international instruments dedicated to the prevention of torture.¹⁸ Although India signed the convention in 1997, it has yet to ratify it-reflecting a significant gap in the country's commitment to international human rights standards within its criminal justice framework. Ratification requires the enactment of domestic legislation that aligns with the principles laid down in the convention. In this context, the Prevention of Torture Bill 2010¹⁹ was introduced in the Lok Sabha as a legislative step toward ratification. However, the Bill has remained in legislative absence for over 15 years, highlighting a troubling inertia. Despite India's standing in the global community and its constitutional guarantees of human dignity and fundamental rights, the continued delay suggests a lack of urgency and political will to address custodial violence and protect the rights of individuals in detention.

¹⁷ *AIIMS confirms Tamir Jiffry died due to custodial violence* ; The News Minute (9 July 2024)
<https://share.google/Z8O9G3DKTXcpVWK3y> last accessed on 1 July 2025

¹⁸ *United Nations Convention against Torture and other cruel, Inhuman or Degrading treatment or Punishment*, GA. Res. 39/46, U.N Doc. A/RES/39/46 (Dec 10, 1984)

¹⁹ *The Prevention of Torture Bill, 2010*, Bill no. 58 of 2010

The National Human Rights Commission (NHRC), though functioning as a recommendation body, holds the mandate to investigate serious violations of human rights under the Protection of Human Rights Act 1993. However, its role in probing instances of custodial violence particularly those involving law enforcement officials during the anti- CAA protests at Jamia Milia Islamia and Aligarh Muslim University has drawn significant criticism. In its findings, the NHRC reported the unavailability of CCTV footage and stated that the police brutality could not be substantiated²⁰. This conclusion appeared to offer implicit support to police actions that were widely criticized as excessive and targeted. The NHRC, by stating that the actions of police were reasonable and aimed at restoring law and order, appeared to endorse what many legal scholars and civil society actors have argued were hate crimes and targeted repression against minority communities.²¹

In *Joginder Kumar v. State of U.P & others*²² the Supreme Court underscored that no arrest can be made merely because it is lawful for the police officer to do so. The Court mandated that when a person is brought to a police station following arrest, he must be informed of his right to have someone informed of his detention, which is an affirmation of personal liberty under Article 21 of the Constitution. Further strengthening procedural safeguards, the Court in *DK Basu v. State of West Bengal*²³ mandatory guidelines to prevent custodial violence which includes; the names and designations of all officers handling the interrogation of an arrestee must be clearly recorded in a register, a memorandum of arrest must be prepared and arrested by at least one witness, preferably a family member or a local resident and the police must inform a detainee's relatives or friends of the time and place of arrest and subsequent detention.

Despite these landmark rulings and procedural directives, custodial deaths in India remain alarmingly high. According to the National Human Rights Commission of India, during the financial year 2021-22 alone, 2152 deaths occurred in judicial custody, while 155 deaths occurred in

²⁰ Sharib Ali and Ishita Chakrabarthy “*Hate Crimes as the New Legitimate: Anti CAA Protests and Policing in Aligarh Muslim University and Jamia Millia Islamia, 2019* ” in *Policing and Violence in India; Colonial legacies and contemporary realities* 147

²¹ *Id.*, 146-147

²² *Joginder Kumar v. State of U.P & others* (1994) 4 SCC 260

²³ *D.K Basu v. State of West Bengal* , (1997) 1 SCC 416

police custody as of 28 February 2022²⁴. A report by the National Campaign against Torture (NCAT) documented that in 2019 there were 1,606 deaths in judicial custody and 125 in police custody²⁵. These statistics exposed the systemic gaps in enforcement, pointing to a troubling disjunction between constitutional ideals, judicial pronouncements and on ground realities.

CASTE DISCRIMINATION AMONG POLICE OFFICERS TOWARDS PRISONERS

In the landmark case of *Sukanya Shantha v. UOI*²⁶, the Supreme court of India struck down several provisions of various state jail manuals that institutionalized caste based discrimination within the prisons. The court found that such practices unconstitutional and violative of fundamental rights. The judgement highlighted the deeply entrenched caste segregation among prisoners, especially affecting members of denotified tribes. The Court directed all states and union territories to revise their jail manuals to eliminate those discriminatory practices.

