

# Police Administration and Criminal Justice

COURSE CODE: M23PA01DE

Postgraduate Programme in Public Administration  
Discipline Specific Elective Course  
Self Learning Material



SREENARAYANAGURU  
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The State University for Education, Training and Research in Blended Format, Kerala

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Semester - III

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**(With Model Question Paper Sets)**



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# POLICE ADMINISTRATION AND CRIMINAL JUSTICE

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Semester- III

Discipline Specific Elective Course  
Postgraduate Programme in Public Administration

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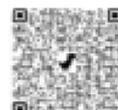
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# MESSAGE FROM VICE CHANCELLOR

Dear learner,

I extend my heartfelt greetings and profound enthusiasm as I warmly welcome you to Sreenarayanaguru Open University. Established in September 2020 as a state-led endeavour to promote higher education through open and distance learning modes, our institution was shaped by the guiding principle that access and quality are the cornerstones of equity. We have firmly resolved to uphold the highest standards of education, setting the benchmark and charting the course.

The courses offered by the Sreenarayanaguru Open University aim to strike a quality balance, ensuring students are equipped for both personal growth and professional excellence. The University embraces the widely acclaimed "blended format," a practical framework that harmoniously integrates Self-Learning Materials, Classroom Counseling, and Virtual modes, fostering a dynamic and enriching experience for both learners and instructors.

The University aims to offer you an engaging and thought-provoking educational journey. The MA programme in Public Administration provides an in-depth understanding of modern governance challenges and solutions. It integrates cutting-edge theory with real-world applications, emphasizing innovative approaches to public service delivery. The curriculum spans strategic planning, policy analysis, public sector economics, and governance-related spheres. Through these, learners cultivate advanced problem-solving and decision-making skills. This programme also equips future leaders to drive positive change in public institutions, NGOs, and international bodies. The Self-Learning Material has been meticulously crafted, incorporating relevant examples to facilitate better comprehension.

Rest assured, the university's student support services will be at your disposal throughout your academic journey, readily available to address any concerns or grievances you may encounter. We encourage you to reach out to us freely regarding any matter about your academic programme. It is our sincere wish that you achieve the utmost success.



Regards,  
Dr. Jagathy Raj V.P.

01-08-2025

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**BLOCK 1**  
**Police Administration – An  
Introduction**

# UNIT 1

## Understanding the Role of Police

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ define term “police” and understand their functions and responsibilities.
- ▶ trace the evolution of the police system in India before and after independence.
- ▶ identify key challenges faced by law enforcement agencies in the modern era.
- ▶ analyze changing role of police in balancing law enforcement with human rights.
- ▶ recognize significance of public trust and ethical conduct in effective policing.

### Background

This unit gives us a basic understanding of the police system in India. It helps us learn how the police have changed over time and what their job is in today’s democracy. First, it explains what police do like keeping peace, enforcing the law, and helping the community. Then, it looks at how the police system started in ancient times and changed during the Mughal and British periods, all the way to after India became independent. It shows how the police moved from being a tool of control under the British to a service meant to protect citizens in a democracy. The unit also talks about the problems police face today, like political pressure, old laws, not enough resources, and a lack of trust from the public. It helps us think about why police reform is needed and how honest, fair policing is important for a healthy democracy and a just society.

### Keywords

Democratic Policing, Law Enforcement, Colonial Legacy, Public Accountability, Community Policing.

### 1.1.1 Introduction

When we hear the word “police”, many of us think of law, protection, safety, and discipline. Most students have likely seen police officers managing traffic, resolving disputes, responding to emergencies, and safeguarding public events. These everyday interactions help shape our understanding of their presence in society. However, the role of the police in India has not always been the same. During British rule, the police mainly functioned as an oppressive force to maintain colonial authority, often prioritizing control over service. After India gained independence, the police system began transitioning into one that supports democracy, upholding the rights of citizens, ensuring justice, and working for the public good.

► Colonial to Democratic Policing

This unit will guide you through that evolution from colonial policing to democratic policing and help you grasp the functions, duties, and responsibilities of the police today. At the same time, it will also help you explore the many challenges police officers face in modern India: from lack of resources and infrastructure, to long working hours, public distrust, political pressure, and handling complex law enforcement situations in a diverse and fast-changing society. Through discussions and reflections, you will gain deeper insights into how policing can be both a demanding profession and a pillar of a functioning democracy.

► Functions and Modern Challenges

### 1.1.2 Definition, Functions and Responsibilities of Police

#### Definition

Police is a body of trained officers entrusted by a government with maintenance of public peace and order, enforcement of laws. They are commonly defined “as a civil force of a state, responsible for the prevention and detection of crime and the maintenance of public order.”

► Police: Order, Law, Protection

Herman Goldstein described police as “a governmental agency authorized to maintain order, enforce the law, and provide services to the community.”

The United Nations Office on Drugs and Crime defines the police as “a body of officers representing the civil authority

of government, tasked with the protection of life and property, the prevention and detection of crime, and the maintenance of public order.”

Franz Exner says that “Police are state agents authorized to act to undertake one part of the state’s duty to govern, that is, to secure public order and otherwise to protect the public and enforce the law.”

## Functions and Responsibilities of Police

Police are among the most widespread institutions in society, with officers serving as some of the most visible agents of the government. In times of need, danger, or uncertainty, when a citizen feels helpless or unsure where to turn, the police station and its officers are often the first point of contact and support. Police are expected to be readily accessible, actively engaged with the public, and responsive to the community’s needs. Their responsibilities are both diverse and extensive, ranging from straightforward tasks to those that are complex and challenging. Generally, their two primary roles are upholding the law and preserving public order. Yet, these broad duties encompass a wide range of specific responsibilities, and functions, making the role of the police both comprehensive and intricate.

► Police: Visible Public Agents

Section 57 of chapter IV of the Model Police Act, 2006 outlines functions and responsibilities of the police. These are not limited to any single rank but are applicable to the entire police force. The responsibilities include upholding the law, maintaining public order, protecting life and property, preventing and investigating crimes, regulating traffic, handling disasters, safeguarding national security, and promoting community trust. These functions ensure that the police operate as an accessible, responsive, and people-centric institution.

► Model Police Act Functions

**Thus, the key functions and responsibilities of the police are:**

1. To uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and the dignity of individuals.
2. To promote and preserve public order and peace.
3. To protect internal security and prevent terrorist activities, militant threats, and breaches of communal harmony.
4. To safeguard public properties including roads, railways,

bridges, and vital installations against acts of violence or vandalism.

5. To prevent crimes and reduce the opportunities for criminal acts through preventive action and cooperation with relevant agencies.

6. To register every complaint received whether in person, by post, email, or other means and take prompt action after acknowledging it.

7. To register and investigate all cognizable offences, provide a copy of the FIR to the complainant, apprehend offenders, and assist in their prosecution.

8. To foster a sense of security within the community and promote amity while preventing conflicts.

9. To act as first responders during natural or human-made disasters and actively support relief and rehabilitation efforts.

10. To help individuals facing threats to life or property and provide assistance to those in distress.

11. To facilitate orderly public and vehicular movement and regulate traffic on roads and highways.

12. To collect and share intelligence related to crimes, extremism, terrorism, and issues affecting public peace or national security.

13. To take charge of unclaimed property and ensure its safe custody and disposal as per prescribed procedures.

14. To ensure the training, motivation, and welfare of police personnel, maintaining a professional, well-equipped, and responsive force.

As per Section 57 of the Model Police Act, 2006 every police officers are endowed with certain Social Responsibilities: they are;

1. Maintain Courtesy and Decorum

► Key functions and responsibilities of the police



2. Assist Vulnerable Individuals
3. Aid to Victims
4. Uphold Impartiality in Conflict
5. Prevent Harassment
6. Protect Against Exploitation
7. Ensure Welfare in Custody
8. Promote Human Rights

Based on the above descriptions, the various responsibility and functions of the police can be categorized as follows:

### **1. Duties related to investigation**

- (a) Registering crimes officially.
- (b) Guarding and protecting crime scenes and conducting visits to such locations.
- (c) Collecting, handling, and packaging evidence, and sending it to relevant offices such as the police station, superintendent of police's office, forensic science laboratory, and other authorities.
- (d) Summoning witnesses and serving legal notices to them.
- (e) Apprehending criminals and suspects.
- (f) Conducting search and seizure operations as part of investigations.
- (g) Interrogating suspects, witnesses, and offenders.
- (h) Gathering and documenting various types of evidence, including oral testimonies, documents, and expert opinions.
- (i) Escorting accused individuals to courts for custody hearings and trials.
- (j) Conducting raids for various law enforcement purposes.

### **2. Activities aimed at crime prevention and ensuring peace and security**

- a) Conduct patrols and checkpoints, perform picket and ambush duties, check vehicles, and frisk passengers.
- b) Monitor and surveil known offenders or suspicious persons.
- c) Make preventive arrests to avoid potential crimes.
- d) Collect and transmit criminal intelligence.

### **3. Tasks involving crime detection**

- a) Collect information and intelligence about different types of criminals and maintain records from the Crime Intelligence Group (CIG).
- b) Develop informers and contacts within criminal groups and society to obtain information on offenses such as murder, robbery, dacoity, and property crimes.

### **4. Maintaining public order and providing security**

- a) Monitor and manage peaceful processions, demonstrations, and strikes.
- b) Control agitating and unruly mobs by dispersing agitators, using barricades, and intervening with force as directed by senior officers.
- c) Protect vital installations during crime waves and emergencies.
- d) Provide security for VIPs and manage duties related to VIP visits.

### **5. Enforcement of social laws, including minor, major, and special acts**

- a) Understand and enforce key social laws such as the Child Marriage Restraint Act, Protection of Civil Rights Act, anti-dowry laws, and other acts promoting social progress.
- b) Know and assist in enforcing various local, special, and minor laws effectively.

### **6. Gathering and analyzing intelligence**



- a) Gather intelligence on law and order incidents.
- b) Monitor political activities.
- c) Observe labor activities.
- d) Track student activities and protests.
- e) Watch for communal tensions and related events.
- f) Follow employees' associations and strikes.
- g) Collect intelligence on criminal activities.
- h) Monitor miscellaneous activities that threaten peace and tranquility.

#### **7. Responsibilities connected to democratic processes and elections**

- a) Understand the importance of elections.
- b) Know the different types of elections.
- c) Ensure the conduct of free, fair, and impartial elections.
- d) Carry out constable duties during various elections.

#### **8. Handling natural disasters, emergency situations, and disaster management**

- a) Save life and property.
- b) Provide shelter and rehabilitation.
- c) Evacuate and transport people during crises such as:
  - i. Fires
  - ii. Floods
  - iii. Famines
  - iv. Epidemics
  - v. War or external aggression
  - vi. Internal disorders like communal riots and social clashes.

## **9. Keeping and managing police records**

- a) Properly handle police records.
- b) Maintain and upkeep records.
- c) Prepare, revise, modify, or destroy records as necessary.

## **10. Public relations and communication duties**

- a) Understand the importance and current status of Public Crime Reports (PCR) in their operational area.
- b) Contribute to improving PCR and enhancing the police image.

## **11. Providing assistance to other government departments**

- a) Support the education department during exams, strikes, and disturbances.
- b) Assist revenue and loan recovery organizations.
- c) Help banks, municipalities, and other bodies with guard duties and encroachment removal.
- d) Provide assistance to other departments as needed.

## **12. Other miscellaneous functions and duties**

- a) Perform ceremonial duties.
- b) Manage and regulate traffic.
- c) Uphold loyalty, commitment, neutrality, and impartiality in duties.
- d) Maintain obligation and commitment to the government and police organization.
- e) Participate in anti-dacoit operations, raids, emergencies, and controlling criminal or anti-social elements.

## **1.1.3 Evolution of Police System in India: Pre and Post Independence**

India's policing history reveals the existence of two parallel



## ► Dual Roots of Policing

systems: one rooted in rural village life and the other governed by the ruling authorities of the time. Over the years, the Indian police system evolved as an attempt to integrate these localized, traditional methods with a more centralized and organized framework introduced by imperial powers, aiming to enhance overall effectiveness. Traditionally, policing in villages was the duty of the village headman, who was often supported by a watchman or designated aides such as the “Patel” in parts of western India.

For convenience, the history of police in India can be divided into five phases:

### 1.1.3.1 Evolution of Police in Ancient India:

#### 1. Ancient India

- Pre-Aryan phase
- Vedic phase
- Post-Vedic/Pre-Mauryan phase
- Under the Gupta dynasty
- Sangam age

#### 2. Police under the Mughals

#### 3. Police under the East India Company

#### 4. Police under the British Crown

#### 5. Police post-Independence to the present day

### Evolution of Police in Ancient India

#### a) Pre-Aryan Phase:

Archaeological discoveries at sites like Mohenjo-Daro in the Indus Valley Civilization indicate the presence of guardhouses and quarters for watchmen. These findings suggest that this ancient urban society had some form of organized policing or public security, possibly managed through structured community roles to ensure law and order.

#### b) The Vedic Phase:

## ► Indus Valley Policing

► Vedic Community Policing

The roots of policing in India can be traced back to the Vedic period. Ancient scriptures such as the Rig Veda and Atharva Veda mention early ideas of social order and governance. Manu, considered the first lawgiver of India, highlighted the use of secret intelligence and surveillance to prevent crime. During this time, policing was mainly community-based. The village headman, or Gramani, was not a police officer in the modern sense, but held broad administrative and judicial responsibilities, which included maintaining law and order in the village. He was often supported by villagers in carrying out these duties. The epic Ramayana refers to “Dandayavadha Dharakas” individuals armed with sticks (lathis) who performed functions similar to today’s constables. Classical Sanskrit plays also depict city police, showing that some form of urban policing existed even in ancient times.

**c) Post-Vedic to Pre-Mauryan Period:**

► Arthashastra and Early Policing

During the Mauryan and Gupta periods of Indian history, there are well-documented and credible accounts of how the police system was organized and operated. Kautilya’s *Arthashastra*, composed around 310 B.C., stands as a landmark work offering detailed insights into methods of criminal investigation, law enforcement, punishment for offenders, and measures to curb vice. Kautilya categorized spies into nine types, including female agents, and emphasized the selection of trustworthy individuals from respectable backgrounds, skilled in espionage and disguise. The *Arthashastra* is not only a valuable historical document but also an early record of structured police work in India over two millennia ago.

1. The Mauryan Empire was administratively divided into provinces and districts, each overseen by officials like the Rajuka, who managed tax collection, judicial duties, and executive functions.
2. Police headquarters were established in all major towns, where law courts also operated. Key security measures included:
  - a. Mandatory registration of all outsiders;

b. Restricted or prohibited movement of individuals during night time;

c. Deployment of spies and informants to gather intelligence and verify information.

3. Law enforcement duties were assigned to officers such as the City Superintendent (Nagar Adhyaksha) and the Fort Warden (Durgapala). Villages bore collective responsibility for preventing and solving crimes, with the village headman (Gramika) playing a central role in local policing.

#### **d) Policing under the Guptas:**

The Gupta period maintained and enhanced the structured police system. Officials such as the Vishayapati (district officer) and Nagarikshaka (police commissioner) were tasked with overseeing law enforcement and public safety at various administrative levels. The village headman or Gramika continued to serve as the grassroots authority responsible for upholding order in the countryside. In the southern regions of India, contemporary dynasties like the Satavahanas and Chalukyas adopted similar systems, indicating a broader acceptance of organized policing throughout the subcontinent.

► Gupta Era Organized Policing

#### **e) The Sangam Age (circa 3rd Century B.C. to 3rd Century A.D.):**

In South India, during the Sangam period, ancient Tamil literature reflected a strong awareness of the need for public protection. Texts like the *Thirukkural* emphasized safeguarding individuals and property as a central role of governance, highlighting the responsibilities of early police forces. Epics like the *Silappadikaram* describe town and village patrol systems, with even kings disguising themselves to inspect guard duty and ensure vigilance. The *Manimekalai* and *Purananuru* also describe patrolling personnel who were responsible for night watch duties, actively defending communities against theft and maintaining public peace.

► Sangam Literature on Policing

### **1.1.3.2 Policing during the Mughal Era:**

1. The Mughal administrative system divided the empire into provinces called Subas and further into districts known as

Sarkars. At the provincial level, two key officials managed governance:

- a. The Subadar (or Nazim) was in charge of military and general administration.
- b. The Diwan oversaw revenue collection and civil judicial matters.

2. To maintain law and order, districts were subdivided into thanas, each managed by a Thanadar. The responsibilities of a Thanadar included:

- a. Guarding and patrolling the roads,
- b. Preventing blacksmiths from producing firearms,
- c. Taking action against armed groups and suppressing disturbances.

Thanadars operated under the command of the Faujdar, a military officer who acted as the chief of police in rural areas. Zamindars, serving as village leaders, assisted in maintaining local law and order.

3. In urban areas, the policing duties were handled by the Kotwal, an important official whose responsibilities included:

- a. Night patrols of streets and ensuring safety during public gatherings,
- b. Monitoring inns and lodges (sarais) for suspicious travelers,
- c. Arresting criminals and ensuring the return of stolen goods or providing compensation,
- d. Preventing immoral activities such as prostitution, illegal liquor production, and sale of intoxicants,
- e. Employing spies and informers to gather intelligence on criminal or disruptive activities.

4. In villages, the Zamindars were directly responsible for preventing and detecting crimes within their jurisdictions.



### 1.1.3.3 Police under the British East India Company (1785–1858)

1. *Bengal Police (1765)*: Lord Clive secured the Diwani of Bengal for the East India Company.
2. *Thanadari Police (1788)*: Lord Cornwallis introduced the Thanadari system, creating police jurisdictions under European officers and removing police powers from Zamindars.
3. *District Police (1793)*: Regulation XXII placed police under Judge-Magistrates.

#### 1.Salient Features of Thanadari Police:

- a. Districts divided into small jurisdictions (thanas) of 2 square miles.
- b. Each thana was managed by a darogah, appointed by Judge-Magistrates but dismissible by the Governor General.
- c. Crimes were reported to darogahs, who could not impose punishments but had to send accused persons to Magistrates within 24 hours.
- d. Village chowkidars were placed under darogahs, while towns were divided into wards supervised by darogahs under the Kotwal.
- e. Darogahs received incentives, such as a 10% commission on recovered property and ₹10 for each dacoit arrested.
- f. Typical thana staff included one writer, one jamadar, and up to 10 burkandazes (armed guards).

#### 2.Anti-Dacoity Measures (1808–1829):

To combat the problem of dacoity (armed robbery), Superintendents of Police (SPs) were appointed in key divisions such as Kolkata, Dacca, and Murshidabad to coordinate anti-dacoity efforts. This system was later expanded to include areas like Patna and Benares. However, in 1829, the initiative was

discontinued, and policing responsibilities were returned to the traditional village-level system.

### **3. Investigations into Thanadari Police (1815–1838):**

Several inquiries, including those led by Lord Moira, a British Parliamentary Committee (1832), and the Bird Committee (1838), revealed widespread corruption and inefficiency within the thanadari (village police) system, largely due to lack of proper supervision. As a result, police authority was shifted from District Judges to Collector-Magistrates to improve governance and accountability.

### **4. Reforms (1839–1840):**

In 1839, control of the police was officially transferred to District Magistrates. Acting on the Bird Committee's recommendations, SPs were reintroduced in every district by 1840. District Magistrates were made responsible for overseeing both the police force and the administration of lower criminal courts, strengthening local law enforcement and judicial control.

### **5. Sind Police System (1843):**

Following the British annexation of Sind, Sir Charles Napier implemented a new police system modeled after the Royal Irish Constabulary. This reform created a separate and organized police force headed by an Inspector General (IG) responsible for maintaining law and order across Sind. District SPs worked under the IG's command, while the IG remained under the supervision of the District Collector, ensuring proper discipline and the independence of the police as a professional force.

#### **1.1.2.4. Police under the British Crown**

##### **1. 1860 - Establishment of the India Police Commission:**

The India Police Commission was formed in 1860 to address issues in police administration, improve efficiency, and reduce costs. Its recommendations were accepted by the Crown controlled Government. On March 16, 1861, the Indian Police Act was passed and came into effect on March 22 after receiving the Governor General's assent. The Act introduced a uniform police system across British India, bringing structural changes to the police organization, though it did not alter their operational methods or nature.



## 2. 1902–03 - Indian Police Commission:

The Indian Police Commission of 1902–03, established by Lord Curzon marked a significant milestone in police reform. It recommended the establishment of a Criminal Investigation Department (CID), the creation of railway police, salary enhancements, and the introduction of an armed reserve force at the district level. This system remained largely unchanged after India gained independence.

### 1.1.3.5. Police after Independence to Present

Indian constitution, effective from January 26, 1950, places police responsibilities under the State List as per Article 246, giving individual states control over their police forces. Although India has seen the establishment of several central police organizations since independence, the core structure and functioning of the police system remain largely unchanged, still operating under the colonial era Indian Police Act of 1861.

Some key central organizations formed post-independence include:

1. Central Reserve Police Force (CRPF) – 1949, to assist states in maintaining law and order.
2. Central Bureau of Investigation (CBI) – 1963, which is the only central agency with investigative powers and regular public interface.
3. Central Industrial Security Force (CISF) – 1969, for the protection of industrial units.
4. Border Security Force (BSF) – 1965, tasked with securing India's borders.
5. National Investigation Agency (NIA) – 2008, established after the Mumbai attacks to investigate terrorism and other offenses affecting national security.

Except, the CBI and NIA, these agencies function primarily as paramilitary forces and do not engage in investigation or civil policing.

In an effort to modernize the police system, the National

### ► Modernization and Reform Gaps

Police Commission (NPC) was established in 1977 under the chairmanship of Dharam Vira. Between 1979 and 1981, the NPC submitted eight detailed reports addressing vital issues like police accountability, political interference, recruitment, training, and misuse of power. Despite the commission's comprehensive recommendations, no significant reforms have been implemented, and the outdated colonial policing framework continued to prevail. To address these gaps, the Model Police Act, 2006 was introduced by the central government to replace the Indian Police Act of 1861. It aimed to promote accountability, professionalism, and community-oriented policing, but its implementation across states has been inconsistent and diluted. Furthermore, following the Supreme Court's landmark judgment in the Prakash Singh case (2006), several binding directives were issued for police reform, such as fixed tenures for officers, separation of investigation from law and order duties, and the creation of State Security Commissions and Police Complaints Authorities. Despite these judicial interventions, progress remains limited, and many states have failed to fully comply. This reflects a persistent gap between the need for police modernization and actual reform, raising concerns about efficiency, transparency, and public trust in the Indian police system.

### ► Challenges in Police Administration

## 1.1.4 Challenges in Law Enforcement

Police administration plays a pivotal role in ensuring effective law enforcement by overseeing the organization, leadership, and management of police forces. As guardians of public safety and order, law enforcement agencies operate in an environment that is both complex and ever-changing. Navigating the terrain of police administration involves addressing a range of organizational, operational, and societal challenges that directly impact the efficiency, accountability, and responsiveness of policing systems. In India, these challenges are further compounded by the legacy of colonial-era policing structures, such as those instituted under the Indian Police Act of 1861, which continue to influence the functioning of modern police forces. Despite the country's transition to a democratic framework, many aspects of police administration remain outdated, creating significant obstacles in building a transparent, people-centric, and effective law enforcement system. Here we try to examine some of the key issues and challenges confronting police administration today.

## 1. Political Interference in Policing

### ► Political Influence and Reform Gaps

David H. Bailey notes that the police in India function not as an independent force but one subservient to political authorities. Political interference manifests in frequent and arbitrary transfers of officers, influence over investigation outcomes, and misuse of police for political gains. This undermines the rule of law and erodes public trust. Political patronage often determines career progression, weakening morale and professionalism. A system designed to protect citizens is instead manipulated to protect political interests.

The Supreme Court, in the *Prakash Singh vs. Union of India* (2006) case, mandated reforms such as the establishment of State Security Commissions to insulate the police from undue political pressure. However, these reforms have largely remained on paper, with very few states implementing them in letter and spirit.

## 2. Colonial Legacy and Legal Obsolescence

### ► Outdated Police Legislation

Anand Swarup Gupta argues that the structure and ethos of policing in India are still rooted in colonial paradigms. The Indian Police Act of 1861, framed after the 1857 revolt, was intended to suppress dissent and enforce order through coercion. This archaic legislation continues to dictate police functioning today. It lacks emphasis on democratic accountability, transparency, or community engagement.

Several commissions and committees, including the National Police Commission (NPC), have recommended replacing the 1861 Act with a modern police law. However, successive governments have failed to take decisive action, allowing this colonial relic to persist.

## 3. Lack of Accountability and Transparency

Accountability and transparency are fundamental principles in police administration, essential for maintaining public trust, upholding the rule of law, and ensuring justice. Accountability refers to the obligation of law enforcement agencies and officers to answer for their actions, adhere to procedures, and fulfill their duties responsibly, serving as a mechanism for oversight and ethical governance. Transparency allows the public to understand police decision-making and operations, fostering trust and enabling external scrutiny by the media, oversight

► Accountability and  
Transparency Deficit

bodies, and civil society. However, the police system in India faces significant challenges in implementing these principles effectively. Many Police Complaints Authorities (PCAs) lack independence and resources, limiting their effectiveness. Incidents such as custodial deaths, police excesses, and biased investigations continue to be reported, while convictions of erring officers remain rare. Internal investigations often lead to conflicts of interest, further weakening public confidence. Therefore, institutionalizing accountability and transparency through independent oversight and open policing practices is vital to building a credible, ethical, and democratic law enforcement system.

#### 4. Working Conditions and Resource Gaps

► Poor Conditions and  
Resource Gaps

One of the most pressing challenges in police administration is the poor working conditions and significant resource gaps faced by law enforcement personnel. Aparna Srivastava in her study titled as *Role of Police in Changing Society* (1999) highlights how police officers are often overburdened with long and irregular working hours, receive inadequate pay, and are deprived of basic facilities such as proper housing, sanitation, and transportation. These conditions lead to physical and mental exhaustion, low morale, and in some cases, foster corrupt practices due to financial insecurity. Additionally, many police stations lack essential infrastructure, including modern communication tools, protective equipment, and reliable vehicles, which hampers operational efficiency and public service delivery. The situation is particularly dire in rural and remote areas, where officers work in isolation with minimal logistical or administrative support. Such systemic deficiencies not only affect the well-being of officers but also compromise the overall effectiveness, accountability, and public trust in the police force. Addressing these issues through comprehensive reforms is crucial for building a professional, motivated, and community oriented law enforcement system.

#### 5. Community Policing and Relationship Building

Community policing is a philosophy that emphasizes proactive strategies and strong police-community partnerships to address the root causes of crime and disorder, while building trust and collaboration within local neighborhoods. It represents a shift from traditional, reactive law enforcement by focusing on engagement, problem-solving, and prevention. At its core, community policing fosters mutual respect and understanding between law enforcement and the communities they serve,

## ► Community Policing and Partnerships

ultimately enhancing public safety and quality of life. A central component of this approach is relationship building, where officers are encouraged to form meaningful connections with community members, local organizations, and key stakeholders. These relationships help officers understand the unique concerns and needs of their communities, allowing for more tailored and effective responses. Community policing also promotes collaborative problem-solving, where residents and officers work together to identify and address specific issues through active communication, joint assessment, and strategy development.

Key principles of community policing include;

1. **Proactive Engagement:** Police officers maintain non-emergency interactions with community members to build trust, familiarity, and approachability.
2. **Collaborative Problem-Solving:** Law enforcement works together with community residents to identify issues and to create long-term, practical solutions.
3. **Cultural Competence and Sensitivity:** Officers are trained to understand and respect the cultural, social, and economic diversity within the communities they serve.
4. **Community Education and Empowerment:** Citizens are provided with training, resources, and safety awareness programs to enable them to actively participate in maintaining law and order.
5. **Shared Responsibility and Relationship Building:** Emphasis is placed on mutual trust and cooperation between the police and the public, reinforcing a joint commitment to community well-being and resilience.

Navigating the complex landscape of police administration involves addressing a wide range of challenges that are intrinsic to the nature of law enforcement. It is clear that a holistic and adaptive approach is essential for effectively managing these issues. As the field of law enforcement continues to evolve, the ability to navigate this complexity is critical to shaping the future of police administration. Effective leadership, strategic planning, and a strong commitment to ethical standards and progressive change are key components of successful police

## ► Holistic Approach to Policing

governance. Given the multifaceted nature of these challenges, continuous dialogue, collaboration, and adaptability are crucial for achieving meaningful and sustainable improvements in police administration.

## Summarized Overview

India has a long-standing policing tradition, although the modern police system was formally established during British rule. In today's developing society, the police play a crucial and constructive role, with responsibilities that range from maintaining law and order to safeguarding the community. The police are increasingly seen as agents of change in a modern democracy. While policing is primarily a responsibility of individual states, the central government also plays a part, especially in framing laws and providing additional police support when necessary. Despite this, the police system remains highly centralized and has struggled to fully embrace democratic principles in its operations. Mere hierarchical oversight cannot replace the importance of accountability to the public. Therefore, there is a growing need to reform and restructure the police organization to better reflect democratic values and ensure effective service delivery.

## Self-Assessment

1. Explain the key functions and responsibilities of the police in a democratic society. How are they different from the role of police during colonial rule in India?
2. Describe the evolution of the police system in India from the pre-independence colonial era to the present
3. Discuss the challenges faced by police officers in maintaining law and order in modern India
4. How does the role of police in a democracy reflect the values of justice and public service?
5. Evaluate the concept of community policing and its role in building public trust
6. Suggest measures to modernize the Indian police system to meet contemporary needs



## Assignments

1. Trace the evolution of the police system in India from ancient to post-independence periods.
2. Discuss the key functions and responsibilities of the police as per the Model Police Act, 2006.
3. Examine the role of the police in a democracy and how it differs from colonial policing.
4. Critically analyse the challenges faced by police officers in modern India.
5. Explain the importance of accountability and transparency in police administration.

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



SGOU



## UNIT 2

# Union Ministry of Home Affairs

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ understand the structure and key departments of Union Ministry of Home Affairs.
- ▶ identify and explain the functions and responsibilities of the Ministry in maintaining internal security.
- ▶ analyze the role of the ministry in coordinating central and state police forces.
- ▶ gain knowledge about the organization and operations of central investigative and intelligence agencies like CBI, IB, NIA, and RAW.
- ▶ explore the functions of Central Armed Police Forces (CAPFs) and their significance in safeguarding national interests.

### Background

In this unit, we will be dealing with structure, functions, and operational framework of the Union Ministry of Home Affairs (MHA). It is one of the most crucial ministries in the Government of India. This unit explores how the MHA ensures internal security, law and order, and coordinates between central and state police forces to maintain peace and public safety across the country. We will study the organizational structure of the Ministry, including its key departments such as Internal Security, States, Home, Jammu & Kashmir Affairs, and Border Management. The unit also discusses the Ministry's pivotal role in supervising national-level security and intelligence agencies. Furthermore, this unit will delve into the organization and functioning of major agencies under or associated with the MHA, including the Central Armed Police Forces (CAPFs) like CRPF, BSF, CISF, ITBP, and SSB, and other investigative and intelligence agencies such as the CBI, IB, NIA, and RAW. Their roles, mandates, and inter-agency coordination mechanisms will also be examined to understand how they collectively contribute to national security.

## Keywords

Internal Security, Central Armed Police Forces (CAPFs), Intelligence Coordination, Police Modernization, CBI & NIA, Centre-State Cooperation.

## Discussion

### 1.2.1 Structure and Functions of Ministry - Departments

Have you ever wondered who manages the internal security of a country as vast and diverse as India? Who coordinates the police forces across all states and ensures national-level crime investigations are handled efficiently? Why do we need forces like BSF, CRPF, or RAW when we already have the police?

To understand the backbone of India's internal security system, we must explore the Union Ministry of Home Affairs. This ministry plays a key role in maintaining law and order, managing internal threats, and coordinating between central and state forces. Through this unit, let's delve into its structure, functions, and the powerful institutions under it like the Central Armed Police Forces, CBI, IB, NIA, and RAW that work tirelessly to ensure the safety and stability of the nation.

The Union Ministry of Home Affairs (MHA) is a vital branch of the Government of India, entrusted with maintaining internal security, shaping domestic policies, and managing governance related matters. It plays a key role in overseeing national security, border control, center-state relations, and disaster response. The ministry is led by the Union Home Minister, who holds a prominent position within the Union Cabinet.

#### 1. Historical Background

Established in 1955 after the reorganization of Indian states, the MHA was formerly known as the Ministry of Home and States Affairs. Sardar Vallabhbhai Patel, India's first Union Home Minister, was instrumental in uniting the princely states into the Indian Union.

#### 2. Organizational Framework

The ministry operates under the leadership of the Union

► Ministry of Home Affairs

► Role of Home Ministry

► Uniting the princely states into the Indian Union.

### ► MHA Structure and Divisions

Home Minister and is supported by two Ministers of State. Its administrative operations are overseen by the Union Home Secretary, a senior officer from the Indian Administrative Service (IAS). The MHA comprises several departments and specialized divisions, each managed by senior officials. These include:

- a. Department of Border Management
- b. Department of Internal Security
- c. Department of Jammu, Kashmir, and Ladakh Affairs
- d. Department of Home
- e. Department of Official Language
- f. Department of States
- g. Disaster Management Division
- h. Foreigners Division
- i. Freedom Fighters and Rehabilitation Division
- j. Union Territories Division

Each division is responsible for specific policy areas, contributing to the overall goal of maintaining internal stability and effective governance across the country.

### 3. Roles and Responsibilities

The Ministry of Home Affairs (MHA) holds a central role in maintaining India's internal security and law enforcement framework. Its core functions include:

**Ensuring Internal Security:** Upholding law and order, addressing terrorism and extremism, and safeguarding overall domestic security.

**Managing Central Armed Police Forces (CAPFs):** Supervising key paramilitary forces like the Central Reserve Police Force (CRPF), Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force (CISF), and Sashastra Seema Bal (SSB).

**Overseeing Intelligence Agencies:** Monitoring national intelligence bodies such as the Intelligence Bureau (IB) and the

National Investigation Agency (NIA).

Facilitating Centre-State Coordination: Acting as a link between the central and state governments in matters of internal security, public order, and disaster response.

► MHA Functions and Responsibilities

Handling Border Security: Managing India's international borders and ensuring cooperation between border security forces and state authorities.

Disaster Management: Directing the operations of the National Disaster Management Authority (NDMA) and leading efforts during natural and man-made disasters.

Administering Union Territories: Governing Union Territories directly, except Delhi and Puducherry, which operate under their own legislatures and governments.

#### 4. Key Initiatives and Schemes

Modernization of Police Forces (MPF): Designed to upgrade state police with advanced weaponry, communication technology, and enhanced training.

► MHA Modernization Initiatives

Crime and Criminal Tracking Network & Systems (CCTNS): A nationwide platform to integrate crime and criminal data for better law enforcement coordination.

National Intelligence Grid (NATGRID): A framework connecting databases from multiple government agencies to improve intelligence sharing and analysis.

Police Reforms: A series of measures based on committee recommendations to boost efficiency, accountability, and professionalism in policing.

These responsibilities and initiatives reflect the ministry's comprehensive approach for securing the nation and ensuring effective governance.

#### 5. Internal Security

A core function of the Ministry of Home Affairs is to uphold internal security and maintain public order across the country. It

► Internal Security and Coordination

collaborates with state authorities and various security agencies to counter threats such as terrorism, insurgency, and communal unrest. The ministry also supervises the operations of central armed police forces including the Central Reserve Police Force (CRPF), Border Security Force (BSF), and Indo-Tibetan Border Police (ITBP).

► Border Security Management

## 6. Border Management

The ministry is also in charge of securing India's international borders both land and coastal. This includes boundaries shared with Pakistan, China, Bangladesh, Nepal, Bhutan, and Myanmar. Working alongside agencies like the BSF, the Ministry of Home Affairs aims to prevent illegal cross-border activities such as infiltration and smuggling.

► Disaster Management Oversight

## 7. Disaster Management

Another critical responsibility of the ministry is disaster preparedness and response. It oversees the National Disaster Management Authority (NDMA) and the National Disaster Response Force (NDRF), both established to effectively manage natural and man-made disasters. The ministry also partners with state governments to enhance disaster readiness and implement mitigation strategies.

► Union Territories Administration

## 8. Union Territories Administration

The Ministry of Home Affairs directly manages the administration of India's Union Territories, which are governed by the central government. These include eight regions such as Delhi, Puducherry, and the newer Union Territories of Jammu & Kashmir and Ladakh. The ministry appoints administrators and ensures smooth governance in these territories.

► Centre-State Police Coordination

## 1.2.2 Role in Coordinating Central and State Police Forces

The role of the Ministry of Home Affairs in coordinating with state police forces is rooted in both the constitutional framework and administrative necessity. The Constitution acknowledges the federal structure of India, where law and order is a state subject. However, the central government retains overriding powers in matters that threaten national security, integrity, and sovereignty. In this context, the MHA acts as the nodal ministry that intervenes in areas of inter-state crime, terrorism, drug trafficking, cybercrime, and border security. It

is responsible for deploying central forces upon request from state governments, sharing intelligence inputs, and ensuring that coordination mechanisms are in place for joint operations and policy implementation.

## 1. Deployment of Central Forces

One of the most visible roles of the Ministry of Home Affairs is the strategic deployment of Central Armed Police Forces (CAPFs) in support of state police during times of crisis. These forces include:

- a. Central Reserve Police Force (CRPF): Mainly used for internal security and counter-insurgency operations.
- b. Border Security Force (BSF): Deployed along borders and often used in internal law and order situations.
- c. Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB): Deployed in border and sensitive regions.
- d. Industrial Security Force (CISF): Protects critical infrastructure and public sector units.

These CAPFs are often called in during elections, civil unrest, communal violence, insurgency, or natural disasters. Their deployment ensures that the state police are not overburdened and can function efficiently within their jurisdictions.

## 2. Intelligence Sharing and Joint Operations

The Ministry of Home Affairs also plays a central role in coordinating intelligence operations. It oversees key intelligence and investigative agencies such as the Intelligence Bureau (IB) and the National Investigation Agency (NIA). These agencies gather, analyze, and disseminate intelligence related to terrorism, cross-border threats, and internal disturbances.

Through regular briefings, situation assessments, and alerts, the MHA ensures that state governments are informed and equipped to take preventive or responsive actions. In cases of

► CAPFs Strategic Deployment

► Intelligence Coordination Role

► Joint Operations Coordination

national concern, joint operations involving state police, NIA, and CAPFs are coordinated by the ministry to ensure seamless cooperation and efficient resource utilization.

#### ► Digital Policing Platforms

Additionally, the ministry has initiated integrated platforms like the Crime and Criminal Tracking Network and Systems (CCTNS) and NATGRID (National Intelligence Grid) to facilitate real-time data sharing among law enforcement agencies. These digital systems further reinforce the coordination between the central and state police systems.

### 3. Police Modernization and Capacity Building

Another key area of coordination lies in the modernization and strengthening of state police forces. The Ministry of Home Affairs provides financial grants and technical guidance through programs like the Modernization of Police Forces (MPF) Scheme, which aims to equip state police with modern weapons, surveillance tools, forensic technologies, communication systems, and training facilities.

#### ► Police Modernization Support

The MHA also funds and promotes the establishment of training institutions and forensic laboratories across states. Regular workshops, seminars, and joint training exercises are organized in collaboration with institutions like the National Police Academy, Central Detective Training Institutes (CDTIs), and state police academies to foster synergy and skill development.

Such initiatives are vital in building a well-equipped and professional police force at the state level that can complement central efforts in combating modern threats to internal security.

### 4. Inter-State Coordination and Crisis Management

#### ► Inter-State Crime Coordination

Apart from coordinating with individual state forces, the MHA is instrumental in facilitating inter-state cooperation. Issues such as cross-border crimes, smuggling, human trafficking, and gang-related violence often transcend state boundaries and require coordinated action.

#### ► Crisis and Liaison Management

The MHA encourages state police forces to work in liaison through zonal councils, inter-state police conferences, and multi-agency task forces. During national emergencies or disasters, the Ministry takes the lead in activating Crisis Management



Groups, deploying the National Disaster Response Force (NDRF), and directing integrated rescue and relief operations.

## 5. Promoting Uniform Policing Standards and Reforms

### ► Police Reform Recommendations

To bridge disparities in policing standards among various states, the Ministry of Home Affairs has recommended several reforms in line with the Supreme Court directives on police reforms (2006). It advocates for the separation of investigation and law-and-order duties, setting up Police Complaints Authorities, enhancing police accountability, and introducing transparency in police recruitment and promotions.

### ► Centralized Policing Guidelines

The MHA continuously issues model acts, advisories, and operational protocols that guide state police departments in streamlining their administrative and operational structures. Though states have discretion, such centralized guidance ensures a more uniform and citizen-centric policing approach across the country.

### ► MHA: Policing Backbone

In essence, the Ministry of Home Affairs serves as the backbone of India's internal security framework, bridging the functional and jurisdictional gap between central and state policing agencies. Its role in coordinating central and state police forces is indispensable in addressing contemporary security challenges and ensuring a coherent national strategy for law enforcement. By promoting intelligence sharing, capacity building, modernization, and joint operations, the MHA strengthens the overall policing ecosystem of the country.

As India continues to face complex law and order scenarios, the importance of a collaborative model led by the Ministry of Home Affairs becomes even more critical for ensuring peace, stability, and justice in the world's largest democracy.

## 1.2.3 Organization and working of Central Armed Police Forces, CBI, IB, NIA & RAW

### 1.2.3.1 Central Armed Police Forces

The Central Armed Police Forces (CAPF) is the collective term used for various central police organizations in India that operate under the Ministry of Home Affairs. Previously referred to as "Central Para-Military Forces (CPMF)," the term was officially changed in 2011 to remove the word "paramilitary." These forces play a crucial role in maintaining internal security

and safeguarding the nation's borders. The CAPF comprises seven distinct security forces, all functioning under the jurisdiction of the Ministry of Home Affairs.

These seven security forces are;

1. Assam Rifles (AR)
2. Border Security Force (BSF)
3. Central Industrial Security Force (CISF)
4. Central Reserve Police Force (CRPF)
5. Indo Tibetan Border Police (ITBP)
6. National Security Guard (NSG)
7. Sashastra Seema Bal (SSB)

► Central Armed  
Police Forces

Each of the seven has its own cadre of officers, but they are headed by officers of the Indian Police Service.

### **Assam Rifles (AR)**

The Assam Rifles is a central security and paramilitary organization that handles border protection, counter insurgency operations, and maintenance of law and order in Northeast India. Its main task is to secure the 1,643-kilometre long Indo-Myanmar border. Although it is administratively under the Ministry of Home Affairs, the Indian Army exercises operational control over it. Known as the “Sentinels of the North East” and “Friends of the Hill People,” it holds the distinction of being the oldest paramilitary force in the country.

► Assam Rifles:  
Northeast Security

### **Border Security Force (BSF)**

The Border Security Force is tasked with safeguarding India's borders with Pakistan and Bangladesh and operates along both the international borders and the Line of Control (LoC). It is equipped with an air wing, a marine unit, artillery regiments, and specialized commando forces. Recognized as the world's largest border guarding force, the BSF is regarded as India's “First Line of Defence.”