Prison labour was found to be assigned based on caste hierarchy, with lower caste prisoners often forced into degrading the tasks like manual scavenging which is an inhuman practice that has been legally abolished in India. Furthermore, barracks were segregated by caste and prisoners labeled as habitual offenders often stigmatized tribes were unfairly treated.²⁷

In the colonial era, the Criminal Tribes Act 1871 branded the whole communities as inherently criminal which was dictated by birth rather than the individual conduct. However, the discriminatory practices still continue to shape laws and policies particularly denotified tribes who were often categorized as habitual offenders which reinforces social stigma and social

²⁴ India Today Web Desk, “Over 2150 cases of deaths in Judicial Custody: Govt,” India Today (23 March 2022) <https://www.indiatoday.in/india/story/over-2150-cases-of-deaths-in-judicial-custody-govt-1928310-2022-03-22> last accessed on July 2, 2025

²⁵ *The Hindu Bureau*, “Five Custodial Deaths in India Daily,” *The Hindu* (26 June 2020) <https://share.google/cu9sZlxd4RqaL44n> last accessed on 2 July 2025

²⁶ *Sukanya Shantha V. UOI*, WP (c) No. 1404 of 2023

²⁷ Sukanya Shantha, “Caste Segregation, Discrimination and Forced Labour Inside Indian Prisons,” *The Wire* June 26, 2024 <https://m.thewire.in/article/rights/india-prisons-caste-labour-segregation> last accessed on July 2, 2025

surveillance.²⁸ Several prison manuals such as Uttar Pradesh, West Bengal and Tamil Nadu retain their outdated language and practices. For example in Rule 404 of the West Bengal Jail Code (1967) explicitly states that a convict should not be appointed as a night guard if he belongs to “any class that may have a strong natural tendency to escape, such as men of wandering tribes.” These provisions prescribe the general assumption that the Indian criminal justice administration is carrying forward colonial stereotypes and violate the principles enshrined in the fundamental rights of the Indian Constitution.

Following Sukanya Shantha, the court in *Amanatullah Khan V. The Commissioner of Police, Delhi*²⁹ directed the Delhi police to update history sheets which should only include those individuals who either have the means to, or are willing to provide, shelter to the offender. Furthermore, the court insisted on regular audits to ensure that the records remain unbiased and do not unfairly target vulnerable communities.³⁰

In numerous instances, police authorities may avoid registering complaints or may minimise the severity of an offence when the accused belong to dominant caste groups and the victims are from historically marginalized communities. In the Dankaur atrocity case, on October 6, 2015, Sunil Gautam filed a complaint at Dankaur Police station alleging that three men, allegedly sent by Mahavir from the Gujjar community, robbed and threatened him and his brother on their farmland, using caste based slurs. Despite repeated attempts, the police refused to register complaints which led the family to protest outside their shop, the police assaulted and stripped them in the public, calling the protest as nuisance and obscenity³¹ which raises the serious concerns about caste bias and violations of their constitutional right to free expression. The Khairlanji

²⁸ Anjali Sharma, “Caste Dynamics in the Criminal Justice System: Insights from Supreme Court Rulings on Prison practices” blog International Journal of Law Research, Education and Social Sciences <https://share.google/VqcwaBYpDAUglgulfm> last accessed on July 2 2025

²⁹ 2024 INSC 383

³⁰ *Protecting Minors’ Privacy and Preventing Bias in Police History sheets: Supremes Court’s decision in Amanatullah Khan v Commissioner of Police, Delhi*, Supreme Court of India, Casemine <https://www.casemine.com/commentary/in/protecting-minors%E2%80%99privacy-and-preventing-bias-in-police-history-sheets:-supreme-court%E2%80%99s-decision-in-amanullah-khan-v.-commissioner-of-police,-delhi/view> last accessed on July 2, 2025

³¹ NDMJ- NCDHR Fact Finding Team, *What Happened in Dankaur?*, Round Table India (Oct 12, 2015) <https://www.roundtableindia.co.in/what-happened-in-dankaur/> last accessed on July 3, 2025

massacre of 29 September 2006, where a mob of dominant caste members brutally murdered the entire family of Bhaiyyalal Bhotmange, stands as a chilling reminder of caste based violence. Despite the severity of the crime, justice has remained out of reach. Ironically, majority of the officials handling the case were dalits³². Yet their response was marked by negligence and a lack of empathy. A similar pattern of both these incidents shows that police inaction reflects not just caste prejudice from dominant communities but also the silence shaped by the deep rooted societal indifferences.

SEXUAL HARASSMENT AND DEVIANT BEHAVIOUR IN POLICE FORCES

The Mathura rape³³ case is considered to be one of the earliest reported instances of custodial rape in India. Mathura, a young tribal girl, was called to the police station for an investigation along with her family. While her family was asked to wait outside, Constable Ganapat told her to remain inside. Constable Ganapat and Head Constable Tuakaram raped her in the area behind the police station. What should have been a place of law and justice instead turned into a place of violation and injustice for her that day.

In the *State of Rajasthan v. Kashi Ram*³⁴, Supreme Court condemned custodial rape as a grave violation of constitutional rights and human dignity. The ruling emphasized the need for strict accountability and reinforced the importance of safeguarding women in detention. Similarly in the Jaipur Custodial Rape case³⁵, a woman in Jaipur was allegedly raped by a police officer while being questioned for a minor offense. The Rajasthan High Court took suo moto cognizance of the matter, ensuring a swift investigation and arrest which led to the urgent need to hold law enforcement accountable in the instances of custodial abuse. In the case of *Nandini Sundhar v.*

³² Anand Teltumbde, Khairlanji and the Insensitivity of Mahar Officers, *Economic and Political Weekly*, Vol. 44, No. 31, at 10-11 (Aug.1, 2009) <https://www.epw.in/journal/2009/31/perspectives/khairlanji-insensitivity-mahar-officers.html> last accessed on July 3, 2025

³³ *Tukaram and Anr. V. State of Maharashtra*, 1979 AIR 185, 1979 SCR (1) 810

³⁴ *State of Rajasthan v. Kashi Ram.*, AIR 2007 SC 144

³⁵ *Suo Moto Petitioner v. State of Rajasthan & Ors.* Rajasthan High Court Bench at Jaipur WMA No. 259/2016 order dated 17 July 2018

State of Chhattisgarh³⁶, the Supreme Court addressed the serious human rights violations by State and paramilitary forces in conflict affected tribal regions. Recognizing the vulnerability of tribal women, who are more prone to exploitation, the Court ordered the State to adopt strict safeguards for detainees and establish independent mechanisms to investigate such sexual abuses.

According to National Crime Records Bureau data, 275 cases of custodial rape were reported between the years 2017-2022³⁷. What makes these crimes especially grave is the imbalance of power- the perpetrator holds authority, while the victim is confined and vulnerable, often unable to defend themselves or seek immediate help which reflects a deeper issue of exploitation where power is misused against those who are already in the state of helplessness.

Ironically, there have been instances where even female police officers have faced sexual harassment at the hands of their male colleagues. Such incidents reflect the deeply rooted patriarchal mindset and unchecked misuse of power, highlighting that no woman is immune from gender based violence even within the law enforcement itself. In January 2020, a woman police officer from Uttar Pradesh alleged sexual harassment by her seniors and was denied the right to file a complaint. She questioned how she could protect others when justice was denied to her.³⁸ Similarly, a woman SHO in Haryana recalled facing sexism and lack of basic facilities in a male dominated police force. She stressed the need for more all women police stations, gender sensitive reforms and better inclusion of women in policing.³⁹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, requires every place to have an Internal Complaints Committee to handle cases of Sexual harassment. However, 24 % of police women surveyed reported that no such committee existed in their workplace. This lack of compliance is seen across the country. In 13 surveyed states, less than 75 % of police women

³⁶ *Nandini Sundar v. State of Chhattisgarh* WP (civil) No.250/2007

³⁷ “275 cases of Rape in Custody Filed Between 2017-22. Data”, *NDTV* (31 March 2024) <https://www.ndtv.com/india-news/275-cases-of-rape-in-custody-filed-between-2017-22-data-5123280> last accessed on July 3, 2025

³⁸ Shruti Garg, “Indian Police women Vulnerable to Sexual Harassment: POSH Compliance Needed,” *Ungender Insights* (12 February 2020) <https://www.ungender.in/indian-policewomen-vulnerable-to-sexual-harassment-posh-compliance-needed/> last accessed on 3 July 2025

³⁹ *Id.*,

confirmed the presence of a committee. The situation in Bihar was particularly alarming, with 76 % of respondents saying that there is no such committee at all. On the other hand, states like Delhi, Andhra Pradesh, Rajasthan and Odisha performed better, with at least 79 % of police women acknowledging the existence of such committees.⁴⁰ However, the sad plight is that a significant number of police women did not respond to this question, which could reflect a lack of awareness. For instance, in Nagaland, 28 % gave no answer, while West Bengal and Kerala both saw non response rates of 17 %. Notably, one in four police women stated that there was no sexual harassment committee in their station or jurisdiction.⁴¹ This could stem from the absence of internal mechanisms, social pressures, fear of retaliation, or a sense of helplessness which highlights the difficult conditions women continue to face within the police force.