► BSF: Border  
Protection

### **Central Industrial Security Force (CISF)**

Established in 1969, the Central Industrial Security Force provides comprehensive security coverage to key public sector enterprises. It protects some of India's most vital infrastructure,

► CISF: Infrastructure  
Security



including nuclear plants, space agencies, airports, ports, and power stations.

### Central Reserve Police Force (CRPF)

They primarily supports State and Union Territory governments in managing law and order and conducting counter insurgency operations. Notable units under the CRPF include:

- a. Rapid Action Force (RAF): A specialized 15-battalion force trained to handle riots and communal unrest.
- b. Commando Battalion for Resolute Action (COBRA): A 10-battalion elite unit focused on anti-Naxal and counter-insurgency operations.

### Indo-Tibetan Border Police (ITBP)

► ITBP: High-Altitude Security

Formed in response to the 1962 Indo-China conflict, the Indo-Tibetan Border Police is responsible for securing the India-China border, stretching from the Karakoram Pass in Ladakh to Diphu Pass in Arunachal Pradesh a total distance of 3,488 km. This force specializes in mountain operations, with most personnel trained in high-altitude combat, mountaineering, and skiing.

► NSG: Counter-Terrorism Unit

### National Security Guard (NSG)

Commonly known as the “Black Cats,” the National Security Guard is India’s premier counter-terrorism and anti-hijacking unit. It was established under the National Security Guard Act of 1986, following Operation Blue Star. The NSG is deployed to handle terrorist threats and support state agencies in managing serious internal disturbances.

► SSB: Nepal-Bhutan Borders

### Sashastra Seema Bal (SSB)

The Sashastra Seema Bal is a border protection force responsible for patrolling India’s frontiers with Nepal and Bhutan. Initially established in 1963 as the Special Service Bureau in the wake of the Indo-China War, the SSB’s original purpose was to strengthen India’s border areas and counter external threats.

## 1.2.3.2 Organization and working of Central Bureau of Investigation (CBI)

The Central Bureau of Investigation (CBI) is India’s

foremost investigative agency, functioning under the Ministry of Personnel, Public Grievances, and Pensions. It holds a crucial responsibility in preserving public trust and protecting the nation's economic interests. Additionally, the CBI acts as the central agency for coordinating investigations with Interpol member countries.

► CBI: Investigations and Coordination

The agency takes up cases either upon referral by the central government or through directives issued by the Supreme Court or High Courts. It specializes in handling high profile investigations involving corruption, economic crimes, and serious criminal offenses. Though not established by the Constitution or a statute, the CBI plays a key role in maintaining law and order, operating under the administrative control of the central government.

► CBI Director Appointment

Director of the Central Bureau of Investigation is appointed by the Appointments Committee of the Cabinet in accordance with the Delhi Special Police Establishment (DSPE) Act of 1946. This appointment is based on the recommendations of a Selection Committee comprising the Prime Minister as the Chairperson, the Leader of the Opposition in the Lok Sabha or the leader of the largest opposition party in the Lok Sabha, and the Chief Justice of India or a Supreme Court judge nominated by the Chief Justice.

► CBI Tenure and Mission

The Delhi Special Police Establishment (Amendment) Act of 2021 allows the Director's tenure, originally set at two years, to be extended up to a maximum of five years, with each extension being granted for only one year at a time. With a mission to uphold the Constitution and ensure justice, the CBI is committed to conducting thorough investigations and securing successful prosecutions. It also provides strategic direction to state police forces and promotes cooperation in both inter-state and international law enforcement efforts.

### Formation of the Central Bureau of Investigation (CBI)

The roots of the Central Bureau of Investigation trace back to 1941, when the Government of India set up the Special Police Establishment to tackle cases of bribery and corruption in the War and Supply Department during World War II. Following the war, the growing concern over corruption among Central Government officials led to the passing of the Delhi Special Police Establishment Act in 1946.

### ► CBI Historical Evolution

Later, in 1963, the CBI was formally established through a resolution by the Ministry of Home Affairs, acting on the recommendations made by the Santhanam Committee on the Prevention of Corruption. The agency was later brought under the jurisdiction of the Ministry of Personnel, Public Grievances, and Pensions, which further strengthened its administrative and functional structure.

### ► CBI Organizational Structure

#### **Organizational Structure of (CBI)**

The CBI is headed by a Director, usually an officer from the Indian Police Service (IPS) holding the rank of Director General of Police. The agency includes several senior ranks such as Special Directors, Additional Directors, and Joint Directors, and is divided into seven specialized divisions. Each division focuses on a distinct area of investigation. The major divisions and their core responsibilities include:

1. **Anti-Corruption Branch:** Responsible for probing corruption cases involving government officials.
2. **Economic Offenses Wing:** Focuses on investigating financial crimes, including fraud, embezzlement, and money laundering.
3. **Special Crimes Unit:** Deals with complex and sensitive cases such as terrorism and other grave criminal offenses.

#### **Functions of CBI**

The Central Bureau of Investigation mainly looks into cases of corruption, financial frauds, and serious criminal offenses. Its anti-corruption activities are aimed at investigating wrongdoing by employees of Central Government, Union Territories, and public sector enterprises. In instances of serious crimes like murder, abduction, or sexual assault, the CBI intervenes when state governments request its involvement or when instructed by the Supreme Court or High Courts.

### ► CBI: Corruption and Crime

#### **The key functions of the CBI include:**

1. Examining allegations of corruption, bribery, and unethical behavior involving central government staff.
2. Investigating violations of financial and economic regulations, including those related to exports, customs,

and excise, income tax, and foreign exchange laws, often in partnership with the concerned departments.

3. Looking into major crimes that have either national or international consequences, particularly those involving organized crime groups.
4. Collaborating with anti-corruption bodies and state law enforcement agencies.
5. Taking up cases of significant public concern when requested by state governments.
6. Gathering, maintaining, and distributing data on criminal activity and intelligence.

The Supreme Court has been instrumental in preserving the autonomy and professionalism of the CBI through several significant rulings. These judgments have laid down important principles regarding the appointment process, ensured fixed tenures, and curtailed excessive government interference, thereby empowering the agency to operate independently. Notable judgments include:

*Vineet Narain vs. Union of India (1997)*: This ruling established the requirement for appointing the CBI Director through a high-level committee and mandated a fixed two-year tenure.

*Subramanian Swamy vs. Director, CBI (2014)*: The Court struck down Section 6A of the Delhi Special Police Establishment Act, eliminating the need for prior government approval to investigate senior bureaucrats.

*Common Cause vs. Union of India (2018)*: The judgment confirmed that the CBI Director must be appointed by a committee comprising the Prime Minister, the Leader of the Opposition, and the Chief Justice of India (or a judge nominated by the Chief Justice).

## **Central Bureau of Investigation General Consent**

### **Principle**

According to Section 6 of the Delhi Special Police Establishment (DSPE) Act, 1946, the Central Bureau of Investigation (CBI) requires the prior consent of the State Government before conducting investigations within that state's jurisdiction. Although the Central Government may authorize the CBI to take up cases, actual investigation within a state's territory cannot proceed without that state's approval.

However, this restriction is subject to judicial override. Both the Supreme Court and High Courts have constitutional authority to direct the CBI to investigate cases anywhere in India, regardless of state consent, under their powers of judicial review and protection of fundamental rights (Articles 32 and 226 of the Indian Constitution).

### **General Consent**

General consent is a blanket approval granted by a state government to the CBI, allowing it to operate freely within the state without the need to seek permission for every individual case. This consent facilitates seamless investigations, particularly in cases involving corruption, white-collar crimes, or organized crime, where time and inter-jurisdictional cooperation are essential.

### **Specific Consent**

When a state withdraws general consent, the CBI must then seek specific consent from the state government on a case-by-case basis. This can delay the initiation of investigations and potentially hinder the agency's effectiveness and operational autonomy.

### **Contemporary Relevance**

Although the principle of general consent is widely discussed in administrative law, the growing trend of states withdrawing general consent such as West Bengal, Maharashtra, Kerala, and Punjab raises significant concerns. These actions reflect broader debates about federalism, political rivalry, and the autonomy of central agencies. The withdrawal of general consent has led to practical challenges, such as jurisdictional limitations, delayed investigations, and strained Centre–State relations.

The composition of the CBI includes various ranks of officials to ensure its effective functioning, including:

- The Director of CBI
- Special Director(s)
- Additional Director(s)
- Joint Directors
- Deputy Inspector-Generals,
- Superintendents of Police (SP)
- All other usual ranks of police personnel
- Forensic Scientists,
- Law Officers

#### **What are the Divisions in CBI?**

- Anti-Corruption Division
- Economic Offences Division
- Special Crimes Division
- Policy and Coordination Division
- Administration Division
- Directorate of Prosecution
- Central Forensic Science Laboratory

### **1.2.3.3 Organization and working of IB**

The Intelligence Bureau (IB) is India's internal intelligence and security agency, functioning under the Ministry of Home Affairs. It is the oldest intelligence organization in India and among the oldest in the world, having been established in 1887 by the British colonial government (Raman, 2007). Initially named the Indian Political Intelligence Office, it was created to monitor Russian activities and suppress nationalist movements within British India.

► IB: Internal Intelligence Agency

► IB: Post-Independence Role

After independence in 1947, Government of India retained the IB and restructured it to focus on domestic intelligence. Until 1968, it was responsible for both internal and external



intelligence. However, in the wake of intelligence failures during the Sino-Indian War of 1962, the Research and Analysis Wing (RAW) was carved out to handle external intelligence, leaving IB with responsibility for internal security.

► **IB: Internal Intelligence Agency**

The IB is tasked with gathering intelligence related to terrorism, communal tensions, insurgencies, radicalization, and political threats. It operates through a network of Subsidiary Intelligence Bureaus (SIBs) across the country and collects both human intelligence (HUMINT) and technical intelligence. It also assists in vetting government personnel, monitoring border security, and ensuring election security.

► **IB: Structure and Leadership**

The Bureau comprises employees from law enforcement agencies, mostly from Indian Police Service (IPS) or Indian Revenue Service (IRS) and the military. The agency is headed by the Director of the Intelligence Bureau (DIB), who is typically a senior Indian Police Service (IPS) officer reporting to the Home Secretary (Ministry of Home Affairs). Officers are recruited through the UPSC for posts like Assistant Central Intelligence Officers (ACIOs), and higher positions are filled through promotion and deputation from the IPS and other services.

## **Organizational Structure of the Intelligence Bureau (IB)**

### **1. Ministry Oversight**

Functions under the Ministry of Home Affairs (MHA), Government of India.

### **2. Head of the IB**

#### **Director of the Intelligence Bureau (DIB)**

Senior-most officer (usually from the IPS cadre)

Member of the Joint Intelligence Committee (JIC) and Steering Committee Can brief the Prime Minister directly when required

### **3. Top-Level Management (Group A Gazetted Officers)**

Special Director

Additional Director

Joint Director

Deputy Director

Assistant Director

Deputy Central Intelligence Officer (DCIO)

#### **4. Mid-Level Officers (Group B)**

Assistant Central Intelligence Officer (ACIO)

#### **5. Field-Level Staff (Group C)**

Junior Intelligence Officer (JIO)

Security Assistant

#### **6. State-Level Structure**

State Special Bureau (SSB)

Headed by a Central Intelligence Officer (CIO)

CIO acts as the intelligence advisor to the State Governor

#### **7. Operational Units**

Field Units and Headquarters

Supervised by Joint or Deputy Directors

Located across states and major cities

#### **Working of the Intelligence Bureau (IB)**

1. The Intelligence Bureau (IB) operates under the Ministry of Home Affairs and is India's main internal intelligence agency.
2. The agency functions with high secrecy; even family members of officers are often unaware of their work or location.
3. Its core responsibilities include collecting and analyzing intelligence related to:
  - Internal security threats
  - Terrorism



- Tensions
  - Insurgency
  - Political unrest
4. It coordinates closely with other Indian intelligence agencies and the police for seamless information sharing and joint operations.
  5. The IB is responsible for issuing security clearances to high-ranking officials such as:
    - Diplomats
    - Judges
    - Other sensitive government appointees
  6. It monitors communications, including:
    - Intercepting emails
    - Opening suspicious mail

*Conducting wiretaps (authorized without judicial warrants)*

7. The agency regulates amateur radio licenses and tracks electronic activity for potential security threats.
8. Although media interactions are rare, IB officers may communicate during national security crises.
9. Since 2014, the IB has undergone significant reforms:
  - Ceased internal political surveillance
  - Increased infrastructure and manpower
  - Recruited more field agents
  - Improved its effectiveness in counterterrorism and counterintelligence

Despite its importance, the IB operates without a legal framework or parliamentary oversight, raising concerns about transparency and accountability. Nonetheless, the Intelligence Bureau remains a crucial pillar of India's internal security

apparatus, having played a key role in preventing terrorist attacks and maintaining law and order throughout the country.

### 1.2.3.4 Organization and working of National Investigation Agency (NIA)

The National Investigation Agency (NIA) is India's leading law enforcement body dedicated to counter terrorism. The NIA was established following the devastating 26/11 Mumbai terror attacks, which exposed critical gaps in India's intelligence and law enforcement systems. In response, the Indian government passed the NIA Act on 31 December 2008, creating a specialized agency to tackle terrorism more effectively. The agency is responsible for investigating and preventing crimes related to terrorism, national security, and threats to the country's sovereignty and integrity. It operates under the Ministry of Home Affairs, Government of India. The NIA's core function is to investigate and prosecute serious offences with national or cross border impact, particularly those involving terrorism, insurgency, and similar threats. Uniquely, it has the power to conduct searches, seize assets, and make arrests without a warrant, and it does not require permission from state governments to operate setting it apart from other central agencies. Headquartered in New Delhi, the NIA has a network of branches across the country, including in Mumbai, Hyderabad, Kochi, Kolkata, Lucknow, Chennai, Raipur, Guwahati, Chandigarh, Ranchi, Jammu, and Imphal. The agency also maintains the NIA Most Wanted list, tracking individuals involved in terrorism and related activities.

► NIA: Counter-Terrorism Agency

#### Organizational Structure of the (NIA)

The National Investigation Agency (NIA) is led by a Director General (DG), an officer from the Indian Police Service (IPS) holding the rank equivalent to a Director General of Police. The agency is headquartered in New Delhi.

► NIA: Leadership and Structure

Supporting the DG are Special or Additional Directors General (ADGs) and Inspectors General (IGs). To ensure effective nationwide operations, the NIA has multiple branch offices across India that help coordinate investigations related to terrorism and national security.

Senior officers in the NIA are typically appointed on deputation from services such as the IPS, Indian Revenue Service (IRS), Central Armed Police Forces (CAPFs), and



► NIA: Officer Recruitment

various State Police Services (SPS). Lower-ranking staff, or subordinates, are either directly recruited through the Staff Selection Commission (SSC) or deputed from the CAPFs and state police forces.

**NIA Officer Ranks (Top to Bottom):**

Director General (DG)

Special/Additional Director General (ADG)

Inspector General (IG)

Deputy Inspector General (DIG)

Superintendent of Police (SP)

Additional Superintendent of Police (Addl. SP)

Deputy Superintendent of Police (Dy. SP)

Subordinate Ranks:

Inspector

Sub-Inspector (SI)

Assistant Sub-Inspector (ASI)

Head Constable (HC)

Constable

**Working of the Intelligence Agency (NIA)**

The National Investigation Agency functions as India's main agency to investigate and combat terrorism and crimes affecting national security. It operates across the country and can even investigate cases abroad if they involve Indian citizens or interests.

**1. Case Selection**

The NIA investigates scheduled offences listed in the NIA Act.

**Cases are referred by:**

State Governments, or Central Government especially if a case has national or cross-border importance.

**2. Investigation Powers**

### **The NIA has the authority to:**

- Conduct searches and seizures
- Arrest suspects without needing permission from state governments
- Interrogate and detain under legal procedures
- Collect digital and physical evidence
- Work with national and international agencies

### **3. Independence from State Boundaries**

Unlike regular police, the NIA can operate anywhere in India without prior consent from the state government. This makes it faster and more efficient in counter-terror investigations.

### **4. Prosecution and Court Process**

Once an investigation is complete, the NIA files a charge sheet in a Special NIA Court. These courts ensure faster trials and judgments in terror-related cases.

### **5. Coordination Role**

- The NIA works closely with other agencies like:
- Intelligence Bureau (IB)
- Research and Analysis Wing (RAW)
- Enforcement Directorate (ED)
- Local Police and Armed Forces

### **6. Technology & Intelligence**

- Uses cyber forensics, surveillance, intelligence analysis, and digital tracking tools.
- Maintains a “Most Wanted” list of terrorists and terror suspects.

#### **► NIB: Internal Security Role**

The National Investigation Agency plays a vital role in safeguarding a nation’s internal security and maintaining law and order. With its structured hierarchy and coordination with police and security agencies, the NIA ensures that threats to national integrity are detected early and addressed effectively.



Its ability to work confidentially, assess risks, support law enforcement, and liaise with international intelligence units makes it an indispensable pillar in the country's security architecture.

In 1971, the Pakistani military launched Operation Searchlight to suppress the independence movement in East Pakistan (now Bangladesh). This resulted in a massive humanitarian crisis, with millions of refugees fleeing to India. India, under Prime Minister Indira Gandhi, decided to support the Mukti Bahini (Bengali liberation forces) and prepare for war with West Pakistan.

### **RAW's Role**

#### **1. Training and Arming Mukti Bahini**

RAW, along with the Indian Army, trained over 30,000 guerrilla fighters.

These fighters were taught sabotage, intelligence gathering, and guerrilla warfare.

#### **2. Covert Intelligence Operations**

RAW infiltrated Pakistani communication lines, military camps, and command centers in East Pakistan.

It collected strategic military information, which proved crucial during the war.

#### **3. Psychological Warfare**

RAW helped conduct information warfare using radio broadcasts and leaflets to weaken the morale of Pakistani soldiers and strengthen local support for the Mukti Bahini.

#### **4. International Diplomacy and Espionage**

RAW provided intelligence about Pakistan's international moves to garner support.

It also warned India of possible US and Chinese interventions, helping India manage diplomatic responses.

### **Outcome**

The war ended in just 13 days, one of the shortest in history.

Over 90,000 Pakistani soldiers surrendered, the largest such surrender after WWII.

On 16 December 1971, Bangladesh became an independent nation

► RAW: Strategic National Security

The Research and Analysis Wing (RAW) plays a pivotal role in safeguarding India's national interests through strategic foreign intelligence. With a broad operational mandate encompassing intelligence gathering, psychological warfare, and covert operations, RAW has evolved into a sophisticated and globally connected agency. By collaborating with foreign intelligence bodies and constantly adapting to new threats, RAW remains a cornerstone of India's national security and foreign policy strategy.

***Did You Know?***

There's a secretive Indian agency that doesn't hold press conferences, doesn't wear uniforms, and whose agents blend seamlessly into ordinary life yet they guard the nation's secrets and protect it from foreign threats.

RAW is India's foreign intelligence agency, often compared to the CIA (USA), M16 (UK), or Mossad (Israel)

Born in the shadow of wars and cross-border tensions, RAW operates silently to gather intelligence, execute covert operations, and counter espionage all to keep India safe.

## Summarized Overview

The Union Ministry of Home Affairs plays a pivotal role in ensuring internal security and maintaining law and order across India. It consists of various departments that handle subjects such as police, internal security, border management, and disaster response. The Ministry acts as a coordinating body between the central and state police forces, ensuring seamless communication and effective handling of national security concerns. It oversees the functioning of key security and intelligence agencies like the CBI, IB, NIA, and RAW, each with specific responsibilities ranging from criminal investigation to intelligence gathering and counter terrorism. The Central Armed Police Forces (CAPFs), under its purview, are vital in maintaining peace, guarding borders, and assisting civil administration during emergencies. Understanding the Ministry's structure and functions provides insight into how India manages its complex internal security apparatus.

## Self-Assessment

1. Explain the structure and major functions of the Union Ministry of Home Affairs.
2. Discuss the role of the Ministry of Home Affairs in coordinating the Central and State Police Forces.
3. Describe the organization and working of the Central Armed Police Forces (CAPFs).
4. Examine the roles and responsibilities of CBI, IB, NIA, and RAW.
5. Critically evaluate the effectiveness of the Union Ministry of Home Affairs in maintaining internal security in India.
6. Analyse the challenges faced by central investigative agencies in India.

## Assignments

### Assignments

1. Describe the organizational structure of the Union Ministry of Home Affairs.
2. Discuss the major functions of the Ministry in maintaining internal security in India.
3. Examine the role of the Ministry in coordinating central and state police forces.
4. Explain the structure and functions of the Central Armed Police Forces (CAPFs).
5. Discuss the organization and working of the Central Bureau of Investigation (CBI).
6. Evaluate the role of RAW in safeguarding India's foreign interests.

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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



SGOU

# UNIT 3

## State Policing System

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ describe the organizational structure and hierarchy of police forces at the state and district levels.
- ▶ explain the key functions performed by various ranks in the state police force.
- ▶ understand the Commissionerate system and how it differs from the traditional policing model.
- ▶ examine the relationship between police and Panchayati Raj institutions.
- ▶ evaluate the effectiveness of state policing structures in maintaining law and order in different regions.

### Background

The State Policing System forms the bedrock of law enforcement and public order maintenance in India. While policing is a subject under the State List of the Indian Constitution, every state has developed its own police force under the overall guidance of the Indian Police Act of 1861 and other state-specific amendments or special acts. Despite variations in structure and implementation, the core mission of state police across India remains the same: to ensure safety, enforce the law, prevent and detect crime, and maintain social order. At the state level, the police organization is a hierarchical institution headed by the Director General of Police (DGP), who reports to the Home Department of the state government. Below the DGP are Additional Directors General (ADGs), Inspectors General (IGs), Deputy Inspectors General (DIGs), and Superintendents of Police (SPs) who oversee district-level operations. Each district, often considered the operational unit of the police, is managed by an SP who leads crime control, law and order maintenance, and traffic regulation. Under the SP, officers like Additional SPs, Deputy SPs, Circle Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, and Constables form the core strength of daily policing. In large metropolitan cities and urban clusters facing complex and fast-paced law enforcement challenges, the



Commissionerate system of policing has emerged as an alternative to the traditional district model. Unlike the regular system, where executive powers are split between the police and magistrates, the Commissionerate system vests magisterial powers in senior police officers, such as Commissioners of Police.

However, policing in India cannot be viewed in isolation from its rural and community-based dynamics. A key area of growing importance is the relationship between the police and Panchayati Raj Institutions (PRIs). As grassroots democratic institutions, Panchayats play a critical role in local governance, social conflict mediation, and community development. In rural settings, the effectiveness of policing is often intertwined with the cooperation of Panchayat members, ward members, and local leaders. Yet, tensions and role ambiguities persist, particularly where police accountability and community participation intersect. As India grapples with rising urbanization, socio-political diversity, and evolving threats to public safety, understanding the structure, powers, and community linkages of the state policing system becomes crucial. This unit, therefore, delves into the organization of police at the state and district levels, examines the Commissionerate model of urban policing, and explores the dynamics between the police and Panchayati Raj system. Such a study is essential for reimagining a policing framework that is both efficient and community-oriented, especially in a country as complex and pluralistic as India.

## Keywords

Organizational Structure, Hierarchy, Functions, Commissionerate System, Panchayati Raj, Community Policing.

## Discussion

► Well-organized system working to maintain law and order

### 1.3.1 Organization of Police forces at the State & District level (Structure, Hierarchy and functions)

When we think of the police, we often picture patrol vehicles, traffic control, or a police station. But behind these everyday images is a well-organized system working to maintain law and order. In India, each state has its own police force with a defined hierarchy from constables and Sub-Inspectors to the Superintendent and Director General of Police. These officers work together to enforce the law, investigate crimes, and ensure public safety at both the state and district levels. In major cities, the Commissionerate system offers a more centralized model of

policing. Here, a Police Commissioner has both executive and magisterial powers, allowing for quicker decisions and efficient control in complex urban settings. Additionally, the police often collaborate with Panchayati Raj institutions in rural areas, helping address local disputes and community issues. This unit explores the structure, hierarchy, and functions of state police forces, highlights the differences in urban policing models, and examines the role of police in local self-governance.

### ► Police under State List

The Constitution of India, through Articles 245 and 255, clearly outlines the distribution of legislative powers between the Union and the States. Parliament can legislate for all or any part of the country, while State Legislatures can do so for their respective states. These powers are categorized under the Seventh Schedule into three lists: the Union List (List I), the State List (List II), and the Concurrent List (List III). Police and public order fall under the State List, giving states exclusive authority over their management and control.

### ► State-Centre Police Dynamics

However, the Union Government can intervene in police matters only for establishing and running agencies like the Central Bureau of Intelligence and Investigation. Although each state manages its own police force, the central government has influence through the Indian Police Service (IPS), which is centrally regulated. While IPS officers serve under state governments, their recruitment and service conditions are governed by the Centre. States manage the recruitment and service of lower-ranking police personnel.

### ► New Criminal Codes

Additionally, since several key laws such as the Indian Police Act, 1861, Indian Penal Code, 1860, and Code of Criminal Procedure, 1973 fall under the Concurrent List, the Centre has the authority to legislate or amend them. In recent years, the central government has introduced new legislation such as the Bharatiya Nyaya Sanhita (BNS), 2023, Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Bharatiya Sakshya Adhiniyam (BSA), 2023, which are set to replace the IPC, CrPC, and Indian Evidence Act respectively. These laws will significantly impact day-to-day policing and the criminal justice process across states.

## Police - A State Subject

Policing in India is primarily a state responsibility, and its structure and functioning are regulated by the rules set by individual State Governments. These are detailed in State Police



► State responsibility

Manuals, along with directives such as Circulars and Standing Orders issued by the Director General of Police (DGP). The State Government has overall control of the police force, with the DGP serving as the top police official, responsible for administration, operations, and advising the government on policing issues.

► Grassroots Policing Units

States are divided into administrative units called districts, each managed by a Superintendent of Police (SP). Several districts form a Range, overseen by a Deputy Inspector General (DIG) of Police. In some states, multiple Ranges form a Zone, headed by an Inspector General (IG) of Police. Districts are further divided into Sub-Divisions, led by an Additional Superintendent of Police (ASP) or Deputy Superintendent of Police (DySP). These Sub-Divisions contain multiple Police Stations, which are organized based on factors like area, population, and crime rate. In some states, a group of police stations may form a Circle, usually led by a Police Inspector.

► Core unit of police administration

The Police Station is the core unit of police administration. According to the Criminal Procedure Code, all criminal cases must be registered here, and most policing activities including crime prevention, investigation, and maintaining order originate from this point. Each Police Station is divided into Beats, which are assigned to constables for patrolling, intelligence gathering, and general police duties. In urban areas, Police Stations are headed by Inspectors or DSPs, while rural stations are typically led by Sub-Inspectors.

**The State Police comprises two main divisions:  
Unarmed (Civil) Police and Armed Police.**

**Unarmed (Civil) Police**

► Civil Police Functions

This is the uniformed force that interacts most with the public. Though unarmed, officers may carry batons. Their primary responsibilities include maintaining law and order, crime prevention and investigation, traffic management, and community assistance. While police once handled prosecutions directly, this is now often done by separate prosecution units. The Civil Police include district-level police, supervisory units at the Range, Zone, and State levels, as well as specialized branches focused on crime, intelligence, and training. Each district also maintains armed reserves for guard duties, escorts, and emergencies, functioning under the Civil Police until reinforcements arrive from the State Armed Police.

## Armed Police

Each battalion consists of six service companies, which are divided into platoons, and further into sections. Typically, three sections make a platoon, and three platoons form a company. The rank hierarchy within a battalion differs from the Civil Police. The head is a Superintendent of Police, titled Commandant, assisted by a Deputy Commandant. Companies are led by Assistant Commandants, supported by Inspectors. In some instances, an Inspector may command a company. A Sub-Inspector leads a platoon, while a Head Constable commands a section.

### The Armed Police Battalion

The Armed Police Battalion functions as the State's reserved armed force. It is deployed in situations where the Civil Police are unable to manage the crisis or when there is a risk of the issue escalating significantly. In such cases, the Armed Police operate under the supervision of Civil Police authorities. Their responsibilities include guarding prisons, escorting prisoners, and providing security for key government officials and buildings, particularly during emergencies. They are also tasked with the protection of State VIPs. Additionally, they take part in counter-insurgency operations and tracking down dangerous criminals, all under the command of district-level police officials like the Superintendent of Police (S.P.) and Deputy Inspector General (D.I.G.).

► State's reserved  
armed force

### The Criminal Investigation Department (C.I.D.)

The Criminal Investigation Department (C.I.D.) is a specialized unit within the police force. It is primarily divided into two key sections: the Crime Branch and the Special Branch. Traditionally, a single officer oversaw both divisions, but now most states have appointed separate officers to head the Special Branch. The C.I.D. serves as the principal investigative agency of the State Police, handling complex and significant cases. Its responsibilities include probing crimes such as currency counterfeiting, professional fraud, activities of organized criminal gangs, offenses with implications across districts or states, and other particularly critical cases.

► Specialized unit  
within the police  
force

### The Special Branch

The Special Branch is responsible for gathering, analyzing, and sharing intelligence related to political issues and other



► Eyes and ears of both the Police and the State Government

matters of public or state interest, including security concerns and subversive activities by individuals, groups, or organizations. It acts as the eyes and ears of both the Police and the State Government. The head of the State Special Branch reports directly to the government and keeps the Director General of Police (D.G.P.) informed. This officer may also personally brief the Home Minister and the Chief Minister. Given the increasingly complex political landscape in the country, the role of the Special Branch has gained significant importance. The branch head is also tasked with maintaining coordination with other intelligence agencies operating within the state.

Most policing responsibilities are carried out by the District Police, both armed and unarmed, along with the Armed Battalions. However, several auxiliary police units are in place to support the regular police in specific tasks or regions. These auxiliary forces include:

#### **Government Railway Police (G.R.P.):**

► Prevent and investigate crimes occurring on trains, within railway stations, and in railway yards

A specialized branch of the State Police, the G.R.P. is overseen by senior officers such as an Additional Director General of Police or an Inspector General, depending on the size of the unit. Its primary function is to prevent and investigate crimes occurring on trains, within railway stations, and in railway yards. It is important to note that the G.R.P. is different from the Railway Protection Force (RPF), which is controlled and operated by the Railways and focuses on protecting railway property.

#### **Rural or Village Police:**

► Serves as an auxiliary unit of the state police

In some states, there exists a rural or village police force, which serves as an auxiliary unit of the state police. Members of this force act mainly as village watchmen. Their duties include patrolling the village at night, reporting crimes, suspicious activities, and any signs of unrest to the local police. They are also responsible for maintaining records of births and deaths in the village and assisting in revenue collection. These watchmen receive only a minimal salary from the state government.

► Maintaining law and order, especially in times of crisis or emergency

#### **Other Auxiliary Forces:**

There are also various volunteer-based auxiliary police groups that support the main police force. Among the most notable are the Home Guards and the Village Volunteer Force, which

may also be referred to as the Village Defence Party or Village Resistance Group. These groups contribute to maintaining law and order, especially in times of crisis or emergency.

### The Home Guards

The Home Guards were initially established in 1946 under the Home Guards Act and Rules applicable to various States and Union Territories, functioning under the Ministry of Home Affairs. The organization was restructured in 1962 following China's external aggression. Home Guards are essentially civilians who hold regular jobs outside the police force but can be mobilized by the State Government during local emergencies. The structure and functioning of the Home Guards may vary across states. These personnel are trained to assist the police and also serve as the core of emergency response teams. Upon joining, they undergo basic training and are later provided with regular refresher courses. They receive compensation based on the time they spend in training or active duty. In addition, they are issued free uniforms and receive travel allowances while performing official duties.

► Trained to assist the police and also serve as the core of emergency response teams

Given this context, it becomes essential to study the organization of police forces at various levels and critically examine the issues that confront police administration today. The police constitute one of the most visible and ubiquitous institutions in society. In times of danger, crisis, or confusion, when a citizen feels helpless or unsure, the local police station and the presence of a police officer often become the first and most accessible source of assistance.

► Police administration today

As a public institution, the police are expected to be approachable, responsive, and engaged with community. Their responsibilities are both diverse and multifaceted, encompassing a wide range of duties that can be straightforward in some cases and highly complex in others. Broadly, the police are tasked with two major functions: the maintenance of law and the maintenance of public order. However, these two categories encompass a vast and varied array of duties, powers, and responsibilities, which define the scope and complexity of modern policing in India.

► Maintenance of law

### Structure, Hierarchy and functions

The State Police Force in India operates under the administrative control of the State Home Department, which



is typically headed by a Principal Secretary or Chief Secretary, generally an officer from the Indian Administrative Service (IAS).

► Under the administrative control of the State Home Department

Each state has its own police force, headed by an officer from the Indian Police Service (IPS) holding the rank of Director General of Police (DGP). The DGP is the chief executive of the police force in the state and is responsible for the overall maintenance of law and order, public safety, and crime control throughout the state's urban and rural areas.

The DGP is supported by one or more Additional Directors General of Police (ADGPs), each of whom may oversee specialized departments such as:

1. Law and Order
2. Crime Branch
3. Training and Recruitment
4. Intelligence
5. Traffic
6. Technical Services

Other officers of the Director General (DG) rank may lead autonomous bodies that function independently of the DGP's direct control, such as:

1. The State Police Recruitment Board
2. Police Training Academies
3. Fire and Rescue Services

► Statewide operations coordination

The state is geographically divided into zones, each consisting of two or more ranges. These zones are either led by an Additional Director General of Police (ADGP) or an Inspector General of Police (IG) depending on the importance and complexity of the area. Each range, in turn, is led by an Inspector General of Police (IG) or a Deputy Inspector General of Police (DIG), and they report directly to the respective zonal heads or the DGP depending on the structure adopted by the state. The State Police Headquarters coordinates statewide operations, sets strategic goals, frames policy, manages inter-agency coordination, and handles high-level crime and intelligence matters.

State-level police officers are also entrusted with implementing the legal framework under key acts such as:

**1. Bharatiya Nyaya Sanhita, 2023 (BNS)**

- Replaces the Indian Penal Code (IPC), 1860.
- Covers definitions of crimes, punishments, and criminal responsibility under the new legal code.

**2. Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**

- Replaces the Code of Criminal Procedure (CrPC), 1973. Outlines procedures for investigation, arrest, trial, and maintenance of law and order.

**3. Bharatiya Sakshya Adhinyam, 2023 (BSA)**

- Replaces the Indian Evidence Act, 1872.
- Regulates admissibility and evaluation of evidence in criminal cases.

**4. The Arms Act, 1959**

- Governs the acquisition, possession, manufacture, sale, and use of firearms and ammunition.

**5. The Information Technology Act, 2000 (as amended)**

- Deals with cybercrime, digital evidence, electronic records, hacking, and identity theft.

**6. The Unlawful Activities (Prevention) Act (UAPA), 1967**

- Provides powers to prevent and deal with activities threatening the integrity and sovereignty of India, including terrorism and extremist operations.

**7. The Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985**

- Empowers state police to investigate and prosecute drug trafficking and substance abuse-related offenses.

**8. Protection of Children from Sexual Offences Act (POCSO), 2012**



- Ensures child-friendly procedures for investigation and trial of sexual offenses against minors.

## 9. State-Specific Police Acts and Rules

- Each state has its own Police Act (e.g., Kerala Police Act, 2011) to regulate the structure, powers, and duties of the police force within the state.

The police at the state level play a vital role in maintaining internal security, preventing organized crime, managing public events, disaster response, VIP protection, and dealing with terrorism and cybercrime.

### Organization of Police at District level

The district serves as a crucial unit within India's public administrative system, hosting the majority of State Government offices. This holds true for police administration as well, where the district level plays a vital role. All policies, laws, and regulations issued at the state level are implemented at this level. The District Police Organization is primarily responsible for maintaining public order and controlling crime within the district.

At the helm of district level police administration is the Superintendent of Police (SP), typically an officer from the Indian Police Service (IPS). The SP oversees law enforcement activities and ensures upkeep of law and order. While the SP functions under the broader administrative umbrella of District Collector (District Magistrate), in reality, the SP and their subordinates operate with considerable autonomy in executing their duties. The District Magistrate handles preventive actions, whereas the police focus on crime control and law enforcement.

Below the district level, the police setup is further structured into divisions, which are split into circles, and then into police stations. The administrative approach and responsibilities at the station level may differ slightly between rural and urban areas.

The SP, being a high ranking IPS officer, commands significant influence and responsibility within the district. They report to the Deputy Inspector General of Police (DIG) for the range, and ultimately to the Director General of Police (DGP) at the state level. The SP ensures the discipline, morale, and operational efficiency of the district police force. They collect

► District police administration

► District law enforcement

► Superintendent of Police

intelligence and data across the district, and forward this with their analysis to the State Government.

The SP's core responsibilities include maintaining law and order, crime prevention, and preparing for public events such as fairs, festivals, elections, and protests. If the situation warrants, the SP may recommend that the District Magistrate impose restrictions or curfews. The SP also organizes patrols, directs investigations, and oversees the functioning of both the Crime Branch and Special Branch. They are responsible for logistical matters such as the availability of arms, transport, uniforms, and also oversee staff training, promotions, and disciplinary actions.

► Acts as key liaison between the police force and local elected representatives

The SP acts as key liaison between the police force and local elected representatives, maintaining cooperative relations with the community. In districts with significant urban centers, the SP also manages traffic control and VIP security.

Supporting the SP are Additional Superintendents of Police (ASP) and other officers like Deputy Superintendents of Police (DySP), Circle Inspectors, Sub-Inspectors, Head Constables, and Constables. Specialized professional and technical units also assist the SP.

**The district police structure broadly consists of two major components:**

**1. District Police Office (DPO):**

Functions as the administrative hub, overseen by the SP or ASP. The DPO handles sections like crime records, statistics, accounts, stores, and logistics. It essentially serves as the police force's secretariat and operational nerve center.

► Major components in the district police structure

**2. Field Units:**

These include the District Armed Reserve, Home Guards, Women Police Units, Crime Bureau, Special Branch, Fingerprint Unit, Dog Squad, and Transport Unit. They provide tactical and logistical support to the district police operations.

**Sub-Division:**

To enhance operational efficiency, each district police organization is broken down into several sub-divisions. A police sub-division serves as a coordinating and supervisory unit,



► Serves as a coordinating and supervisory unit

acting as a vital link between the district police office, police circles, and police stations. Each sub-division is headed by a Deputy Superintendent of Police (DySP) or, in some cases, an Additional Superintendent of Police (ASP). These officers are generally referred to as Sub-Divisional Police Officers (SDPOs). Their primary responsibilities include managing law and order, maintaining discipline within the force, and addressing various administrative and operational issues at the sub-divisional level.

► Serving as a bridge between the Superintendent of Police and the Inspectors and Sub-Inspectors

The sub-divisional office maintains numerous records and reports related to crime, security, and administrative activities. SDPOs are chiefly responsible for enforcing law and order, preventing and investigating crime, gathering and relaying intelligence, and submitting regular reports to the Superintendent of Police (SP). They also conduct inspections of police stations and circle offices within their jurisdiction. In addition to their administrative duties, SDPOs play an important role in public relations, serving as a bridge between the Superintendent of Police and the Inspectors and Sub-Inspectors at the grassroots level.

### Police Circles

► Third level in the district police hierarchy

Each sub-division is further broken down into police circles, forming the third level in the district police hierarchy. A police circle acts as a bridge between the sub-division and the police stations. These circles often align with administrative units like taluks or blocks, though there are no uniform rules for their formation, so they differ across and within states. The number of police stations under a circle (usually 3 to 10) depends on factors such as population, crime rate, and geographical area.

An Inspector of Police heads each circle and is responsible for maintaining law and order, supervising police stations, guiding subordinate staff, and investigating serious crimes. The circle office maintains various records like communication registers, crime charts, and intelligence files.

### Police Station

► Basic and essential unit of the police system

The police station is the most basic and essential unit of the police system, where direct law enforcement work takes place. It handles crime prevention, public safety, investigation, and community protection.

### Sub Inspector

A Sub-inspector is a rank in the police, typically commanding a police station or a part of one responsible for maintaining law and order and investigating crimes within their jurisdiction.

### Head Constables

Head Constables (HCs) assist in general duties such as maintaining outposts, guards, and beat patrols. In the absence of the Sub-Inspector, they may act as Station House Officer (SHO). They assist constables, handle petty complaints, attend court work, and ensure proper treatment of the public and detainees. HCs also help in investigations and are responsible for telephone handling and station upkeep.

### Constables

Constables are the most visible face of the police force and have direct interaction with the public. Their key duties include maintaining law and order, crime prevention, assisting victims, regulating traffic, and community engagement. Their behavior greatly impacts the public image of the police, making professionalism and respectful conduct essential at all times.

**Table 1.3.1 State-Level Police Hierarchy**

Rank	Position/Function
<b>Director General of Police (DGP)</b>	Head of the entire State Police Force. Advises state government, oversees law enforcement, crime control, and administration.
<b>Additional Director General of Police (ADGP)</b>	Assists DGP; heads specialized departments like Intelligence, Crime Branch, or Training.
<b>Inspector General of Police (IGP)</b>	Heads police range (multiple districts); responsible for supervision of law and order.
<b>Deputy Inspector General of Police (DIG)</b>	Supervises police in a range or part of it; coordinates between SPs and IGP.
<b>Assistant Inspector General of Police (AIG) (in some states)</b>	Assists in administration, planning, and coordination at the state level.

**Table 1.3.2 District-Level Police Hierarchy**

<b>Rank</b>	<b>Position/Function</b>
Superintendent of Police (SP)	In charge of the entire police force in a district; responsible for crime control, law and order, and administration.
Additional SP / Addl. Superintendent of Police	Assists the SP in daily operations, often handles traffic, crime branches, or special units.
Deputy Superintendent of the Police (DySP) or The Sub-Divisional Police Officer (SDPO)	Heads a police sub-division; supervises police stations under sub-division and maintains law and order.
Inspector of Police (CI)	In charge of a police circle (3–10 police stations); guides and supervises SIs and ensures investigation quality.
Sub-Inspector of Police (SI)	In charge of a police station (Station House Officer); handles FIRs, investigation, and community policing.
Assistant Sub-Inspector of Police (ASI)	Assists SI in investigation, record-keeping, and enforcing law and order.
Head Constable (HC)	Supervises constables; helps in beat duties, station work, and minor investigations.
Police Constable	Performs patrolling, beat duty, traffic regulation, and basic law enforcement.

**Table 1.3.3 Key Differences: State and District Police**

<b>Level</b>	<b>State Police</b>	<b>District Police</b>
<b>Leadership Police</b>	DGP is the head of the State	SP is the head of the District Police
<b>Span of Control</b>	Covers the entire state	Covers a single district
<b>Functions</b>	Policy-making, statewide crime management, coordination among districts	Execution of policies, crime control at the local level

<b>Units</b>	CID, Crime Branch, Intelligence, Anti-Terrorism Squad	Circle Offices, Sub-divisions, Police Stations
<b>Jurisdiction</b>	State-wide	District and sub-division level

► Basic and essential unit of the police system

The state policing system in India is structured to ensure efficient law enforcement from the top (state level) to the grassroots (district level). The organization is hierarchical; overall, this multi-tiered system ensures that policing is both strategically directed and locally responsive, enabling efficient maintenance of law and order, crime prevention, and public safety across the state.