CORRUPTION IN POLICING AS A THREAT TO JUSTICE

Corruption in public office is a serious threat to society, as it erodes public trust in the system. Recent allegations against Kerala's ADGP M.R Ajith Kumar have raised serious concerns and shaken people's confidence in the criminal justice administration. In yet another glaring instance recently reported that, K.A Suresh Babu, Assistant Commissioner of Police(Traffic), Kozhikode North, has been suspended for allegedly extorting 2.51 crore from a jewellery owner.⁴² He reportedly promised to halt confiscation proceedings in exchange of money, which reflects the troubling extent of corruption and abuse of power within the police force.

Police discretion is like a double edged sword, while it allows officers flexibility in handling law and order situations, it can also be misused when driven by personal gain or corrupt motives. FIRs are sometimes refused unless backed by a political motive or bribes. Even when registered, proper investigation often depends on continued illegal payments. Corruption also leads to serious

⁴⁰ Common Cause & Centre for the Study of Developing Societies, *Status of Policing in India Report 2019: Gender and Police (2019)* pg.99
https://www.commoncause.in/uploadimage/page/Status_of_Policing_in_India_Report_2019_by_Common_Cause_and_CSDS.pdf last accessed on July 3, 2025

⁴¹ Id., 100

⁴² "Debt Recovery Scam: Police Officer accused of Rs. 2.5 crore Fraud," *Mathrubhumi English*, June 23, 2025 (reporting suspension of ACP K.A Suresh Babu in Kollam) <https://english.mathrubhumi.com/news/crime/debt-recovery-scam-police-officer-accused-of-rs-25-crore-fraud-b2b26ap6> last accessed on July 4, 2025

misconduct which includes, the use of third degree methods, fake evidence, wrongful arrests, delayed action and “burking” of crimes. Poor and marginalized people, especially in grave cases like murder or dowry deaths, are extorted under the guise of help, only to end up convicted.⁴³

In the past five years, a total of 1,389 government officials in Kerala have faced criminal charges, excluding cases under vigilance commission. Strikingly, over 55% of these cases , 770 cases exclusively linked to the police personnel,⁴⁴ highlight deep concerns about corruption and misconduct within the state’s law enforcement mechanism.

The National Police Commission Report of 1980 pointed out that the strength and quality of the police force had not kept up with the growing needs of a fast developing economy and expanding administration⁴⁵. India’s police force continues to face a serious crisis. With 28% of officer posts and 21% of constable positions lying vacant, the actual police population has dropped to just 120 police personnel per lakh people.⁴⁶ This falls significantly short of the internationally recommended standard of 222.⁴⁷ The existing shortfall combined with a rising population and increasing complexity of law enforcement places a heavy burden on the available force. Moreover, most constables receive just one promotion in their entire career and usually retire as head constables.⁴⁸ This lack of career growth can reduce motivation and may contribute to corruption within the force.

⁴³ KV Thomas, ‘*Corruption in Indian Police, in Police Deviance and Unethical Practices : Causes and remedies*, Sardar Vallabhai Patel National Police Academy, p. 5
<https://www.svpnpa.gov.in/static/gallery/docs/7dc6ef9458fa449f8f4dbd52fc0425b5.pdf> last accessed on July 3, 2025

⁴⁴ “Kerala: 1,389 Govt Officials Faced Criminal Cases in 5 years,” *The New Indian Express*(March 14, 2024) last accessed on July 4, 2025

⁴⁵ Fourth National Police Commission, “Summary of Observations and Recommendations, in *Fourth Report, National Police Commission* (Government of India, 1980) pt.XXXIV(reservations on staffing and structure)
<https://police.py.gov.in/Police%20Commission%20reports/4th%20Police%20Commission%20report.pdf> last accessed on July 4, 2025

⁴⁶ *India Justice Report 2025: National Press Release*, April 2025
https://indiajusticereport.org/files/English_National%20Press%20Release_India%20Justice%20Report%202025.docx.pdf last accessed on July 4, 2025

⁴⁷ Id.,

⁴⁸ PRS Legislative Research, *Police Reforms in India: Insights from Analytical Report* (June 2018)
<https://prsindia.org/policy/analytical-reports/police-reforms-india> last accessed on July 4, 2025