► Holds powers similar to those of a District Magistrate

### 1.3.2 Commissionerate system of Policing

Under the Commissionerate system, the Commissioner of Police holds powers similar to those of a District Magistrate. These powers can also be delegated to officers under the Commissioner, provided they are of at least the rank of Assistant Commissioner of Police. This gives such officers the authority to make preventive arrests, enforce Section 144 of the Criminal Procedure Code (CrPC) now covered under Section 36 of the BNSS, 2023, and initiate chapter proceedings, such as issuing show-cause notices and requiring individuals to provide bonds for maintaining good behavior. Additionally, they are authorized to carry out externment proceedings and can order individuals to leave the jurisdiction of the Commissionerate for up to two years.

► Maintaining public order in a district

In recent years, public protests against the government have become more frequent. While protests are vital in a democracy, they must remain peaceful and align with constitutional values. Traditionally, maintaining public order in a district is a shared responsibility between the Superintendent of Police (SP) and the District Magistrate (DM) under a dual command structure. However, delays or indecisiveness by District Magistrates have sometimes allowed volatile situations to escalate, causing harm to the public.

As a result, there is growing support for implementing the Commissionerate system in urban areas. This model may enhance the police's responsiveness, establish clearer accountability, and ultimately improve the maintenance of public order. Nonetheless, a careful evaluation of the strengths and weaknesses of both systems is necessary.

This system effectively divides a district into two distinct areas in terms of policing. The highly urbanized part of the district comes under the control of the Police Commissioner, who assumes the responsibilities typically held by the District Superintendent of Police. In addition, the authority of the District Magistrate, Sub-Divisional Magistrates, and Executive Magistrates related to crime and law-and-order matters is also transferred to the Police Commissioner within this urban zone. However, in the remaining parts of the district, the District Magistrate, subordinate magistrates, and the Superintendent of Police continue to exercise their respective powers as usual.

### Issues with the Dual Policing System

**1. Slow Response:** Police must seek approval from magistrates before acting on public order issues, causing delays and reducing effectiveness.

**2. Divided Focus:** District Magistrates, burdened with implementing numerous development schemes, may not be able to give full attention to law and order duties.

**3. Unclear Accountability:** In crises like protests or riots, responsibility becomes blurred, often leading to blame-shifting between police and magistrates.

### Issues with the Commissionerate System

**1. Low Public Trust:** The police, often seen as unsympathetic, may worsen public perception under a commissionerate, reinforcing fears of a “police raj.”

**2. Excessive Power:** Without strong accountability mechanisms, giving more authority to police could lead to misuse or political influence.

**3. Jurisdiction Overlap:** The lines between law and order (police) and public order (magistrate) are often blurred, causing confusion in responsibility.

### Supreme Court observation on law & order and public order

The Supreme Court distinguished between law and order and public order, stating they serve different purposes and follow separate legal standards. Law and order involves the police assessing situations and enforcing criminal laws through firm action. In contrast, public order is the responsibility of the

► Dual policing system issues

► Law & order and public order

District Magistrate, who must determine when intervention is needed to control unrest and prevent escalation. The Court also highlighted the importance of protecting the right to protest as part of free speech in a democracy. In this context, the District Magistrate plays a crucial role in checking excessive use of police power.

**Table 1.3.4 Difference between the dual and the Commissionerate system**

Dual system	Commissionerate system
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive).	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker responses to law-and-order situations.
Separation of powers of the DM (eg, issues arrest warrants and licenses) and the police (e.g, investigate crimes and make arrests).	Powers of policing and magistracy concentrated in Commissioner. Directly accountable to the state government and state police chief.
Less concentration of power in the police, and accountability to DM at the district level.	Lesser accountability to the local administration.
SP is assisted by Additional/Assistant/Deputy SPs. Inspectors and constabulary.	Commissioner is assisted by Special/ Joint/ Additional/Deputy Commissioners, etc. Inspector downwards rank structure is the same

Both the dual and Commissionerate systems aim to maintain public order, but they differ significantly in structure and execution. The dual system ensures checks and balances by distributing power between the District Magistrate and Superintendent of Police, but it can suffer from delays and lack of accountability. In contrast, the commissionerate system centralizes authority for quicker decision-making and better coordination, especially in urban areas, though it raises concerns about excessive police power and reduced public trust. A balanced and context-specific approach is essential to ensure both efficiency and democratic accountability in law enforcement.

### 1.3.3 Police and Panchayati Raj relations

Imagine a village where the sarpanch and constable work hand in hand not only to build roads and distribute welfare but also to prevent domestic violence, mediate disputes, and ensure peace. Why does such coordination matter now more than ever? What barriers prevent it from becoming a norm? This exploration invites you to reflect on how governance and justice can come together at the grassroots level to meet the real and rising challenges of rural India.

► Coordination remains largely informal and fragmented

India's rural administrative framework rests on the foundation of the Panchayati Raj Institutions (PRIs), which empower local communities through elected bodies to take charge of their developmental and administrative needs. Parallel to this, the police function as the primary law enforcement agency, ensuring security and justice delivery. Although both systems operate at the grassroots level, their coordination remains largely informal and fragmented. In the face of evolving rural challenges, fostering cooperation between these two entities has become crucial for sustaining peace and promoting community well-being.

The concept of Panchayati Raj has its origins in India's ancient tradition of village governance, where local assemblies, or panchayats, handled administrative duties and conflict resolution. This decentralized model was disrupted during colonial rule, which introduced a centralized police force and bureaucratic governance, effectively marginalizing traditional systems. After independence, India took steps to revive local self-governance. The 73rd Constitutional Amendment Act of 1992 granted PRIs constitutional legitimacy, enabling rural communities to make autonomous decisions on local development. Here is a summary of the constitutional provisions introduced by the 73rd Amendment:

#### Constitutional Amendment:

- 73rd Amendment Act, 1992
- Came into effect: 24 April 1993

#### Key Constitutional Provisions Added:

1. Part IX of the Constitution was inserted:

Title: The Panchayats

Articles 243 to 243-O were added.

2. Eleventh Schedule was inserted:

Contains 29 subjects to be devolved to Panchayats (e.g., agriculture, health, education, rural housing, roads, drinking water, poverty alleviation programs, etc.)

**Main Features of the 73rd Amendment:**

1. Three-Tier Structure:

Gram Panchayat (Village level)

Panchayat Samiti (Block level)

Zila Parishad (District level)

2. Elections:

Direct elections to all seats in Panchayats at all levels in every five year

State Election Commissions established to conduct free and fair elections

3. Tenure:

Fixed five-year term for each Panchayat

If dissolved earlier, fresh elections within six months

4. Reservation:

Reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population

Minimum 33% reservation for women, including in leadership positions (Sarpanch)

5. State Finance Commissions (Article 243-I):

To recommend financial allocations and ensure devolution of funds to Panchayats

6. State Election Commissions (Article 243-K):

To conduct and oversee elections to the PRIs

**Objective:**

To promote democratic decentralization, empower rural communities, and ensure grassroots participation in governance



and development planning.

PRIs are tasked with a broad range of responsibilities from infrastructure and public health to education and welfare services. The police, on the other hand, are mandated to maintain public order, prevent crime, and enforce laws. While their core functions differ, they often encounter intersecting issues such as domestic disputes, land conflicts, and local tensions matters with both legal and social implications. If not addressed collaboratively, these problems risk escalation and social unrest.

In practice, the village sarpanch, who leads the Gram Panchayat, and the local constable are often the first responders in rural crises. Both are approached by residents for immediate redressal of grievances. Given the close proximity and higher trust villagers often place in elected representatives, it is vital for police personnel to engage constructively with PRIs to create localized solutions, build trust, and ensure early intervention in emerging conflicts.

Despite this shared space, in many regions the relationship between the police and PRIs lacks institutional structure. Interaction tends to occur only during crises, and systemic collaboration is hindered by political pressures, inadequate training, and divergent agendas. Moreover, there is a clear gap in official protocols outlining how the two bodies should interact and cooperate. As rural India faces new risks such as internal migration, cybercrime, gender-based violence, and ecological threats, structured and proactive collaboration between PRIs and the police becomes indispensable.

The relationship is complex, influenced by both the complementary and competing roles of the two systems. While PRIs are expected to contribute to maintaining peace and order, the police operate under the direct control of the state government. This can lead to tensions, particularly around issues such as:

### **1. Functional Cooperation**

**Local Engagement:** In some regions, PRIs assist the police by addressing petty offenses and resolving minor disputes, thereby reducing the burden on formal justice systems.

**Community Policing:** Panchayats act as mediators between residents and law enforcement, enhancing communication and building community trust.

**Early Warning:** PRIs are strategically positioned to alert the police to potential risks or emerging tensions within the community.

**Conflict Mediation:** Their ability to resolve low-level conflicts at the village level helps reduce unnecessary criminalization and promotes restorative practices.

## **2. Challenges and Conflicting Areas**

**Ambiguity in Jurisdiction:** Overlapping responsibilities often lead to confusion over authority in certain cases.

**Accountability Dilemmas:** While some advocate for increased police accountability to local bodies, others argue for preserving the professional autonomy of law enforcement agencies.

**Political Influence:** PRI members may, at times, exert undue influence over police actions, undermining impartiality and procedural fairness.

**Resource Limitations:** Both PRIs and police often lack adequate manpower, funding, or infrastructure, limiting their capacity to act effectively.

## **3. Pathways for Reform and Coordination**

**Role Clarity:** It is essential to define the functions and boundaries of both institutions in maintaining local order.

**Capacity Building:** Joint training sessions on laws, conflict management, and community safety would enhance mutual understanding and operational synergy.

**Institutionalized Communication:** Regular meetings, joint forums, and formalized communication channels would improve information flow and strategic planning.

## **4. Institutional Reforms**

**Empowering Local Governance:** Strengthening PRIs through further devolution of power may improve responsiveness and accountability in rural governance.



Modernizing Police Systems: Efforts are underway to reform policing by making it more community-oriented and transparent, with greater alignment to local governance bodies.

### **Kerala's Context**

Kerala provides a model of functional decentralization, with an established PRI structure operating at village, block, and district levels under the Kerala Panchayat Raj Act of 1994. While PRIs have responsibilities related to public welfare and safety, policing remains under the state's jurisdiction. Yet, Kerala's experience suggests that with supportive policy and mutual respect, meaningful cooperation between PRIs and the police can be achieved in areas such as public safety, conflict prevention, and community outreach.

Strengthening coordination between the police and Panchayati Raj Institutions is not merely a governance reform it is a necessary evolution to address the complex and dynamic realities of rural India. By building structured, trust-based partnerships at the grassroots level, both entities can complement each other in promoting justice, ensuring safety, and fostering inclusive development.

### **Summarized Overview**

The state policing system in India operates through a structured hierarchy at the state and district levels, with the DGP at the top and SPs managing districts, while the Commissionerate system in urban areas grants greater authority to Police Commissioners for faster and more centralized law enforcement. Effective policing, however, also depends on grassroots coordination with Panchayati Raj Institutions (PRIs), where the local police and elected representatives like sarpanches collaboratively address issues such as domestic violence, land disputes, and public safety. Despite structural and jurisdictional challenges, fostering synergy through role clarity, joint training, and institutionalized communication can greatly enhance governance and justice delivery at local level.

## Self-Assessment

1. Explain the hierarchical structure and key functions of the police organization at the state and district levels in India.
2. Critically evaluate the Commissionerate System of policing. How does it differ from the traditional district policing system?
3. Discuss the constitutional and functional framework of Panchayati Raj Institutions (PRIs) and their role in rural governance.
4. Suggest institutional reforms and coordination strategies to improve collaboration between the police and PRIs for effective grassroots governance.
5. Analyse the challenges faced by state police forces in maintaining law and order.

## Assignments

1. Describe the organizational structure and hierarchy of the state police force.
2. Discuss the functions of the Superintendent of Police at the district level.
3. Explain the Commissionerate system of policing and its advantages.
4. Compare the Commissionerate system with the traditional policing model.
5. Examine the role of Panchayati Raj institutions in community policing.
6. Suggest measures to improve coordination between police and local governance bodies.

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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU



# BLOCK 2

## Police Reforms

# UNIT 1

## Police Reforms in India

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ explain the historical evolution of police reforms in India.
- ▶ identify and critically assess the key recommendations made by the National Police Commission regarding police accountability, efficiency, and autonomy.
- ▶ analyze the challenges and barriers to implementing police reforms in India, including political interference, institutional resistance, and lack of public awareness.
- ▶ evaluate the impact of judicial interventions and policy recommendations on police functioning and governance.

### Background

In this unit, we delve into the historical and contemporary landscape of police reforms in India, tracing the evolution of policing from colonial rule to the present day. The Indian police system, as it exists today, continues to operate largely under the framework of the Police Act of 1861, a law introduced by the British in the aftermath of the 1857 Revolt. Designed to serve the interests of a colonial government, this Act prioritized control over service, creating a centralized, rigid, and often authoritarian policing structure. After independence, although India transitioned into a democratic republic, the police system retained many features of its colonial past. Over time, widespread criticism emerged regarding political interference, lack of functional autonomy, poor accountability mechanisms, and inadequate community engagement. These shortcomings made it clear that comprehensive police reforms were not just desirable but essential.

The National Police Commission (1977-1981) was the first major initiative to address these concerns in a systematic manner. The Commission submitted eight reports that highlighted deep structural issues and recommended a range of reforms, including fixed tenures for officers, a separation between investigation and law-and-order duties, and the creation of Police Complaints Authorities.

Subsequently, the Soli Sorabjee Committee (2005) drafted a Model Police Act intended to replace the outdated 1861 Act, with a focus on transparency, accountability, and democratic functioning. However, one of the most influential turning points came in the form of a Public Interest Litigation (PIL) filed by former DGP Prakash Singh. In response, the Supreme Court of India, in 2006, issued seven landmark directives aimed at insulating the police from political pressures and improving its functioning. These included establishing a State Security Commission, setting up Police Establishment Boards, ensuring fixed tenures, and creating Police Complaints Authorities to enhance accountability. Despite these well-intentioned recommendations and judicial mandates, the path to actual reform remains fraught with challenges. Many states have either failed to implement the Supreme Court's directives or have done so in a diluted manner. The primary obstacles include political resistance, bureaucratic inertia, and lack of public pressure or awareness.

By examining the historical background, key reform efforts, and the persistent challenges in their implementation, this unit aims to provide a critical understanding of why police reforms are necessary, what has been done so far, and what hurdles remain in achieving a professional, accountable, and people-centric policing system in India.

## Keywords

Colonial Legacy, Police Act 1861, National Police Commission, Prakash Singh Guidelines, Soli Sorabjee Committee, Model Police Act, Accountability

### 2.1.1 Police Reforms in India

Imagine you are the Home Minister of your state. Citizens from all walks of life are raising serious concerns about police inaction, corruption, and undue political influence in law enforcement. What steps would you take to make the police more efficient, accountable, and just?

These questions reflect the growing demand for systemic change within India's policing structure. Many of us have come across news reports or real-life accounts highlighting deep rooted challenges in the policing system ranging from custodial deaths and delayed investigations to biased or politically motivated actions. Incidents like the custodial deaths in Tamil Nadu (2020), the Delhi gang rape case (2012), and widespread police mishandling during protests have led to strong public outrage, sparking national conversations on the urgent need for reform.

► Demand for systemic change within India's policing structure

Police reforms are not just about modifying rules they are about transforming a colonial-era institution into a modern, democratic force that upholds human rights, ensures justice, and serves without fear or favour. In this unit, we will explore the historical background of police reforms, major recommendations by commissions, and the challenges India continues to face in implementing these changes.

► Police Act of 1861

The Indian police system, rooted in the colonial Police Act of 1861, was designed primarily to serve imperial interests by suppressing dissent rather than protecting citizens. Despite India gaining independence in 1947, the core structure and functioning of the police have largely remained unchanged. As a result, issues like political interference, corruption, custodial violence, lack of public trust, and poor working conditions have persisted. Over the decades, various commissions and committees have been formed to suggest reforms to make the police force more citizen-centric, accountable, transparent, and professional.

#### Police reforms aims to:

1. Promote democratic policing by respecting human rights

and the rule of law.

2. Enhance professionalism, efficiency, and public accountability.
3. Insulate the police from undue political or bureaucratic interference.
4. Modernize the force in terms of infrastructure, training, and use of technology.
5. Improve working conditions, career progression, and well-being of police personnel.

## 2.1.2 Historical Overview of Police Reforms-Police Act 1861, Soli Sorabjee Committee, Prakash Singh Guidelines

### Historical Overview of Police Reforms

► Efforts for an efficient and people-centric police system

The police system in India has long been a subject of scrutiny and debate, largely due to its origins in colonial rule. Designed by the British to serve the interests of the imperial administration, the structure of policing in India was inherently authoritarian and geared toward maintaining control rather than ensuring justice or public service. Over the years, there have been numerous calls and efforts to reform the police system in India to make it more efficient, transparent, and people-centric. These efforts have emerged through expert committees, judicial directives, and policy recommendations aimed at overhauling the outdated legal and administrative foundations of policing.

The sections that follow will explore the major developments in the history of police reform in India, tracing the key milestones and initiatives that have sought to transform the country's policing structure from a colonial instrument of control to a democratic institution of public service. Below is a chronological overview of the major developments and reforms:

#### 1. Lord Cornwallis and the Early Reforms (1786–1793)

Between 1786 and 1793, Lord Cornwallis played a key role in shaping the early structure of policing in India during his time as Governor-General of the British East India Company. He introduced several important changes to organize the police system more effectively. The districts were divided into smaller areas called thanas, each managed by an Inspector. To improve

► Shaping the early structure of policing

control and supervision, a Superintendent of Police (SP) was appointed in every district. Cornwallis also separated the judiciary from the executive, which helped ensure fairer justice and reduced the chances of misuse of power. Another important step was increasing the salaries of police officers to reduce corruption and attract more capable and honest staff. Although these reforms helped establish a formal police structure, their main purpose was to strengthen British rule rather than support local governance.

## 2. Charles Napier's Early Vision (1843)

► Need for a proper civil police force to maintain peace and internal order

Another important figure in shaping India's early police system was Sir Charles Napier, who served as the Governor of Sindh (and later Punjab) in the mid-19th century. In 1843, he realized the need for a proper civil police force to maintain peace and internal order. To develop a model, Napier looked at two existing systems. One was the London Metropolitan Police, which focused on gaining public trust and working closely with the community. The other was the Irish Constabulary, which was more military like, organized in a strict hierarchy, and used to suppress public uprisings. Napier chose the Irish model, believing it was more suitable for managing a large and diverse colony like India. This decision had a lasting impact, as it gave Indian policing a highly centralized and force-driven structure, often disconnected from the people it was meant to serve.

## 3. The Revolt of 1857 and the Aftermath

► Create a more organized, centralized, and uniform police force

The First War of Independence in 1857 was a turning point that forced the British to rethink their governance in India. The widespread rebellion revealed serious flaws in the existing policing system, which was unable to prevent or control the uprising. In response, the British Crown took direct control of India from the East India Company. Determined to avoid any such revolts in the future, the colonial rulers decided to create a more organized, centralized, and uniform police force across the country. This laid the groundwork for major structural changes in Indian policing aimed more at maintaining control than serving the public.

## 4. The Police Act of 1861: Imperial Logic and Legacy

In response to the 1857 revolt, the British introduced the Police Act of 1861, which laid the foundation for the formal policing system in India—a structure that still continues in



many states even today.

### **Purpose and Goals:**

The main aim of the Act was to strengthen British rule by creating a police force capable of suppressing rebellion and closely monitoring the population. It sought to impose a uniform policing system across the country, ensuring that control flowed from the top the colonial government down to the local levels.

### **Key Features:**

The Act established a centralized and hierarchical police structure, designed along military lines.

Wide discretionary powers were given to the police for search, seizure, and arrest, which were often misused.

The public was viewed more as a potential threat than as partners in maintaining law and order.

Police officers were deliberately kept distant from the community, promoting a culture of superiority and authority rather than service and approachability.

### **Long-Term Impact:**

This policing model created a force more loyal to those in power than to the people. Over time, it led to a deeply embedded culture of control, with brutality, feudal attitudes, and lack of accountability becoming common characteristics. Although later legal frameworks like the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), and the Indian Evidence Act (1872) provided detailed rules for criminal law enforcement, the core philosophy of policing remained colonial focused more on maintaining authority than ensuring public service and justice.

► Foundation for the formal policing system in India

## **5. Early Review Mechanisms and Commissions**

- A. Though the Police Act of 1861 aimed to streamline policing, concerns over misuse of power led to reviews.
- B. The Police Commission of 1860 supported a centralized force, reinforcing colonial control.
- C. The 1902-03 Commission, led by Sir Andrew Fraser,

acknowledged issues like inefficiency and public mistrust but avoided major reforms. It recommended better training, more staff, and higher salaries, without changing the system's authoritarian nature.

These commissions ultimately preserved the colonial policing model, prioritizing control over public service.

## 6. Policing After Independence: Continuity over Change

When India gained independence in 1947 and became a democratic republic, police reform was not prioritized. The Police Act of 1861 continued to remain in force. Several factors contributed to this continuity: the government was deeply engaged with managing the challenges of Partition and rebuilding the nation; there was also a belief that the existing colonial policing structure could be adjusted to suit democratic governance. Moreover, many political leaders were hesitant to give up a system that allowed centralized authority and control over dissent. As a result, the police system remained largely unchanged and continued to operate with a colonial mindset emphasizing power and control rather accountability and public service.

► Managing the challenges of Partition and rebuilding the nation

## 7. Major Committees and Their Recommendations

Over the years, several expert committees and commissions were formed to address the urgent need for police reform in India:

► To address the urgent need for police reform in India

**National Police Commission (1977-1981):** It recommended granting the police functional autonomy, enacting a new police law, and establishing safeguards against political interference. It also stressed the importance of community policing, improving accountability, and ensuring better working conditions for personnel.

**Ribeiro Committee (1998):** This committee echoed previous suggestions and proposed setting up Police Complaints Authorities at the state and district levels to address public grievances and prevent misuse of power.

**Padmanabhaiah Committee (2000):** Its focus was on making the police force more professional by improving recruitment processes, training standards, and encouraging the use of



modern technology.

Despite the relevance and depth of these recommendations, their implementation has been slow and incomplete. Key reasons include political resistance, limited public pressure, and bureaucratic inertia, all of which have hindered meaningful change.

### 1. Judicial Intervention: The Prakash Singh Case

► Directives aimed at improving accountability and efficiency in the police force

In 1996, former Director General of Police (DGP) Prakash Singh filed a Public Interest Litigation (PIL) in the Supreme Court, highlighting the urgent need for comprehensive police reforms in India. After a decade of hearings, the Supreme Court in 2006 issued seven binding directives aimed at improving accountability and efficiency in the police force. These included fixed tenure for senior officers like DGPs and SPs, separating investigation duties from law and order responsibilities, setting up State Security Commissions, and establishing Police Complaints Authorities at both state and district levels. To support these reforms, a Model Police Act was also drafted in 2006.

Despite these efforts, most states have failed to fully implement the directives. Some have ignored them altogether, while others have adopted diluted versions. Many continue to function under the outdated 1861 Police Act or its minimally revised forms, weakening the overall goal of establishing a modern, people-centric policing system.

### Police Act 1861

► Centralized, hierarchical police structure

This Act laid the foundation for modern policing in the country, aiming to reorganize police system to ensure effective maintenance of law and order, and the prevention and detection of crime. It introduced a centralized, hierarchical police structure under the control of the executive, and its legacy continues to influence policing in India to this day.

Now, we will go on to examine the Act in further detail.

1. A review of the origins of the Police Act of 1861 reveals that after the sepoy mutiny of 1857, a Commission was set up in 1860 to study the various policing systems then operating in India and to suggest a comprehensive model suitable for the

British administration.

2. Based on the recommendations of this Commission, the Police Act of 1861 was enacted to reorganize the police force and enhance its efficiency in crime prevention and investigation.

3. The Act established a policing system that, in many ways, continues to be in effect in India today.

4. Over the years, this Act has been partially amended and repealed by several Central Acts, including those passed in 1871, 1874, 1882, 1888, 1895, 1903, 1904, 1914, and 1920.

5. The Act was also adapted through the Adaptation of Laws Orders issued in the years 1937, 1948, and 1950.

6. In addition, several Central Acts were later enacted to more effectively fulfill the objectives of the Police Act of 1861.

(i) The Police Act (III of 1888) was introduced to ease certain legal provisions that had previously limited police officers to serving only within the specific Presidency, State, or area to which their police establishment belonged.

(ii) The Police (Incitement to Disaffection) Act (XXII of 1922) was enacted to impose penalties on individuals who attempted to spread disaffection among police personnel or committed related offenses.

(iii) The Police Act (LXIV of 1949) was passed to allow for the creation of a unified police district covering two or more Union Territories, along with the establishment of a corresponding police force.

(iv) The Police Forces (Restriction of Rights) Act (XXXIII of 1966) was enacted to limit certain fundamental rights granted under Part III of the Constitution for members of forces responsible for maintaining public order, with the aim of ensuring the effective performance of their duties and preserving discipline.

In several major cities, Commissioners of Police are appointed, and in most of these areas, the Commissionerate



system was introduced after India's independence. In Kerala, this system is in place in the cities of Thiruvananthapuram, Kochi, and Kozhikode. The functioning of Commissioners of Police in these cities is regulated by specific local laws. However, the Police Act of 1861 does not contain provisions related to the Commissionerate system, which suggests the need to repeal or revise the Act to formally incorporate the role and authority of Commissioners of Police.

### **Salient Features of the Indian Police Act, 1861**

The preamble of the Act stated its primary objective: to reorganize the police and enhance its effectiveness in preventing and detecting crimes.

**Section 2** allowed the state government to determine the structure, strength, and pay of the police force.

**Section 3** placed the police under the supervision of the state government, which operated under overall control.

**Section 4** assigned the administration of police in a province to the Inspector General (IG), Deputy IGs, and Assistant IGs. In districts, control was given to the Superintendent of Police (SP) and Assistant SPs, under the general supervision of the District Magistrate.

The Act gave District Magistrate supervisory police powers, while also conferring certain magisterial powers to the Inspector General and laid down rules for both departmental and judicial punishments.

**Section 5** specifically granted magisterial powers to the IG of Police.

**Section 6** extended similar magisterial powers to Deputy IGs, Assistant IGs, SPs, ASPs, and Deputy SPs.

**Sections 7 and 29** provided for disciplinary actions and judicial penalties to be imposed on police personnel.

**Sections 13 and 14** enabled the deployment of additional police at the expense of individuals in certain circumstances.

**Section 17** allowed for the appointment of local residents as Special Police Officers during riots, unlawful gatherings, or

disturbances.

**Section 19** dealt with penalties for those who refused to serve as Special Police Officers.

**Section 22** stated that a police officer is considered to be on duty at all times (24/7).

**Section 23 and 27** outlined the core duties and responsibilities of police officers, which include:

- o Preventing crimes and public nuisances;
- o Identifying and apprehending offenders;
- o Making arrests as legally authorized;
- o Gathering and sharing intelligence relevant to public peace;
- o Executing lawful orders and warrants;
- o Taking custody of unclaimed property and following magistrate instructions regarding its disposal;
- o Maintaining order in public places such as roads, ghats, and public events;
- o Controlling obstructions during public gatherings and processions.

The Act also included provisions for issuing licenses for public assemblies and processions, handled by SPs and ASPs.

**Section 33** reiterated the overarching control of the magistrate over police functioning.

**Section 44** required that all complaints, arrests, and witness details be properly recorded in the General Diary of the police station.

### **Drawbacks of the Police Act, 1861**

**1. Lack of Autonomy:** The police force was made entirely subordinate to executive, with no mention of its role as an independent enforcer of the law.



**2. Colonial Structure:** The Act established a structure designed for colonial control, placing the police under the authority of the District Magistrate, which remains largely unchanged.

**3. No Public Service Orientation:** Policing as a social service for maintaining public order and protecting citizens' rights is absent in the Act's framework.

**4. Outdated Provisions:** Certain sections, especially those related to the appointment of special police officers, have become obsolete with the introduction of Home Guards and other modern mechanisms.

**5. Inadequate Protection for Police Officers:** The Act does not provide sufficient legal protection to police personnel from false or malicious litigation related to their duties.

**6. Unclear Citizen Interaction Guidelines:** There is no guidance on how police should behave with the public, such as upholding courtesy, transparency, or fairness.

► Major drawbacks

**7. Neglect of Urban Realities:** The Act is outdated in terms of urban policing needs and fails to address areas like airports, malls, and transport hubs.

**8. Ineffective Disciplinary Measures:** The listed punishments are outdated and fail to reflect modern HR practices like suspension, demotion, or termination.

**9. Lack of Modern Intelligence Framework:** The Act lacks provisions for intelligence collection or organized crime tracking systems.

**10. Inconsistent Implementation:** Some provisions, like those relating to service conditions of senior officers, are widely ignored or bypassed by states.

Dr. Arvind Verma, a former IPS officer of the Bihar cadre and currently a professor at Indiana University, is a prominent scholar in the field of policing and criminal justice. In his critical analysis of the Indian police system, Verma highlights how the force remains deeply rooted in colonial-era structures

established by the Police Act of 1861. He argues that this outdated framework promotes authoritarianism, political interference, and a lack of accountability, rendering the police more as agents of state control than public service providers. Verma emphasizes the urgent need for democratic police reforms, including depoliticization, improved training, independent oversight, and a shift toward community-oriented policing to better serve the needs of a modern democratic society.

In conclusion, it can be stated that the Indian Police Act of 1861 was enacted by the British colonial government to establish a structured and disciplined police force in India following the 1857 mutiny. It aimed to reorganize the police system to ensure law and order, prevent crime, and strengthen executive control. The Act created a centralized, hierarchical force under the control of the District Magistrate and state government, with clearly defined duties and powers for various police ranks. However, the Act was rooted in colonial objectives, lacked provisions for public accountability, and treated the police more as an instrument of state control than a service to citizens. Over time, several sections became outdated due to legal and social changes. Despite its historical significance, the Act is now seen as inadequate for modern policing and in need of replacement with people-centric and democratic legislation.

### **Soli Sorabjee Committee**

Soli Sorabjee was an eminent Indian jurist, constitutional expert, and former Attorney General of India who played a vital role in shaping the discourse on police reforms in India. A strong advocate of human rights and the rule of law, Sorabjee chaired the Police Act Drafting Committee, this Committee also known as the Police Act Drafting Committee, was established by the Ministry of Home Affairs in September 2005 to formulate a new Police Act. Its primary aim was to modernize and replace the outdated Police Act of 1861, a colonial-era legislation still influencing police operations in many Indian states. The initiative recognized the need for reform in light of the changing responsibilities of police in a democratic and modern society.

The committee was chaired by Soli J. Sorabjee, a distinguished jurist, constitutional expert, and former Attorney General of India. He was well known for his contributions to human rights advocacy and constitutional law, and was awarded the Padma Vibhushan in 2002 for his service.

► To modernize and replace the outdated Police Act of 1861



## **Need for the Committee**

The formation of the Soli Sorabjee Committee stemmed from a pressing necessity to reform the outdated policing system in India.

### **1. Colonial and Outdated Nature of the Police Act, 1861**

The 1861 Act treated the police as a force of control rather than a tool of service for the public. It was rooted in authoritarian values, with no emphasis on human rights or community welfare. Even after independence, most states continued to follow this archaic structure, resulting in a mismatch between the spirit of the Constitution and the actual functioning of the police.

### **2. Lack of Democratic Accountability**

There were no effective mechanisms to hold police accountable to the people or the legislature. Political executives had wide discretionary powers over postings, promotions, and transfers of police officers. This led to a culture where loyalty to political masters was often rewarded more than professional integrity or public service.

### **3. Growing Incidents of Police Misconduct**

There was an alarming rise in complaints of police brutality, custodial deaths, illegal detention, and third-degree torture. Human rights commissions and civil society organizations frequently raised concerns over these violations. Citizens often feared the police, seeing them as agents of oppression rather than protectors of rights.

### **4. Political Interference and Erosion of Professionalism**

The police were heavily politicized, often acting under the influence of ruling parties. Merit-based recruitment and promotion systems were undermined. This interference eroded the professionalism of the police force and weakened its ability to act impartially and efficiently.

### **5. Inefficiency and Lack of Modernization**

The structure and functioning of the police remained rigid and hierarchical, with poor training and outdated methods. Modern crimes like cybercrime, terrorism, and organized crime required advanced skills and coordination, which the existing system

could not provide. There was no clear separation between law and order duties and criminal investigation, leading to a conflict of interest and inefficiency in handling cases.

## **6. Need for a Democratic and Citizen-Centric Policing Model**

India, being the world's largest democracy, required a police system aligned with constitutional values such as justice, equality, and dignity. The emerging socio-political realities, urbanization, and citizen awareness demanded a police service that was people-friendly, transparent, and accountable. The public increasingly demanded a shift from force-based policing to service-oriented policing.

## **7. Supreme Court and Civil Society Pressure**

Several Public Interest Litigations (PILs), including the famous Prakash Singh case, had urged judicial intervention to push for police reforms. The National Human Rights Commission (NHRC) and various committees (like the Ribeiro Committee) had repeatedly emphasized the need for a new legal framework. The committee submitted its final report Model Police Act on October 30, 2006. This draft was shared with all state governments to encourage them to adopt or adapt the model to suit their regional requirements and ensure more accountable, professional, and citizen-friendly policing.

### **A Brief Note on the Bill proposed**

The Committee included six non-official members, four ex-officio members, and a full-time secretary. The Commonwealth Human Rights Initiative (CHRI), known for promoting police reforms, was invited to join as a non-official member. The Committee's tenure was extended until October 31, 2006.

1. The Police Act Drafting Committee (PADC) held 40 meetings between October 18, 2005, and October 28, 2006. It reviewed reports of earlier commissions, examined policing laws from other countries, and studied global policing practices. To ensure public participation, advertisements were published nationwide seeking suggestions, and a dedicated webpage was created on the Ministry of Home Affairs website. Draft



chapters were shared online for transparency, drawing numerous responses from citizens via the internet and post. Several individuals also presented their views in person. All feedback was carefully considered in drafting the proposed Act.

2. In addition, the Bureau of Police Research & Development (BPR&D) conducted a survey to gather opinions from serving police officers across various states and central police organizations, and shared the findings with the Committee. The Committee also engaged with notable experts and professionals from diverse fields. Informal discussions were held by the Committee's Secretary with key individuals, including the former Member Secretary of the National Police Commission and police personnel at various levels.
3. The proposed Act is divided into 16 chapters with a total of 221 sections. While drafting the Model Police Act, the Committee focused on creating a professional police service suitable for a democratic society one that is; efficient, responsive, effective, and accountable to the Rule of Law. The Act highlights the police's social responsibilities and stresses adherence to impartiality and human rights principles. It also prioritizes the protection of vulnerable groups, including minorities, and includes a provision ensuring that the police force represents social diversity.

**Other Salient features of Model Act include:**

**1. Functional Autonomy:** While the police remains accountable to the elected government, the Act clearly defines the supervisory role of the State Government. It introduces structures and procedures aimed at improving police performance and public trust.

**2. State Police Board:** A policy-making body chaired by the

State Home Minister, including the Leader of Opposition, Chief Secretary, Home Secretary, Director General of Police, and independent non-government members. It will set policing policies and establish performance indicators to evaluate police efficiency.

**3. Merit-Based Appointment of DGP:** The Director General of Police (DGP) must be selected from the top three senior officers shortlisted based on defined criteria. The government can choose any one of them, ensuring the appointee has both professional competence and political trust.

**4. Fixed Tenure:** To promote stability and professionalism, the Act provides a minimum two-year tenure for key posts like the DGP, District Superintendent of Police, and Station House Officer. Officers can only be removed on specific legal grounds such as misconduct or inefficiency.

**5. Establishment Committee:** A departmental panel including senior police officers, formed at both state and district levels, responsible for handling transfers, postings, and addressing complaints from officers against unlawful directives.

**6. Promoting Professionalism:** The Act introduces planning systems for setting policing goals, improving investigation procedures, and enhancing training programs to boost professionalism and responsiveness.

**7. Dedicated Investigation Staff:** Each police station must assign specific personnel for investigating serious crimes. These officers will receive training in scientific investigation methods.

**8. Civil Police Officer Rank:** To ensure better-educated personnel in the civil police (as opposed to armed police), the traditional constable rank will be replaced with “Civil Police Officer Grade II.” Recruits will undergo a three-year training as stipendiary cadets and must pass a bachelor’s degree in Police Studies before appointment.

► Features of Model  
Police Act

**Table 2.1.1: Comparison: Soli Sorabjee Committee vs. Model Police Act, 2006**

<i>Criteria</i>	<i>Soli Sorabjee Committee (2005)</i>	<i>Model Police Act (2006)</i>
<b>Origin</b>	Set up by the Ministry of Home Affairs to draft a modern police law.	Draft legislation based on the Sorabjee Committee's recommendations.
<b>Objective</b>	To replace the outdated Police Act of 1861 with a people-centric and accountable police system.	To provide a statutory framework for states to reform policing in a democratic setup.
<b>Approach</b>	Human rights-focused, emphasized autonomy, accountability, and transparency.	Institutionalizes most of Committee's recommendations into a draft act.
<b>Police Accountability</b>	Recommended creation of Police Complaints Authorities at state and district levels.	Incorporated this recommendation, giving legal backing to such authorities.
<b>Political</b>	Interference Advocated fixed tenures for DGPs and other officers to reduce external influence.	Model Act provides for fixed tenure and a selection process through an Empanelment Committee.
<b>Separation of Functions</b>	Recommended clear separation between law and order and investigation functions.	Adopted this provision, emphasizing specialization within the police force.
<b>Police Establishment Board</b>	Proposed for overseeing postings, transfers, and promotions within the department.	Included and detailed powers of this Board in the Model Act.
<b>Public Safety Commission</b>	Advocated for both State and National Commissions to act as watchdog bodies.	Institutionalized these commissions with defined roles and responsibilities.
<b>Community Policing</b>	Emphasized need for citizen engagement in policing.	Encourages establishment of Citizen Police Liaison Committees.
<b>Criticism</b>	Seen as a non-binding recommendation, needing political will for implementation.	As a Model Act, it was not mandatory; most states did not adopt it fully.

The Soli Sorabjee Committee laid the philosophical and structural groundwork for police reform in India, while the Model Police Act (2006) operationalized these ideas into a comprehensive legislative framework. However, the effectiveness of both remains limited due to poor adoption by most states and lack of political will. The Soli Sorabjee Committee, constituted to draft a new Model Police Act, concluded that the Police Act of 1861 was outdated, colonial in spirit, and not suited for a democratic society committed to human rights, rule of law, and public accountability. The committee emphasized the need for transforming the police into a service-oriented agency rather than a force of repression.

### Prakash Singh Guidelines

As discussed earlier, the Police Act of 1861, a colonial legacy, laid the foundation for India's policing system with the primary goal of maintaining control rather than ensuring democratic policing. Despite growing concerns over police abuse, inefficiency, and political interference, meaningful reforms remained absent for decades. In an attempt to modernize the force, the government appointed the Police Act Drafting Committee, chaired by Soli Sorabjee, to draft a Model Police Act that could replace the outdated 1861 Act. However, despite its progressive recommendations, the Model Act was never fully implemented. This continued inertia prompted the *Prakash Singh v. Union of India* case, resulting in a historic 2006 Supreme Court judgment that mandated seven key directives for police reform and compelled states to act either through executive orders or fresh legislation. Prakash Singh a retired IPS officer, best known for filing Public Interest Litigation (PIL) in 1996 in the Supreme Court of India, seeking major reforms in the Indian police system. His PIL led to the landmark 2006 judgment in the case *Prakash Singh vs. Union of India*, where the Court issued seven binding directives to reform police functioning across all Indian states and union territories.

► Seven binding directives to reform police functioning

### What are the Seven Directives?

The Supreme Court, while issuing these seven directives, highlighted the entrenched issues plaguing India's police system such as excessive political influence, lack of accountability, and systemic inefficiencies that have contributed to poor performance and widespread public discontent. These directives are aimed at tackling these concerns and can be grouped into two main categories: those intended to ensure the police



function independently and professionally, and those designed to strengthen mechanisms for holding the police accountable. The seven directives are listed as follows:

**Table 2.1.2: Seven Directions**

<b>Directive One:</b>	Establish a State Security Commission (SSC) to prevent undue political influence over the police, to set broad policing policies, and to assess the performance of the state police force.
<b>Directive Two:</b>	Appoint the Director General of Police (DGP) through a fair, transparent, and merit-based process, and ensure they have a fixed tenure of at least two years.
<b>Directive Three:</b>	Guarantee a minimum two-year tenure for police officers in key operational roles, including District Superintendents of Police and Station House Officers, to promote stability and effectiveness.
<b>Directive Four:</b>	Clearly separate the functions of maintaining law and order from those of criminal investigation to improve efficiency and professionalism in both areas.
<b>Directive Five:</b>	Create a Police Establishment Board (PEB) to handle matters related to transfers, postings, promotions, and other service-related decisions for officers up to the rank of Deputy Superintendent, and to make recommendations for higher ranks.
<b>Directive Six:</b>	Set up a Police Complaints Authority (PCA) at both the state and district levels to independently investigate serious complaints against police officers, including allegations of custodial deaths, grievous injuries, and custodial rape.
<b>Directive Seven:</b>	Form a National Security Commission (NSC) at the central level to oversee the selection and appointment of heads of Central Police Organisations, ensuring they too have a minimum tenure of two years.

## Salient Features of the Directives

### A. The State Security Commission

**1. Clear Definition of Roles:** Clarifies the limits of political supervision and police authority to prevent undue interference.

**2. Bipartisan Composition:** Includes the responsible minister, leader of the opposition, elected representatives, experts, and civil society members to ensure political neutrality.

**3. Policy Formulation:** Responsible for setting policing policies and guidelines.

**4. Performance Evaluation Criteria:** Develops rational and pre-determined benchmarks for assessing police performance.

**5. Regular Review Mechanism:** Continuously monitors police performance, challenges, and needs.

**6. Reduced Political Interference:** Shields policing from political shifts and ensures policy continuity.

**7. Accountability Structure:** Ensures the political executive remains ultimately accountable for policing outcomes.

**8. Holistic Evaluation System:** Moves beyond crime statistics to a comprehensive and objective performance assessment.

**9. Transparency and Integrity:** Reduces manipulation of data and encourages honest reporting.

**10. Improvement-Oriented:** Promotes consistent progress in policing standards year after year.

#### **B. Selection and Security of Tenure for the DGP**

**1. Merit-Based Selection:** DGP to be chosen from the top three senior-most officers empanelled by the Union Public Service Commission (UPSC).

#### **2. Objective Criteria; Selection based on:**

Length of service

Service record

Range of experience

**3. Chief Minister's Final Choice:** The Chief Minister selects from the UPSC panel, ensuring political trust and administrative credibility.



**4. Transparency in Appointment:** Ensures appointments are made through a fair and unbiased process, not personal preference.

**5. Public and Institutional Confidence:** The chosen DGP is expected to have the trust of the government, police force, and public.

**6. Fixed Tenure:** A minimum tenure of two years is mandated for the DGP to ensure stability.

**7. Limited Removal Power:** The executive cannot arbitrarily remove the DGP; removal must follow legal procedures and valid grounds.

**C. Security of Tenure for Officers on Operational Duties:**

**1. Minimum Two-Year Tenure:** Guaranteed for key field-level officers:

Inspector General of Police (Zone)

Deputy Inspector General of Police (Range)

Superintendent of Police (District)

Station House Officer (Police Station)

**2. Prevents Arbitrary Transfers:** Transfers cannot be used as tools for political punishment or reward.

**3. Operational Stability:** Officers get sufficient time to understand and address the specific needs of their jurisdictions.

**4. Reduced Political Interference:** Protects officers from undue influence by third parties.

**5. Improved Accountability and Performance:** Encourages continuity, planning, and effective implementation of policing strategies.

**6. Administrative Rationality:** Ensures that transfers are made only on professional and policing grounds.

**D. Separation of Investigation and Law and Order in Police**

- 1. Separation of Functions:** Gradual separation of investigation and law and order wings within the police force.
- 2. Focus on Specialization:** Aimed at encouraging professional expertise in investigation through dedicated personnel.
- 3. Targeted Implementation:** To begin in urban areas with a population of one million or more.
- 4. Improved Efficiency:** Ensures faster, more thorough, and expert handling of investigations.
- 5. Better Resource Allocation:** Prevents diversion of investigative staff to law and order duties.
- 6. Enhanced Public Trust:** Builds stronger rapport with the public through efficient and focused investigations.
- 7. Judicial Guidance:** Supreme Court direction with an emphasis on full coordination between the separated wings

#### **E. Police Establishment Board**

- 1. Police Establishment Board (PEB):** To be set up within each state police force.
- 2. Board Composition:** Comprises the DGP and four other senior officers of the department.
- 3. Decentralized Decision-Making:**

Handles transfers, postings, promotions, and service matters for officers up to the rank of Deputy Superintendent of Police (DySP).
- 4. Advisory Role for Senior Officers:**

Recommends transfers and postings of officers above the rank of DySP to the state government.
- 5. Appeals Mechanism:**

Acts as a forum for appeals by officers of the rank of Superintendent of Police and above.
- 6. Review Function:**



Periodically reviews the functioning of the police in the state.

#### **7. Reduces Political Interference:**

Aims to minimize undue influence, favoritism, and patronage in service matters.

#### **8. Internal Autonomy:**

Empowers the police to manage its own personnel affairs, especially for lower and middle ranks.

#### **9. Promotes Fairness and Morale:**

Enhances transparency, reduces fear and demotivation among officers, and boosts professional integrity.

#### **10. Supports Anti-Corruption Measures:**

Addresses systemic corruption in transfers and promotions by demarcating executive roles.

### **F. Police Complaints Authority**

#### **1. Establishment of Police Complaints Authority (PCA):**

To be created at both state and district levels.

#### **2. Jurisdiction & Scope:**

State-level PCA handles cases of serious misconduct by police officers and above the rank of Superintendent of Police, including:

Death in police custody

Grievous hurt

Rape in police custody

District-level PCA handles similar cases for officers up to the rank of Deputy Superintendent of Police, including:

Death in custody

Grievous hurt

Rape in police custody

Extortion

Land/house grabbing

Serious abuse of authority

### **3. Independent and Transparent Inquiry:**

PCA functions independently of internal police mechanisms and replaces internal disciplinary inquiries for relevant cases.

### **4. Binding Powers:**

Recommendations for disciplinary or criminal action are binding on the appointing authority.

### **5. FIR Recommendation:**

PCA has the power to recommend registration of an FIR against the accused officer.

### **6. Composition and Functioning:**

Members to be full-time professionals with appropriate remuneration.

May utilize regular staff for field inquiries.

### **7. Restores Public Confidence:**

Offers a credible and accountable mechanism for the public to seek justice in cases of police abuse.

### **8. Enhances Accountability:**

Aims to break the culture of impunity by making the police more answerable to civilian oversight.

## **G. National Security Commission (NSC):**

### **1. Establishment of National Security Commission (NSC):**

To be constituted at the Union (central) level.

### **2. Primary Function:**

Prepares a panel for the selection and placement of Chiefs of Central Police Organisations (CPOs).

### **3. Ensures Minimum Tenure:**

Appointed CPO Chiefs will have a minimum tenure of two



years to ensure continuity and stability.

#### **4. Objective of the Commission:**

To insulate top police appointments from arbitrary decisions and political interference.

#### **5. Applies to Central Police Organisations (CPOs):**

Includes agencies like CRPF, BSF, CISF, ITBP, etc.

#### **6. Promotes Merit and Professionalism:**

Emphasizes selection based on merit, seniority, and professional criteria.

The Prakash Singh Guidelines represent a historic judicial intervention aimed at transforming policing in India from a colonial, politically driven force into a modern, professional, and accountable institution. By emphasizing autonomy, transparency, fixed tenures, and citizen oversight, these reforms seek to curb political interference, enhance police efficiency, and protect the fundamental rights of citizens. Despite the Supreme Court's clear directives in 2006, implementation across states remains inconsistent and partial, largely due to resistance from political and bureaucratic circles. In April 2023, the Supreme Court once again intervened, directing all states and Union Territories to file fresh affidavits detailing their compliance with the 2006 directives, particularly regarding transparent empanelment and merit-based appointment of Directors General of Police (DGPs). Later, in December 2024, the Court sought responses from Punjab and Uttar Pradesh following a PIL alleging widespread violations, especially concerning fixed tenure and merit-based selection of DGPs. Most recently, in August 2025, a petition before the Madras High Court highlighted continued non-compliance in Tamil Nadu, where the state delayed initiating the proper empanelment process for IPS officers and risked appointing an acting DGP in violation of the Supreme Court's mandate.

► Historic judicial intervention aimed at transforming policing in India

Following the 2006 Prakash Singh judgment, the Central Government introduced several technology-driven "Smart Policing" initiatives to modernize the country's law enforcement system. Notable among these is the Crime and Criminal Tracking Network & Systems (CCTNS), which enables real-time sharing of FIRs, crime records, and investigation data across states. The National Database on Sexual Offenders (NDSO) was established

### ► Technology driven initiatives

to aid in tracking and monitoring repeat offenders in sexual crimes, while the Interoperable Criminal Justice System (ICJS) integrates police, courts, prisons, prosecution, and forensic services through a unified digital platform. Complementary projects such as e-Prison and e-Prosecution have digitized prison and prosecution management, and the National Automated Fingerprint Identification System (NAFIS) has enhanced biometric-based identification of offenders. Modern policing has also seen the adoption of body-worn cameras, GPS-enabled patrol vehicles, drones, predictive crime analytics, and citizen-centric services like e-FIRs and online grievance portals, all aimed at enhancing transparency, efficiency, and public trust in policing.

These developments underline that the Prakash Singh guidelines continue to serve as a critical blueprint for meaningful police reform, urging civil society, judiciary, and policymakers to push for comprehensive, systemic change in India's law enforcement framework. In essence, the success of these reforms is not merely a matter of administrative will but a true test of democratic maturity, ensuring that the police serve the Constitution and the people, not political masters.

## Summarized Overview

The history of police reforms in India reflects a journey from colonial control to attempts at democratic restructuring. The Police Act of 1861, enacted by the British after the 1857 revolt, created a centralized, authoritarian police force aimed at controlling the population rather than serving it an outdated model still largely in use today. In response to long-standing demands for modernization and accountability, the Soli Sorabjee Committee (2005) was formed to draft a Model Police Act emphasizing autonomy, professionalism, and public accountability, but its recommendations saw limited implementation. A major breakthrough came with the Prakash Singh case, which led the Supreme Court in 2006 to issue binding directives aimed at insulating the police from political interference. These included establishing State and National Security Commissions, Police Establishment Boards, fixed tenures for key officers, separation of investigation from law and order functions, and setting up Police Complaints Authorities. Despite their transformative potential, these reforms have seen inconsistent application across states, underlining the continuing need for strong political will to achieve a truly independent, accountable, and service-oriented police system in India.

## Self-Assessment

1. What was the primary objective of the Police Act of 1861, and why is it considered outdated today?
2. What were the key recommendations of the Soli Sorabjee Committee (2005) for police reforms?
3. Who filed the PIL that led to the Supreme Court's landmark police reform directives in 2006, and why?
4. List at least three key directives issued by the Supreme Court in the Prakash Singh case.
5. What are the main challenges faced in the implementation of police reforms across Indian states?
6. Evaluate the effectiveness of district-level intelligence gathering?

## Assignments

1. Trace the historical background of police reforms in India with special reference to the Police Act of 1861. How has it shaped the structure and functioning of the Indian police system?
2. Critically examine the key recommendations of the Soli Sorabjee Committee on Model Police Act (2006). How do they address the limitations of the colonial police framework?
3. Discuss the significance of the Prakash Singh Guidelines (2006) in the context of police autonomy and accountability. To what extent have these guidelines been implemented across Indian states?
4. Compare the colonial vision of policing under the Police Act of 1861 with the democratic and rights-based approach recommended in later reform initiatives.

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## Suggested Reading

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2. *Indian Penal Code*, 1860
3. *Code of Criminal Procedure*, 1973 *Probation of offenders Act*, 1958

## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



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## UNIT 2

# Police Reforms in Kerala

### Learning Outcomes

Upon completion of this unit, the learner will be able to :

- ▶ trace the evolution of policing in Kerala
- ▶ explain the organizational structure of the Kerala Police
- ▶ discuss key recommendations of major commissions
- ▶ identify and analyze the major challenges faced by the Kerala Police today
- ▶ understand Kerala's approach to modern policing reforms

### Background

In this unit, we focus on the evolution and reform of the police system within the state of Kerala, tracing its development from early formations to the present-day democratic policing model. Kerala, known for its high literacy rate and strong civic engagement, has also been proactive in evaluating and reforming its policing system. However, like other Indian states, the policing model in Kerala was originally inherited from the colonial structure of the Police Act, 1861, and required significant restructuring to meet the needs of a modern, democratic society.

The evolution of policing in Kerala reflects a shift from traditional colonial law enforcement practices to a more community-oriented, technologically equipped, and rights-based policing model. The structure of the Kerala Police has been organized to cover a wide range of functions from crime prevention and investigation to traffic management, cybercrime, and public safety with distinct hierarchical levels, including the Director General of Police (DGP), Additional DGPs, IGPs, DIGs, and district-level Superintendents of Police.

In response to growing public concerns about police inefficiency, misuse of power, and custodial violence, the Kerala government has appointed key commissions to suggest reforms. The M.K. Joseph Commission (1991) and K.T. Thomas Commission (2000)



were two major efforts that investigated structural shortcomings and recommended ways to enhance transparency, professionalism, and accountability within the Kerala Police. These commissions highlighted the importance of separating investigation from law and order, ensuring fixed tenures for officers, and modernizing police infrastructure and training. Despite these efforts, the Kerala Police continues to face challenges such as political interference, delays in adopting reforms, manpower shortages, and issues related to police behavior, including custodial deaths and public trust deficit. Additionally, adapting to cybercrime, digital forensics, and the demands of community policing requires constant upskilling and administrative innovation.

This unit aims to critically examine the progress and setbacks of police reforms in Kerala by studying its structural evolution, reviewing the recommendations of major commissions, and analyzing the persistent challenges that obstruct the path toward a more accountable and people-friendly policing system.

## Keywords

Police Structure, Custodial Violence, Political Interference, Community Policing

## Discussion

### 2.2.1 Police Reforms in Kerala

Kerala, renowned for its rich cultural heritage, progressive social movements, and tradition of community participation, has always placed a strong emphasis on inclusive governance and public accountability. This legacy of social awareness and pluralistic values has significant implications for the functioning and reform of its police force.

► Aligning policing practices with unique socio-cultural fabric

Recognizing the need to balance modern law enforcement with respect for civil rights, Kerala has undertaken a series of police reforms aimed at aligning policing practices with its unique socio-cultural fabric. These reforms focus on modernization through technology, community policing initiatives, gender-sensitive measures, transparency, and accountability all while upholding the principles of justice and social harmony deeply rooted in Kerala's heritage.

By integrating heritage-sensitive approaches and progressive policing models, Kerala continues to set an example for how

► Commitment to building trust between the police and the public

a state can modernize its law enforcement system without losing sight of its cultural identity and the rights of its people. The emphasis on people-friendly policing, greater citizen involvement, and improved training standards reflects the state's commitment to building trust between the police and the public. As Kerala moves forward, its experience highlights the importance of constant evaluation, community dialogue, and policy innovation to meet the emerging challenges of maintaining law and order in a dynamic society. This balanced approach to reform serves as an inspiration for other states striving to uphold democratic values while ensuring public safety and security.

## 2.2.2 Evolution of Policing in Kerala - Structure

► Deep-rooted legacy

The history of policing in Kerala is a vivid reflection of the region's dynamic socio-political evolution from ancient village guardians to today's technologically advanced and community-oriented police force. Nestled on India's southwestern coast, Kerala has long been a melting pot of cultures, kingdoms, and colonial powers, each leaving its mark on how law and order were maintained. In its earliest days, security was rooted in local community responsibility, with landlords and village chieftains deploying trusted men to keep watch and resolve disputes. Over time, the emergence of powerful dynasties like the Cheras and later princely states such as Travancore brought more structured forms of law enforcement, blending military might with civil duties. The colonial period further modernized policing through codified laws, organized ranks, and specialized forces like the Malabar Special Police. Post-independence, Kerala unified these diverse traditions under a single state police force that has continued to adapt, pioneering people-friendly policing, digital governance, and gender inclusion. Understanding this rich historical journey offers valuable insights into how Kerala Police balances its deep-rooted legacy with the demands of modern democratic policing.

► Local, community-driven arrangements

### 1. Early Community-Based Security

The earliest form of policing in Kerala can be traced back to local, community-driven arrangements. During the Sangha period, village landlords and chieftains-maintained order through groups of men known as 'Kolkkaran' literally meaning "men with sticks." These guards' patrolled local areas, protected agricultural produce, settled minor disputes, and kept watch for theft or trouble. Their authority came not from a formal state



structure but from the power of local landlords and customary law, reflecting a society where law enforcement was integrated into the social hierarchy.

## 2. Chera Dynasty

With the emergence of larger kingdoms like the Chera Dynasty, policing evolved from informal village guards to slightly more structured systems. The Chera kings, such as Cheraman Perumal, appointed officials known as ‘Kavalan’, which means “protector” or “guardian.” These Kavalan officers were responsible for maintaining law and order across the king’s territories. They collected intelligence, settled disputes, guarded royal roads and ports, and ensured that taxes and trade could proceed safely. While still rudimentary by modern standards, this period marks Kerala’s transition from purely community-based security to an early centralized system of law enforcement under royal patronage.

► From informal village guards to slightly more structured systems

## 3. Travancore Kingdom

A significant milestone in Kerala’s policing evolution came with the Travancore Kingdom, especially under the visionary leadership of King Marthanda Varma in the 18th century. To safeguard his expanding kingdom from internal unrest and external threats, he organized the Nair Brigade, a standing force composed primarily of the martial Nair community. Though initially a military force, the Nair Brigade performed civil policing duties such as guarding important places, patrolling highways, quelling riots, and ensuring the king’s decrees were obeyed. This was the first time in Kerala that a professional, salaried, and trained group was deployed specifically for security and policing, laying the groundwork for a more modern police system.

► Professional, salaried, and trained group for security

## 4. Colonial Era

The advent of British colonial rule brought modern policing concepts to Kerala’s princely states. Kochi Police was formally established in 1883 under British influence, with George Gunther appointed as its first Superintendent. Its headquarters was initially in Kochi and later shifted to Thrissur in 1920 for administrative convenience. The force functioned under a written set of rules, culminating in the Cochin Police Manual of 1941, which defined duties, jurisdiction, powers, and processes.

► Modern policing concepts

Similarly, the Travancore Police saw reforms inspired by

► Transition from quasi-military policing to a civil, organized police force

British policing models. Travancore was notable for progressive steps, becoming the first princely state in India to appoint women officers, showing an early commitment to gender inclusion. The post of Inspector General of Police was created in 1930, bringing professional leadership and a clear chain of command.

This era marked the transition from quasi-military policing to a civil, organized police force with codified laws and administrative accountability.

### 5. Malabar Special Police

► An iconic unit in Kerala's policing history

The Malabar Special Police (MSP) is an iconic unit in Kerala's policing history. It originated as the Malappuram Special Police, formed by the British to suppress agrarian revolts and maintain colonial control over the Malabar region, which faced frequent uprisings like the Moplah (Mappila) Revolts. The MSP was designed as a paramilitary force with rigorous training, discipline, and a quasi-military structure. By 1897, it became a permanent fixture, and in 1921, during the Moplah Revolt, it was reorganized into multiple companies to counter large-scale unrest. The MSP remains active today as part of the Kerala Armed Police, renowned for its tough training and rapid deployment capabilities for riot control and counter-insurgency operations.

### 6. Post-Independence Unification

► Unification of the policing system

After India's independence in 1947, the policing systems of Kerala's different princely states needed unification. With the States Reorganisation Act of 1956, the Travancore-Cochin state and Malabar district were merged to form the modern state of Kerala. Consequently, their police forces were amalgamated into a single entity called the Kerala Police, headquartered at Thiruvananthapuram. To give this force a solid legal framework, the Kerala Police Act of 1960 was enacted, clearly defining its powers, organizational hierarchy, training standards, and community responsibilities. The first Women's Police Station in India was indeed established in Kozhikode (Calicut), Kerala, in 1973. It was a historic step towards gender-sensitive policing and women's empowerment in law enforcement. The station was inaugurated by the then Prime Minister Smt. Indira Gandhi, marking an important milestone Kerala thus became the pioneer state to set up an exclusive police station run and staffed entirely by women, to handle cases involving women and children more sensitively. It addressed the reluctance of women to approach regular police stations for complaints involving domestic



violence, dowry harassment, and other gender-related issues. It laid the foundation for Women's Police Stations across India. This transition unified diverse policing cultures and established a professional state police system under one command.

## 7. Modern Framework and Innovations

Over the decades, Kerala Police has transformed into one of India's most respected state police forces. It has:

Emphasized community policing through the pioneering Janamithri Suraksha Project, which promotes people-friendly policing and citizen participation.

Integrated digital policing with advanced IT systems, mobile apps for complaint registration and tracking, and e-governance solutions to reduce corruption and delays.

Strengthened training through the Kerala Police Academy, which evolved from the old Travancore Police Training School (1882) to a modern facility that offers advanced courses, psychological counseling, stress management, and gender-sensitive training.

The evolution of policing in Kerala is a story of continuous transformation from feudal watchmen with sticks to a professional force known for technological leadership and community trust. Its roots in local community guardianship, royal protection units, colonial modernization, and post-independence reforms show how deeply history shapes modern law enforcement in the state.

### Structure of Kerala police

The Kerala Police is the main law enforcement agency of the state, with the motto "Mridhu Bhave Dhrida Kruthye" in Sanskrit, meaning "Soft in Temperament, Firm in Action." As per the Bureau of Police Research and Development (BPRD), Kerala has 564 police stations 484 for general policing and 80 for specialized duties. Of these, 382 stations serve rural areas and 102 serve urban regions. Specialized stations include 14 women's police stations, 13 railway police stations, 18 coastal police stations, 20 cybercrime units, one crime branch station, and one Anti-Terrorism Squad (ATS).

The force is headed by the State Police Chief (SPC), the senior-most IPS officer in Kerala, holding the rank of Director General of Police (DGP). The SPC, based at the state police

► "Mridhu Bhave  
Dhrida Kruthye"

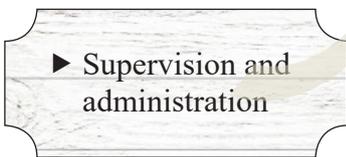
headquarters in Thiruvananthapuram, oversees all administrative and operational matters, assisted by senior officers from ADGP to Deputy Superintendent of Police (DySP).

The police structure includes various units like Law and Order, Crime Branch, Armed Police Battalions, State Special Branch, Kerala Police Academy, Coastal Police, State Crime Records Bureau, Social Policing and Traffic, Economic Offences Wing, Protection of Civil Rights, and Cyber Operations. Each unit is divided into divisions, zones, ranges, and districts for better management and is led by an Additional Director General of Police (ADGP).

**Table 2.2.1 Police Zones, ranges and districts**

<b>Zone</b>			
South Zone		North Zone	
<b>Range</b>			
Thiruvananthapuram	Ernakulam	Thrissur	Kannur
<b>Commissionerate</b>			
Thiruvananthapuram City		Kozhikode City	
Ernakulam City		Thrissur City	
Kollam City		Kannur City	
<b>District Police</b>			
Thiruvananthapuram Rural	Kottayam	Thrissur Rural	Wayanad
Kollam Rural	Idukki	Palakkad	Kannur Rural
Pathanamthitta	Ernakulam Rural	Malappuram	Kasargod
Alappuzha		Kozhikode Rural	

### Law and Order



The Additional Director General of Police, Law and Order (ADGP L&O) heads the Law and Order division of the Kerala Police, operating from its headquarters in Thiruvananthapuram. Reporting to the State Police Chief, the ADGP L&O oversees the supervision and administration of police zones, ranges, and districts to maintain law and order across the state. Responsibilities include managing daily police station activities, patrolling, crime prevention and investigation, maintaining public order, and handling traffic management.



► Policing urban areas

Commissionerates for urban policing.

Thiruvananthapuram City Police and Kochi City Police are headed by Commissioners with the rank of Inspector General of Police (IGP), while Kozhikode City Police is led by a Commissioner of the rank of Deputy Inspector General of Police (DIG). The other three Kollam City Police, Thrissur City Police, and Kannur City Police are managed by Commissioners holding the rank of Superintendent of Police (SP).

In Thiruvananthapuram, Kochi, and Kozhikode, the Commissioners are supported by Deputy Commissioners of Police (DCPs) with the rank of Superintendent of Police (SP). These DCPs handle Law and Order, Crime, Traffic, and Administration, and are further assisted by Additional DCPs and Assistant Commissioners of Police (ACPs) who hold the rank of Deputy Superintendent of Police.

The Thiruvananthapuram and Kochi Commissionerates do not fall under any police zone and their Commissioners report directly to the State Police Chief through the ADGP (Law and Order). At present, these Commissionerates do not have magisterial powers.

### Police Districts

Kerala has a total of 20 police districts. Of these, eight districts align exactly with their corresponding revenue districts, while the remaining 12 districts fall within revenue districts that have been divided into separate city and rural police units. Out of these 20 districts, 14 are rural police districts and 6 are city police districts, which function as police commissionerates.

► 20 police districts

Each police district is led by a District Police Chief (DPC), who must hold rank of Superintendent of Police (SP) or higher. In certain cities like Thiruvananthapuram, Kochi, and Kozhikode, DPC commonly called the Police Commissioner is an officer of a higher rank such as Inspector General of Police (IGP) or Deputy Inspector General of Police (DIG). The remaining districts are commanded by officers at the SP level. The DPC is supported by an Additional Superintendent of Police and Deputy Superintendents of Police (DySPs). Each district is further divided into multiple subdivisions, along with several police stations and various special units.

Special units include District Special Branch, District Crime



Branch, District Crime Records Bureau, Narcotics Cell, and Armed Reserve Camp, all headed by DySPs.

### Subdivisions

Every police district is split into subdivisions to manage the functioning of the police stations under its authority. Kerala has 91 police subdivisions in total. Each subdivision is managed by a Deputy Superintendent of Police (DySP) or, in city areas, an Assistant Commissioner of Police (ACP).

► To manage the functioning of the police stations

The officer in charge of a subdivision is known as the Sub Divisional Police Officer (SDPO), who can be either a DySP or an ACP. Each subdivision consists of multiple police stations within its limits.

### Police Stations

Subdivisions are further divided into police station areas, each overseen by an Inspector of Police known as the Station House Officer (SHO).

► Fundamental unit of policing

A Police Station (PS) is the fundamental unit of policing, tasked with preventing and investigating crime, maintaining public order, enforcing laws, providing security for constitutional authorities, government officials, elected representatives, and other notable public figures. Kerala has 484 local police stations responsible for general policing and crime investigation. Additionally, there are 80 special police stations: coastal police stations safeguard coastal areas, cybercrime stations tackle online crimes, and women police stations address offenses against women, including domestic violence and harassment.

Inspectors in charge of police stations are called Inspector SHOs (ISHOs). Smaller police stations may be headed by sub-inspectors acting as SHOs. Typically, police stations have two main wings: law and order and crime investigation, each led by a sub-inspector (SI) responsible for their respective roles. The SHO is supported by sub-inspectors, assistant sub-inspectors, senior civil police officers, and civil police officers. The General Executive section works within the police stations of Kerala.

### Hierarchy of Police Officers

Director General of Police & State Police Chief (DGP & SPC)

Additional Director General of Police (ADGP)

Inspector General of Police (IG)

Deputy Inspector General of Police (DIG)

Superintendent of Police (SP)

Additional Superintendent of Police (Addl.SP)

Assistant Superintendent of Police (ASP) [IPS]

Deputy Superintendent of Police (DYSP) [KPS]

### **Sub-ordinates**

Inspector of Police (IP)

Sub-Inspector of Police (SI)

Assistant Sub-Inspector of Police (ASI)

Head constable/Senior Civil Police Officer (SCPO)

Constable/Civil Police Officer (CPO)

In the Armed Police, the positions of Commandant, Deputy Commandant, and Assistant Commandant are equivalent to the ranks of Superintendent of Police (SP), Additional Superintendent of Police (Addl. SP), and Deputy Superintendent of Police (DySP) in the regular police force.

The designation Circle Inspector (CI) is not an official rank but rather a posting no longer in use which referred to an Inspector of Police (IP) who oversaw a police circle. In the Armed Police, all ranks include the prefix “Armed Police” (for example: Armed Police Inspector, Armed Police Sub Inspector, Armed Police Constable) instead of the usual rank names used in the Civil Police. The rank of Head Constable in the Armed Police is called a Havildar. In the Civil Police, the ranks are termed differently: a Constable is known as a Civil Police Officer (CPO), and a Head Constable is known as a Senior Civil Police Officer (SCPO).

### **Crime Branch**

The Crime Branch is the specialized investigative arm of the Kerala Police, with its main office located in Thiruvananthapuram. It is led by an officer with the rank of Additional Director General of Police (ADGP). This branch



► Specialized investigative arm

handles complex and sensitive cases that are assigned by the State Police Chief, the State Government, or the High Court of Kerala. It was formerly called the Crime Branch Criminal Investigation Department (CB-CID). The Crime Branch is the designated Nodal Agency for Interpol matters within Kerala and carries out verifications or investigations on behalf of Interpol when required.

► Consists of specialized divisions

Its responsibilities include probing complicated organized crimes, major financial frauds, large-scale economic offences, unresolved or highly sensitive criminal cases, and cases with interstate implications. The Crime Branch consists of specialized divisions such as the Economic Offences Wing and Organized Crime Wing. The structure is divided into three ranges based in Thiruvananthapuram, Ernakulam, and Kozhikode each headed by an Inspector General of Police (IGP). Within these ranges are 14 units, each led by a Superintendent of Police (SP). Personnel in the Crime Branch include Deputy Superintendents of Police, Detective Inspectors, Detective Sub Inspectors, Detective Assistant Sub Inspectors, Senior Civil Police Officers, and Civil Police Officers. There is no direct recruitment to the Crime Branch; officers are typically posted on deputation from the General Executive Branch (Civil Police) based on their qualifications and experience.

In addition to the State Crime Branch, each district has its own District Crime Branch, which works under the respective District Police Chief. The District C-Branch is led by a Deputy Superintendent of Police and serves as a dedicated investigation unit at the district level, assisting the District Police Chief with probing significant or sensational cases. The District C-Branch is not under the control of the State Crime Branch instead, it functions under the Law and Order division of the Kerala Police.

### **State Special Branch (SSB)**

► Intelligence unit of the Kerala Police

The State Special Branch serves as the intelligence unit of the Kerala Police. Its headquarters is located in Thiruvananthapuram and it is headed by an officer holding the rank of Additional Director General of Police (ADGP).

The SSB is structured into four main wings:

1. Intelligence
2. Internal Security

### 3. Security

#### 4. Administration

Under the Internal Security wing, there are several specialized divisions:

Extremist Cell

Communal Cell

Organised Crime (IS)

Digital Surveillance Unit (DSU)

Digital Security Data Bank

The Security Wing includes:

The VVIP/VIP Security Team

Bomb Detection and Disposal Squad (BDDS)

The Foreigners Wing

The Passport & Verification Wing

The ADGP (Intelligence) is supported by a hierarchy that includes Inspectors General of Police (IGP) Deputy Inspectors General of Police (DIG), Superintendents of Police (SP), Deputy Superintendents of Police (DySP), and other subordinate officers.

The SSB maintains four Range offices, each led by an SP, and operates 17 district detachments, each under a DySP. Internal Security units are also functional within these four Range offices, supervised by DySPs. The primary role of the State Special Branch is to gather, analyze, and share intelligence related to political, communal, and terrorist activities, matters of national security, labor disputes, and various law and order concerns such as strikes, protests, and demonstrations. The SSB acts as the “eyes and ears” of the state government, providing critical intelligence to maintain internal security and public order.

#### **Armed Police Battalions**

► State’s reserve force

The Armed Police Battalions function as the state’s reserve force, supporting the district police whenever there is a shortage of manpower for maintaining law and order. This wing is overseen by an officer holding the rank of Additional Director General of Police (ADGP, Armed Police Battalions), who is assisted by a Deputy Inspector General of Police (DIG, Armed Police Battalions).



There are eleven battalions across Kerala. Each battalion is commanded by a Commandant, who holds the rank equivalent to Superintendent of Police (SP) and may be an IPS or KPS officer.

The Malabar Special Police (MSP), part of this wing, is notable for being the oldest paramilitary force in India after the Assam Rifles.

### **List of Armed Police Battalions:**

Kerala Armed Police I (KAP I) Tripunithura, Ernakulam

Kerala Armed Police II (KAP II) Muttikulangara, Palakkad

Kerala Armed Police III (KAP III) Adoor, Pathanamthitta

Kerala Armed Police IV (KAP IV) Mangattuparamba, Kannur

Kerala Armed Police V (KAP V) Kuttikanam, Idukki

Kerala Armed Police VI (KAP VI) Valayam, Kozhikode

Malabar Special Police (MSP) Malappuram

Special Armed Police (SAP) Peroorkada, Thiruvananthapuram

Rapid Response and Rescue Force (RRRF) Pandikkad, Malappuram

India Reserve Battalion (IRBn) Ramavarmapuram, Thrissur

State Industrial Security Force (SISF) Peroorkada, Thiruvananthapuram

Armed Women police Battalion (AWPBn) Kazhakkootam, Thiruvananthapuram

► Safeguard Kerala's coastline

The Armed Police Battalions act as a mobile reserve force, ready to be deployed across the state to tackle any situation that requires additional police presence.

### **Specialised Units of Kerala Police**

#### **1. Tourism Police**

► Ensure law and order in tourist areas

The Tourism Police ensure law and order in tourist areas, prevent harassment and attacks on visitors, and help tourists with information and guidance. Officers wear a sky blue shirt and khaki pants. A notable initiative is the International Tourism Police Station and Police Museum at Mattancherry, Ernakulam

the first of its kind in India. It handles tourist grievances and also showcases the history of Kerala Police, aiming to make the state more tourist-friendly.

## 2. Coastal Police

The Coastal Police safeguard Kerala's coastline, patrolling up to 12 nautical miles into the sea. They investigate cases occurring within territorial waters. The Coastal Police Headquarters is in Kochi, led by an Inspector General of Police (IGP). There are 18 Coastal Police Stations spread along Kerala's coastline.

## 3. Railway Police

The Kerala Railway Police maintain law and order on the railways, protect passengers, and handle crimes on trains and at railway stations across 1,027 km of rail network. They work in coordination with the Railway Protection Force (RPF).

The unit is headed by the Superintendent of Police (Railways) under the ADGP (Intelligence & Railways). Kerala has 13 Railway Police Stations located at major railway hubs including Trivandrum Central, Parassala, Kollam, Punalur, Alappuzha, Kottayam, Ernakulam Junction, Thrissur, Shornur, Palakkad, Kozhikode, Kannur, and Kasargod.

## 4. Highway Police

The Highway Police focus on traffic enforcement, accident prevention, and assistance to road accident victims. Currently, 56 Highway Police Patrols operate on major roads across Kerala.

They work under the District Police Chiefs, with each patrol having a designated operational area and base. Personnel are drawn from various local police stations.

## 5. Pink Police Patrol

The Pink Police Patrol aims to improve women and children's safety in public places. All-women patrol teams use pink-colored Maruti Suzuki sedans equipped with GPS, on-board cameras, and smart scanning systems for quick response and offender identification. They patrol busy city areas to prevent harassment and crime against women.

## 6. Narcotic Cell

The Narcotic Cell gathers intelligence on narcotic drugs and

► Highway Police

► To improve women and children's safety



psychotropic substances, monitors NDPS cases, and coordinates with local police. They also conduct Abkari raids (liquor law enforcement) when needed.

The District Anti-Narcotic Special Action Force (DANSAF) serves as the operational arm. Every police district has a Narcotic Cell headed by a Deputy Superintendent of Police, reporting to the District Police Chief.

### 7. Women Cell

► Addresses women-related issues

The State Women Cell, led by a Superintendent of Police, addresses women-related issues. Each police district also has a District Women Cell, headed by a Woman Inspector. The main State Women Cell operates from the Police Headquarters in Thiruvananthapuram. Kerala's first Women Police Station was established in Kozhikode in 1973.

### 8. Kerala Anti-Terrorism Squad (ATS)

The Kerala ATS, formed in 2013, handles counter-terrorism and extremist threats in the state. Headed by an Inspector General of Police (IGP), it investigates terrorism cases and coordinates with the National Investigation Agency (NIA) and other intelligence units. The ATS tackles threats like religious extremism, organized terrorism, and left-wing extremism, operating under laws like the UAPA, Arms Act, and Explosives Act.

### 9. Thunderbolts

► For high-risk operations

Thunderbolts is Kerala Police's elite commando force for high-risk operations like counter-terrorism, jungle warfare, and hostage rescue. Similar to India's SPG and NSG, they are trained for air, land, and water operations.

### 10. Avengers (Urban Commando Wing)

► Specialized urban commando wing

The Avengers is a specialized urban commando wing, launched in February 2023 to combat urban terrorism and manage high-risk operations in cities. They handle hostage crises and counter-terror strikes. Initially deployed in Thiruvananthapuram, Kochi, and Kozhikode, the unit draws 96 commandos from the Thunderbolts and India Reserve Battalion.

### Special Operations Group (SOG)

The SOG is an elite unit focusing on counter left-wing extremism, especially Maoist activities. The group operates

under the State Police Chief and is led by a Superintendent of Police (SP). It primarily works in districts with Maoist presence like Wayanad, Malappuram, and Palakkad.

These specialized units strengthen Kerala Police's capacity to handle diverse security needs, from tourism and coastal protection to anti-terror, drug control, women's safety, and more.

### 2.2.3 Major Commissions and Recommendations - K T Thomas Commission, MK Joseph Commission

The evolution of policing in Kerala has been profoundly influenced by the recommendations of various commissions appointed to examine the structure, functioning, and challenges of the police force. Such commissions play a crucial role in critically assessing prevailing practices, identifying systemic weaknesses, and proposing reforms to modernize policing in line with changing social and legal expectations.

► Critically assessing prevailing practices

Among these, two significant commissions the K.T. Thomas Commission and the M.K. Joseph Commission stand out for their comprehensive approach to police reform in the state. Both are known for their far-reaching recommendations on improving operational efficiency, ensuring accountability, safeguarding human rights, and enhancing the welfare of police personnel.

► In response to growing concerns about the effectiveness, professionalism, and integrity of the police force

These commissions were appointed in response to growing concerns about the effectiveness, professionalism, and integrity of the police force. They examined a range of issues, from law and order management and investigative practices to the working conditions of police officers and the protection of citizens' rights. Their recommendations have laid the groundwork for policy reforms and administrative measures that continue to shape policing in Kerala today.

The K.T. Thomas Commission and the M.K. Joseph Commission, and their detailed contributions, will be discussed in depth below, with a focus on how they have impacted the development of a modern, accountable, and people-centric police force in the state.

### M K Joseph Commission and Recommendations

The M.K. Joseph Commission was constituted during a period when policing in India and particularly in Kerala



faced increasing criticism for inefficiency, excessive political interference, lack of professionalism, outdated infrastructure, and insufficient welfare measures for police personnel. Its work complemented other major national and state-level reform efforts, such as the K.T. Thomas Commission, the National Police Commission, the Ribeiro Committee, and the Padmanabhaiah Committee, all of which emphasized the urgent need for modernizing India's policing framework.

To understand the origin of the M.K. Joseph Commission, it is necessary to situate it within Kerala's unique administrative and socio-political context of the late 20th century. The state's policing system had evolved from the colonial structures of the Travancore-Cochin Police and the Malabar Special Police units originally designed under the British Raj to control civil unrest and peasant uprisings.

► Recommendations  
by M K Joseph  
Commission

After independence, Kerala faced a new set of challenges: rapid urbanization, an active and politicized civil society, a highly literate and outspoken population, strong labor and student movements, and an assertive media and civil rights lobby. By the 1980s and 1990s, these factors placed enormous strain on the police force. Allegations of custodial violence, corruption, delayed investigations, and poor accountability eroded public trust. Simultaneously, the force itself struggled with outdated training, poor living conditions, politically motivated transfers, and declining morale among the lower ranks.

Amid this climate, it became widely accepted that piecemeal reforms would not suffice a structural overhaul was needed, addressing not only rules and procedures but also organizational culture and attitudes. Against this backdrop, the state government appointed the M.K. Joseph Commission, chaired by M.K. Joseph an experienced civil servant with deep expertise in administrative governance to undertake a comprehensive review of the Kerala Police and propose actionable reforms to ensure efficiency, accountability, professionalism, and better welfare for personnel.

The M.K. Joseph Commission's Terms of Reference were designed to ensure that its recommendations would address every major aspect of policing that affects both service delivery and the well-being of personnel. The Commission's broad mandate included:

1. Reviewing the organizational structure of the Kerala Police

at all levels from headquarters to local stations.

2. Examining the service conditions of police personnel, including pay, housing, leave entitlements, duty hours, and welfare schemes.
3. Assessing the adequacy and relevance of training facilities, curricula, and teaching methods, and recommending necessary modernization.
4. Reviewing recruitment, promotion, and transfer policies to ensure they are merit-based, transparent, and insulated from undue political influence.
5. Proposing measures to improve police-public relations, with special emphasis on community policing, grievance redressal systems, and accountability mechanisms.
6. Suggesting ways to modernize police infrastructure including communication systems, mobility, equipment, forensic capabilities, and adoption of new technologies.
7. Examining the functioning of special units such as the Armed Police Battalions, Women Police, and Coastal Police, and recommending improvements to address emerging security needs.
8. Recommending steps to boost morale and welfare, focusing on stress management, family welfare, health, and pensionary benefits.
9. Identifying legislative or policy gaps that hamper effective policing and suggesting suitable amendments.

In essence, Terms of Reference reflected the state's intention that the Commission's work should be comprehensive, future-ready, and practical laying down a clear roadmap for sustained reform.

A defining feature of the M.K. Joseph Commission was its rigorous, participatory approach to research and consultation. The Commission adopted a multi-pronged methodology, which included:

**Field Visits:** Members conducted on-ground visits to police stations in urban, semi-urban, and rural areas across Kerala. Special focus was given to remote and conflict-prone regions to capture the full diversity of policing challenges.



**Interviews and Focus Groups:** Police personnel across all ranks from constables to senior officers were interviewed to gather first-hand accounts of their working conditions, challenges, and suggestions for improvement.

**Civil Society Consultations:** Inputs were sought from representatives of the judiciary, human rights groups, legal experts, journalists, and community leaders to understand public expectations and concerns regarding police behavior and accountability.

**Comparative Studies:** The Commission studied best practices in other Indian states and select international jurisdictions known for community-oriented, professional policing.

**Expert Contributions:** Scholars and practitioners in criminology, forensic science, police training, and public administration contributed papers and expert opinions that informed the final recommendations.

This methodical and inclusive approach ensured that the Commission's proposals were not abstract but rooted in the lived realities of both the police and the public they serve.

Through its extensive consultations and fieldwork, the Commission identified several recurring issues:

- 1. Political Interference:** Frequent and arbitrary transfers driven by political interests demoralized officers and disrupted continuity in investigation and administration.
- 2. Inadequate Housing and Welfare:** Many lower-ranking personnel lived in inadequate government quarters or distant rented accommodations, affecting their morale and job performance.
- 3. Outdated Training:** The training curriculum remained heavily classroom-based and did not equip officers to tackle modern threats like cybercrime, economic offenses, and organized crime syndicates.
- 4. Poor Infrastructure:** Many police stations lacked adequate vehicles, modern communication equipment, well-equipped control rooms, and up-to-date forensic support.
- 5. Excessive Workload:** Long working hours without sufficient

rest days contributed to stress, health problems, and family strain among officers.

**6. Weak Accountability:** Mechanisms for addressing public complaints and police grievances were underdeveloped, leading to frustration on both sides.

**7. Gender Inclusivity:** Despite Kerala's pioneering role in establishing women's police stations, more needed to be done to make workplaces gender-sensitive and to address issues unique to women police personnel.

The M.K. Joseph Commission emphasized that policing in Kerala must evolve beyond its traditional image as merely a law-enforcement force to become an institution dedicated to protecting democratic rights, promoting social harmony, and ensuring justice for all citizens.

Its final report strongly advocated for the concept of a "People's Police" a force that operates transparently, upholds professionalism, respects civil liberties, and remains insulated from undue political or bureaucratic pressure. The Commission's vision underlined that policing must be seen as a public service, not merely as an instrument of state control.

### **Recommendations**

The M.K. Joseph Commission's final report put forward a comprehensive set of recommendations aimed at transforming Kerala Police into a modern, professional, and people-oriented service. They are:

#### **1. Insulate Police from Political Interference**

- a. Enforce fixed tenures for officers at key posts to prevent arbitrary transfers.
- b. Create a transparent, merit-based transfer and promotion policy.
- c. Establish an independent Police Establishment Board to oversee postings and transfers, minimizing undue political influence.

#### **2. Strengthen Police Infrastructure**

- a. Upgrade police stations with modern amenities, reliable vehicles, advanced communication tools, and computerized



record systems.

b. Establish modern control rooms and forensic labs in each district.

c. Improve mobility by increasing the fleet of patrol vehicles, especially in rural and coastal areas.

### **3. Revamp Training and Capacity Building**

a. Overhaul the police training syllabus to include modules on cybercrime, economic offenses, human rights, gender sensitization, and community policing.

b. Strengthen in-service training and introduce refresher courses at regular intervals.

c. Collaborate with universities and institutes to incorporate advances in criminology and forensic science.