Police face several limitations in the effective enforcement of social legislations, as many of these laws are framed with vague or ambiguous provisions, leaving wide scope of police discretion that is the choice to act or not to act on certain situations. This discretionary power often leads to corrupt practices when the enforcement depends on a subjective interpretation rather than objective. Section 9 of the Prohibition of Child Marriage Act, 2006 penalizes male adults marrying minors with rigorous imprisonment up to two years. However, in many rural areas, such offenses often got unregistered due to the reluctance of police to interfere in family matters, unless there is external pressure or media attention. This selective application weakens the law's deterrent effect and fosters an environment where non enforcement becomes the norm. Similar challenges arise in the enforcement of laws related to child labour, untouchability, immoral trafficking and the indecent representation of women.⁴⁹

HATE CRIMES AS AN EXTENSION OF POLICE MISCONDUCT

A hate crime refers to any criminal act where the offender shows hostility or prejudice towards another person's race, religion, disability, sexual orientation or gender identity.⁵⁰ What makes it a hate crime is not the type of offence itself, but the biased motivation behind it.

The 2019 CAA anti protests marked a powerful constitutional moment in India's history. People from across communities regardless of their religious identity or political affiliation united to defend rights they believed were fundamental and inherent, not just granted by law.⁵¹ In response, however, law enforcement used violent measures to suppress peaceful dissent. Reports indicate that at least 31 protestors lost their lives, over 1100 were injured, and nearly 8,000 were detained preventively, with another 3,000 were arrested under serious charges such as rioting and attempted

⁴⁹ "Police Corruption in India", *International Journal of Criminology and Sociological Theory*, Vol.6 No.4 at 232(Dec 2013)<https://core.ac.uk/download/pdf/230206293.pdf> last accessed on July 4, 2025

⁵⁰ "Hate Crime" *Victim Support*, <https://www.victimsupport.org.uk/crime-info/types-crime/hate-crime/#:~:text=According%20to%20the%20Crown%20Prosecution,sexual%20orientation%20or%20transgender%20identity> last accessed on July 4, 2025

⁵¹ Editorial, *The Protests are not Just Anti CAA But Pro Constitution*, *The Wire* (Dec 21, 2019) <https://m.thewire.in/article/rights/india-citizenship-protests-democracy-constitution-caa/amp> last accessed on July 4, 2025

murder⁵². On December 12, 2019, the day the Citizenship Amendment Act became law, over 10,000 students at Aligarh Muslim University marched to submit a memorandum to the District Magistrate, challenging the constitutional validity of CAA, but were blocked by the police. The next day, over 4000 JMI students attempted a peaceful march to Parliament, but were stopped by police forces who used force and detained 50 students overnight.

Indian Courts have emphasized that force used by the police to disperse assemblies must be minimal and proportionate⁵³. In cases where police exceed this standard, they face disciplinary action or prosecution including charges related to torture. Although India does not have a specific domestic law defining police torture, it is bound by International Covenant on Civil and Political Rights (ICCPR), 1966, which protects all individuals from cruel, inhuman or degrading treatment without exception, even during times of unrest.

Despite being expected to act impartially and uphold the rights of all citizens, many police officers still hold deep rooted biases against individuals with diverse sexual and gender identities. According to the Status of Policing in India Report (SPIR) 2025, nearly 57% of police personnel surveyed believed that hijras, transgenders or homosexual people have a negative influence on society and should be dealt with strictly.⁵⁴ This attitude reflects a serious concern, as it mirrors the widespread instances of police violence and discrimination faced by these communities. Alarmingly, these biased views were equally shared by both male and female officers, showing that such stereotypes are not just societal, but also embedded within law enforcement itself. On a more

⁵² Swati Shikha, *Delhi Burning: A timeline of Anti-CAA Protests and Northeast Delhi Violence*, Outlook (Feb 4, 2023) <https://www.outlookindia.com/national/delhi-burning-a-timeline-of-caa-protests-and-northeast-delhi-violence-news-265077> last accessed on July 4, 2025, Naresh Singaravelu, *Data: How many People Died during Anti CAA Protests?*, *The Hindu* (Jan 6, 2025) <https://www.thehindu.com/data/data-how-many-people-died-during-anti-kaa-protests/article30494183.ece> last accessed on July 4, 2025), PTI, *1026 Persons arrested in 12 days for Anti CAA Stir in Assam: CM*, *Deccan Herald* (Dec. 20, 2021) <https://www.deccanherald.com/india/1026-persons-arrested-in-12-days-for-anti-kaa-stir-in-assam-cm-1062929.html> last accessed on July 4, 2025