### **4. Improve Working Conditions and Welfare Measures**

a. Construct adequate housing quarters for all police personnel, especially for constables and junior officers.

b. Introduce stress management programs, periodic health check-ups, and counseling services to address mental health challenges.

c. Rationalize duty hours and ensure proper weekly offs to reduce burnout.

d. Improve pension and insurance schemes for serving and retired personnel.

### **5. Strengthen Community Policing and Accountability**

a. Institutionalize community policing initiatives to build trust and cooperation with local communities.

b. Set up citizen liaison committees at the station level to address grievances and improve police-public relations.

c. Establish an independent complaints authority to look into allegations of misconduct, custodial violence, or abuse of power.

### **6. Promote Gender Inclusivity**

a. Increase the recruitment of women at all levels and ensure their representation in key assignments.

- b. Upgrade women's police stations with better resources and personnel training in gender-sensitive handling of cases.
- c. Implement workplace policies to prevent harassment and ensure a supportive environment for women personnel.

## **7. Legislative and Policy Reforms**

- a. Recommend amendments to outdated police laws and procedural codes to align with modern policing needs.
- b. Strengthen legal safeguards to protect officers acting in good faith while ensuring accountability for misuse of power.

## **8. Improve Special Units and Emerging Areas**

- a. Modernize and equip specialized units such as the Coastal Police, Cyber Crime Units, and Anti-Narcotics Squads.
- b. Build forensic capabilities by setting up regional forensic science laboratories with adequate staff and modern equipment.
- c. Promote intelligence gathering and inter-agency coordination to tackle organized crime and emerging threats.

In essence, the M.K. Joseph Commission emphasized that police reforms must be institutional, continuous, and people-centric. Its roadmap remains relevant to this day, highlighting that only a well-trained, well-equipped, and motivated police force can uphold the rule of law and sustain public trust in a democratic society.

## **K T Thomas Commission and Recommendations**

In the mid-1980s, the Kerala Police faced severe criticism for outdated structures, overburdened personnel, custodial excesses, poor investigation quality, and over-politicization. Recognizing the urgent need for reform, the Government of Kerala appointed Justice K T Thomas, a respected retired High Court judge, to chair a comprehensive commission to study the state's police system. The Commission began its work in 1986 and submitted its comprehensive report in 1992, after extensive consultations, field visits, and expert hearings.

The primary mandate of the Commission was to evaluate the structure, functioning, and efficiency of the Kerala Police.



Recommend measures for modernization, better working conditions, and administrative efficiency. Suggest ways to align the Kerala Police with democratic policing principles, human rights norms, and modern law enforcement needs.

## **Recommendations**

### **1. 8-Hour Duty System**

The Commission proposed that constables and officers working in police stations should have a standard 8-hour shift. This would solve the long-standing problem of overwork and stress, which often led to tiredness, mistakes, and even corruption. They suggested using shift systems so that duties could continue 24/7 without exhausting the same staff.

### **2. Separation of Law and Order from Investigation**

The commission recommended setting up separate teams for law and order duties, such as crowd control, patrolling, and event security, and for criminal investigation tasks like gathering evidence, solving crimes, and preparing charge sheets. This was meant to make investigations more professional, prevent officers from being shifted frequently, and help increase conviction rates.

### **3. Centralized Lock-ups**

The Commission found that keeping detainees in local police station lock-ups often led to custodial violence and poor oversight. So, they proposed moving detainees to centralized lock-ups at the sub-divisional level with better monitoring. This would make the system more transparent, reduce human rights violations, and improve record-keeping.

### **4. Modernization & Computerization**

The commission stressed that police stations urgently needed to be computerized. They recommended keeping crime records, FIRs, charge sheets, and other administrative data digitally. They also suggested giving police officers' basic computer training to make their work more efficient.

### **5. Empowering Police Commissioners**

The Commission proposed giving Police Commissioners in Thiruvananthapuram, Kochi, and Kozhikode executive magistrate powers. This would allow them to issue arms licenses, enforce prohibitory orders, and take quick action

during law and order problems. This would also bring Kerala's city policing in line with major cities like Mumbai and Delhi.

## **6. Better Personnel Deployment**

The commission criticized the practice of using too many police officers for VIP security, ceremonial events, and tasks that were not core policing duties. The commission urged that these officers be sent back to regular police stations, investigation units, and field policing work. It also stressed the need to strengthen the beat system and community policing.

## **7. Traffic Management as a Specialized Duty**

The commission pointed out that increasing road accidents and traffic chaos were serious issues in cities. To address this, the commission recommended creating a special traffic wing with properly trained staff and modern traffic management tools. They also proposed dedicated training on traffic management for police officers.

## **8. Reduce Political Interference**

The Commission stated that political interference was a major reason police work suffered. The commission suggested having a clear chain of command and following merit-based transfers and postings more strictly. The commission also recommended administrative steps to protect the police's operational freedom.

Overall, the M.K. Joseph Commission remains one of Kerala's most important police reform efforts. Its practical and forward-looking suggestions aimed to make policing more efficient, accountable, and respectful of human rights.

In Kerala, the reform process has been guided by the recommendations of the K.T. Thomas and M.K. Joseph Commissions, which focused on structural reorganization, greater accountability, and enhanced police training. Building on these foundations, the state has implemented several innovative projects in recent years. Cyberdome, a public private partnership, has strengthened cyber policing through crime prevention, cybersecurity research, and digital forensics. Pink Police Patrols were introduced to improve safety for women and children in public spaces, while AI based CCTV traffic surveillance systems have enhanced traffic law enforcement and reduced accidents. The Janamaithri Suraksha Project, Kerala's flagship community policing initiative, has undergone a digital



reinvention, incorporating mobile apps, online engagement platforms, and real-time citizen police communication tools. These developments reflect Kerala's commitment to combining technology with community oriented policing to build a safer and more responsive law enforcement environment.

A major legislative milestone in this journey was the enactment of the Kerala Police Act, 2020, aimed at consolidating and modernizing the state's policing framework. While the Act contains progressive measures for community engagement, technology adoption, and victim support, it has also faced criticism. Section 118A, which criminalized "offensive" or "threatening" social media content, was struck down by the Kerala High Court in 2020 for violating the constitutional right to free speech under Article 19 (1) (a). Additionally, concerns over police excesses and custodial deaths persist, with notable cases such as the 2020 Walayar sexual abuse and custodial death controversy and the 2022 Suresh custody death in Parassala raising questions about accountability and human rights compliance.

## 2.2.4 Challenges faced by Kerala Police

### 1. High Aspirations and Service Expectations

Kerala, widely known for its remarkable literacy rate, robust social awareness, and active civil society, presents a unique context for policing in India. The very strengths that define the state its educated and politically conscious population also pose distinctive challenges to its police force. As a society that interacts with global ideas and standards, the people of Kerala increasingly expect the police to deliver services comparable to the best practices they see abroad. The high aspirations of the public manifest as demands for professional, transparent, and people-friendly policing. This expectation is not limited to urban centres but extends to the smallest villages, compelling the police force to modernize its approach continually. However, these aspirations are often difficult to fulfill due to practical limitations like staffing shortages, funding constraints, and gaps in infrastructure. Police stations are still transforming from their colonial design of control and surveillance to becoming true "service delivery centres," but the pace of change does not always keep up with the people's expectations.

► Aspirations are often difficult to fulfill due to practical limitations

### 2. Political Awareness and Active Civil Society

► Deeply rooted culture of political activism and mass movements

A significant dimension of the challenge lies in the state's deeply rooted culture of political activism and mass movements. Kerala's social fabric is shaped by decades of vibrant political participation, powerful trade unions, strong student unions, and highly mobilized civil society organizations. This means that even day-to-day policing activities can take on political overtones, with officers often finding themselves caught between enforcing the law and respecting democratic freedoms. Law and order situations can escalate rapidly into large protests, requiring the police to act with utmost restraint and strategic sensitivity. Missteps can lead to public outrage, media scrutiny, and legal repercussions, all of which can dent the credibility painstakingly built by the force over years of reform. Maintaining neutrality and non-partisanship, while handling situations where political interests clash, remains one of the biggest operational and ethical challenges for the Kerala Police.

► Evolution of crime itself

### 3. Emergence of New-Age and Cyber Crimes

Adding to these complexities is the rapid evolution of crime itself. While conventional crimes like theft, assault, and homicide persist, new forms of crime particularly cybercrime, financial fraud, and technology enabled offences are expanding at an alarming rate. With Kerala's high internet penetration and large migrant population, the state has become increasingly vulnerable to online scams, phishing attacks, identity theft, and even organized cyber syndicates that operate across borders. Investigating such crimes requires specialized training, modern forensic capabilities, and advanced tools for digital surveillance and evidence collection areas where capacity building is still a work in progress. Despite efforts to set up cyber cells and modernize technical wings, the pace of technological change often outstrips the training and resources available at the grassroots level.

► Public trust is the bedrock of effective policing

### 4. Building and Retaining Public Trust

Public trust is the bedrock of effective policing, and the Kerala Police is well aware that trust is hard-earned but easily lost. Despite commendable initiatives in community policing and people-friendly policing, instances of custodial violence, allegations of misuse of power, and occasional corruption scandals continue to surface, attracting sharp criticism from the public and civil society. Such incidents not only damage the reputation of the police but also weaken the legitimacy of

the institution in the eyes of the common citizen. The force must constantly work to uphold human rights standards, ensure accountability at all levels, and institutionalize mechanisms for grievance redressal. This is particularly important in a society that is vocal, media-savvy, and quick to mobilize against perceived injustice.

### 5.Operational Constraints and Infrastructure Gaps

Compounding these social and technological challenges are the everyday operational constraints the police face. Staffing shortages are a recurring issue, resulting in heavy workloads and long working hours for officers. Many police stations still function from buildings that are decades old and lack modern amenities, affecting the comfort and efficiency of both the staff and the public who visit. Forensic labs, modern investigation kits, and digital crime databases are yet to be uniformly accessible across the state. While Kerala Police has made strides in adopting technology like digitizing FIRs, introducing CCTVs, and using mobile apps for citizen services the uneven reach of these tools limits their impact on the ground.

► Staffing shortages

### 6.Maintaining Social Harmony in a Diverse Society

The social diversity of Kerala, with its mix of religions, castes, and cultural identities, further adds layers of responsibility for the police. They must remain ever vigilant to prevent communal tensions and ensure that isolated disputes do not flare into larger conflicts. Frequent hartals, strikes, and demonstrations are an accepted part of Kerala’s democratic culture, but they place a huge burden on the police to maintain peace while respecting the constitutional right to protest. Any perception of bias or heavy-handedness can lead to criticism and erode public trust, forcing the police to maintain a delicate balance between firmness and fairness.

► Social diversity

### 7. Rise of Drug Abuse and Organized Narcotics Networks

Another emerging threat that has gained serious attention in recent years is the rise of drug abuse and organized narcotics trafficking. Young people, including students, are increasingly falling prey to synthetic drugs and narcotics supplied by well-networked traffickers who often operate across states and international borders. Combating these networks requires advanced intelligence gathering, inter-agency coordination, and undercover operations, all of which demand skilled personnel and sophisticated resources that are not always adequately available.

► Welfare and mental health of police personnel

► Welfare and mental health of police personnel

## 8. Mental Health and Well-Being of Police Personnel

Moreover, the welfare and mental health of police personnel themselves are major concerns. The profession's inherent stress, combined with long, irregular working hours and frequent confrontations with crime and violence, often leads to burnout, mental health issues, and even family problems among police officers. While there are initiatives to provide counseling and stress management training, these are often not enough to address the deeper systemic pressures faced by the force.

The Kerala Police stands at a complex crossroads, where it must evolve rapidly to meet the aspirations of an enlightened society, counter new-age crimes, uphold democratic values, and maintain trust, all while navigating practical constraints of manpower, resources, and infrastructure. The force's commitment to moving away from a colonial mindset towards a truly citizen-centric service is commendable, but its success ultimately depends on sustained investments in modernization, capacity building, and welfare measures for personnel, and, above all, nurturing a strong bond of trust with the very people it serves.

## Summarized Overview

The evolution of policing in Kerala reflects the wider transformation of law enforcement in India from a colonial force to a modern institution responsive to people's needs. Kerala's police system has its roots in the British model but has adapted over time to meet the unique social and cultural context of the state. Today, the Kerala Police operates under the Home Department, led by the State Police Chief (DGP), and is structured into various ranges and districts with specialized wings.

Over the years, various commissions have reviewed the functioning of the Kerala Police and proposed crucial reforms. The K.T. Thomas Commission emphasized reducing political interference, ensuring transparency in transfers and postings, and promoting accountability within the force. It highlighted the need for a more people-friendly policing model that balances enforcement with community service. Similarly, the M.K. Joseph Commission focused on modernizing the police infrastructure and training systems, improving the investigation process, and recommending measures to strengthen the professionalism and integrity of the force. The recommendations of these commissions have served as important milestones in the ongoing journey to make the Kerala Police more efficient and responsive.

Despite these efforts, the Kerala Police still faces multiple challenges in its mission



to serve the public effectively. Political influence continues to affect postings and daily functioning, often undermining morale and professionalism. There is persistent shortage of manpower and modern equipment, while rise of cybercrimes and organized crimes demands continuous upskilling and technological upgrades. Additionally, police personnel often face stressful working conditions, long duty hours, and inadequate welfare measures. Strengthening community trust remains an ongoing challenge, especially when handling sensitive issues. Therefore, sustained reforms, modernization, and a people-centric approach are vital for building a policing system that truly serves Kerala's diverse society.

## Self-Assessment

1. Discuss the evolution of policing in Kerala and explain the present structural setup of the Kerala Police.
2. Evaluate the role of the K.T. Thomas Commission in recommending reforms for the Kerala Police.
3. Critically examine the contributions of the M.K. Joseph Commission to police reforms in Kerala.
4. Explain the major structural and functional challenges faced by the Kerala Police in the present scenario.
5. Analyze the impact of political interference on the effectiveness and efficiency of the Kerala Police.
6. Discuss how the recommendations of various commissions have shaped the modernization of the Kerala Police.

## Assignments

1. Describe the structure and functions of the Crime Branch in the state police forces.
2. Discuss the role of the Special Branch in intelligence gathering.
3. Explain the working of the Anti-Terrorism Squad (ATS) in India.
4. Analyse the importance of cybercrime cells in modern policing.
5. Examine the functions of the Railway Police in maintaining passenger safety.
6. Discuss the role of traffic police in ensuring road safety and law enforcement.
7. Suggest measures to improve the efficiency of specialised police units.

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



SGOU

## UNIT 3

# Innovations in Police Force in Kerala

### Learning Outcomes

Upon completion of this unit, the learner will be able to :

- ▶ understand the concept and importance of innovations in policing.
- ▶ explain the idea and purpose of Community Policing Initiatives in Kerala.
- ▶ describe objectives, structure, and functioning of Janamaithri Suraksha Project.
- ▶ discuss features and impact of Nirbhaya Project for women's safety in Kerala.
- ▶ analyze goals and implementation of Clean Campus Safe Campus programme.

### Background

In this unit, we examine the innovative policing practices introduced by the Kerala Police, with a focus on people-centric and community-driven approaches. Recognizing the limitations of traditional, force-based policing, Kerala has implemented several reformative programs that promote collaboration between law enforcement and the public. The most notable among these is the Janamaithri Suraksha Project, a flagship community policing initiative launched in 2008, which assigns trained Beat Officers to local areas to engage directly with citizens, build trust, and jointly address safety concerns. Another significant innovation is the Nirbhaya Project, designed to ensure the safety and rehabilitation of women and children facing abuse or exploitation. It combines enforcement with social support mechanisms, making it a gender-sensitive model of policing. Similarly, the Clean Campus, Safe Campus initiative targets substance abuse and violence in educational institutions, promoting discipline and safety among students. These programs reflect a conscious shift towards a policing culture rooted in participation, empathy, and prevention rather than coercion. Through this unit, we will gain an understanding of how Kerala Police is reshaping its role in society through progressive, inclusive, and socially responsive interventions.

## Keywords

Nirbhaya Project, Clean Campus Safe Campus, People-Centric Policing, Gender-Sensitive Policing, Crime Prevention, Police Public Partnership.

## Discussion

### 2.3.1 Introduction to Innovations in Police Force in Kerala

Before exploring the innovations in the Kerala Police Force, it is important to reflect on why traditional policing alone is not enough to address modern social challenges. Learners should consider why there is need for community participation in policing, what problems arise when the police and the public do not trust each other, why the safety of women, children, and students is becoming an increasing concern today, and how schools and colleges can help the police maintain a safe and drug-free environment. These questions help us understand the need for studying how the Kerala Police has introduced innovative practices to make policing more people-friendly and effective. Community Policing Initiatives like the Janamaithri Suraksha Project aim to build trust and cooperation between the police and the public. The Nirbhaya initiative focuses on protecting women and children from violence and abuse, while the Clean Campus Safe Campus programme works to keep schools and colleges free from drugs and crime. By learning about these projects, we will see how innovative policing goes beyond traditional law enforcement to include prevention, awareness, and community partnership. With this idea in mind, you are invited to explore in detail the concept of community policing, the implementation of the Janamaithri Suraksha Project, and the impact of the Nirbhaya and Clean Campus Safe Campus initiatives, which show how the Kerala Police is working hand-in-hand with society to build a safer and more supportive environment for all.

► Address modern social challenges

### 2.3.2 Community Policing Initiatives

Community policing is both an approach and an organizational strategy that encourages a new partnership between the police and the public. It is founded on the idea that the police and community members must work together as equal partners to

► Encourages a new partnership between the police and the public

identify, prioritize, and address modern challenges like crime, drug issues, fear of crime, social and physical disorder, and neighborhood decline all with the aim of enhancing the quality of life in the community. Community policing is a modern way of policing that tries to build a strong and friendly connection between the police and the people.

People in many communities often distrust the police due to racial and ethnic conflicts, economic disparities, and social breakdown. Community policing seeks to bridge this divide by building trust and cooperation between the police and the public. This approach draws on criminological theories like Routine Activity Theory and Broken Windows Theory, which suggest that areas with significant social disorder and low community involvement are more vulnerable to crime. Community policing tackles these issues by promoting social unity and proactive problem-solving.

► Building trust and cooperation between the police and the public

Community policing has become the modern standard for law enforcement around the world and now underpins current policing strategies. This shift shows that lawmakers and police leaders increasingly recognize that the complexities of street crime especially violent offenses and drug-related crime cannot effectively tackle using only traditional policing methods. The old approach often struggles to keep up with the evolving patterns of crime and community life because it relies too heavily on reactive measures and strict law enforcement.

► More people-friendly, open, and effective

In Kerala, community policing has become very important in the last few decades because people want the police to be more people-friendly, open, and effective. Unlike the old style of policing, which mainly focuses on catching criminals and keeping order through strict rules and punishments, community policing focuses on preventing crimes before they happen. It also encourages people to work together with the police to keep their own neighbourhoods safe. The main idea behind community policing is that crime and social problems are not just the police's responsibility, but everyone's problem that needs everyone's help to solve.

► Trust and teamwork between the police and the public

The idea of community policing in Kerala came from the understanding that trust and teamwork between the police and the public are needed to keep peace in a democratic society. With cities growing bigger and more people living close together, it has become impossible for the police alone to handle every safety issue. This led to new plans and projects



that build partnerships, make the police answerable to the public, and encourage regular communication between people and the police.

Community policing in Kerala is based on four main ideas:

1. Prevention,
2. Partnership,
3. Problem-solving,
4. Accountability.

► Four main ideas

Prevention means stopping crimes and problems before they happen. Partnership means working together with local people, schools, NGOs, and other groups to share the work of keeping the area safe. Problem-solving means finding local issues like theft, drug use, family fights, or anti-social activities and fixing them together for the long term. Accountability means both the police and the people are responsible for keeping peace and order, which builds trust and openness.

► More than fighting against crime

Community policing in Kerala is not just about fighting crime but also about other helpful activities. Beat officers visit houses, especially those of elderly people who live alone, to check on them and make sure they are safe. They look out for suspicious activities and teach families about safety. They also hold awareness sessions in schools, colleges, and neighbourhoods about topics like online fraud, drug abuse, women's safety, road safety, and how to stay alert. Neighbourhood meetings called Janamaithri Samithis give people a chance to talk directly to the police, share their worries, and suggest solutions. These meetings help fix small disputes, build trust between neighbours, and make people feel responsible for their own safety.

An important part of community policing is including people who usually feel left out, like women, the elderly, children, and migrant workers. Many of these groups feel shy or scared to approach the police. But when they see a friendly beat officer, they feel safer and more confident to share problems or give information that can stop crimes. Because of this, community policing has helped improve crime detection, reduce small fights, and make neighborhoods feel safer.

However, community policing also has some challenges. One big problem is that there are not enough police officers to do both normal policing work and community activities. Beat officers often have too much work and too little time. Also, some

► Misuse of power

officers do not have enough training in how to talk to people or solve conflicts peacefully. Sometimes, both the public and some police officers hold on to old ideas that police should only focus on strict law enforcement instead of friendly partnerships. Building trust takes time and effort, and any misuse of power by even a few officers can break the trust built over many years.

► Stop crimes before it happens

Still, community policing has shown that it can work well in Kerala. People in Kerala are generally active, educated, and willing to cooperate when they feel the police care about them. Many projects like Janamaithri Suraksha, Student Police Cadet, Pink Police Patrol, Nirbhaya, and Clean Campus Safe Campus follow the same ideas of community policing. These projects show that policing is changing from being just about catching criminals to working with people to stop crimes before they happen.

► Sharing the job of keeping society safe

Today, new types of crimes like cybercrimes, drug abuse, and crimes against women and children need a modern policing system that uses technology but also stays connected with the community. Community policing helps fill this gap by keeping people and police in regular contact, building trust, and sharing the job of keeping society safe. It gives people the power to take care of their own areas and help the police do their work better.

► Creating a safer and inclusive society

In the end, community policing in Kerala is an important step towards creating a safer and more peaceful society. It shows how the police can change from being seen as strict rule enforcers to helpful friends and guides. By involving the public, solving local problems early, and focusing on awareness and prevention, Kerala's community policing is an inspiring model for other regions to adopt. It shows that policing is not merely about enforcing laws and punishment, but about building partnerships with the community to create an environment where everyone feels safe, respected, and valued. Programs like the Janamaithri Suraksha Project, Nirbhaya, and Clean Campus Safe Campus demonstrate how collective effort and community participation can address crime, ensure safety, and nurture social responsibility. In the following sections, we will discuss these initiatives in detail and explore how they contribute to a safer and more inclusive society.

### 2.3.3 Janamaithri Suraksha

A basic definition of community policing can be understood



in the following way:

Community policing is a philosophy and an organizational strategy that promotes a new partnership between people and their police. It is based on the premise that both the police and the community must work together as equal partners to identify, prioritize, and solve contemporary problems such as crime, drugs, fear of crime, social and physical disorder, and overall neighbourhood decay, with the goal of improving the overall quality of life in the area. (Trojanowicz & Bucqueroux, 1998, p. 6)

The Janamaithri Suraksha Project, Kerala's community policing initiative, was officially launched in 2008 in 20 police stations. It was then extended to 23 more stations in 2009 and further expanded to cover 100 police stations by 2010.

► Active participation of citizen

This project is built on the idea that citizens should actively participate in tackling crime within their own neighbourhoods. To make this possible, specially trained police inspectors and constables act as community police officers. These officers stay in regular contact with local residents, seek their suggestions, and involve them in solving local crime problems.

► Programmes tailored to the specific needs of each locality

Through this community interface, the police design and implement various programmes tailored to the specific needs of each locality. Over time, the community policing system has steadily taken root across Kerala and its expansion to more police station limits shows its positive impact on crime prevention and reduction.

► Proactive steps to build good relations with the public

A significant boost to this effort came from the Global Community Policing Conclave held in Kochi on November 3-4, 2010, where international delegates praised Kerala's implementation of community policing.

For any law enforcement agency to serve society effectively, it must earn the people's respect and trust. Today, communities expect the police to ensure safety, security, and support. More than ever, it has become clear that the police themselves must take proactive steps to build good relations with the public and safeguard citizens' welfare.

Understanding the urgent need to improve the relationship between the police and the people, the Government of Kerala decided to promote community policing. To guide police

reforms, the government appointed the Justice K.T. Thomas Commission, which submitted its report in 2006 recommending that community policing should be introduced on a trial basis.

Based on this, the government directed the Police Department to draft a plan. The draft was prepared in 2007, thoroughly reviewed at various levels, and finalized with input and recommendations from different stakeholders.

### **Objectives of the Janamaithri Suraksha Project**

The Janamaithri Suraksha Project aims to ensure community safety through active public involvement. Its key objectives are:

1. To prevent crime in society.
2. To promote cooperation between the police and the public in matters of security.
3. To encourage mutual cooperation among community members themselves in ensuring safety.

► Ensure community safety through active public involvement

The project's purpose is not simply to improve the police's public image or to transfer police duties to ordinary citizens. Instead, it is designed to strengthen the professionalism and effectiveness of the police and make them more accessible to people in need. Through the Beat Officers, every citizen in a given area will be known to the police and, in turn, every resident will know their Beat Officers. This close interaction builds trust and strengthens security within communities.

### **Project Components**

The Janamaithri Beat is the main part of the Janamaithri Suraksha Project. It revolves around specially chosen and trained police personnel constables, head constables, or assistant sub-inspectors who serve as Beat Officers. To support this, the project also includes Janamaithri Suraksha Samithis and Janamaithri Kendrams, which help ensure the project works effectively.

### ***Janamaithri Beat***

A Janamaithri Beat Unit covers a local area with about 500 houses. Each police station area can be divided into as many beats as needed, but each beat should not exceed 3 square kilometers. The idea is that a Beat Officer should be able to



cover the entire area in a few hours, just like a postman does his rounds daily.

Within three months of taking charge, a Beat Officer should personally know at least one person in every household in his beat. He must be thoroughly familiar with every road, lane, by-lane, house, and other establishments in the area. The Beat Officer should regularly interact with local service providers like postmen, linemen, milk vendors, and gas delivery agents since they visit the area daily and can provide useful information.

The Beat Officer should maintain a rough map marking key landmarks and buildings, and keep a diary with contact details of important people and establishments. Copies of both the map and the diary must be available at the police station too.

### **Duties of the Janamaithri Beat Officer**

Each beat is managed by an Assistant Sub-Inspector or a Head Constable. Tasks like serving summons, executing warrants, finding addresses, handling complaint boxes, and other police duties in the area are coordinated by the Beat Officer under the supervision of the Station House Officer (SHO).

To ensure they are accessible, the name and details of the Beat Officer should be displayed at key locations within the beat area so that people know who they are. At least three times a week, the Beat Officer must visit a fixed location at a set time to meet the public and receive complaints. Details of these meetings place, date, nature of complaints, suggestions should be recorded in the beat diary and signed by the SHO.

In addition to the beat diary, the Beat Officer keeps a beat register for daily activities, petitions, and updates, which is also kept at the police station and signed by the SHO.

The Beat Officer must spend at least 20 hours per week patrolling the beat on foot, interacting directly with residents. They should build trust with the community so that people feel comfortable and safe to approach them at any time.

Officer should set example in good manners, conduct, and character for everyone in the area.

### **Janamaithri Suraksha Samithi**

A Janamaithri Suraksha Samithi must be established in every

#### **► Important duties**

► Mandatory body

police station as a mandatory body to implement the Janamaithri Suraksha Project within that station's jurisdiction. The Circle Inspector (C.I) can recommend individuals to be part of the Samithi, with support from the Station House Officer (S.H.O). These suggestions will be reviewed by the Sub-Divisional Police Officer and then sent to the District Superintendent of Police (D.S.P), who will finalize the Samithi's members after proper evaluation and consultation.

► Fair representation

The Samithi must include fair representation for women and members of Scheduled Castes and Tribes. Respected local residents who are active in education and culture should be included such as high school or college principals, teachers, retired officials, ex-servicemen, local councillors, businesspeople, NGO representatives, workers' union members, residents' association leaders, postmen, and Kudumbasree representatives. Priority should be given to office-bearers of residents' associations.

Anyone with a criminal background must be excluded. However, office bearers of political parties can be included if they meet all other criteria. Care must be taken to avoid any perception of favoritism towards any political or communal group. The Samithi's composition should enable responsible citizens to contribute their skills and civic sense to community safety.

► Structure

The formation process must be transparent, ensuring that only respected community members are selected. The Samithi must have at least 10 but no more than 25 members. The D.S.P will appoint one member as Convener. The Circle Inspector will chair meetings, and the Station House Officer will serve as Secretary. Additionally, the Station House Officer may designate an Additional Sub Inspector or Assistant Sub Inspector as the Community Relations Officer, who must fully commit to the project's implementation and support the S.H.O in all related activities. The Samithi should be reconstituted every two years, and any member found involved in criminal activity or immoral acts may be removed by the D.S.P.

The Samithi must hold meetings at least once a month on a predetermined date and at a fixed venue. Residents from the local Beat area and people from other areas if they wish are encouraged to attend and share their suggestions. It should be ensured that as many local residents as possible participate in these meetings.

If public turnout is very low, the Samithi should look into the reasons and advise the Beat Officer accordingly. The Station House Officer, who acts as Secretary, must prepare the minutes of each meeting and send copies to the Deputy Superintendent of Police and the Superintendent of Police. These senior officers should review the minutes, evaluate how effective the meeting was, and if needed, and offer guidance to the Station House Officer.

#### ► Meetings of Samithi

Sub-Divisional Police Officers should attend these meetings at least once every three months, while the Superintendent of Police should attend at least once a year. In addition to the regular monthly meetings, the Samithi can conduct extra meetings whenever necessary.

#### Activities of the Samithi

The Samithi may carry out various projects based on the needs of the local area. These projects should be discussed and approved during Samithi meetings. Depending on the local requirements, the following types of activities can be undertaken:

#### ► Various activities undertaken

1. Organizing night patrols with community participation
2. Coordinating efforts with private security personnel
3. Identifying new residents and unfamiliar individuals in the area
4. Installing burglar alarms and other security systems
5. Assisting senior citizens and people with physical disabilities
6. Ensuring the safety of women and children
7. Conducting awareness programmes
8. Setting up traffic warden systems
9. Establishing counselling centres to address family disputes, alcoholism, etc.
10. Overseeing the upkeep of street lights, traffic signals, and related infrastructure

11. Promoting initiatives like blood donation, eye donation, and organ donation
12. Providing self-defence training
13. Running school-based safety and vigilance initiatives
14. Collaborating with Kudumbasree units
15. Preventing the illegal sale of alcohol and drugs
16. Monitoring unlicensed financial operations
17. Introducing a complaint card system
18. Planning for disaster management and mitigation
19. Initiating trauma care, rescue, and first-aid projects
20. Setting up victim support cells

If needed, special sub-committees can be formed to handle specific projects or areas. These sub-committees can be created during Samithi meetings and may include people outside the main Samithi if they are well-suited for the task.

### **District Advisory Samithi**

The District Advisory Samithi is an advisory body led by the District Superintendent of Police to oversee and ensure effective monitoring of the Janamaithri Suraksha Project at the district level. Members may include Members of Parliament, Members of the Legislative Assembly, municipal chairpersons or mayors, along with other notable individuals nominated by the Superintendent of Police.

► Advisory body

► Provide guidance, suggestions, and instructions

This committee generally consists of 10 to 20 members. It must meet once every three months to review the functioning of the Janamaithri Suraksha Samithis within the district. During these meetings, the committee will provide guidance, suggestions, and instructions to help improve the performance of these Samithis.

The District Advisory Samithi is an advisory body chaired by the District Superintendent of Police to supervise and ensure the smooth implementation of the Janamaithri Suraksha Project at the district level. Its members may include Members of

Parliament, Members of the Legislative Assembly, municipal chairpersons or mayors, as well as other distinguished individuals nominated by the Superintendent of Police.

The committee usually has between 10 and 20 members. It is required to meet once every three months to review the functioning of the Janamaithri Suraksha Samithis within the district and to offer suggestions, guidance, and directions for improving their effectiveness.

► Janamaithri  
Kendrams

In addition, Janamaithri Kendrams play a vital role in bringing the community and police closer by organizing activities such as traffic safety classes, career guidance sessions, and other outreach efforts to address public concerns. There are plans to establish Janamaithri Kendrams in ten more locations.

The primary aim of each Kendram is to serve as an information hub, develop Janamaithri Yuvakendrams, provide sports and youth training opportunities, and create counseling spaces and facilities for women, and offer career planning and self-employment training. They also focus on anti-drug awareness campaigns, palliative care training, traffic education centres or parks, and other initiatives that strengthen the bond between the police and the community, helping law enforcement better serve the public.

Each Kendram should display a notice board featuring updates, photos, and news about the Janamaithri Suraksha Project. Posters promoting traffic discipline, civic responsibility, and other social values, especially for students, should be displayed prominently. Posters with helpline numbers, and information on drug abuse prevention and crimes against women, should also be put up to provide immediate assistance and raise awareness.

These centres have the potential to grow into broader community interaction hubs. They seek public involvement in tackling issues like traffic accidents and natural disasters. Voluntary groups and organizations working to promote peace, national integration, and communal harmony are encouraged to partner with the Kendrams.

Young people are especially encouraged to participate through the Janamaithri Yuvakendram, giving them an active role in community policing and social betterment.

### 2.3.4 Nirbhaya

#### ► Justice Verma Committee

Women everywhere particularly in a highly patriarchal society like ours have long been victims of various crimes, discrimination, and indignities. The infamous and extremely brutal Nirbhaya Rape Case on 16th December 2012 in Delhi shook the nation's conscience like never before. Country-wide protests led the Government of India to set up the Justice Verma Committee on 23rd December 2012, which submitted its report in record time on 23rd January 2013. This resulted in several legislative and administrative measures, the most significant being the enactment of the Criminal Law (Amendment) Act, 2013.

#### ► Administrative measures to enhance women's safety

The Act considerably widened the definition of rape and introduced new offences against women, such as sexual harassment, acts intended to disrobe a woman, voyeurism, and stalking (Sections 354A to 354D IPC). Punishments for such crimes were also made much harsher. This Act, along with the Protection of Children from Sexual Offences (POCSO) Act, 2012, which was already in force, strengthened the legal framework for combating crimes against women and children. The Government of India also began allocating funds specifically for various administrative measures to enhance women's safety through a dedicated fund the Nirbhaya Fund.

Simultaneously, most state police organizations launched multiple initiatives, including administrative/enforcement measures and community engagement programmes, to improve women's safety. Administrative measures included the establishment of special cells for crimes against women at the state and district levels, victim assistance and protection units, dedicated helplines and mobile apps, self-defence programmes for women, Women's Assistance Desks in police stations, capacity building and gender sensitisation of police personnel, surveys of vulnerable areas, installation of CCTV cameras, and measures to make public transport safer for women.

#### ► Developing Practical Solutions

Community involvement measures focused on reaching out to women and the wider public to engage them in dialogue, sensitise them to the issues, improve legal literacy, and develop practical solutions. Consultative mechanisms and networks of women and citizen volunteers were established, along with partnerships with women's organisations, international bodies, and donor agencies.



## Kerala's Socio-Economic Context and Challenges

Kerala, which has the distinction of achieving the highest levels of female literacy, education, and health, and the lowest maternal and child mortality rates in India as well as an enviable male-female ratio is also a state facing severe social challenges.

### ► Social challenges

Despite their high levels of education, including university degrees, the visibility of women in political, cultural, literary, and social spheres remains negligible. The state also reports high rates of suicides and mental depression, coupled with one of the lowest female work participation rates in the country. Distorted notions of male-female relationships continue to manifest in violence against women in the form of molestation, rape, and other forms of abuse, raising disturbing questions about the safety of women and children issues that society as a whole, both men and women, must address.

### ► Safety of women and children in both public and private domains

In recent years, sex trafficking in Kerala has assumed various forms and operates at multiple levels local, inter-district, inter-state, and even cross-border as well as within homes, on a scale that raises significant social concerns. The occurrence of sexual violence and sex trafficking calls into question the safety of women and children in both public and private domains. Sexual violence is deeply rooted in patriarchal perceptions of power, a problem prevalent across the globe. Sex trafficking of women and children is a multidimensional issue encompassing economic, educational, social, developmental, and cultural factors that are diverse and highly complex.

Human trafficking is the third-largest organized crime in the world and is defined by the United Nations as “the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or by giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

## The Nirbhaya Project: A Dedicated Initiative of Kerala

Nirbhaya is a dedicated project launched to enhance the safety and protection of women and children in Kerala. The main aim of this initiative is to prevent crimes against women, respond quickly to distress situations, and create a safer public environment through active policing and community involvement.

### ► Enhance the safety and protection

► Providing support and rehabilitation

Under the Nirbhaya project, the police work closely with local communities, schools, and other stakeholders to raise awareness about women's rights and personal safety. They also run helplines, counselling centres, awareness campaigns, and patrols to deter harassment and abuse in public places. Special focus is given to providing support and rehabilitation to victims of violence, ensuring they receive legal aid, counselling, and social support.

The project also emphasizes educating the public about gender equality and responsible behaviour, empowering women to report crimes without fear, and strengthening the partnership between the police and society to make Kerala a safer place for women and children.

### Strategic Areas of Intervention

To combat child abuse, sexual violence, and sex trafficking, three main areas of intervention are required:

► Prevention, Protection, and Prosecution

**Prevention:** By addressing the root causes of these crimes, including empowering vulnerable groups and targeting contributing factors such as gender discrimination, alcoholism, consumerism, and by preparing communities to remain vigilant and prevent such crimes.

**Protection:** By initiating strong corrective and remedial measures, and providing an enabling environment with protection services to help victims heal, recover, empower themselves, and reintegrate into society.

**Prosecution:** By ensuring a strong rule of law to deter such crimes from recurring.

### Nirbhaya Policy: A Comprehensive Action Plan of Kerala

Sexual violence against women and children, and sex trafficking, are serious offences. The Kerala Government has declared its deep and steadfast commitment to providing relief to victims and prosecuting perpetrators, while creating a safe and supportive environment for women and children. To combat sexual violence and trafficking, and to safeguard vulnerable groups from exploitation, the Government of Kerala formulated the Nirbhaya Policy a comprehensive Policy and Action Plan with multi-stakeholder convergence.

► Creating a safe and supportive environment



### The policy aims at:

- Prevention of sexual violence against women and children
- Protection of victims of sexual violence
- Prosecution of perpetrators of sexual violence
- Rehabilitation of survivors of sexual violence
- Reintegration of survivors of sexual violence

To coordinate the Nirbhaya Programme, a separate cell (Nirbhaya Cell) has been created under the Directorate of Social Justice headed by an officer of the rank of Joint Director. The State-level Co-ordination Committee will nominate members from the state committee to associate with the Nirbhaya cell and support implementation.

**Table 2.3.1 State level Co-ordination Committee (34 members)**

Hon. Chief Minister	Chairman
Hon. Minister for Panchayat & Social Justice	Vice Chairman
Hon. Minister for Home & Vigilance	Vice Chairman
Hon. Minister for Youth Affairs Chief Secretary to Govt.	Vice Chairperson
Principal Secretary, Social Justice	Convenor
Director of Social Justice	Joint Convenor & 27 other members

**Table 2.3.2 District level Nirbhaya Committee (27 members)**

Chairperson of DPC	Chairperson
District Collector	Vice-Chairperson
District Social Justice Officer	Convenor
District Probation Officer	Joint Convenor & 21 other members
SP/ City Police Commissioner	
District Medical Officer	

**Table 2.3.3 Panchayat/Municipality/Corporation**

Panchayat President / Chairperson of Municipality / Corporation Mayor	Chairperson
Standing Committee Chairperson (for all ULGs)	
Woman Panchayat member / Municipal Ward Councillor	
Doctor of PHC/CHC	
Kudumbashree CDS Chairperson	
Woman Lawyer (Nominated by DLSA)	
CI/ SI of local police station	
Woman SC/ST Panchayath member or social activist	
One Convenor of ward level Jagrata Samitis	
ICDS Supervisor / CDPO	Convenor

### **Jagrata Samitis**

The Nirbhaya Programme has brought together government departments, police, local self-governments, civil society, and communities on a common platform to fight violence against women and children. It has led to better reporting of crimes, strengthened victim support systems, and empowered communities to be vigilant, and increased gender sensitization at the grassroots level. The Nirbhaya Programme stands as a testament to Kerala's commitment to ensuring a safe, secure, and dignified life for its women and children. While challenges remain, comprehensive approach combining prevention, protection, prosecution, rehabilitation, and community vigilance continues to inspire collaborative action towards building a safer society for all.

### **2.3.5 Clean Campus Safe Campus**

The “Clean Campus, Safe Campus” initiative was launched by the Government of Kerala in 2014 as a proactive response to the growing concerns about the menace of substance abuse among school and college students. In the early 2010s, several alarming reports from schools, health professionals, and law

► Develop a community-level awareness system and robust preventive measures

enforcement agencies indicated a sharp rise in drug peddling networks specifically targeting students especially in urban and semi-urban areas of Kerala. Easy access to narcotic substances and tobacco products near educational campuses emerged as a serious threat to students' health, discipline, and academic development. To counter this grave social issue, Kerala Police, in close collaboration with Education Department, designed "Clean Campus, Safe Campus" programme. The vision was not only to strengthen law enforcement but also to develop a community-level awareness system and robust preventive measures to tackle the supply and demand for drugs near educational institutions.

The programme was officially inaugurated in 2014 by the then Chief Minister of Kerala and swiftly scaled up into a statewide mission. District administrations were instructed to establish coordination committees involving school principals, Parent-Teacher Associations (PTAs), local self-governing bodies, Non-Governmental Organisations (NGOs), and the local police force.

Over the years, the initiative has evolved, adopting improved surveillance strategies, conducting regular safety audits of school campuses, providing student counseling services, and establishing a multi-tier monitoring system to sustain the campaign's effectiveness. Today, it covers almost all aided and unaided schools in Kerala, with plans actively progressing to include colleges and universities under its ambit.

### Key Milestones

2014: Official launch of the "Clean Campus, Safe Campus" initiative.

2015-2017: Intensive awareness campaigns in schools, training for teachers and students, and formation of school-level monitoring committees.

2018-2020: Stricter enforcement measures targeting illegal sales of narcotics and tobacco near schools; greater community policing.

2021 onwards: Adoption of modern surveillance technologies, integration of community policing models, and a new focus on supporting student mental health and counseling.

The programme has been widely appreciated by educators,

### ► An innovative model

public health experts, and civil society as an innovative model for other Indian states to follow in addressing youth substance abuse. The sustained collaboration between the Home Department, Education Department, the Police, and the wider community remains the backbone of “Clean Campus, Safe Campus”, making it one of Kerala’s most impactful child and youth protection initiatives.

Substance abuse among students remains a critical social and public health concern across India, with Kerala taking proactive measures to address it. Recognizing the deep impact of drugs and tobacco on students’ physical and mental well-being, the Kerala government’s initiative stands out as a multi-sectoral, participatory model that aims to create a safe, supportive, and positive educational environment for all.

The “Clean Campus, Safe Campus” initiative is driven by the following major objectives:

#### **Reduce Substance Abuse**

The foremost goal is to curb the availability and consumption of drugs, tobacco products, and similar harmful substances within school and college premises and their surrounding areas.

#### **Promote a Safe Environment**

Ensuring a secure, healthy, and conducive atmosphere for students to learn and thrive is a core aim. This means tackling not only substance abuse but also other influences that might threaten campus safety.

#### **Enforce Regulations**

The initiative places emphasis on the strict enforcement of laws that prohibit the sale of drugs, tobacco, and intoxicants within a prescribed distance of schools and colleges.

#### **Raise Awareness**

Creating awareness among students, parents, teachers, and communities is vital. The programme includes structured awareness campaigns about the health, legal, and social consequences of substance abuse.

#### **Collaborative Approach**

Collaboration is key. The campaign is a joint effort involving government departments, NGOs, local bodies, teachers’ associations, student unions, and the public.



► Major objectives

### **Multi-Tiered Monitoring**

A robust three-tiered monitoring mechanism ensures that the programme's implementation is regularly reviewed and strengthened where necessary.

### **Implementation Plan**

The Government of Kerala has designed a clear and phased implementation strategy for Clean Campus, Safe Campus.

#### **Initial Focus:**

The programme initially targets all aided and unaided schools across the state. Subsequently, the coverage will expand to include colleges and universities, ensuring the continuum from school to higher education remains drug-free.

#### **Community Involvement:**

The initiative actively involves the entire school community teachers, students, parents, staff, and volunteers. Their cooperation is vital to maintain surveillance and prevent illicit activities in and around campuses.

#### **Regular Safety Audits:**

Institutions are mandated to conduct regular audits to ensure campus safety not only from substance abuse but also through maintaining infrastructure like lifts, hostels, and classrooms in good condition.

► Implementation strategy

#### **Waste Management:**

Cleaning drives and waste disposal are integral to promoting a hygienic environment. Student hostels and campus premises are kept tidy to discourage anti-social activities.

#### **Counseling & Support:**

Identified students at risk or already involved with harmful substances are provided with counseling, psychological support, and rehabilitation pathways if required.

#### **Community Engagement:**

Regular stakeholder meetings with principals, local police, health officials, and local bodies are organized to assess progress and plan action.

### **Key Strategies**

To realize its objectives, Clean Campus, Safe Campus adopts the following strategic approaches:

**1. Awareness Campaigns:**

Workshops, seminars, and campaigns are held within schools to sensitize students and staff about the risks of substance abuse.

**2. Student Peer Groups:**

Peer support groups are formed to help students resist peer pressure and promote healthy habits.

**3. Legal Action:**

Strict legal measures are enforced against those selling drugs or tobacco products near educational institutions.

**4. School Vigilance Committees:**

Vigilance committees comprising teachers, PTA members, and student representatives monitor suspicious activities.

**5. Collaboration with Police:**

Local police stations are instructed to conduct surveillance and raids near schools and colleges to catch offenders.

**6. NGO Partnership:**

Collaboration with NGOs helps to run de-addiction campaigns and provide counseling services.

**Monitoring Mechanism**

To ensure effective implementation, the programme uses a three-tiered monitoring system:

**School-level Monitoring Committees:**

These committees work at grassroots level to oversee day-to-day implementation. They consist of school authorities, PTA members, and local police representatives.

***District-level Monitoring Committees:***

Headed by District Collectors, these committees coordinate with educational and police officials to resolve local issues and report progress to the state.

***State-level Monitoring Committee:***

A high-level committee under the Chief Secretary supervises



the entire programme, formulates policies, and revises strategies based on feedback.

Regular progress reports are mandated at all levels to maintain accountability and transparency.

### **Expected Outcomes**

The Clean Campus, Safe Campus initiative envisions the following results:

#### **Substantial Reduction in Substance Abuse:**

Availability of drugs and tobacco near campuses will decrease significantly.

#### **Enhanced Student Well-being:**

Students will experience a safer, more supportive environment to study and grow.

#### **Empowered Communities:**

Parents, teachers, and local communities will become proactive stakeholders in maintaining safe campuses.

#### **Strengthened Legal Framework:**

Strict enforcement of existing laws will deter offenders and create long-term impact.

#### **Model for Other States:**

The programme can serve as a replicable model for other Indian states battling similar issues.

The Clean Campus, Safe Campus initiative is an ambitious and vital intervention by the Government of Kerala to protect its youth from the perils of substance abuse and to secure the learning environment. By combining regulatory action, community participation, awareness, and counseling, the initiative aims to tackle the root causes and symptoms of this complex social challenge. Sustained commitment from stakeholders' government, educators, parents, students, and society at large is key to realizing the vision of a drug-free, safe, and clean campus culture throughout Kerala.

## Summarized Overview

In Unit 3, we studied the key innovations introduced by the Kerala Police to ensure safety, strengthen community relations, and address modern social challenges. Kerala's community policing initiatives have set an example for the rest of India by encouraging direct involvement of local communities in maintaining law and order and building trust between citizens and the police force. The Janamaithri Suraksha Project is a notable example of this, where specially designated beat officers work closely with residents, organize meetings, and help resolve local issues through cooperation and vigilance, thereby preventing crime and enhancing public security. The Nirbhaya programme demonstrates Kerala's commitment to protecting and rehabilitating women and children who are victims of sexual crimes and gender-based violence. Another important innovation is the Clean Campus, Safe Campus initiative, launched in 2014 to combat the rising threat of substance abuse among school and college students. By enforcing strict regulations, conducting awareness campaigns, and promoting active involvement of teachers, parents, and local bodies, this programme aims to keep campuses free from drugs, tobacco, and other harmful substances, creating a safe and healthy learning environment. Together, these programmes highlight Kerala's progressive approach to policing one that combines strict law enforcement with community participation, awareness, and support services to protect the most vulnerable sections of society and maintain public trust.

## Self-Assessment

1. Explain the concept of Community Policing in Kerala and discuss its role in strengthening police-public relations.
2. Describe the Janamaithri Suraksha Project. How does it function and what are its major objectives?
3. What is the Nirbhaya initiative in Kerala? Discuss its key components and impact on women's safety.
4. Examine the Clean Campus, Safe Campus initiative. How has it addressed substance abuse among students in Kerala?
5. Discuss how community involvement has been integrated into the policing system of Kerala through recent innovations.
6. Write a note on the role of local bodies and volunteers in the success of Community Policing initiatives in Kerala.

## Assignments

1. Explain the significance of community policing in Kerala. How does it differ from traditional policing models?
2. Discuss the objectives, structure, and functioning of the Janamaithri Suraksha Project. How has it contributed to public trust in the police?
3. How do innovations such as *Clean Campus Safe Campus* reflect the changing priorities of policing in Kerala? Illustrate with case studies.
4. Assess the contribution of Kerala Police's innovative projects to enhancing police-public relations. Do these initiatives indicate a paradigm shift in policing?

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



SGOU



**BLOCK 3**  
**Criminal Justice System**

# UNIT 1

## An Introduction to the concepts of Crime and Justice

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ define crime and explain its basic nature.
- ▶ understand how crime and society are connected.
- ▶ explain what justice means in the criminal justice system.
- ▶ know why justice is important to maintain law and order.
- ▶ identify different ways crime is studied in society.

### Background

In this unit, we will build a strong foundation in understanding two central concepts of our study; crime and justice and how they shape the functioning of society. We will begin by exploring the meaning and nature of crime, looking at how it is defined by law, influenced by cultural values, and shaped by changing social conditions. We will study the relationship between crime and society, recognizing that crime does not occur in isolation but is deeply connected to social, economic, and political factors such as poverty, inequality, education, and community structures. We will also understand how crime affects the stability and harmony of society, influencing public trust and safety.

This unit will further guide us in examining justice as a core pillar of the criminal justice system, focusing on its role in ensuring fairness, equality before the law, and the protection of human rights. We will discuss how justice serves as a balancing force maintaining order while upholding ethical values and offering opportunities for rehabilitation. By the end of this unit, we will have a clearer perspective on how crime and justice are interlinked, enabling us to approach further topics in law enforcement, corrections, and legal processes with a strong conceptual base.

## Keywords

Nature of Crime, Society, Justice, Law, Social Order, Fairness.

## Discussion

### 3.1.1 The Concept of Crime and Justice

Crime and justice are basic ideas that shape every society. To begin, think for a moment: What turns an act into a crime? Is it just breaking the law, or also harming people's trust and safety? Before we study this topic, it helps to know about social rules, how laws are made, and how people behave. A crime is any act or failure to act that the law forbids and punishes. But what is seen as a crime can change with time and culture. For example, dowry demands or child marriage were once accepted in India, but are now crimes. Crime can be violent or non-violent, big or small, or even hidden.

► Crime

A tragic example is the Nirbhaya case (2012). A young woman was gang-raped in Delhi, leading to huge protests. This crime forced the government to make stricter laws for women's safety and showed how crimes reveal deeper problems in society.

► Crime and Society

Crime and society are closely linked. Social issues like poverty, broken families, drugs, and peer pressure often lead to crime. Sometimes people ignore small crimes like bribery, which then become normal. For example, Kerala's Clean Campus Safe Campus project was started when police found drug peddlers targeting school children. This showed how crime prevention needs schools, parents, and communities to work together. Modern crimes like cyber fraud or financial scams are rising. The Vijay Mallya bank fraud is one such case. It shows how misuse of power can harm many people and the economy.

► Justice

On the other hand, justice is the backbone of the criminal justice system. Justice means fair treatment punishing the guilty, protecting the innocent, and helping victims. If people don't trust the system, they may take revenge on their own. One example is the Jessica Lal case. Jessica was shot dead in Delhi in 1999. The accused was freed at first, but public protests and



media pressure reopened the case and got him convicted. This shows how people's support can help justice win. In Kerala, the Janamaithri Suraksha Project is an example of community policing. It builds trust between the police and the public to solve local problems and prevent crime.

In short, crime shows us society's problems, while justice tries to solve them. Both are connected and everyone has a role in keeping this balance. As you learn this unit, think about why crimes happen and how each of us can help strengthen justice. With this background, let's see each concept one by one.

Crime is intrinsically linked to the concept of social order. Whenever individuals violate the established rules or norms of society, they are labeled as criminals and face punishment under the legal framework of the land. Since the dawn of civilization, crime has persisted as a constant challenge for human societies, regardless of their cultural, economic, or political systems. No community, whether large or small, developed or developing, is completely free from crime.

► Crime is intrinsically linked to the concept of social order

Addressing this enduring reality, the renowned sociologist Émile Durkheim argued that crime is not an abnormality but an inevitable part of social life. According to Durkheim, "Even a society of individuals with angelic qualities would still experience violations of its norms." This highlights the idea that no matter how perfect or morally upright a community might appear, there will always be some acts that challenge the collective conscience and existing rules. Crime, therefore, is not static; it evolves as society changes, reflecting new values, conflicts, and circumstances. In this sense, studying crime helps us understand not just lawbreaking but also how societies define acceptable behavior, set boundaries, and respond to deviance in order to maintain order and justice.

Defining crime precisely is challenging because it varies across cultures and changes over time. Crime definitions are influenced by social norms, legal frameworks, and political contexts. Moreover, the public perception of crime and its risks often differs from actual statistics, influenced by media portrayal and societal fears.

► Crime as social construct

Crime refers to an act or omission that violates a law and is punishable by the state. Crimes are defined by legal codes, shaped by societal norms, and vary across cultures and historical periods. What one society may consider a crime, another may

not, highlighting that crime is not only a legal but also a social construct.

► Rooted in moral rightness

Justice, as described here, is a concept rooted in moral rightness, which means it is built on shared ideas about what is ethical and fair. It draws its strength from various sources such as ethics, rationality, law, natural law, fairness, religion, and equity. Together, these principles guide how a society decides what is just and right in human relationships and behavior.

► Protecting rights, ensuring fairness, balancing competing interests, and maintaining social harmony

Justice is not merely about punishing crime; it is about ensuring that things and people are properly ordered within a society. This means it involves protecting rights, ensuring fairness, balancing competing interests, and maintaining social harmony. When informal social controls like family influence, community norms, or traditional moral codes are not strong enough to maintain order, societies create formal systems of control, such as government-enforced laws and institutions. These formal systems including laws, courts, policing, and punishment work together to uphold justice by defining unacceptable behavior, identifying wrongdoers, and imposing consequences.

► Justice extends beyond punishment

Additionally, justice extends beyond punishment to include victim protection, fair judicial processes, and the role of media in shaping public understanding of crime and crime control. How justice is carried out, who gets access to it, and how it is represented publicly all affect whether people perceive the system as fair and legitimate.

► Protection of human rights

The concept of justice is broader than crime control alone. It includes the protection of human rights, the equitable distribution of resources, and the assurance that individuals are treated with dignity and respect. In modern societies, criminal justice system comprising the police, courts, and correctional institutions plays a vital role in upholding justice by preventing and controlling crime, protecting the innocent, and punishing the guilty.

The concept of crime and justice revolves around how society defines unacceptable behavior and responds to it through a structured system known as the criminal justice system. The criminal justice system is composed of three primary components:

Law enforcement: Agencies such as the police investigate



► Primary components

crimes and apprehend suspects.

Courts: Responsible for interpreting laws, conducting trials, and ensuring due process.

Corrections: Involves managing punishments and rehabilitation through prisons, probation, parole, and community programs.

The system aims to maintain social control, deter crime, and provide justice to victims and offenders alike through sanctions and rehabilitation measures.

However, debates continue about what constitutes true justice. Questions arise about whether the system treats all groups equally, how punishment should relate to rehabilitation, and how to address the root causes of criminal behavior, such as poverty, inequality, or mental illness.

► Studies the causes of crime, criminal behavior, and societal reactions to crime

Criminology, a related field, studies the causes of crime, criminal behavior, and societal reactions to crime. It informs criminal justice policies by exploring theories of crime causation and effective prevention strategies. Criminology integrates insights from sociology, psychology, biology, and law to understand and address crime comprehensively. In summary, crime and justice encompass the acts deemed unlawful by society and the institutional processes designed to investigate, adjudicate, and manage those acts to uphold social order and fairness. The criminal justice system is the mechanism through which this balance is sought, involving law enforcement, courts, and corrections working together to enforce laws and administer justice.

► Human actions that society disapproves of and penalizes through legal means

### 3.1.2 Meaning and Nature of Crime

Crime can be understood as an act or omission that breaks the law and is punishable by the State. In simple terms, it is any conduct that harms public welfare and is forbidden by law. Broadly, crime refers to human actions that society disapproves of and penalizes through legal means. According to modern criminal law, a crime is an act defined and prohibited by penal statutes, and its violation attracts punishment.

### Early Concept of Crime

Historically, the idea of crime has constantly evolved along with changing social conditions. In early societies, especially during the 12th and 13th centuries, only acts that threatened the

State or religion were seen as crimes. Offences like treason, rape, and blasphemy were criminalized, but surprisingly, murder was not always treated as a crime in the modern sense.

► Crime has constantly evolved along with changing social conditions

In these times, there was no clear difference between crimes and civil wrongs (torts). As Pollock and Maitland noted, in early English society, strong family ties meant that private revenge or compensation was the norm rather than formal legal action. If someone caused harm, they could pay ‘bot’ a sum of money to the victim’s family, erasing their guilt. If the offender refused to pay, the victim’s family might start a ‘blood-feud,’ and the law merely declared the wrongdoer an outlaw, allowing anyone to kill him like a wild animal.

Certain offences, however, were so serious that no payment could clear the guilt. These ‘botless’ crimes such as housebreaking, harboring criminals, or refusing military service required punishment like death, mutilation, or forfeiture of property. Over time, these offences shaped the modern distinction between civil wrongs and crimes: civil wrongs could be settled by compensation, while crimes demanded state-imposed punishment.

► Divine trials to test truth

Another notable feature of early criminal justice was the widespread use of ordeals. For example, an accused person might carry a red-hot iron or be submerged in water survival or healing was seen as proof of innocence. This system reflected the dominance of religion and superstition in early societies, where divine signs determined guilt or innocence. Ancient Indian texts like the Dharmashastras also mention various forms of ordeals as divine trials to test truth.

As societies advanced, human reasoning, legal systems, and scientific knowledge improved. Kings gradually took greater responsibility for catching and punishing offenders, a role that had previously been left mostly to victims and their families. This shift marked the beginning of crime as a matter of public law, laying the foundation for today’s criminal justice system.

► Scientific Approach

## **Eighteenth and Nineteenth Century**

In the 18th century, countries like France and Italy saw a major shift in how crime was understood. The old belief that crime was caused by divine anger or evil spirits was replaced with a more scientific approach. Thinkers of this period argued



that only the offender should be held responsible for their actions outside forces were no longer blamed.

► Criminal law as a mirror of a society's moral standards at a given time

This period shows how the idea of crime changes with social values and policies. As society's views evolve, some acts become new crimes while others fade away. This is why criminal law is often seen as a mirror of a society's moral standards at a given time. For example, in India, new laws were made to tackle specific social problems. Strict anti-dowry laws were passed to curb dowry deaths and bride burning. Similarly, the cruel practice of Sati where a widow was forced to burn herself on her husband's pyre was banned with tough punishments for anyone who supported it. Such laws show how changing crime definitions reflect society's growing concern for human rights and dignity, especially for women.

## Twentieth Century

► Changing nature of crime

In the twentieth century, crime rates have risen sharply worldwide, not just in India. In fact, crime is often higher in many Western countries due to different social factors. In India, stronger family ties and deeper respect for religion and morality have traditionally helped keep crime somewhat in check. Such controls are weaker in the West. Broadly, the rise in crime is linked to rapid modernization, urbanization, industrial growth, technological advances, and increasing materialistic attitudes. As economies grow, so does people's desire for wealth and luxury. When legitimate means can't satisfy these wants, some turn to illegal ways to get what they want.

Moreover, fast-paced social change has led to conflict, cultural shifts, and the breakdown of traditional social controls. This disruption has created conditions where crime can flourish, especially in large urban centers. India's diverse society, once held together by tight-knit communities, now struggles with divisions that encourage criminal behavior.

► Crime in politics

In recent years, spread of crime into politics has made things worse. Scams, corruption, bombings, sex scandals, and violence have become more common, showing how deeply crime has seeped into various layers of society.

## Defining the crime

A precise definition of 'crime' is by no means an easy task. Generally speaking, almost all societies have certain norms,

beliefs, customs and traditions, which are implicitly accepted by its members as conducive to their well-being and healthy all round development. Infringement of these cherished norms and customs is condemned as anti-social behaviour. Thus many writers have defined crime as an anti-social, immoral or sinful behaviour. Various jurists have explained the concept of crime in different ways:

**Jeremy Bentham** saw crimes as actions that lawmakers forbid for various reasons.

**John Austin** distinguished crimes from civil wrongs by stating that crimes are pursued by the State rather than just by the individual who suffered harm.

**Sir William Blackstone** defined crime as behavior that breaches public law and impacts the rights and responsibilities owed to the community.

**Sir James Fitzjames Stephen** described crime as conduct banned by law and also offensive to society's moral standards.

**Courtney Stanhope Kenny** pointed out that crimes are wrongs punished by the State, which private individuals cannot pardon.

**George Williams Keeton** viewed crime as an unwanted act that the State addresses through penalties instead of leaving the resolution to the victim alone.

**Miller and Paton** emphasized that crimes are acts that the law either forbids or demands, with punishment imposed by the State.

**Terence Morris** observed that crime is not a fixed concept like sin; rather, it is a relative term that evolves with societal changes.

Taken together, these views highlight that crime does not have a single universal definition. Its meaning changes with legal systems, moral beliefs, and social contexts.

To understand the nature of crime, it is essential to study a few core concepts. The conceptual approach to crime refers to the different frameworks and perspectives used to understand what crime is, why it occurs, and how society can respond to it. These approaches help define criminal behavior, explain its underlying causes, and guide the development of effective preventive and corrective measures. Criminologists draw insights from various disciplines including law, psychology, sociology, biology, and economics to build theoretical models that capture the complexity of crime. Each perspective highlights different aspects of criminality, and together they provide a comprehensive understanding of its causes, nature,

► Different perspectives on crime

► Conceptual approaches to crime



and consequences.

Below is a detailed explanation of some of the main conceptual approaches to crime:

► Criminal law is a body of rules made by State to regulate conduct and protect the community's welfare

### 1. Legal Approaches to Crime

Criminal law is a body of rules made by State to regulate conduct and protect the community's welfare. It works through punishment and must have four key features:

**Politicallity:** Only State-made rules define crime.

**Specificity:** Crimes must be clearly defined.

**Uniformity:** Laws apply equally to all.

**Penal Sanctions:** Violations are punished by the State.

For an act to be a crime, it must involve:

1. An act or omission (actus reus).
2. A guilty mind (mens rea).
3. Violation of law.
4. State punishment.

#### Key principles:

**Mens rea:** No crime without criminal intent (actus non facit reum nisi mens sit rea).

**Mistake of fact:** Can be a valid defense. Mistake of law is not. eg: Accidentally shooting someone because you genuinely believed a gun was unloaded, is a mistake of fact.

**Strict liability:** Some crimes do not accept intent as a defense (e.g., statutory offenses).

**No ex post facto laws:** You can't be punished for something that wasn't a crime when you did it.

**Presumption of innocence:** Every accused is innocent until proven guilty.

Accused persons have rights like bail, counsel, legal aid, and protection against self-incrimination and double jeopardy.

### 2. Behavioral Approaches to Crime

The behavioral approach views crime as a learned behavior shaped by one's environment and experiences, not as something inherited. It emphasizes that people pick up criminal tendencies through observation, imitation of role models, reinforcement of deviant acts, and socialization within dysfunctional settings.

► Views crime as a learned behavior shaped by one's environment and experiences

For example, children exposed to violence or communities where crime is normalized may adopt similar behaviors. However, this perspective also stresses that criminal behavior can be unlearned through proper interventions like therapy, behavior modification, and positive reinforcement. By tackling harmful learning patterns and providing healthier role models and environments, the behavioral approach shows how criminal actions can be replaced with constructive, socially acceptable behaviors.

### 3. Sociological approaches to crime

Sociological approaches to crime explain that criminal behavior is shaped by social structures, cultural conflicts, and multiple interacting factors. Structural theories, like Robert King Merton's concept of anomie, argue that crime happens when people are pressured to achieve socially approved goals but lack legitimate means, pushing some to deviant paths. Subcultural theories, such as Cohen's and Miller's, show how certain groups develop values that encourage deviance like gangs that reward toughness, cleverness, and excitement outside legal norms.

► Criminal behavior is shaped by social structures, cultural conflicts, and multiple interacting factors.

The multiple factor approach accepts that no single cause explains crime. Factors like poverty, broken families, cultural conflicts, urbanization, politics, and declining religious influence can combine to weaken social controls and promote criminal behavior. Together, these theories highlight that crime is a social phenomenon rooted in unequal opportunities, group norms, and wider social disorganization.

### 4. Deviance: Approaches to Crime

The deviance approach to crime focuses on behaviors that break social norms or laws, highlighting how society defines and reacts to such acts. Deviance is not fixed it changes with culture and time. Labeling theory, by Becker and others, explains that deviance is shaped by society's reaction: once labeled deviant, people may accept this role and continue the behavior (secondary deviance). Durkheim argued that deviance is normal and can help define social boundaries, but too much deviance leads to anomie, or normlessness, which causes disorder and crime. Other theories like strain theory (Merton) and subcultural theories (Cohen, Cloward) show that deviance can arise when people lack legitimate means to reach societal goals, leading to alternative norms. Conflict theory (Marx) views deviance as a result of power struggles, with

► Crime focuses on behaviors that break social norms or laws, highlighting how society defines and reacts to such acts

laws protecting the powerful. Moral panics show how media and society can amplify deviance and push for harsh controls. Overall, this approach sees crime not just as law-breaking, but as shaped by labels, reactions, and social inequality.

## 5. Biological and Psychological Approaches

► Explores the role of genetics, brain structure, and neurological functions in shaping criminal tendencies

Biological study of crime explores the role of genetics, brain structure, and neurological functions in shaping criminal tendencies. This field investigates how inherent biological traits may contribute to an individual's likelihood of engaging in criminal behavior, offering a nuanced understanding of the complex interplay between biology and criminality. The psychological factors were considered important for crime causation. The idea persisted that there was one constant element that characterized criminals' low intelligence. It is necessary to explain why persons with low intelligence become criminals more frequently than others. The explanation one accepts will depend to a large extent on one's view of what intelligence means. It is some form of abstract reasoning or problem solving ability. This ability is largely inherited. Inappropriate and ineffective child rearing practices by low IQ parents might be the cause of delinquency among their low IQ children. This low intelligence factor can also be applied in another dimension. It is possible that a youth who performs poorly in school because of less intelligence become truant. Then it indulges in vandalism and drift into criminal activities. Thus it slowly learns the easy method of living through deviant ways by learning to plan cunning methods of committing crime.

### Essential Elements of Crime under the Bharatiya Nyaya Sanhita (BNS)

Under the Bharatiya Nyaya Sanhita, 2023, a wrongful act to be recognised as a crime generally must have these core elements:

#### 1. A Human Offender

The act must be committed by a person who is legally responsible and capable of facing criminal liability.

#### 2. Guilty Mind (Mens Rea)

There must be a wrongful intention, knowledge, or recklessness that is, a criminal state of mind while doing the act or omission.

### 3. Prohibited Act or Omission (Actus Reus)

There must be a clear act or a failure to act where the law imposes a duty; this act must be something specifically forbidden or punishable under BNS provisions.

► Unlawful harm to a person

### 4. Illegal Harm (Injury)

The act or omission must result in unlawful harm to a person, their body, mind, reputation, property, or the community. Under BNS, 'injury' has a similar meaning as in IPC (harm to body, mind, reputation, or property done illegally).

The principles of Mens Rea and Actus Reus are still foundational under BNS for most offences, a guilty mind is required along with a wrongful act, except in certain strict liability offences specifically stated by law.

► Crime is a complex and evolving concept

Crime is a complex and evolving concept deeply shaped by historical contexts, social values, legal frameworks, human behavior, and scientific understanding. From ancient customs of revenge and ordeals to modern theories that blend law, sociology, psychology, and biology, the study of crime demonstrates how society continually redefines and responds to acts that threaten its well-being. Understanding crime through these multiple lenses allows us at large to develop more effective prevention strategies, fairer laws, and rehabilitative approaches that address not just punishment, but also the root causes of criminal behavior.

### 3.1.3 The Relationship between Crime and Society

Talcott Parsons' systems theory asserts that the way individual relationships are managed at the micro level is upheld by broader societal structures at the macro level. According to this view, the contributions of each person are so vital that neither society nor the individual can exist independently of the other. Much of sociology and social psychology is built around this interdependent relationship between the individual and the social whole. MacIver and Page captured this idea by defining society as "a system of usages and procedures, of authority and mutual aid, of various groupings and divisions, of controls of human behavior and of liberties."

When we look at individuality through a sociological lens, it becomes clear that a person's individuality is stronger when they are not merely imitating others or acting out of blind habit,



► Neither society nor the individual can exist independently of the other

but when they respond actively and purposefully to their social surroundings. True individuality shows a person to be more than just another member of a group, they become an independent center of action and response, expressing their unique nature. The idea of “being yourself” does not imply mere eccentricity but rather a genuine expression of the spirit of one’s time and place, achieved not by passively imitating others but by engaging thoughtfully with one’s era.

The organismic theory further explains that society is not an artificial creation but a natural outcome of human evolution. Herbert Spencer compared society to a living organism, a complex system that develops, matures, and declines much like an individual body, governed by similar laws of growth and change, though on a larger scale. In this sense, heredity may hold all life’s potential, but it is the social environment that shapes what that potential becomes.

► Society is not an artificial creation

A person’s social environment or socio-cultural context includes the physical surroundings, cultural background, people, and institutions they interact with. This context shapes how individuals experience and interpret events. For instance, someone trying unfamiliar food in a hostile setting may dislike it, while the same food could be pleasant in a welcoming atmosphere.

► Social Problem

Whether a situation is labeled a “social problem” depends largely on how it is perceived by society. What one community sees as a problem, another may accept as normal. Even within the same society, what is problematic today might not be so tomorrow as attitudes and circumstances evolve. A situation only becomes a social problem when people define it as such. For example, prostitution in ancient Greece was not considered problematic, as temple prostitution was seen as sacred and funded religious institutions. Likewise, India’s caste system was long upheld by religious sanction, and slavery in America was accepted until it faced moral and political opposition.

► War, Crime, Poverty, and Unemployment

Generally, a situation is recognized as a social problem when a significant portion of society views it as morally wrong and believes that change is possible and necessary. Some issues, however, like war, crime, poverty, and unemployment, have been consistently recognized as social problems across societies and eras because they threaten fundamental human needs and values.

► Key ideas

**A social problem implies three key ideas:**

1. That the existing situation is undesirable,
2. That the current social order must change to resolve it,
3. That it is possible to do so.

► Collective awareness and Action

People only act when they become aware that important aspects of life are under threat, which drives them to demand action and suggest solutions. For example, untouchability in India was only challenged when people realized it was a threat to social unity and needed to be abolished. In this way, crime and other social issues illustrate the ongoing interaction between individuals and society, highlighting how collective awareness and action shape what is seen as problematic and what changes are pursued for the greater good.

► Four categories

**Classification of Social Problems**

Sociologists have made various efforts to categorize social problems to better understand their causes and impacts. Harold A. Phelps, for example, grouped social problems into four broad categories based on their main sources: economic, biological, bio-psychological, and cultural factors.

Problems linked to economic factors include issues such as poverty, unemployment, and economic dependency. Those stemming from biological causes cover physical illnesses and disabilities. Problems related to psychological and biological factors together the bio-psychological category include mental disorders like neuroses and psychoses, conditions like epilepsy, intellectual disabilities, as well as behaviors like suicide and alcoholism. Social problems rooted in cultural factors include challenges faced by the elderly, homeless, and widowed, as well as issues like divorce, illegitimacy, crime, and juvenile delinquency.

► Social problems do not have single or straightforward origins

**The Causes of Social Problems**

No social problem can be traced back to just one cause. As discussed earlier, social problems do not have single or straightforward origins. Every issue has a complex background involving multiple factors, and often these factors are hard to identify precisely. There's no clear way to rank these causes in terms of importance.



► One issue is deeply connected to another

Problems like war, poverty, crime, or unemployment cannot be explained by a single reason. Often, one issue is deeply connected to another; for instance, solving crime requires addressing poverty, and poverty cannot be tackled without tackling illiteracy. This means social problems should be understood in their full complexity if they are to be managed effectively.

► Physical traits

### Attempts to Find Single Causes:

Despite this, some sociologists and even the general public have tried to find single explanations for problems. For example, Lombroso, known as the father of modern criminology, claimed that criminal behavior is innate and biologically determined. He argued that criminals have certain physical traits, like an asymmetrical skull or a long jaw, marking them as throwbacks to primitive humans.

► Criminals do not physically differ from non-criminals

However, Charles Goring, an English statistician, disproved Lombroso's theory by showing that criminals do not physically differ from non-criminals. Similarly, Henry H. Goddard, an American psychologist, argued that crime is mainly due to mental deficiency, especially feeble-mindedness, but later studies disproved this claim too. Some researchers suggested that emotional instability or hormonal issues were the main causes of criminal acts, but this too was refuted by many criminologists.

► Criminal behavior arises from a mix of environmental and personality factors

A Dutch criminologist argued that crime stems mainly from the failings of the capitalist system, but this view has few supporters today. Montesquieu once claimed that geography like climate and weather determines crime, but Cohen dismissed this theory as more imaginative than factual.

Today, the widely accepted view is that there is no single cause for crime. Different people turn to crime for different reasons, and while some factors may be common, the combination is unique in each case. One situation may push someone toward crime while leaving another person unaffected. Criminal behavior arises from a mix of environmental and personality factors. Walter C. Reckless observed that criminology may have to stop searching for one general cause of crime and instead focus on understanding which conditions are more influential in different situations.

What holds true for crime applies to other social issues like unemployment, poverty, suicide, or war. There is no single reason

for any of these problems. For instance, unemployment can be caused by poor economic planning, rapid industrialization, or a flawed education system. Poverty might result from poor resource management, health issues, or the capitalist economy. Suicide could stem from mental health challenges, family conflicts, or harmful social customs. Likewise, war may arise from human aggression, economic factors, or imperialistic ambitions.

► Social problems usually have many causes that cannot be covered by one single theory

Therefore, the idea that one cause can explain a social problem is not valid. Social problems usually have many causes that cannot be covered by one single theory. A problem may be linked to a mix of physical, biological, mental, or cultural factors, or any combination of these. There is no universal rule for pinpointing the causes of social problems. People living under the same conditions often react differently, showing that one condition may not affect everyone equally.

► Contributing factors

However, this does not mean that looking for causes is pointless. On the contrary, it highlights the need to identify all contributing factors rather than settling for a simple explanation. Only by recognizing all underlying causes can we hope to solve social problems effectively.

► Disruptions in communication

According to Lundberg and others, disruptions in communication among community members can lead to deviant behavior. These disruptions may be caused by personal factors, such as intellectual disability or physical impairments, or by social factors, such as urbanization, industrialization, lack of mobility, conflicting norms, and weak social institutions.

One factor may be a main cause and others secondary, but experts often disagree about which is primary. For example, P.A. Parsons believed that human problems come from the incomplete adaptation of people to material resources, while A.B. Wolfe argued that population itself is the main social challenge. Ogburn suggested that many social problems arise because human nature struggles to keep pace with constant cultural and institutional changes.

### **Crime as a Social Problem**

Crime refers to any act that breaks the criminal laws enforced by the state and is punishable by formal penalties. Essentially, it is a form of deviance from society's formal norms, with the government acting as the authority to maintain order. No

society in the world exists without crime; it is a universal social problem. One of the worrying aspects of modern crime is that many offenders hold significant social, political, or economic power, allowing them to influence the legal process. Often, these individuals manipulate the system to avoid punishment while determining the fate of others who may not have the same means to protect themselves.

► Crime is a form of deviance from society's formal norms, with the government acting as the authority to maintain order

There are multiple reasons why people commit crimes, and some major factors stand out. Poverty is often seen as one of the main causes, as it drives individuals to commit various illegal acts in an attempt to survive or improve their circumstances. When people struggle to meet their basic needs, they may turn to bribery, corruption, theft, prostitution, or even suicide. Another contributing factor is the flaws in the current education system. Education today often overlooks the importance of building moral character and integrity, which are crucial for preventing criminal behavior. Additionally, education is not always practical or job-oriented, leaving many young people unemployed and vulnerable to criminal temptations.

► Unemployment as a drive of crime

Unemployment itself is a major driver of crime. When people, especially the youth, cannot find work, they may resort to theft, robbery, or violence out of frustration or desperation. As a result, countries with weaker economies and high unemployment rates typically face more crime. The political system also plays a role in encouraging crime. Inefficient and slow government machinery often allows illegal activities to flourish, and a complicated legal system can help criminals escape justice while innocent people get trapped in lengthy legal battles. Some politicians even support criminals for their own benefit.

► Changing social values

Finally, rapid industrialization and scientific advancements have transformed social values. Today's society is more materialistic and individualistic than before, and traditional values based on collective responsibility and blind faith are eroding. These shifts have loosened social restrictions, creating an environment where committing crimes becomes more common.

Studying crime, deviance, and social problems through a sociological lens helps us understand how behaviors that violate norms challenge social order. This approach also considers how morality, public opinion, politics, laws, and social control institutions shape the definitions and responses to such issues.

► Behaviors that violate norms challenge social order

This perspective overlaps with criminology and justice studies but highlights the broader social contexts that connect these areas. This kind of study is useful for students interested in careers in public safety, social services, policy-making, civil service, law, or advanced social science research, and it can also complement a double major in Sociology and Criminology. In conclusion, crime and society are deeply interconnected and cannot be understood in isolation from each other. Social conditions such as poverty, unemployment, political inefficiency, flaws in the education system, and changing values all play a significant role in shaping criminal behavior. At the same time, crime itself influences how society evolves by challenging its norms, testing the effectiveness of laws and institutions, and exposing gaps in social policies and governance. Understanding this complex relationship is essential for developing effective measures to prevent crime and build a safer, more just society.

► Justice is the cornerstone of any civilized society

### 3.1.4 Justice as a Pillar of the Criminal Justice System

Justice is the cornerstone of any civilized society and serves as the guiding principle of the entire criminal justice system. It ensures fairness, protects individual rights, and maintains public confidence in the rule of law. Without justice, the system risks turning into an instrument of oppression rather than protection. The idea of justice transforms the enforcement of laws from mere control to a moral commitment to fairness, equality, and human dignity. The criminal justice system is society's organized response to crime. Its core aim is to maintain peace and order by preventing crime, investigating criminal acts, prosecuting offenders, and ensuring appropriate punishment and rehabilitation. Unlike academic study or theoretical models, the criminal justice system translates society's abstract values of justice into practical actions that balance individual rights with collective security.

► All share the common responsibility of ensuring justice is served

#### Components of the Criminal Justice System

To achieve its goals, the criminal justice system relies on three key components:

1. Law enforcement,
2. The courts,
3. Corrections.

Each plays a unique role but all share the common



responsibility of ensuring justice is served. Law enforcement prevents and detects crime; the courts test the evidence and decide guilt or innocence; and corrections enforce sentences and work toward the rehabilitation of offenders.

### Law Enforcement and Its Role in Upholding Justice

Law enforcement is the system's most visible arm. Police officers, investigators, traffic police, specialized agencies like the CBI, anti-corruption bureaus, border patrols, and victim services all form part of this structure. Their duties include patrolling communities, preventing crime, responding to emergencies, gathering evidence, and arresting suspects. Justice in law enforcement requires that officers respect the rights of citizens, conduct fair investigations, and refrain from abuse of power. Unfortunately, issues such as custodial violence, wrongful detention, and corruption often threaten the integrity of this pillar. Thus, continuous reforms, training in human rights, and community policing are necessary to maintain public trust and uphold justice.

► All share the common responsibility of ensuring justice is served

### The Courts: Guardians of Due Process

Once a suspect is arrested, the courts assume responsibility. The judiciary's primary role is to ensure fair trials and uphold the principle that every individual is presumed innocent until proven guilty. Judges, prosecutors, defence lawyers, and supporting staff collectively ensure that evidence is properly examined, that both sides are heard, and that verdicts are delivered impartially. The courts embody the principle of due process a fundamental safeguard against misuse of power. Landmark judgments in India illustrate how the judiciary has upheld constitutional rights and protected citizens from injustices by state or society.

► Judiciary

Despite its vital role, the courts face significant challenges. India's backlog of pending cases causes long delays, resulting in under trials languishing in prison for years without a verdict. High legal costs can deny justice to the poor and marginalized. Additionally, corruption and inefficiency at various levels sometimes undermine faith in the judicial process. Reforms such as fast-track courts, better infrastructure, technology-enabled hearings, and expanded legal aid services are essential to make justice accessible and timely for all.

► Challenges faced by courts

## Corrections: Punishment and Rehabilitation

### ► Components in correction

The corrections component includes prisons, probation services, parole boards, and halfway houses. Its purpose is twofold: to punish offenders appropriately and to rehabilitate them for reintegration into society. Justice in corrections requires that punishments are humane and proportionate to the offence. Overcrowding, poor living conditions, and lack of reformatory programs are persistent issues in Indian prisons. True justice demands that while offenders pay for their crimes, they are also given opportunities to change and contribute positively to society upon release.

### ► Rights of Prisoners

## Human Rights in the Corrections System

Protecting the rights of prisoners is a crucial aspect of justice. Reports of custodial deaths, torture, and inhumane conditions highlight the gap between law and practice. Justice here means upholding the dignity of every individual, even those convicted of crimes. Providing skill development, education, and counseling helps break the cycle of repeat offences and promotes social reintegration, fulfilling the corrective aspect of justice.

### ► Continuous improvement

## Reforms to Strengthen Justice in the System

To maintain justice as the true pillar of the criminal justice system, continuous improvement is necessary. Reforms must address outdated laws, police accountability, judicial delays, and prison conditions. Public awareness, civic education, and strong oversight institutions can ensure that power is exercised fairly at every stage. Training, technological upgrades, victim support systems, and alternative dispute resolution mechanisms also contribute to a more just and efficient system.

### ► Justice is not just a pillar but the very soul of the criminal justice system

From the first police investigation to the final stage of correction, justice remains the guiding light of the criminal justice system. A fair and impartial police force, a transparent judiciary, and a humane corrections framework together uphold the promise of a just society. Only when justice is consistently ensured at every level can citizens truly trust the system to protect their rights and maintain social order. In the end, justice is not just a pillar but the very soul of the criminal justice system.



## Summarized Overview

We have explored the fundamental ideas that form the backbone of the criminal justice system. First, we understood that crime is any act or omission that violates a law and is punishable by the state. The nature of crime is dynamic and varies across societies and time periods, reflecting cultural norms, economic conditions, and moral values. No society is entirely free from crime, and what is considered criminal in one era or community may not be so in another. Next, we examined the relationship between crime and society. Crime does not occur in isolation it is deeply influenced by social structures, economic inequalities, cultural values, and community interactions. Society shapes the definition of crime and, in turn, crime impacts society by threatening order, security, and trust among people. Understanding this relationship helps policymakers and professionals design effective crime prevention and rehabilitation strategies.

Finally, we focused on the idea of justice as the pillar of the criminal justice system. Justice ensures fairness, equality, and the protection of rights for victims, accused persons, and society at large. It guides how law enforcement investigates crime, how courts ensure fair trials, and how correctional systems balance punishment with rehabilitation. Justice is what transforms the system from mere punishment to a fair and humane process that upholds the rule of law. By studying these concepts, learners gain a strong foundation to understand how the criminal justice system operates and why it is vital to balance crime control with fairness, rights, and social welfare.

## Self-Assessment

1. Discuss the dynamic nature of crime. How do cultural, social, and economic factors influence what is considered a crime?
2. Examine the relationship between crime and society. How does society contribute to the emergence and control of crime?
3. Critically analyze the role of justice in the criminal justice system. Why justice is considered its cornerstone?
4. Discuss the principles of fairness and equality in the administration of justice within the criminal justice system.
5. Describe the major functions of law enforcement, courts, and corrections in delivering justice.

## Assignments

1. Critically examine the meaning and nature of crime in the context of changing social, political, and economic conditions. How does the definition of crime reflect the values and norms of a society?
2. Discuss the interrelationship between crime and society. In your analysis, highlight how social structures, cultural practices, and economic inequalities contribute to the incidence of crime.
3. Analyze the role of justice as the foundation of the criminal justice system. How does the concept of justice balance the rights of the victim, the accused, and society at large?
4. Examine how globalization, technological advancement, and urbanization have reshaped the concept of crime. To what extent should the criminal justice system adapt to these emerging challenges?
5. Evaluate the significance of justice as a means of ensuring social order. How does the absence of fair justice mechanisms affect public trust in the criminal justice system?

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## Suggested Reading

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### Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

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## UNIT 2

# Understanding Various Theories

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ explain the key principles of Behavioral Theories and their relevance to criminal behavior.
- ▶ describe Freud's Theory and discuss how unconscious motives can influence deviant actions.
- ▶ interpret Strain Theory and Social Disorganization Theory and connect them to crime patterns in communities.
- ▶ illustrate these theories using simple real-life examples and short case narratives.
- ▶ analyze how these theories can help design effective crime prevention.