⁵³ *Re. Ramlila Maidan Incident Dt. 4/ 5. 06.2011 v. Home Secretary & Ors.*, Suo Moto Petition (Crl.) No. 122 of 2011, (2012) 5 SCC, *Karam Singh v. Hardayal Singh & Ors.* AIR 1979 SC 541, *In re; Destruction of Public and Private Properties v. State of A.P.*, (2009) 5 SCC 212, *Nandini Sundar v. State of Chhattisgarh*, (2011), *People's Union of Civil Liberties v. Union Of India.*, (1997) 1 SCC 301

⁵⁴ *Law, Order and Society: Police Perceptions and Propensities to Violence*, in *Status of Policing Report 2025: Police Torture and (un)Accountability* 58 (Common Cause & Lokniti- CSDS, 2025) https://www.commoncause.in/wotadmin/upload/SPIR_2025.pdf last accessed on July 4, 2025

hopeful note, about 36% of respondents disregarded this view, indicating that while prejudice remains prevalent, a shift in perception is also slowly taking place.

Despite the decriminalization of Section 377 IPC, LGBTQ+ communities in India continue to face discrimination by law enforcement. In the *XYZ v. State of Maharashtra*⁵⁵, the Bombay High Court directed the Mumbai Police and prison authorities to suggest amendments to the Maharashtra police Manual to ensure greater sensitivity towards LGBTQ+ persons. The case arose from a same sex couple's plea for the protection of their families. The Court emphasized that constitutional morality must override collective morality, affirming that police have no authority to interfere when two consenting adults choose to live together. In 2022, four LGBTQ persons in Tripura filed a complaint against the local police, alleging that they were detained overnight and subjected to mistreatment.⁵⁶ Similarly, in July 2020, Sanjit Mondal, a gay man from West Bengal, reported that two civic police volunteers on motorcycles harassed him without any cause.⁵⁷ These cases reflect a troubling reality that discrimination by law enforcement persists, even in the face of progressive legal reform.

In response to the rising reports of harassment against LGBTQ+ individuals, the Madras High Court⁵⁸ directed the Tamil Nadu police to stop targeting members of LGBTQ+ and intersex communities, including activists and NGO workers. The Court instructed that a specific provision should be added to the Police Conduct Rules to hold officers accountable for such behaviour. With this directive, the Tamil Nadu government amended the Subordinate Police Officers'

⁵⁵ *XYZ v. State of Maharashtra*, Bombay High Court, Criminal Appeal No. 506 of 2023 (Revati Mohite & Gauri Godse JJ.)

⁵⁶ *LGBTQ Members cry Police Harassment in Tripura*, The Times of India (Jan. 12, 2022) <https://timesofindia.indiatimes.com/city/agartala/lgbtq-members-cry-police-harassment-in-tripura/articleshow/88845508.cms> last accessed on July 4, 2025

⁵⁷ Puja Bhattacharjee, *Police Violence Against LGBTQIA + People in Kolkata highlights the need for Sensitisation*, *The Wire*, (July 12, 2022) <https://m.thewire.in/article/lgbtqia/police-violence-against-lgtbqia-people-in-kolkata-highlights-need-for-sensitisation> last accessed on July 4, 2025.

⁵⁸ *S. Sushma & Another v. Commissioner of Police, Chennai & Ors.*, WP 7284/ 2021, *Madras HC Directs State to Stop Police Harassment of LGBTQIA+ People*, *The Wire* (Aug. 31, 2021) <https://thewire.in/law/madras-high-court-tells-state-to-stop-police-harassment-of-lgbtqia> last accessed on July 4, 2025

Conduct Rules, officially making harassment of LGBTQ and intersex persons by police a punishable offence, a significant step towards institutional protection and inclusion.

CONCLUSION

Since policing is a state subject under the Indian Constitution, each state has the authority to frame its own policies and conduct rules. This has led to a diverse enforcement framework across the country, rather than a uniform, centralized policing system. The NITI Aayog, in its report “Building Smart Police in India,” proposed shifting “Police” and “Public Order” from the State List to Concurrent list of the Constitution. It argued this would allow the Centre to play a more proactive role in maintaining public order, especially in light of rising inter-state crimes and national security concerns⁵⁹. The paper emphasized that a unified legal and administrative framework is essential to tackle organised crime, terrorism and cyberthreats effectively. Citing the Second Administrative Reforms Committee, it recommended concurrent jurisdiction for State Police and the CBI over major crimes with inter-state or national implications.⁶⁰

Although people friendly and women specific police stations have been established, the general public’s attitude towards the police is still largely influenced by a colonial mindset. Many individuals continue to feel intimidated or fearful when approaching a police station, often due to concerns about mistreatment or lack of support. This mindset needs a fundamental shift. Police officers must adopt a more empathetic and approachable attitude, ensuring that police stations become accessible, safe spaces where citizens can confidently seek help and justice without fear or hesitation. In a bid to enhance public access and improve administrative efficiency, Ahmedabad Police Commissioner G.S Malik has issued a directive fixing specific timings for officers to attend to citizen grievances. Senior Police officials from Special Commissioners to Assistant Commissioners will be available at their offices between 12 pm and 2pm to meet the public, receive complaints and take appropriate actions. If an officer is unavailable, staff members must receive

⁵⁹ Suparna Jain & Aparajita Gupta, *Building Smart Police in India: Background into the Needed Police Reforms*, NITI Aayog, http://164.100.94.191/niti/writereaddata/files/document_publication/Strengthening-Police-Force.pdf last accessed on July 4, 2025

⁶⁰ *Shift Police, Public Order to Concurrent list, Says NITI paper*, The Times of India <https://timesofindia.indiatimes.com/business/india-business/shift-police-public-order-to-concurrent-list-says-niti-paper/articleshow/61052742.cms> last accessed on July 4, 2025

applications and forward them for timely resolution. Police inspectors and station level officers, considering their court and field duties, will interact with citizens from 4pm to 6pm at their respective stations. This will be followed by patrolling, crime detection, and monitoring of repeat offenders will remain at the station for investigation and internal tasks and are prohibited from leaving without prior permission from the Deputy Commissioner. These reforms aim to make police stations more accessible, helping the public feel safe and supported.

On the landmark judgment, *Sukanya Shantha*⁶¹, the Supreme Court delivered a significant judgement striking down caste- based labour and segregation in Indian Prisons which led to the direction of the removal of caste column from all prison registers, stating that no inmate should be classified or treated based on caste. Despite this, some states like Telangana still collect such data, while Kerala and Tamil Nadu have begun removing it. States like Maharashtra and Karnataka had already stopped maintaining caste records. Given the continued overrepresentation of marginalized communities in prisons and the risk of hidden caste based practices, the installation of CCTV cameras and strict surveillance inside prison premises should be made mandatory to ensure compliance and prevent any ongoing discrimination.

Handcuffing and the use of third degree methods are often seen as harsh remnants of colonial policing practices. The Hon'ble Supreme Court of India, through various judgements⁶², has strongly criticized the use of handcuffs, calling it inhuman , arbitrary, and a clear violation of the right to life and personal liberty under Article 21 of the Constitution. However, with the introduction of *Bhartiya Nagrik Suraksha Sanhita*, section 43 corresponding to Section 46 of the Code of Criminal Procedure includes a new provision that allows police officers to use handcuffs which gives wide discretion to officers to handcuff individuals at the time of arrest or while producing them in court, especially in cases of repeat offenders, escapees, or those accused of serious crimes such as terrorism, organized crime, murder, rape, trafficking or offences against the

⁶¹ *Sukanya Shantha v. Union Of India*, Writ petition (C) No. 1404 of 2023

⁶² *Prem Shankar Shukla v. Delhi Administration* (1980) 3 SCC 526, *Aeltemesh Rein v. Union of India* (1998) 4 SCC 54, *Citizens for Democracy v. State of Assam* (1995) 3 SCC 743, *Suprit Ishwar Divate v. State of Karnataka* (2022) SCC online Kar 1133

state.⁶³ However, this broad power raises serious concern. Without proper checks or the need to establish the necessity of handcuffing in each case, there is a risk of misuse, including false accusations and unjustified use of force, which directly impact an individual's right to dignity and liberty.