### Background

This unit takes us into the realm of ideas that try to answer one of society's oldest questions, why do people commit crimes? We explore explanations from different angles. Behavioural theories teach us that much of human action is learned, either through classical conditioning where behaviour develops through associations or operant conditioning, where it is shaped by rewards and punishments. The psychodynamic approach, pioneered by Sigmund Freud, takes us inside the mind, suggesting that unconscious desires, unresolved conflicts, and early childhood experiences influence behaviour. On the social side, strain theory shows how frustration from being unable to achieve socially accepted goals can push individuals toward crime, while social disorganisation theory reveals how weak community bonds and poor social structures create fertile ground for criminal activity. Together, these perspectives help us view crime not as a simple act, but as the product of psychological, social, and environmental forces working together.

## Keywords

Behavioral Theories, Classical Conditioning, Operant Conditioning, Psychodynamic Theory, Strain Theory, Social Disorganization Theory.

## Discussion

### 3.2.1 Understanding Various Theories

Crime does not occur in a vacuum: it has roots deep within human behavior, social conditions, and hidden psychological conflicts. To truly understand why individuals break laws, scholars and practitioners draw on diverse theoretical perspectives. Each theory offers a unique lens: some focus on how people learn and respond to their environments, others on unconscious conflicts and early childhood experiences, while still others examine the stresses and breakdowns within society that push people toward crime.

► Crime does not occur in a vacuum

Imagine a young boy, Arun, who grew up in a turbulent household where violence was the norm. Watching his father resolve conflicts through aggression, Arun learns to mimic these behaviors. Later in school, when he bullies a classmate to gain respect, he feels a sense of power and acceptance. Here, Behavioral Theories such as Classical Conditioning and Operant Conditioning help us understand how Arun's environment shaped his actions. He was conditioned to associate aggression with reward and learned that his behavior brings tangible benefits, a pattern that, if unchecked, can escalate into more serious offenses.

► Classical Conditioning and Operant Conditioning

Now consider Maya, a 30-year-old who committed a high-profile fraud. On the surface, she seemed successful and an ideal employee with a loving family. Yet her actions reveal deep-seated inner conflicts: an unresolved need for validation and suppressed guilt from childhood experiences. Here, Freud's Psychodynamic Theory helps us explore how unconscious motives, buried desires, and early family dynamics can erupt into criminal acts. Maya's behavior is not just about opportunity or greed, it is linked to her unresolved inner conflicts that distorted her moral compass.

► Psychodynamic Theory

On a broader scale, imagine a neighborhood plagued by



► Strain Theory

poverty, unemployment, and weak community ties. Young people there feel alienated and frustrated, seeing little chance to achieve their goals through legitimate means. Some turn to theft, gang activities, or drug peddling to cope up with life. Strain Theory explains this as the pressure that arises when individuals are blocked from achieving socially accepted goals through legitimate avenues. Meanwhile, Social Disorganization Theory highlights how the breakdown of social institutions like family, schools, and community networks leaves spaces where crime can flourish unchecked.

► Crime is rarely the result of one cause alone

These stories remind us that crime is rarely the result of one cause alone. Instead, it is a complex interplay of learned behaviors, psychological struggles, and social conditions. By understanding these theories, we equip ourselves whether as criminologists, psychologists, or law enforcement professionals with the insight needed to prevent crime, design effective interventions, and rehabilitate offenders.

Having glimpsed how real-life situations reflect the ideas behind these theories, let us now explore each concept in more detail. Each theory we are about to discuss helps us understand crime and deviant behavior from a different angle whether through the science of learning, the depths of the unconscious mind, or the fabric of society itself.

### 3.2.2 Behavioral Theories: Classical Conditioning, Operant Conditioning

► The study of behaviour

Behaviourism, introduced in 1913 by the American psychologist John B. Watson, focuses on the study of behaviour specifically, the observable actions of individuals. Watson argued that unlike observable behaviour, internal experiences cannot be seen and are therefore unreliable for scientific study. Psychologists who endorsed this perspective came to be known as behaviourists. According to behaviourism, all behaviours can be acquired, modified, or eliminated, with the environment playing a crucial role in influencing how people behave.

► Respondent conditioning

#### 1.Theory of Classical Conditioning

This process is also known as respondent conditioning. The theory states that learning happens when a response becomes linked to a new stimulus this linking is called conditioning. The concept of classical conditioning emerged from the work of Ivan Pavlov, a physiologist studying digestion in dogs. During

his experiments, Pavlov observed that dogs would start to salivate even before food was presented simply seeing the food, the feeding container, or hearing the footsteps of the person bringing the food would trigger salivation. These findings led to what we now call classical or respondent conditioning.

In his famous experiment, Pavlov repeatedly paired the sound of a bell with the delivery of food. After several repetitions, the dog began to salivate just at the sound of the bell, even when no food followed. The amount of saliva increased as the training continued that is, the more the pairing was repeated, the stronger the response became. In other words, Pavlov trained the dog to salivate in response to the bell alone.

In classical conditioning, the stimulus that naturally produces a reflexive response for example; food is called the unconditioned stimulus (UCS). The natural response it causes (salivation) is called the unconditioned response (UCR). The stimulus that is initially neutral (the bell) but starts to produce a response after repeated pairing with the UCS is the conditioned stimulus (CS). The response triggered by this previously neutral stimulus is the conditioned response (CR). The development of the CR happens gradually, becoming stronger and more frequent with repeated pairings.

► Unconditioned response and Conditioned response

► Timing between the conditioned stimulus and the unconditioned stimulus can vary

► Conditioning happens when a response becomes linked to a stimulus

This basic method can use different kinds of conditioned stimuli, like buzzers, lights, or shapes. The timing between the conditioned stimulus and the unconditioned stimulus can vary too. For instance, when the CS comes before the UCS, it's known as forward or delayed conditioning. When the CS follows the UCS, it's called backward conditioning. If both stimuli are given at the same time, it's simultaneous conditioning. In trace conditioning, the CS is presented and removed before the UCS appears, leaving only a memory trace of the CS. Extinction happens if the CS is presented repeatedly without the UCS over time, the conditioned response fades away.

### Higher Order Conditioning

As explained earlier, conditioning happens when a response becomes linked to a stimulus. In first-order conditioning, the conditioned stimulus (CS) leads to the conditioned response (CR). Once this first association is strong and the CS reliably triggers the CR, a new stimulus can be introduced right before the original CS is presented. The response then transfers to this new stimulus too, although usually less strongly. For instance, if a black square is shown just before ringing the bell, the dog

will start to salivate at the sight of the black square alone. This is known as second-order or higher-order conditioning.

### Generalization and Discrimination

► Conditioning can also result in generalization and discrimination

Conditioning can also result in generalization and discrimination. Generalization happens when the conditioned response spreads to stimuli that are similar to the original CS. For example, a dog trained to salivate at the sound of a bell may also salivate when it hears other bells or similar sounds like a buzzer. Discrimination, on the other hand, is when an animal or person learns to respond to one specific stimulus but not to others. If dogs are exposed to bells with pitches very different from the original, their conditioned response may fade.

► Explain how fears or phobias can develop through conditioning

Watson and other behaviourists showed that this principle applies to people too. In his famous experiment, Watson conditioned an 11-month-old baby named Albert to fear a rat by pairing the sight of the rat with a loud, frightening noise. Over time, Albert became afraid of the rat (CR) and even showed fear towards similar things like rabbits and furry objects an example of generalization. Watson's study helped explain how fears or phobias can develop through conditioning.

► Classical conditioning

### Classical Conditioning and Crime

Classical conditioning also sheds light on how people might unintentionally learn criminal or antisocial behaviours. For instance, a child raised in a violent household may see anger and aggression paired together repeatedly when someone is angry, they yell or hit. The child learns to associate anger with violence, so later in life, they may react aggressively when stressed or upset.

► Fear can also shape criminal behaviour

Fear can also shape criminal behaviour. A teenager bullied at school might develop fear around certain places or people and may join a gang to feel protected, even if that means committing crimes. Some people become conditioned to feel excitement or adrenaline from breaking the law for example, the thrill of stealing once can become linked to the act of theft, encouraging repeated offences to feel that same rush.

► Hate crimes

Conditioning can also explain how prejudice and hate crimes develop. If a person constantly hears hateful messages that link a particular group with danger, they may start to feel fear or anger when they see someone from that group, sometimes leading to violence. In addition, places, objects, or people connected to

past crimes can trigger old habits because of these learned links.

► Not all criminal behaviour is a conscious choice

Understanding this is important in criminology because it shows that not all criminal behaviour is a conscious choice; some actions are automatic responses learned over time. Forensic psychologists and counsellors can help break these conditioned connections through therapy, education, and rehabilitation, teaching healthier responses and helping reduce repeat offences, which makes communities safer.

► Instrumental conditioning

## 2.Theory of operant conditioning

In the early 20th century, B.F. Skinner, an American psychologist, presented his ideas about human behaviour. He is best known for developing the concept of instrumental conditioning. This type of conditioning is called instrumental because the learner's actions play a key role in changing the environment in a way that makes the behaviour more likely to happen again. Instrumental conditioning is also known as operant conditioning. The word operant reflects how an organism acts on its surroundings; it describes how we learn based on the outcomes of our actions.

In operant conditioning, whether a behaviour happens more or less often depends on its consequences. So, in this type of learning, past experience matters and behaviour is shaped through reinforcement from the environment. In psychology, reinforce means to strengthen a behaviour or increase the likelihood that it will happen again. Reinforcement happens when something in the environment makes it more probable that a certain behaviour will be repeated.

► Behaviour happens more or less often depends on its consequences

When a behaviour leads to a positive or rewarding outcome, it is more likely to be repeated; this is called positive reinforcement. Learning can also occur when an unpleasant outcome is avoided because of an action taken this is called negative reinforcement. A negative reinforcer, such as an electric shock, is something unpleasant that stops when a desired behaviour occurs, increasing the chance that the behaviour will happen again. For example, if a student fails an exam because they did not study (which is unpleasant) and then studies for the next exam to avoid failing again, that is negative reinforcement, the student's studying helps them escape an unwanted outcome.

Reinforces can be primary or secondary. Primary reinforces naturally satisfy basic needs, like food when someone is



hungry. Secondary (or conditioned) reinforcers are things we learn to value because they are linked with primary reinforcers for example, money is a secondary reinforcer because it can be used to buy food.

► Punishment is different from reinforcement

Punishment is different from reinforcement. Punishment is an outcome that reduces or suppresses a behaviour. A punisher is something unpleasant that starts as a result of a certain action and makes that behaviour less likely to happen again. It is important to distinguish negative reinforcement from punishment: both involve unpleasant stimuli, but in negative reinforcement the unpleasant thing ends because of the behaviour (which encourages the behaviour), while in punishment the unpleasant thing begins because of the behaviour (which discourages the behaviour). In short, negative reinforcement increases the chance of a behaviour happening again, while punishment decreases it.

### Operant conditioning and crime

► Antisocial behaviour can be learned and repeated based on its consequences

The theory explains how criminal or antisocial behaviour can be learned and repeated based on its consequences. In the context of crime, positive reinforcement occurs when committing an offence brings a reward, making the behaviour more likely to happen again. For example, a teenager who steals a bike and sells it for money is rewarded by the profit, so they may steal again. Similarly, a gang member who gains status or respect by committing violence is being positively reinforced to continue violent acts. Negative reinforcement also plays a role in crime when people learn that certain actions help them avoid or escape unpleasant situations. For instance, a child who runs away from an abusive home and survives through theft learns to repeat stealing to avoid hunger or harm, or a bullied teenager may join a violent gang to avoid further victimization at school. On the other hand, punishment aims to decrease criminal behaviour by attaching unpleasant consequences, such as imprisonment or fines, but its effectiveness depends on whether the threat of punishment outweighs the perceived reward. A key difference is that negative reinforcement removes an unpleasant situation to strengthen behaviour, while punishment introduces an unpleasant outcome to weaken behaviour. Primary reinforcers like food or safety can drive crimes like theft for survival, while secondary reinforcers like money, drugs, or social status often motivate more organized or repeated offending. Understanding operant conditioning helps forensic psychologists and criminologists see how rewards and consequences shape criminal actions. This knowledge is useful for designing prevention, intervention,

and rehabilitation programmes that reduce rewards for crime, increase positive alternatives, and ensure fair punishment to discourage reoffending.

**Table 1.2.1 Key Differences between Classical and Operant Conditioning in Criminology:**

Feature	Classical Conditioning	Operant Conditioning
Focus	Learning through association of stimuli	Learning through consequences of behavior
Type of Response	Involuntary, reflexive responses	Voluntary, goal-directed behaviors
Key Concepts	Unconditioned stimulus, conditioned stimulus, conditioned response	Reinforcement, punishment, shaping
Examples in Criminology	Developing conditioned emotional responses to criminal-related stimuli	Reinforcing criminal behavior with rewards, deterring crime through punishment

► Classical conditioning and Operant conditioning

In summary, both classical conditioning and operant conditioning help explain how criminal and antisocial behaviours can develop and persist in society. Classical conditioning shows how people can unknowingly learn harmful behaviours by forming associations for example, linking anger with violence, or fear with aggression, often learned in childhood through repeated exposure to violent or abusive environments. Operant conditioning, on the other hand, explains how people continue or repeat criminal acts when they are rewarded for them, or when they learn that their actions help them avoid unpleasant situations. Positive reinforcements like money, power, or status encourage repeat offending, while negative reinforcement explains how escaping threats or pain can strengthen criminal habits. Punishment tries to break this cycle by attaching consequences that reduce the likelihood of crime. Understanding these psychological principles highlights that not all crime is purely a rational choice much of it is shaped by learned responses to situations and consequences.

## ► Psychoanalysis

### 3.2.3 Psychodynamic Theories: Sigmund Freud

In the late 19th and early 20th centuries, Sigmund Freud developed a therapeutic method called psychoanalysis, which he used to address mental health issues. He shaped this theory through careful observation of his patients. According to Freud's psychoanalytic approach, our personality forms through ongoing efforts to resolve tensions between our unconscious sexual and aggressive instincts and the societal rules that require us to control them. Freud's theory of development rests mainly on two key ideas:

1. The foundation for a person's entire life is laid during the earliest years in essence, an adult's behaviour and personality are entirely shaped by childhood experiences. The ways children cope with problems early on persist into adulthood.
2. Human development is fundamentally about learning how to manage antisocial urges in ways that society finds acceptable.

#### The Conscious, the Preconscious, and the Unconscious

Freud believed that most mental activity happens outside of conscious awareness. He described three levels of the mind:

**The conscious mind** includes everything a person is directly aware of at a given moment for example, what Dan sees, hears, or feels right now, like the words he's reading or a headache.

**The preconscious mind** stores information not in our current focus but easily accessible when needed like a friend's phone number, details about one's car, or memories from the past.

**The unconscious mind** holds thoughts, feelings, desires, and memories we are unaware of, but that deeply shape our daily behaviour. For instance, Rakesh may unknowingly harbour anger toward his mother or have repressed a traumatic event when he was four years old. Freud believed that the unconscious constantly tries to push its contents into conscious awareness, which can appear in dreams, slips of the tongue, jokes, illness symptoms, and the connections we make between ideas.

#### The Freudian Slip

A classic example is when Manju phones her mother on

Mother's Day and accidentally says, "You're the beast, Mom," when she meant to say "You're the best, Mom." Freud would interpret this slip as a clue to her hidden resentment toward her mother.

### The Id, the Ego, and the Superego

Freud described personality as having three parts:

**Id:** The id is a storehouse of innate drives and instincts for survival, sex, and aggression. Entirely unconscious, the id operates on the pleasure principle, seeking immediate satisfaction and avoiding discomfort. Its thinking is primitive, irrational, and illogical.

► Three parts of personality

**Ego:** The ego develops to mediate between the id's desires and the constraints of the external world. It works partly consciously and partly unconsciously, following the reality principle, which recognises that urges must be managed in line with real-world limits. The ego's reasoning is logical and rational. Its job is to keep the id's impulses in check so they don't violate social rules.

**Superego:** The superego represents our moral standards the values we absorb from parents and society. It demands that the ego not only respect reality but also uphold moral ideals, punishing us with guilt when we break these internalized rules. The superego functions at all three levels of awareness.

### Conflict and Anxiety

Freud believed these three components are often in conflict, especially over sexual and aggressive urges which society most strongly regulates. When the ego struggles to balance the id's demands and the superego's rules, it produces anxiety.

### Psychosexual Stages of Development

Freud argued that personality is firmly established in early childhood, mostly by age five. He outlined five psychosexual stages, each tied to pleasure-seeking focused on different body areas. Each stage has its own challenges, and how a child handles these challenges shapes later personality. If needs are either excessively met or severely frustrated at any stage, the child may become fixated, leaving lingering desires related to that stage's source of pleasure. This fixation can show up in adulthood as behaviours focused on that unresolved need.

► Personality is firmly established in early childhood

### 1) Oral Stage (birth to 1 year):

During infancy, the mouth is the main source of pleasure



through sucking, swallowing, and exploring objects by mouth. The id dominates here, as the ego and superego are not fully developed. As infants learn that gratification is not always immediate, they begin to develop an ego by recognizing their body as separate from the outside world and by discovering that specific actions like crying can produce desired outcomes.

**Possible consequences of problems at this stage:**

If an infant's oral needs are overindulged or frustrated, they may develop habits like smoking, overeating, nail-biting, or pencil-chewing as adults. Traits like dependency, greed, passivity, impatience, and a focus on giving or receiving may also appear.

**2) Anal Stage (15 months to 3 years):**

Next, focus shifts from the mouth to the anus. Toilet training is the main conflict at this stage, as children must learn to control elimination in socially acceptable ways. The id pushes for immediate relief, while parents insist on waiting for the right time and place.

**Possible consequences of problems at this stage:**

Overly strict or lax toilet training can cause fixation. Too little gratification can create an "anal-retentive" personality: overly neat, rigid, stubborn, stingy, and obsessed with order. Excessive gratification can lead to messy, disorganized, defiant, or destructive traits.

**3) Phallic Stage (3-5 years):**

In this stage, the genitals become the center of attention. Children explore their bodies and develop a sexual identity. For boys, this stage involves the Oedipus complex the boy unconsciously desires his mother and sees his father as a rival, but fears the father's retaliation, which appears as castration anxiety. For girls, Freud described the Electra complex a girl resents not having a penis (penis envy) and feels rivalry with the mother. Freud thought the oedipal conflict helped shape the superego as the child identifies with the same-sex parent and internalizes moral standards. Freud's views on female development have been widely criticized by modern psychologists.

**Possible consequences of problems at this stage:**

Unresolved conflicts may lead to confusion about gender roles, excessive vanity, recklessness, or authority issues. Freud

even linked it to homosexuality, though such ideas are outdated and rejected by modern psychology.

Freud's psychoanalytic theory views human personality as shaped by early childhood experiences, unconscious urges, and constant struggles between instinctual drives and societal rules. His ideas have strongly influenced how we think about the mind, even though many aspects are now challenged or expanded upon by later psychologists.

### **Freud's Psychoanalytic Theory and Its Link to Crime with Examples**

Freud did not design a specific theory of crime, but his ideas help explain why some people break the law due to unconscious conflicts, a weak or harsh superego, or an overpowering id.

#### **1. Weak Superego**

If a child does not internalize society's moral values for example, due to neglectful parents or inconsistent discipline they may develop a weak superego. Without a strong inner sense of right and wrong, the primitive urges of the id can dominate.

##### **Example:**

A teenager raised with no supervision shoplifts, vandalizes property, or assaults others without remorse because there is no strong internal "voice" telling them it is wrong. Many juvenile delinquents come from homes with poor parental attachment and minimal discipline.

#### **2. Overactive Superego**

If the superego is too harsh, the person may feel chronic unconscious guilt, even if they have done nothing wrong. To reduce this guilt, they may commit crimes that result in punishment, which unconsciously relieves their inner tension.

##### **Example:**

A person with an overly strict upbringing commits minor crimes like trespassing or petty theft to get caught and punished fulfilling an unconscious need for self-punishment. Serial offenders who repeatedly break parole may fit this pattern.

#### **3. Dominant Id**

When the id (primitive drives for pleasure) is strong and the ego is too weak to control it, the person seeks immediate



gratification, ignoring rules and consequences.

**Example:**

Someone addicted to drugs or gambling steals money or commits fraud to fund their habit. Their desire for instant pleasure overrides their awareness of legal or moral standards.

#### 4. Unresolved Childhood Conflicts

Freud believed conflicts during psychosexual stages shape personality. Fixation at a certain stage or unresolved issues may lead to criminal behaviour.

**Example:**

An adult with an anal fixation (due to strict toilet training) might become obsessed with control, hoard stolen goods, or commit fraud to feel powerful and organized.

A person with unresolved oedipal conflict may have unconscious hostility toward authority figures, which could lead to assaults on police or rebellious acts like destroying school property.

#### 5. Defense Mechanisms

Freud said people use unconscious strategies to handle anxiety and guilt such as projection (blaming others for their own unacceptable feelings).

**Example:**

A gang member with suppressed aggression may project their anger onto innocent people, falsely believing “everyone is out to get me.” To defend themselves, they commit violent attacks first justifying the crime as “self-defence.”

In short, Freudian ideas show how unconscious processes, poor personality development, and family dynamics can help explain why people commit crimes. Early experiences, harsh parenting, neglect, or unresolved trauma may all shape a person’s moral compass, self-control, and hidden drives which can lead to delinquent or criminal behaviour later in life.

### 3.2.4 Strain Theory

Strain Theory explains how the gap between cultural goals and institutionalized means creates pressure that can lead people

► Explains how the gap between cultural goals and institutionalized means creates pressure that can lead people to deviant behaviour

to deviant behaviour. According to Robert K. Merton, when individuals cannot achieve society's accepted goals through legitimate means, they experience strain. This strain pushes them to adapt in different ways. This concept is also called Individual Modes of Adaptation, Anomie, or simply Strain Theory. Anomie is a sociological term meaning a breakdown or absence of social norms, rules, or values that guide behaviour. In simple words, anomie occurs when society's rules become weak or unclear, leaving people uncertain about what is expected or feeling that the normal rules no longer apply to them.

In Merton's Strain Theory, anomie refers to the mismatch between what people are taught to desire (cultural goals) and the legal or socially approved ways to reach those (institutionalized means). When people cannot achieve these goals through acceptable means, they feel strain, which may lead to deviant acts or crime.

#### **Example:**

If society tells everyone "You should be rich and successful" but does not provide equal access to good jobs or quality education, people may feel forced to cheat, steal, or break rules to achieve that goal. This creates an anomic situation.

Merton argued that the problem is not sudden social change but a social structure that promotes the same goals for everyone yet fails to offer equal opportunities to achieve them. This gap between cultural expectations and structural realities weakens social norms, making them ineffective guides for behaviour.

► Main elements of Society

He stressed that any society relies on two main elements:

- 1. Cultural aspirations** - the goals people are encouraged to pursue.
- 2. Institutionalized means** - the approved ways to reach those goals.

For social stability, these two must be well balanced. If people lack access to acceptable means to reach important goals, the resulting gap causes frustration and strain. In this view, the social structure itself is the root cause of crime which is why Merton's approach is known as a structural explanation. Strain Theory assumes that people are generally law-abiding but, under enough pressure, they may turn to crime when legitimate means are blocked.



To explain how people respond to this strain, Merton described five modes of adaptation, based on how individuals relate to cultural goals and the approved means of achieving them:

**Table 1.3.1: Robert Merton's five types of Cultural Adaptation**

Modes of adaptation	Cultural Goals	Institutionalized Means	Type of individual
Conformity	+	+	Normal
Innovation	+	-	Criminal cheats
Ritualism	-	+	Highly religious fanatics
Retreatism	-	-	Drug addicts, vagrants, alcoholics, psychotics
Rebellion	+	+	Naxalite
	-	-	

+ = Acceptance                      - = Rejection                      ± = Rejection and Substitution

**Conformity** is the most common way people adapt. They accept the goals that society sets and also follow the approved ways to achieve those goals.

**Innovation** happens when people agree with society's goals but lack legal ways to reach them. So, they come up with their own methods, which are often illegal such as theft, robbery, fraud, or other crimes.

**Ritualism** describes those who give up on achieving big goals they once believed possible but continue to stick to society's rules and routines. They settle for their current way of life, working steadily in routine jobs like assembly lines or

lower management. Many spend years catching the same bus at the same time each day, not really thinking about why except that it takes them to a job that pays the bills. Their main break from the routine might be a short vacation once a year.

**Retreatism** is when people reject both the goals (they feel success is impossible) and the approved means (so they stop trying). They withdraw from mainstream life, often turning to drug use or alcohol. This way, they escape into a lifestyle that avoids effort and ambition.

**Rebellion** takes place when people reject both the existing goals and the accepted means. Instead, they replace them with new goals and new ways to achieve them. For example, they might fight to overthrow the current system through protests or radical movements. They aim to build a different social order, even if their vision is not fully clear.

Merton's Strain Theory shows that crime and deviance are not just the result of individual failings, but are deeply connected to the way society is structured. When people cannot achieve society's approved goals through legitimate means, they feel pressure or strain. To deal with this strain, some people find alternative, often illegal ways to reach those goals which explains crimes like theft, fraud, or drug dealing. In this way, crime can be seen as an adaptation to the gap between what society expects people to achieve and what it actually allows them to achieve. Understanding this helps explain why crime rates can be higher in groups that face limited opportunities. It also suggests that to reduce crime, societies should work to create fair opportunities for everyone to reach their goals through legal means.

► Crime and deviance are not just the result of individual failings, but are deeply connected to the way society is structured

### 3.2.5 Social Disorganization Theory

Social Disorganization Theory is mainly associated with Henry McKay and Clifford R. Shaw of the Chicago School. This theory suggests that neighborhoods struggling with poverty and economic hardship often face high levels of population turnover and a mix of diverse populations. Because people frequently move in and out, strong informal social networks fail to develop, making it hard to maintain social order. This environment creates fertile ground for crime and delinquency.

► Associated with Henry McKay and Clifford R. Shaw

In 1942, Shaw and McKay became well-known for expanding on earlier Chicago School ideas by examining how crime and



► Crime comes mainly from social conditions from “bad places” rather than “bad people”

delinquency are distributed across urban spaces. They focused on the role of local social institutions such as schools, police, businesses, social services, health care, and religious groups instead of looking only at individuals who commit crimes. According to Shaw and McKay, these institutions in certain urban zones (often called Zone Two) are so weakened and disorganized that they cannot properly socialize residents to follow laws or monitor behavior effectively.

A key idea in Social Disorganization Theory is that crime comes mainly from social conditions from “bad places” rather than “bad people.” This approach is also known as environmental determinism. In this framework, social disorganization means that local communities are unable to maintain shared values among residents or solve common problems (Shaw & McKay, 1942). They identified three main reasons why some communities struggle with social disorganization so deeply that criminal behavior becomes part of local tradition:

**Residential instability or mobility:** People frequently move and feel no lasting commitment to their neighborhood, planning to leave as soon as possible. For example, the mid-1900s “white flight” saw many middle-class white families move away from areas with rising Black populations, leaving behind poorer residents in worsening conditions.

**Racial and ethnic diversity:** Cultural and language differences create barriers among groups, leading to isolation within smaller pockets. This prevents people from coming together to tackle wider problems like crime.

**Poverty:** Low income levels limit a community’s resources for addressing social issues. While poverty itself does not directly cause crime, it contributes to conditions that allow crime to persist because communities lack the means to fight it. Later researchers added other factors such as family breakdown and rapid urban growth.

► High crime and delinquency can further damage a neighborhood

A distinctive point in Social Disorganization Theory is that high crime and delinquency can further damage a neighborhood. High incarceration rates disrupt families and increase instability, worsening existing problems. Social Disorganization Theory shows that crime is deeply linked to community conditions like poverty, frequent migration, and weak social ties. When neighborhoods lack stable families, good schools, and strong local networks, crime and delinquency thrive. Simply punishing

offenders does not solve these deeper issues. Instead, investing in education, youth programs, and local development is essential to build safer communities.

► Crime patterns in urban slums and marginalized settlements

In the Indian context, Merton's Strain Theory offers valuable insights into the causes of certain crimes and social issues. The intense competition for educational success and secure employment, coupled with unequal access to quality education and resources, creates significant strain for many students, contributing to rising rates of academic stress and even student suicides in states like Maharashtra and Rajasthan. Similarly, farmer distress in regions such as Vidarbha and Telangana can be viewed through the lens of strain where the cultural goal of economic stability is reinforced, but structural barriers like debt, crop failures, and inadequate institutional support push individuals toward extreme actions, including suicide or unlawful protest. On the other hand, Social Disorganization Theory helps explain crime patterns in urban slums and marginalized settlements, such as those in Dharavi (Mumbai) or certain coastal pockets in West Kochi. In these areas, poverty, high population turnover, and a lack of cohesive community networks weaken informal social controls, making conditions conducive to crimes like drug peddling, petty theft, and gang-related violence. Together, these theories demonstrate how societal structures and community conditions directly influence patterns of crime and deviance in India.

In Kerala, parts of coastal urban slums like West Kochi show similar patterns. Rapid urbanization, unemployment, and migrant influx have strained local resources. Frequent movement of fishing communities and migrant laborers makes building strong neighborhood ties difficult. This has contributed to issues like drug abuse and youth gang activity in some pockets. Local NGOs and parish-based groups now run community centers, skill training, and youth clubs to rebuild trust and offer positive paths putting Social Disorganization Theory's ideas into action.



## Summarized Overview

This Unit highlights how different psychological and sociological theories help us understand the roots of human behavior and criminality. Behavioural theories like Classical Conditioning and Operant Conditioning explain how behavior can be learned and reinforced through associations and consequences. Freud's Psychodynamic Theory shows how unconscious conflicts and early childhood experiences shape personality and may contribute to deviant behavior. Meanwhile, Strain Theory links crime to the pressure individuals feel when they cannot achieve socially accepted goals through legitimate means. Social Disorganization Theory emphasizes how poverty, residential instability, and weak social ties in communities create conditions that foster crime and delinquency.

Together, these theories remind us that crime and deviance arise from complex interactions between individual psychology, learned behavior, and the broader social environment. An integrated understanding of these perspectives can guide effective prevention and intervention strategies, combining individual support with community development.

## Self-Assessment

1. Explain Classical Conditioning with suitable examples. How can this theory be applied to understand learned criminal behavior?
2. Critically examine Sigmund Freud's Psychodynamic Theory. How does it explain criminal tendencies?
3. Describe Strain Theory and analyse how it explains the link between social inequality and crime.
4. Define Social Disorganization Theory. Discuss its key factors and illustrate with a relevant example.
5. Compare and contrast Behavioural Theories and Psychodynamic Theory in understanding human behavior and delinquency.

## Assignments

1. Critically examine the contribution of Behavioural Theories, particularly Classical and Operant Conditioning, in explaining criminal behaviour. How do these theories help in designing correctional strategies within the criminal justice system?
2. Discuss the major assumptions of Freud's Psychodynamic Theory in the context of crime causation. To what extent can unconscious motives and childhood experiences be considered reliable explanations for deviant behaviour?
3. Evaluate Strain Theory as a sociological explanation of crime. In your view, how relevant is this theory for understanding contemporary forms of crime in developing societies like India?
4. Analyse Social Disorganisation Theory in explaining the relationship between community structure and criminality. How can policymakers use insights from this theory to design crime-prevention programs?
5. Compare and contrast Behavioural, Psychodynamic, and Sociological Theories (Strain and Social Disorganisation). Which approach offers the most comprehensive explanation for criminal behaviour, and why? Provide analytical illustrations.

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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGO

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# UNIT 3

## Introduction to Criminal Justice System

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ Identify the components of the Criminal Justice System.
- ▶ Describe the roles and responsibilities of police, judiciary, and correctional institutions.
- ▶ Examine how each component contributes to maintaining law and order, delivering justice, and rehabilitating offenders.
- ▶ Analyse the major challenges faced by the Indian Criminal Justice System, including delays, overcrowding of prisons, and issues of human rights.

### Background

In this unit, we step into the organized framework that keeps society safe and orderly, the criminal justice system. We will see how it works as a chain, starting with the police, who act as the first point of contact in crime prevention, investigation, and public protection. From there, the judiciary takes over, ensuring that every case is judged fairly, the law is interpreted correctly, and justice is delivered without bias. Finally, the corrections system manages punishment, rehabilitation, and the reintegration of offenders back into society. We will also examine the real-world challenges the Indian system faces, such as delayed trials, overcrowded prisons, limited resources, and coordination gaps between agencies. By the end of this unit, we will not only understand how each part of the system functions but also be able to critically think about how it can be improved to ensure fairness, speed, and effectiveness in delivering justice.

### Keywords

Judiciary, Corrections, Law and Order, Fair Trial, Rehabilitation

## Discussion

### 3.3.1 Criminal Justice System

► System functions together to keep society safe and just

A clear example that shows how the criminal justice system works in Kerala is the issue of illegal sand mining along the Periyar River. Local police often receive complaints about unauthorized sand extraction that damages the river ecosystem and affects the livelihoods of nearby communities. When the police investigate and arrest those involved, the judiciary takes over to ensure that the case is heard fairly, evidence is examined, and, if found guilty, the offenders are given punishments such as fines or prison sentences. If convicted, these offenders may serve time in correctional institutions, where they are meant not only to be punished but also to be reformed so they can return to society as responsible citizens. This real situation reminds us that the police, courts, and correctional system do not work alone they are parts of one system that must function together to keep society safe and just.

► Roles of the police, judiciary, and corrections

To think deeply about this, we should ask ourselves: What happens if one part fails? What if the police fail to collect evidence properly? What if courts are overburdened and delay justice? What if prisons only punish but do not reform? These questions help us see that to understand the criminal justice system, we must know more than just the roles of the police, judiciary, and corrections we must understand how they connect and depend on each other. We should also reflect on the bigger challenges India faces: lengthy trials, overcrowded prisons, lack of victim support, and the gap between punishment and rehabilitation. With this idea, we will now move to its main components the police, the judiciary, and the correctional institutions and understand their roles and challenges in detail. By learning this, students can see how each part works and why each part must do its job properly for justice to reach everyone.

► Deterring and controlling crime

### 3.3.2 Components of the Criminal Justice System

Rule of Law, Democracy, Development, and Human Rights: Reliance on Criminal Justice.

The principles of rule of law, democracy, development, and human rights are intrinsically linked to how effectively a government administers its criminal justice system. The key



aims of this system include deterring and controlling crime, upholding public order, safeguarding victims' rights, punishing and rehabilitating offenders, and more broadly, protecting life and property from criminal acts. These functions are recognized as essential duties of the state under the Constitution of India.

► Pillars of criminal justice

The main formal pillars of criminal justice in India are the police, the judiciary, and the correctional system. While policing and prison management fall under the purview of individual states, the judiciary functions within a unified framework headed by the Supreme Court at the national level and supported by High Courts in each state to ensure uniform administration of justice across the country. Although police forces and prisons are administered at the state level, the structure, regulation, and operations of all criminal justice bodies are governed by central legislation, including the Indian Penal Code, Criminal Procedure Code, Indian Evidence Act, Police Act, and Prison Act. In 2023, India undertook major legal reforms by replacing its colonial-era criminal statutes with modern laws. The Indian Penal Code (IPC) of 1860 has been substituted by the *Bharatiya Nyaya Sanhita (BNS)*; the Criminal Procedure Code (CrPC) of 1973 has been replaced by the *Bharatiya Nagarik Suraksha Sanhita (BNS)*; and the Indian Evidence Act of 1872 has been updated with the *Bharatiya Sakshya Adhinyam (BSA)*.

► Fairness and efficiency

These legislative reforms seek to update India's criminal justice framework to meet present-day needs, emphasizing fairness and efficiency. Notable provisions include setting time limits for court decisions, fast-tracking investigations into crimes against women and children, introducing the death penalty for heinous crimes such as gang rape of minors and mob lynching, and repealing outdated sedition laws in favor of provisions targeting threats to national sovereignty. The new laws also allow for trials in absentia for severe offenses, mandate the documentation of police procedures, accept digital evidence in court, and provide community service as a penalty for lesser offenses.

Together, these reforms signal a decisive shift from outdated legal norms, demonstrating India's resolve to build a modern, equitable legal system. Broadly, the criminal justice system represents an organized societal mechanism to manage crime and antisocial conduct, aiming to maintain social order through law enforcement. It can be understood as a complex, interdependent structure where multiple components are causally linked, operating in coordination within a stable

framework over time. The criminal justice system in India can be broadly classified into four subsystems or wings, each contributing to the overarching goals of justice, order, and societal well-being.

1. **The Legislative sub system:** Makes the Law of the land
2. **The Investigative sub system:** Investigates into offences and brings the accused person to the court of law for final verdict.
3. **The Adjudicatory subsystem:** Enquires into the accusation, examines the witnesses and pronounces the judgment.
4. **The Correctional sub system:** Lodges the persons remanded, under trail and the persons who are sentenced to imprisonment for a prescribed period. The object of the system is treatment of offenders.

► Framework through which governments enforce the rule of law, maintain public order, and address criminal behaviour

The Criminal Justice System (CJS) is the framework through which governments enforce the rule of law, maintain public order, and address criminal behaviour. Its primary aim is to ensure justice by protecting the rights of victims, holding offenders accountable, and safeguarding the property and safety of individuals. Over time, societies have developed various mechanisms for punishment and crime prevention to uphold justice. India's criminal justice system is designed with the primary objective of punishing offenders and preventing future crimes, thereby ensuring a peaceful and orderly society. It is built upon a legal framework governed by three key laws:

### 1. The Indian Penal Code (IPC), 1860 (BNS, 2023):

This law serves as the backbone of India's criminal law. It defines various offences, such as theft, murder, assault, and fraud, along with the corresponding punishments. The IPC provides clear guidelines for identifying crimes and categorizing them based on their severity and nature. It ensures consistency in defining offences across the country, promoting uniformity in the treatment of criminal acts.

### 2. The Criminal Procedure Code (CrPC), 1973 (BNSS, 2023):

This law outlines the detailed procedures to be followed



during the investigation, trial, and sentencing of criminal cases. It specifies the roles and responsibilities of law enforcement agencies, prosecutors, defense counsels, and the judiciary. The CrPC ensures that every case is handled systematically, from filing complaints and conducting investigations to the trial and final verdict. It also emphasizes the rights of the accused, witnesses, and victims during the legal process.

### 3. The Evidence Act, 1872 (BSA,2023):

This law regulates how evidence is collected, presented, and evaluated in court. It establishes the rules for admissibility, relevance, and reliability of evidence, ensuring that the judicial process is fair and unbiased. The Evidence Act plays a crucial role in determining the outcome of cases by guiding the court on what evidence can be accepted and how it should be interpreted.

India follows the adversarial system of justice, which is based on the principle that the accused is presumed innocent until proven guilty beyond a reasonable doubt. This system places the burden of proof on the prosecution, requiring them to present convincing evidence to establish the guilt of the accused.

#### **Key features of the adversarial system include:**

*Presumption of Innocence:* The accused is treated as innocent until the prosecution successfully proves their guilt.

**Fair Trial:** The accused is given an opportunity to present their side of the case, supported by legal representation.

**Burden of Proof:** It is the responsibility of the prosecution to demonstrate the accused's guilt with credible evidence and logical arguments.

This system reflects the principles of natural justice and aims to ensure fairness and impartiality. Inspired by India's cultural and religious values, it emphasizes the importance of protecting individual rights and upholding the rule of law. A famous legal maxim that guides this system is: *"It is better that 1000 guilty persons go free than one innocent person be wrongly convicted."* By combining these laws and principles, India's criminal justice system seeks to strike a balance between safeguarding individual rights, maintaining public order, and ensuring that justice is delivered efficiently and equitably.

*There are two primary types of criminal justice systems in the world:*

1. Adversarial System
2. Inquisitorial System

### 1. Adversarial System

► Insufficient salaries

This system is prevalent in common law countries, particularly those that were once colonies of a particular nation. In an adversarial system, the prosecution and defense present their cases before the court, and the decision is based on the principles of evidence and procedural laws. The judge's role is to decide the case based on the arguments and evidence provided by both sides. This system operates under the presumption that the accused is innocent until proven guilty beyond a reasonable doubt.

India follows this system because it was once a British colony, making it a common law country. In this system, the prosecution represents the state, as a crime is considered an offense against the state. Thus, it is the state's responsibility to ensure justice is served. Both parties in this system are granted the right to a fair trial and hearing, which, unfortunately, can lead to delays in the administration of justice.

### 2. Inquisitorial System

► Primary types of criminal justice systems

This system is practiced in civil law countries. In an inquisitorial system, the judge takes an active role in investigating the case and making a decision based on the investigation and inquiry conducted. While legal counsel for both parties is present, there is no cross-examination of witnesses as seen in the adversarial system. The outcome of the case and its accuracy rely on the judgment and expertise of the judge.

This trial procedure is generally faster and less costly compared to the adversarial system. It is also less formal, with the determination of justice largely depending on the judge's ability rather than on the skills of the legal representatives.

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### Meaning of CJS

The CJS is an organized structure of legal and institutional mechanisms designed to uphold law and order, prevent and control crime, deliver justice, and rehabilitate offenders. It comprises three main components:

► Organized structure of legal and institutional mechanisms

1. Law enforcement agencies (police and investigative bodies) responsible for crime prevention, investigation, and apprehension of offenders.
2. The judiciary (courts and judges) tasked with conducting fair trials and ensuring justice.
3. Correctional institutions (prisons, probation services, and rehabilitation centers) focused on punishing, reforming, and reintegrating offenders into society.

These components work together in a cohesive manner, ensuring that laws are enforced, crimes are prosecuted, and justice is served.

### The primary purpose of the CJS is to:

► Organized structure of legal and institutional mechanisms

1. Maintain public order and ensure societal safety.
2. Deter criminal activities through effective law enforcement.
3. Provide fair trials to deliver justice for both victims and offenders.
4. Impose appropriate punishments while promoting the rehabilitation of offenders.

By organized structure of legal and institutional mechanisms, the system aims to reduce crime rates and foster social harmony.

### Social Relevance

The Criminal Justice System plays a crucial role in

maintaining social order and upholding the rule of law. Its social relevance can be summarized as follows:

► Maintaining social order and upholding the rule of law

1. **Protection of Rights:** The system safeguards individuals' rights and freedoms while ensuring collective security.
2. **Public Trust:** An efficient and fair justice system enhances confidence in law enforcement and legal institutions.
3. **Victim Support:** By protecting victims' rights and delivering timely justice, the system fosters social order and reduces the risk of vigilantism.
4. **Rehabilitation:** Addressing the root causes of crime and promoting offender rehabilitation reduces recidivism and supports social reintegration.

► Primary components of the Criminal Justice System

The responsibility for crime prevention and control largely lies with the Criminal Justice System, which involves the processes of arrest, trial, conviction, sentencing, punishment or treatment, and ultimately rehabilitation. The foundational rules are established by the legislature through laws. The primary components of the Criminal Justice System are the police, the judiciary, and correctional institutions. The legislature also plays a crucial role, as it creates the laws from which all procedures originate. While each component has a distinct function, they are all interconnected and interdependent.