Until recently, Indian police stations relied on paper based records like Habitual offenders registers. With a move to modernize, the government introduced the Crime and Criminal Tracking Network & Systems (CCTNs), a centralized digital platform storing police records nationwide which supports tools like crime mapping, analytics and AI based Policing. The Telangana Police have taken significant steps toward AI driven policing to meet societal and technological challenges. Their initiatives offer a model for other states too. They have brought in former Big Tech experts to integrate big data and AI into policing systems. The Hawk Eye App, launched in 2014, enables citizens to report crimes, traffic violations, and suspicious activities in real time, promoting direct public engagement. The She Shuttle service (2015) provides safe transport for women in the Cyberabad IT corridor. The Cop Connect was introduced in 2019, using predictive analytics to identify potential crime hotspots through data from crime logs, social media and CCTV footage. As of January 2022, 99.9% of Telangana's police stations are equipped with active CCTV systems. These innovations not only improve efficiency and safety but also help reduce human bias in policing.⁶⁴

However, concerns arise when historical, caste biased data-such as profession, residence or family background is fed into these systems. If unchecked, predictive algorithms could reinforce discriminatory practices through what is called algorithmic oppression. To address this, the use of AI in policing must include safeguards like data audits, transparency and fairness checks.⁶⁵

⁶³ *Balancing Freedom: The Conflict Between Handcuff use under BNSS and the Right to Life and Personal Liberty, The Lawsuits* (Apr. 1, 2024) <https://thelawsuits.in/impact-bnss-police-powers-handcuffing/> last accessed on July 5, 2025

⁶⁴ V.B Malleswari & Anjali Dixi, *AI Integration in Telangana Police: Analyzing Efficiency and Ethical Dimensions*, 28(1) *Naturalista Campano* (2024), ISSN: 1827-7160

⁶⁵ Nikita Sonavane & Srujana Bej, *AI Based Policing: A Veneer of Neutrality to India's Criminal Justice System*, <https://ainowinstitute.org/publications/collection/a-new-ai-lexicon-caste> last accessed on July 5, 2025

Despite some progress, women still make up only 12% of the total police force, with just 8% at the officer level. Most women (89%) continue to serve in constabulary roles⁶⁶. According to the SPIR Report 2025, 69% of women police personnel believe that increasing the number of women in policing can help reduce crime, compared to 56% of their male counterparts.⁶⁷ Studies have shown that women police officers are less likely to use force or to be involved in misconduct.⁶⁸ Greater representation of women in the police has also been linked to increased reporting of crimes against women, particularly domestic violence, as observed in research by the University of Zurich⁶⁹. Moreover, the Police Chief magazine of the International Association of Chiefs of Police notes that women are generally seen as more trustworthy by the public and often possess stronger communication skills, contributing to more effective policing.⁷⁰ Increasing women's participation in the force is thus essential not just for diversity, but also for building safer and more accountable policing practices.

To reduce corruption within the force, it is essential to strengthen local policing, ensure transparency in transfers and promotions, and limit political interference in appointments.

There is an urgent need to introduce regular training programs that foster empathy and emotional intelligence within the force. The prevailing perception of police officers as lacking compassion must be addressed through reformative measures. Greater sensitivity towards marginalized communities is essential, and efforts should be made to improve their understanding of social diversity. Appointing clinical psychologists and facilitating regular sessions for

⁶⁶ *Less than 1000 Women Senior officers in India's 20.3 Lakh Police force*, India Justice Report 2025 https://indiajusticereport.org/files/English_National%20Press%20Release_India%20Justice%20Report%202025.docx.pdf last accessed on July 5, 2025

⁶⁷ *Law, Order and Society: Police Perceptions and Propensities to Violence*, in *Status of Policing in India Report 2025: Police Torture and (Un) Accountability*, at 46 (Common Wealth Human Rights Initiative & Lokniti- CSDS 2025) https://www.commoncause.in/wotadmin/upload/SPIR_2025.pdf last accessed on July 5, 2025

⁶⁸ Erik Fritsvold, *Why we need more women working in Law Enforcement*, Univ. of San Diego, <https://onlinedegrees.sandiego.edu/women-in-law-enforcement/> last accessed on July 5, 2025

⁶⁹ Amalia R. Miller & Carmit Segal, *Do Female Officers Improve Law Enforcement Quality? Effects on Crime Reporting and Domestic violence*, 86(5) Rev. Econ. Stud. 2220-2247 (2019) <https://www.zora.uzh.ch/id/eprint/173491/> last accessed on July 5, 2025

⁷⁰ Ivonne Roman, *Women in Policing: The Numbers Fall Far Short of the Need*, Police Chief Magazine <https://www.policchiefmagazine.org/women-in-policing/> last accessed on July 5, 2025

police personnel can help manage stress and emotional strain. Additionally, training on gender, sexuality and sexual orientation should be included to build a more inclusive and aware public force. These steps are vital to create policing system that is not only effective but also humane and socially responsive.