► Police, the judiciary, and correctional institutions

The police are the first to receive information about a crime and begin the investigation. The prosecution follows, reviewing the police charge sheet. The judiciary takes up the case, assessing the allegations based on legal rules and laws. Finally, correctional agencies, such as prisons and probation services, handle the punishment and rehabilitation of offenders. The functioning of each component directly affects the performance of the others, creating a system where all components rely on each other. A credible and effective criminal justice system is essential for protecting democratic values and fostering a just, peaceful society. While every society strives to maintain order and justice, public trust in the system is critical to its success. Even a system with high arrest and conviction rates may fail if it lacks the confidence and support of the people. In conclusion, the Criminal Justice System is fundamental to ensuring justice, promoting public safety, and preserving societal harmony. Its effectiveness depends on its ability to balance enforcement with

fairness, punishment with rehabilitation, and individual rights with the collective good.

► Backbone of a nation's efforts to uphold the rule of law, protect democratic values, drive social development, and safeguard human rights

The Criminal Justice System stands as the backbone of a nation's efforts to uphold the rule of law, protect democratic values, drive social development, and safeguard human rights. By balancing deterrence, punishment, and rehabilitation, it serves not only to maintain public order but also to inspire public trust and ensure that justice is accessible to all. India's recent reforms signal a clear commitment to modernizing this system, addressing colonial legacies, and aligning its legal processes with the contemporary needs of society. However, the effectiveness of these reforms depends on how well each component legislature, police, judiciary, and correctional institutions functions in harmony, guided by constitutional principles and the pursuit of justice. A strong, fair, and trusted criminal justice system remains indispensable for a peaceful, progressive, and democratic society.

### 3.3.2 Role of Police, Judiciary, and Corrections

#### 1. Role of Police

► Entry point and the frontline of the Criminal Justice System

The word 'police' originates from the Greek word 'polis,' meaning state, reflecting the idea that the police embody the authority of the government. The role and functions of the police are shaped by the nature of the state and its system of governance. In India, the police play a crucial role as the entry point and the frontline of the Criminal Justice System. They serve as the visible link between the government and the people, translating the government's authority into action and facing any resistance directly. Police officers are expected to perform these duties impartially and diligently, often under challenging conditions. By fulfilling these responsibilities, the police help maintain social order and ensure that citizens live within a framework of law and justice.

The primary objectives of the police are centered on maintaining law and order, ensuring public safety, and upholding the rule of law.

#### These objectives include:

- Maintenance of Law and Order: Preventing disturbances, managing public gatherings, and addressing civil unrest to maintain peace and harmony.

► Maintaining public order and ensuring community safety

- **Crime Prevention and Detection:** Proactively preventing crimes through patrolling, surveillance, and community engagement while investigating crimes to bring offenders to justice.
- **Protection of Life and Property:** Safeguarding citizens' lives and properties against criminal activities, natural disasters, and emergencies.
- **Enforcement of Laws:** Implementing and enforcing laws and regulations as prescribed by the legal framework to ensure societal discipline.
- **Community Assistance:** Providing aid in times of crisis, emergencies, and disasters, and offering services like missing persons search and disaster relief.
- **Traffic Management:** Regulating traffic, enforcing traffic laws, and ensuring road safety to prevent accidents and congestion.
- **Maintaining Public Trust:** Building community relations to gain public cooperation and confidence through transparency, accountability, and ethical conduct.
- **Internal Security and Counter-Terrorism:** Protecting the nation from internal threats, terrorism, and insurgency by maintaining vigilance and taking preventive measures.
- **Rehabilitation and Reformative Measures:** Collaborating with social and correctional institutions for the rehabilitation of offenders and preventing recidivism.
- **Protection of Vulnerable Groups:** Safeguarding the rights and well-being of vulnerable sections like women, children, and the elderly, and marginalized communities.

The police play a vital role in maintaining public order and ensuring community safety. Their responsibilities include preventing disturbances, managing crowds and public events, and addressing civil unrest to maintain peace and social harmony. By safeguarding social stability, they help create an environment where people can live and work without fear.

► Prevention and detection of crime

A primary function of the police is the prevention and detection of crime. This involves patrolling neighborhoods, conducting surveillance, and working with communities to discourage criminal activities. When crimes do occur, the police investigate offenses, gather evidence, and apprehend suspects to ensure that justice is delivered.

► Protecting the life and property of citizens

Protecting the life and property of citizens is another fundamental duty. Police officers respond swiftly to emergencies, protect individuals from criminal acts, accidents, and disasters, and provide security to promote the well-being of the public.

► Law enforcement

Law enforcement is at the core of policing. Officers are responsible for implementing the law, ensuring that people comply with legal norms, and taking necessary action against those who violate them. By doing so, they maintain discipline and uphold the rule of law in society.

► Support system for the community during crises and emergencies

Beyond crime control, the police also act as a support system for the community during crises and emergencies. They assist with disaster relief, rescue operations, and help trace missing persons, demonstrating their commitment to public service in times of need.

Managing traffic and ensuring road safety are additional duties of the police. By regulating traffic flow, enforcing road safety regulations, and preventing road accidents, they contribute to safer and more efficient transportation for all.

► Building and maintaining public trust

Building and maintaining public trust is essential for effective policing. By acting transparently, being accountable, and upholding ethical standards, the police strive to gain the community's confidence and cooperation. Strong police-community relationships encourage citizens to actively participate in maintaining safety and order.

► Safeguarding internal security

The police also play a crucial role in safeguarding internal security and countering terrorism. They remain vigilant against internal threats, manage insurgencies, and combat terrorism to protect national security and maintain peace within the country.

Additionally, the police work with social and correctional systems to support the rehabilitation and reintegration of offenders. By helping reduce repeat offenses, they contribute

► Rehabilitation and reintegration of offenders

to reforming individuals and fostering a safer society. Thus protecting vulnerable groups including women, children, and the elderly, and marginalized communities is a key responsibility of the police. By addressing their unique safety concerns and defending their rights, the police help build an inclusive, secure environment for all citizens.

► Essential for ensuring societal peace and stability

### **Maintenance of Law and Order**

Maintenance of Law and Order is one of the fundamental objectives of the police system, essential for ensuring societal peace and stability. The police are entrusted with the responsibility of preventing disturbances, managing conflicts, and responding to situations that threaten public safety. This involves constant vigilance, proactive measures, and swift action to deter criminal activities and prevent public disorder.

To maintain law and order effectively, the police engage in regular patrolling, intelligence gathering, and surveillance to identify and mitigate potential threats. They also manage public gatherings, protests, and events to ensure they remain peaceful and do not escalate into violence.

Their role in enforcing laws, preventing illegal activities, and ensuring that offenders are held accountable is crucial for upholding the rule of law. The maintenance of law and order by the police is vital for protecting citizens' rights, fostering economic growth, and promoting a safe and harmonious society.

### **Investigation of Crimes**

► To trace out

The term “investigation” originates from the Latin word *investigare*, meaning “to trace out” or “to search into,” signifying the act of probing or uncovering the truth. Section 4 of the BNSS mandates that all offences must be investigated, inquired into, tried, and dealt with as per the Code’s provisions. When information about a cognizable offence is received or suspected, the concerned police officer has the authority to initiate an investigation unless there are insufficient grounds to proceed. However, for non-cognizable offences, an investigation cannot be conducted without the order of a competent magistrate.

As per the Code, investigations are typically preliminary procedures before the trial of cognizable offences. They generally begin when information regarding a cognizable offence is registered under Section 173. If the officer-in-charge

of the police station has reason to suspect the commission of such an offence, they, or a subordinate officer assigned by them, must visit the scene to investigate the facts and circumstances.

### The protection of life

► Respecting the rights and safety of all individuals

It is a fundamental principle in the context of criminal investigations and legal processes. It plays a crucial role in ensuring that justice is served while respecting the rights and safety of all individuals involved, including victims, suspects, witnesses, and even law enforcement personnel. The duty of the police and investigative authorities is not only to uncover the truth but also to maintain the safety and well-being of those impacted by the investigation.

► Ensuring the integrity of the victim's rights

For victims of crime, the protection of life entails ensuring their immediate safety from further harm, be it physical, emotional, or psychological. Law enforcement agencies are tasked with securing the scene of the crime, offering support to victims, and ensuring they have access to the necessary medical, legal, and psychological care. This protection also extends to ensuring the integrity of the victim's rights during the investigation process, where privacy and confidentiality are often vital.

Similarly, suspects, who are presumed innocent until proven guilty, must also be protected during the investigative process. This means ensuring their physical well-being during arrest, detention, and interrogation, while also safeguarding their legal rights. The investigation must proceed in a manner that avoids torture, coercion, or any form of abuse, and it should guarantee that the suspect has access to legal representation.

► Witnesses

Witnesses also require protection, as their safety may be at risk for providing vital information. In some cases, law enforcement may provide witness protection programs to shield individuals who may be in danger due to their cooperation with the investigation.

► Individuals and entities have legal ownership over their property

### Protection of property rights

This is a cornerstone of justice and law enforcement in any society. These rights ensure that individuals and entities have legal ownership over their property, which is safeguarded by law. The protection of property rights plays a critical role in fostering social and economic stability, encouraging investment,

and upholding the rule of law.

In the context of criminal investigations, protecting property rights involves ensuring that the property of both victims and suspects is handled fairly and lawfully during the course of an investigation. This includes:

1. **Preservation of Evidence:** During an investigation, any property that may serve as evidence in a crime must be carefully handled and preserved. This includes physical property such as stolen goods, documents, or other items found at a crime scene. Investigators must follow strict protocols to prevent tampering, theft, or destruction of evidence. A breach of this can lead to a miscarriage of justice or undermine the legal process.
2. **Protection of Victims' Property:** Victims of crime are entitled to the protection and return of their property, such as stolen items. Police and investigative authorities are responsible for recovering stolen goods and ensuring that they are returned to their rightful owners as soon as possible. Additionally, the property of victims should not be damaged or violated in the course of the investigation.
3. **Protection of Property of the Accused:** While the property of the accused may be seized as part of an investigation (for example, to obtain evidence), the law also ensures that their property rights are respected. The seizure of property must be based on clear legal grounds, typically authorized by a warrant issued by a competent magistrate. The accused should be informed about the reasons for the seizure, and their property should not be unnecessarily damaged or kept beyond what is required for the investigation.
4. **Preventing Unlawful Confiscation:** The law protects individuals from unjust or arbitrary confiscation of property. The process of investigating crimes must always be carried out within the boundaries of the law, ensuring that no one is deprived of their property without due



process. Any unlawful confiscation of property by law enforcement can lead to claims for restitution, and may even result in the abuse of authority charges against the officers involved.

5. **Balancing Investigation Needs and Property Rights:** Investigations may require searches of property to uncover evidence, but the rights of the individual property owners must also be protected. The Criminal Procedure Code and other legal frameworks often mandate that searches and seizures must be conducted with a warrant and under specific circumstances. This ensures that the privacy and ownership rights of individuals are not unduly violated in the process of gathering evidence.
6. **Property Rights in Legal Proceedings:** Property rights are also essential during the legal proceedings following an investigation. For example, in cases involving property disputes, ownership rights must be established and upheld. The court must protect these rights by ruling in accordance with the evidence, ensuring that no one is wrongfully deprived of their property.
7. **Property Rights and Compensation:** In instances where property has been damaged or lost during an investigation or as a result of crime, the state may be required to compensate the individual for the loss or harm. The law must provide a mechanism for compensation in cases where property rights have been infringed upon, whether by criminal action or through negligence by law enforcement during the investigation.

► Crime and victimization stem from various underlying factors

### **Prevention of Crime**

Crime prevention is increasingly prioritized in national public safety strategies, based on the understanding that crime and victimization stem from various underlying factors. These factors include global, national, and local conditions, as well as individual and family circumstances. By identifying these risk factors, targeted strategies and programs can be developed to address them, ultimately reducing crime and victimization.

## Types of crime prevention

Various crime prevention approaches have been developed over the past two decades based on extensive research and evaluation. The primary fields of crime prevention include developmental, environmental, situational, social, and community-based prevention, with interventions classified into different groups. One system divides interventions into social, individual treatment, situational, and policing/criminal justice mechanisms. The Guidelines for the Prevention of Crime categorize prevention approaches into four main types:

1. **Crime Prevention through Social Development:** This includes social, educational, health, and training programs aimed at at-risk children or families, particularly when children are young. Early intervention programs, also known as developmental crime prevention, focus on building resilience and social skills in children and families. These may target specific groups, like street children or those from disadvantaged areas, and include school education projects or community-based recreation and skills training aimed at enhancing awareness and resilience.
2. **Community or Locally-Based Crime Prevention:** Instead of targeting individuals, this approach focuses on areas with high crime risks, such as deprived neighborhoods or areas with weak community cohesion. These programs aim to enhance safety, address crime concerns, and improve social services and community ties. By involving local residents and organizations in identifying priorities and implementing responses, the goal is to build “social capital,” which includes trust, shared values, and community involvement.
3. **Situational Crime Prevention:** This approach aims to reduce opportunities for crime by increasing the risks of being caught, raising the costs of committing crimes, and minimizing the benefits. Situational Crime Prevention (SCP) is a strategy focused on reducing crime



► Developmental, environmental, situational, social, and community-based prevention

opportunities by altering the environment where crimes occur. Crime prevention remains a core responsibility of the police, serving as the primary deterrent against crime. Situational crime prevention focuses on reducing opportunities for crime by techniques such as making crimes more difficult, increasing the likelihood of getting caught, and reducing the rewards. Crime prevention is categorized into three levels:

1. Primary prevention addresses environmental factors that facilitate crime.
2. Secondary prevention focuses on early identification and intervention of potential offenders.
3. Tertiary prevention involves dealing with offenders after crimes have occurred.

► Reducing opportunities for crime

Crime prevention is a multifaceted approach that addresses underlying factors contributing to crime and victimization. It involves various strategies, such as social development, community-based efforts, and situational crime prevention, each targeting different aspects of criminal behaviour. By focusing on reducing opportunities for crime, improving social cohesion, and intervening early, crime prevention seeks to create safer environments and communities. Through continued collaboration, education, and the application of evidence-based methods, crime prevention remains essential in reducing crime rates and enhancing public safety.

In conclusion, the police serve as the frontline guardians of society. Their role includes maintaining public order, preventing and investigating crime, enforcing laws, protecting life and property, managing traffic and road safety, and responding to emergencies and disasters. They also play a vital part in upholding national security, supporting the rehabilitation of offenders, and protecting vulnerable sections of society. By acting as a bridge between the government and the people, the police ensure that the rule of law is upheld and that citizens can live in a safe and orderly environment.

## 2.Role of Judiciary

One of the most vital branches of the Indian government is the judiciary. Its core function is to resolve disputes and apply

► Resolve disputes and apply the law to real-life situations

► Operates through a structured hierarchy

the law to real-life situations. By interpreting laws through their judgments, judges give concrete meaning to the law. The public sees the judiciary as the most important arm of government because it safeguards citizens from possible misuse of power by the legislature and the executive. It commands high respect for its responsibility as the guardian of the Constitution and the protector of people's fundamental rights.

India's judiciary operates through a structured hierarchy of courts, each vested with specific powers based on its jurisdiction. At the top sits the Supreme Court, followed by the High Courts in each state, District Courts headed by District Judges, Magistrates of various classes, and Civil Judges at the lower levels. This clear structure ensures the smooth administration of justice across the country.

Under the Constitution, the Supreme Court is the highest appellate authority and the final guardian of the Constitution. It exercises original, appellate, and advisory jurisdiction. The Supreme Court consists of the Chief Justice of India and up to thirty other judges. Let's look deeper into the judiciary's core functions and why they are crucial.

### **Functions and Significance of the Judiciary**

The judiciary's main role is to uphold the rule of law, deliver justice, and protect citizens' rights. Its responsibilities include interpreting laws, settling disputes, punishing offenders, ensuring constitutional compliance through judicial review, and maintaining a balance of power among government branches. Below are the key aspects of its role:

#### **1. Delivering Justice**

The judiciary's foremost duty is to provide justice to those who seek it. It hears complaints, punishes lawbreakers, and offers compensation or remedies to people whose rights have been violated or who have suffered losses.

#### **2. Interpreting and Applying Laws**

Another major function is interpreting the law and applying it to specific cases. Judges clarify the meaning of legal provisions to ensure proper enforcement in individual circumstances.

#### **3. Contributing to Law-Making**



Through its judgments, the judiciary shapes the interpretation, scope, and effect of laws passed by the legislature. These interpretations become binding precedents for lower courts, effectively adding to the body of law.

► Functions and roles

#### 4. Equity Legislation

When existing laws are silent, ambiguous, or conflicting, judges rely on principles of fairness and justice to deliver appropriate rulings. This process sometimes results in new legal principles often called ‘equity legislation.’

#### 5. Protection of Rights

A central role of the judiciary is to protect the rights of citizens. When individuals face threats or violations of their rights by the state, private groups, or other people, they can turn to the courts for protection and redress.

Beyond these, the judiciary manages judicial administration, enforces its judgments, protects the Constitution, and sometimes conducts inquiries. Its role in India’s federal system is also unique and vital.

#### Importance of Judicial Independence

For the judiciary to fulfill its duties, it must be independent of the other branches of government. Only an impartial and autonomous judiciary can protect citizens’ freedoms and ensure justice is done without fear or favor. Without this independence, the rule of law collapses, and citizens lose faith in democracy.

► Impartial and autonomous judiciary

Key elements that ensure judicial independence include appointing competent judges, preventing undue influence by the legislature and executive, guaranteeing that courts run their own administration, upholding the judiciary as the guardian of the Constitution, and giving people fair and affordable access to justice.

#### Judicial Review and Judicial Activism

Judicial review is the judiciary’s power to examine and invalidate laws or government actions that violate the Constitution. This is a fundamental check on legislative and executive powers to prevent misuse and to protect fundamental rights.

► Fundamental check on legislative and executive powers

Judicial activism refers to the judiciary's proactive approach in shaping social policy and addressing public issues where the legislature or executive may have failed. Activist courts may broaden the meaning of existing laws or establish new principles to meet emerging societal needs.

While both concepts strengthen the judiciary's role in safeguarding the Constitution and citizens' rights, they must be balanced carefully to respect the separation of powers and uphold democratic governance.

**Table 1.3.1 Aspects of Judicial Review and Judicial activism**

Aspect	Judicial Review	Judicial Activism
Meaning	Courts check laws and actions for constitutional validity.	Courts take an active role in policy-making and addressing societal issues.
Purpose	Ensure laws comply with the Constitution and protect rights.	Promote justice, reform, and equitable solutions to social problems.
Approach	Strictly based on constitutional interpretation and legal precedent.	Flexible, sometimes going beyond text to achieve fairness.
Context	Checks government power.	Addresses gaps or failures by the legislature and executive.
Controversy	Less controversial, seen as a necessary safeguard.	Often debated for overstepping traditional judicial limits.

The judiciary holds an indispensable place in India's democratic framework. By interpreting and applying laws, delivering justice, protecting citizens' rights, and acting as a check on legislative and executive excesses, it serves as the

► Essential for sustaining democracy and protecting the rights and freedoms of the people

guardian of the Constitution and the cornerstone of the rule of law. An independent judiciary not only safeguards civil liberties but also ensures that justice remains accessible, fair, and effective for all. Through its powers of judicial review and its capacity for judicial activism, the judiciary adapts to changing societal needs while upholding constitutional values. Its integrity, independence, and commitment to justice make it the most respected and trusted pillar of governance, essential for sustaining democracy and protecting the rights and freedoms of the people.

### 3.Role of Corrections

The contemporary correctional system plays a vital role within the broader criminal justice framework. The concept of punishment has existed since the dawn of civilization, with societies historically using various punitive measures to guard against harmful acts and uphold social order.

► Rehabilitation and reformation

Traditionally, punishment centered on retribution the belief that offenders must compensate for their wrongdoing. Over time, however, this idea has evolved significantly. Today's correctional approaches place greater emphasis on rehabilitation and reformation, moving away from purely punitive strategies. This change stems from the understanding that offenders are often shaped by adverse social circumstances, environmental factors, or psychological challenges rather than being innately evil.

► Primary correctional tool

As Wortley aptly noted, treating offenders as inherently wicked and deserving of severe punishment has gradually been replaced with the idea that they should be viewed as victims of unfavourable conditions who require support to reintegrate as contributing members of society. In this modern framework, imprisonment remains the primary correctional tool, but it aims to reform inmates through structured programs and guidance so they can rejoin society responsibly.

Justice Krishna Iyer captured this outlook by stating, “Every saint has a past and every sinner has a future.”

He underlined that punishment serves three purposes:

1. Deterrence,
2. Retribution,
3. Reformation

► Purpose of punishments

Modern correctional thought focuses on transforming offenders' attitudes and behaviour through education, vocational training, moral instruction, and therapy so they can live as law-abiding citizens.

India's Supreme Court has also advanced the human rights aspect of corrections. In *Sunil Batra v. Delhi Administration* (1978), the Court ruled that prisoners must not be treated inhumanely. Likewise, in *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi* (1981), the Court held that inmates retain fundamental rights under Article 21 of the Constitution and must be treated with dignity.

► Tackle the underlying reasons for criminal acts

In India, it is imperative for courts, prisons, probation services, and rehabilitation initiatives to uphold this reformative spirit in practice. As Justice Krishna Iyer reminded us, "It is the duty of every judge to humanize the law." This principle continues to guide the role of correction within the criminal justice system. Correctional interventions are fundamental to this system as they focus on reforming, rehabilitating, and reintegrating offenders. They help tackle the underlying reasons for criminal acts, thereby protecting society.

► Shifted from severe punishment to more humane, rehabilitative practices

In India, prison reforms have gradually shifted the emphasis from severe punishment to more humane, rehabilitative practices. The National Policy on Prisons demonstrates this shift by prioritizing organized welfare programs for inmates. Contemporary strategies combine education, vocational training, counselling, recreation, and spiritual practices like meditation. However, challenges such as overcrowding, limited resources, and societal stigma still hinder their success. This topic explores the meaning, significance, and various forms of correction, highlighting their power to transform lives while acknowledging practical difficulties.

### Significance and Types of Correction

Correction is integral to the justice process, aiming to rehabilitate offenders, deter repeat offences, and help them rejoin society as responsible individuals. Its main goal is to foster social harmony by transforming criminal behaviour into lawful conduct. Correctional initiatives address the roots of crime by offering counselling, education, vocational training, and psychological support. By focusing on reformation rather than punishment alone, they help alleviate prison overcrowding, curb crime rates, and protect society from repeat offenders. Well-

executed correctional programs promote personal responsibility and enable offenders to return as productive citizens.

### Understanding Correction

► Places that can facilitate positive change

Historically, prisons functioned primarily as places for punishment and deterrence often called “Houses of Captives.” Over time, reformers and human rights defenders transformed this concept, highlighting rehabilitation and reintegration. Today, modern correctional philosophy views prisons as places that can facilitate positive change.

India’s current prison system has its foundations in British rule. Lord Macaulay’s 1835 observations led to the formation of the Prison Discipline Committee in 1836. A landmark moment was the All India Jail Committee (1919-1920), which formally recognized reformation and rehabilitation as central goals of prison management.

### Contemporary Correctional Philosophy

► “Hate the crime, not the criminal”

Modern prisons are seen as ‘mini-societies’ that mirror broader social, economic, and cultural realities. There is an increasing focus on inmates’ mental and physical well-being, echoing Mahatma Gandhi’s vision and constitutional values. The principle “hate the crime, not the criminal” highlights the view that crime often results from unfavourable social and economic conditions. This perspective holds that imprisonment should serve to protect society by reforming and rehabilitating offenders. The aim is to prepare them to lead lawful, self-sufficient lives post-release. Prisons should not worsen the hardship inherent in detention.

Gandhi’s approach viewed prisons as therapeutic spaces akin to hospitals meant to heal and transform inmates. This vision influences India’s prison policy today, ensuring that prisoners’ basic rights and dignity are upheld.

► Ensure transparency and humane treatment

The central goal of prison management is to maintain security and discipline while using incarceration as an opportunity for reformation and rehabilitation. Judicial and government oversight help ensure transparency and humane treatment.

India’s prison system has steadily progressed towards a more humane and rehabilitative model that respects inmates’ dignity and rights. Ongoing reforms continue to balance security with the fair treatment of prisoners.

## **Correction: A Legal Duty for Prison Officers**

In India, prison officers have legal obligations that go beyond mere custody. These responsibilities are rooted in Supreme Court rulings and statutory frameworks.

### **Key Principles by the Supreme Court:**

1. A prisoner retains their human status even while imprisoned.
2. Prisoners enjoy all fundamental rights except those curtailed by imprisonment.
3. Additional suffering beyond the sentence is unjustified.

### **Legal Basis:**

The Prisons Act of 1894, the Model Prison Manual 2016 (BPR&D, MHA), and various state prison manuals outline these responsibilities. They provide detailed instructions for inmate care, discipline, and rehabilitation.

### **Focus on Reformation:**

Relevant laws and rules clarify that prison staff are responsible for both security and the welfare and moral development of inmates. They must actively promote prisoners' reintegration into society.

### **Safeguarding Human Rights:**

India's commitment to human rights is reflected in legal protections that ensure prisoners' dignity and basic entitlements. The Sunil Batra case emphasized humane treatment and the need for correctional programs inside prisons.

### **Shifting Goals:**

Today's prison policies stress reformation, rehabilitation, and reintegration instead of mere punishment. The ultimate objective is to help offenders return to society as responsible citizen

The role of the correctional system within the criminal justice framework is vital for transforming punishment into an opportunity for reform and reintegration. By moving beyond mere retribution, modern correctional practices emphasize the rehabilitation of offenders, addressing the root causes of criminal behavior, and preparing inmates to return as responsible, productive citizens. The judiciary, prison authorities, probation officers, and society each have a crucial role to play in upholding the rights and dignity of prisoners and ensuring that correctional institutions function as places of positive change rather than mere confinement.



### 3.3.3 Challenges in the Indian Criminal Justice Framework

The Indian criminal justice system, despite being one of the world's largest and oldest, continues to grapple with profound structural, procedural, and ethical challenges that hinder its ability to deliver timely, fair, and accessible justice to all citizens.

#### Overburdened Judiciary and Case Backlog

One of the most critical challenges facing India's criminal justice system is the massive backlog of cases that clogs the courts at every level. As of 2023, more than 5 crore cases remain pending across the country's courts, with an overwhelming 87.4% stuck in the subordinate judiciary and about 12.4% pending in High Courts. Many cases drag on for decades, some for more than 30 years denying litigants timely relief and eroding public trust in the judiciary. This pendency is exacerbated by severe judicial vacancies: India has only about 21 judges per million people, far below the recommended 50 judges per million that would match global standards. The introduction of fast-track courts was intended to reduce delays in cases involving serious crimes like rape or child abuse, but these courts often lack exclusive infrastructure or dedicated judges, leading to existing courts absorbing extra caseloads without effectively speeding up the process.

#### Police System Deficiencies

The police force, which forms the backbone of criminal law enforcement, is also plagued by critical shortcomings that undermine its credibility and effectiveness. India's police-to-population ratio stands at 155 officers per lakh population, well below the UN-recommended 222 per lakh, and in states like Bihar, the ratio drops alarmingly to just 81 per lakh. This acute understaffing hampers crime prevention and timely investigation. Corruption and abuse of power further weaken public faith in the police. Reports of custodial violence, wrongful arrests, coerced confessions, and misuse of authority are widespread, with inadequate accountability mechanisms to address them. Frequent and arbitrary transfers of investigating officers disrupt continuity in criminal investigations, while forensic services, a crucial element for scientific evidence, remain grossly underdeveloped. Shockingly, nearly 50% of sanctioned forensic posts remain vacant, resulting in poor crime scene management and delayed or inaccurate reports that

weaken prosecution.

### **Prison System Issues**

Indian prisons reflect another crisis point within the criminal justice chain. Chronic overcrowding is a severe challenge, with prisons operating at 131% of their capacity, leading to inhumane living conditions. A striking 76% of India's prison population comprises undertrial prisoners who have not yet been convicted but remain behind bars for years due to slow trials, inability to secure bail, or lack of legal aid. This not only violates the fundamental right to liberty but also adds to the costs of incarceration for the state. Custodial torture, deaths, and instances of sexual abuse remain grim realities, with weak oversight mechanisms to monitor and prevent human rights violations. Moreover, prisons remain primarily punitive spaces with negligible focus on rehabilitation. Less than 1% of prison budgets are earmarked for vocational training, education, or mental health care measures that are vital for reintegrating prisoners into society and preventing recidivism.

### **Legal and Procedural Delays**

Many procedural hurdles stem from India's continued reliance until recently on colonial-era legislation like the Indian Penal Code (IPC) of 1860, the Code of Criminal Procedure (CrPC) of 1973, and the Indian Evidence Act of 1872. These outdated laws were often ill-equipped to deal with contemporary crimes such as organized cybercrimes, transnational trafficking, and sophisticated financial fraud. Despite the legal principle that "bail is the rule, jail is the exception," India's cumbersome bail procedures mean that countless undertrials, mostly poor and marginalized, remain in prison for petty offences. Victim support mechanisms are also alarmingly weak; survivors of sexual assault and other heinous crimes often endure repeated trauma during trials due to insensitive questioning, delays, and lack of privacy. Legal aid remains grossly inadequate: India has just one legal aid clinic for every 163 villages, making it extremely difficult for vulnerable communities to access their basic right to representation.

### **Systemic Biases and Marginalization**

The structural flaws within the system disproportionately affect marginalized communities. Numerous studies and prison statistics show the overrepresentation of Dalits, Adivasis, and Muslims among the incarcerated population, reflecting deep-



► Structural, procedural, and ethical challenges

seated social and systemic biases. Prejudice during investigation, lack of awareness of legal rights, and economic disadvantage often result in these groups facing harsher treatment and higher conviction rates. The system's anti-poor bias is further visible in the quality of legal representation. Those who cannot afford competent lawyers are left with overburdened legal aid lawyers or none at all, while the wealthy can easily navigate or even manipulate the system to their advantage.

### 3.3.4 Criticisms of Recent Reforms (2024)

► Addressing new-age crimes

In 2024, India introduced new criminal codes the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA) to replace the colonial-era IPC, CrPC, and Evidence Act. While these reforms aim to modernize criminal law by addressing new-age crimes and streamlining procedures, they have drawn significant criticism. Civil rights advocates and legal experts fear that the new codes expand police powers excessively, for example, by allowing custody up to 90 days, raising concerns about potential misuse and extended pre-trial detention. The rapid enactment with limited public debate and parliamentary scrutiny has also raised apprehensions about democratic transparency. Additionally, the transitional period required to adapt to new procedures may temporarily aggravate the backlog of cases, further straining the already overburdened system.

### 3.3.5 Proposed Reforms

► Structural and procedural reforms

To overcome these entrenched challenges, experts recommend a range of structural and procedural reforms. First, filling long-pending judicial vacancies and establishing an All India Judicial Service (AIJS) could help build a more robust and merit-based judiciary. Digitization of court records and virtual hearings can significantly reduce pendency and improve transparency. Police reforms are equally vital: separating law and order duties from investigation units as advised by the Malimath Committee would enhance professionalism, reduce conflicts of interest, and ensure scientific crime detection. Prison reforms must focus on expanding open prisons, promoting non-custodial sentences for petty offences, and investing in vocational training and mental health services to support prisoner rehabilitation. Finally, creating a victim-centric justice system through stronger witness protection schemes, sensitive courtrooms for vulnerable witnesses, and

a wider network of well-funded legal aid centers is crucial to uphold the fundamental right to fair trial and access to justice.

► Balancing efficiency, human rights, and social justice

The Indian criminal justice system stands at a critical crossroads torn between a colonial legacy, deeply entrenched structural flaws, and urgent need for meaningful reform. Persistent challenges such as overwhelming case backlogs, an overstretched and under-resourced police force, inhumane prison conditions, outdated procedures, and systemic biases continue to erode the public's faith in the promise of equal justice for all. While recent legislative reforms mark a significant attempt to modernize and indianite the system, their success will depend not merely on new codes but on how effectively they are implemented on the ground. Strengthening judicial infrastructure, filling vacancies, investing in forensic science, ensuring police accountability, expanding access to legal aid, and prioritizing the rights of under trials and marginalized communities must form the bedrock of this transformation. Only a holistic approach that balances efficiency, human rights, and social justice can ensure that India's criminal justice system evolves from a mechanism of control to an instrument of genuine justice, accessible and fair to every citizen, regardless of class, caste, or creed.

## Summarized Overview

In this block, we learned about the essential ideas that underpin the criminal justice system. To begin with, we explored what crime means and how its nature is defined by both legal frameworks and societal values. We saw how crime and society are closely connected. Society determines what is criminal, and crime affects social order and harmony. We also recognized that justice is the central pillar of the criminal justice system, as it ensures fairness, equality, and the protection of rights for all individuals. Next, we studied various theories that help explain why people commit crimes. The behavioral theories, such as classical and operant conditioning, showed us how criminal behaviour can be learned or reinforced through experiences and rewards or punishments. The psychodynamic approach, especially Freud's ideas, explained how unconscious motives and early childhood conflicts may drive criminal actions. We also looked at strain theory, which points to social and economic pressures that push individuals towards crime, and social disorganization theory, which highlights how weak community structures contribute to criminal behaviour.

Finally, we examined the main components of the criminal justice system: the police, judiciary, and correctional institutions. We discussed the responsibilities of each in enforcing the law, ensuring justice, and rehabilitating offenders. We also highlighted major challenges that the Indian criminal justice system faces today, such as the huge



backlog of cases, insufficient police resources, overcrowded prisons, outdated laws, and biases that often disadvantage vulnerable groups. In summary, this block has provided a comprehensive overview of how crime is defined, understood, and addressed within the criminal justice system, along with the critical issues that need to be tackled for it to function effectively.

## Self-Assessment

1. Explain the meaning and nature of crime. How does society influence what is defined as crime?
2. Describe the concept of justice. Why justice is considered the backbone of the criminal justice system?
3. Compare and contrast classical conditioning and operant conditioning as behavioral theories explaining criminal behaviour.
4. Discuss the main ideas of social disorganization theory and its impact on crime rates in communities.
5. Analyse the major challenges faced by the Indian criminal justice system today.

## Assignments

1. Critically examine the major components of the Criminal Justice System. How do these components interrelate to ensure justice and maintain social order?
2. Discuss the role of the Police, Judiciary, and Correctional institutions in the Indian Criminal Justice System. How do their functions complement and conflict with one another in practice?
3. Analyze the challenges faced by the Indian Criminal Justice Framework with reference to issues such as delay in justice delivery, overcrowding of prisons, police accountability, and access to justice for marginalized groups. Suggest reforms.
4. Evaluate the effectiveness of corrections in the Indian Criminal Justice System. To what extent does the system focus on punishment versus rehabilitation, and what implications does this have for reducing recidivism?
5. “The Indian Criminal Justice System is more punitive than reformative.” Do you agree with this statement? Provide a reasoned analysis with reference to the role of police, judiciary, and correctional institutions.

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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU



# **BLOCK 4**

## **Prison System in India**

# UNIT 1

## Historical Evolution

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ Understand the evolution of prison system in India from ancient and medieval times to the present day.
- ▶ Describe the nature and purpose of punishment and imprisonment in ancient and medieval India.
- ▶ Explain the major changes introduced under British colonial rule and how they shaped modern prison administration.
- ▶ Analyze the developments and reforms in the Indian prison system after Independence, including efforts to ensure human rights and rehabilitation.
- ▶ Critically examine ongoing challenges in India's prison system and suggest ways to align it with the ideals of justice, reformation, and human dignity.

### Background

Imagine a young freedom fighter in the 1930s, barely twenty years old, torn away from his family and sent to the Cellular Jail in the Andamans infamously called 'Kala Pani'. Isolated, forced into hard labour, and cut off from the outside world, his story shows how prisons were once used to break the will of those who dared to speak up. Now, think about this: what should prisons do today? Are they only meant to punish people or also help them change and rejoin society? The prison system in India has a layered history shaped by shifting ideas of crime and punishment. In ancient and medieval India, imprisonment was rare; punishments focused more on fines, physical penalties, or exile, though small lock-ups or forts existed for offenders and political rivals. The real turning point came under British rule, when large organized prisons were built to lock up criminals and crush political dissent. After Independence, India

needed to break away from this colonial legacy and move towards human rights and rehabilitation. Prison committees and reform commissions tried to improve living conditions, reduce cruelty, and focus on correction, but challenges like overcrowding, under trial prisoners, and old attitudes remain. Tracing this journey from ancient methods to colonial oppression and modern reform helps us debate what prisons should truly achieve not just punishment, but also justice, human dignity, and a second chance for those behind bars. As we now delve deeper into each part of this evolution, we are encouraged to read carefully and think critically about what needs to change to build a prison system that truly upholds our constitutional ideals and basic human rights. In this unit, we will be dealing with the historical evolution of prisons in India, including the prison systems in ancient and medieval India, the colonial influence on prison administration, and the developments that have taken place post-Independence.

## Keywords

Ancient Indian Prisons, Medieval Prison Systems, Colonial Prison Administration, British Influence, Prison Reforms, Post-Independence Developments, Correctional System, Penal Policy

## Discussion

### 4.1.1 Historical Evolution

The prison, often called a jail, is the oldest formal penal institution known to human societies. Originally, jails mainly served as places to detain people awaiting trial or execution of their sentence, rather than as a punishment in themselves. However, starting slowly in the sixteenth century, imprisonment gradually evolved into a standalone form of punishment, becoming the dominant method by the nineteenth century.

► Imprisonment

► Institutional correction

From the nineteenth century onwards, societies began introducing individualized treatment for offenders inside prisons. This marked the beginning of the idea of institutional correction, where the prison was not just for confinement but also for reform. For example, post-revolutionary America focused on how prisons could be organized to reduce repeat offences, showing a clear belief that people could change if given proper opportunities.



### ► Houses of Correction

This correctional idea was not entirely new. In Europe especially England both religious and secular authorities had sometimes used imprisonment as a way to reform character. For instance, the Roman Catholic Church would sometimes release prisoners if they showed true repentance. England developed “houses of correction” to address widespread vagrancy and idleness when rural populations were forced off their land.

### ► Penitentiary Model

A major step came in 1778, when the British Parliament authorized the construction of a penitentiary. Its stated goal was to improve offenders through cleanliness, medical care, regulated work, solitary reflection, and religious teaching, helping prisoners develop habits of industry and moral responsibility. John Howard, a key prison reformer, stressed that the aim of the penitentiary was reformation and amendment but Parliament did not fully implement this vision in Britain itself. In contrast, the United States took this concept seriously and developed the penitentiary model widely.

### ► Ancient Prisons

As time went on, many countries began to introduce broad programmes focused on rehabilitating prisoners rather than merely punishing them. In India, the prison system has roots both in ancient dungeons and colonial legislation. Historically, forms of punitive imprisonment were found in ancient Rome, Egypt, China, India, Syria, and Babylon, with harsh conditions often similar to medieval dungeons. Early prisons were frequently run by private individuals seeking profit, which led to widespread corruption and cruelty.

### ► Social Defence

Over time, the writings and efforts of social reformers exposed the inhumane conditions in prisons, pushing governments to take control of prison management. The belief was that rigorous isolation and custodial discipline would reform offenders. However, with the rise of behavioral sciences, it became clear that detention alone could not reform human behavior. This understanding gradually replaced the old ideas of pure retribution and deterrence with a modern concept of social defence aiming to protect society by preventing crime through rehabilitation.

### ► Colonial Laws

In India, the prison system is still largely shaped by colonial-era laws, including the Prisons Act, 1894, the Prisoners Act, 1900, the Transfer of Prisoners Act, 1950, and the Prisoners (Attendance in Courts) Act, 1955. The Jail Code, framed during British rule, still guides much of prison administration today. However, these laws and codes do not fully reflect modern



theories of correction and rehabilitation, and efforts are still needed to update them to match contemporary ideas of human rights and reform.

#### ► Rehabilitation Focus

By the end of the eighteenth century, many prisons, especially in England, had a reputation for being places where prisoners either died in poor conditions or emerged worse than before, becoming further threats to society. Modern reform efforts have focused on changing this highlighting that the true evolution of prisons is not just about punishment but about transforming them into institutions of correction, rehabilitation, and social reintegration.

### 4.1.2 Prison Systems in Ancient and Medieval India

In ancient India, prisons mainly served as holding places where offenders were kept until their trial and sentencing were completed. The social order was deeply influenced by the teachings of ancient scholars like Manu, Yajnavalkya, and Kautilya. Imprisonment was primarily used to isolate wrongdoers from the community so they would not corrupt others. Hindu scriptures mention imprisonment alongside various corporal punishments as part of the penal system.

- **Holding Prisons**
- **Balanced Punishment**
- **Forgiveness**
- **Tolerance to Authority**

#### ► Harsh Conditions

These early prisons were often dark, damp, poorly ventilated, and lacked proper sanitation or basic living facilities. Yajnavalkya's writings show that severe penalties, like capital punishment, were prescribed for helping a prisoner escape. Vishnu's codes also mention jail as a punishment for harming someone's eyes.

#### ► Kautilya's Rules

Kautilya, in his Arthashastra, provided detailed rules for prison administration. He suggested that prisons should be located in the capital city and should have separate sections for male and female inmates. He also proposed that every fifth day, some prisoners could be released after paying a fine, receiving mild corporal punishment, or pledging to contribute to society. General amnesty was recommended on special occasions, such as the birth of a royal heir.



### ► Jail Officials

The duties of jail officials were also clearly defined. The jail superintendent, called Bandhanagaradhyaksha, had to closely monitor inmates and staff. Warders who colluded with prisoners faced heavy fines, and serious negligence or misconduct could result in even harsher penalties. Prisoners who escaped by breaking walls were to be put to death according to Kautilya's strict rules.

### ► Ashokan Reforms

During Emperor Ashoka's early reign, prisons were notorious for cruel torture, and few survived their sentences. However, after Ashoka embraced Buddhism, many reforms were reportedly introduced. A new official known as the Dharma-Mahamattas was appointed to look after, among other matters, the well-being of prisoners in jail.

### ► Medieval Accounts

Later texts like the Jatakas depict various aspects of imprisonment, including how kings sometimes released innocent or political prisoners, often enlisting them in the army during wars. Accounts like the *Harshacharita* and the travel records of Hiuen-Tsang show that prison conditions remained harsh, with prisoners receiving rough treatment and living in unhygienic conditions. Prison officials were known as Bandhanagaradhyaksha (superintendent) and Karaka (assistant). The overall jail administration came under the Sannidhata, who chose prison locations and oversaw construction.

Despite these early practices, there was no organized prison system in ancient India as we understand it today. Imprisonment was not the primary form of punishment; rather, other forms like fines, exile, or corporal penalties were more common.

Penology has its roots in ancient India under the broad concept of Dandaniti, which literally means the principle of punishment. Manu, the great law-giver of India, emphasized that Danda (punishment) was created as a derivative of Dharma. Nigam expounds the view that "while criminal science or criminology is a modern growth in the West, it would be heartening to know that it was a fully developed subject of study in our country even before the dawn of the Christian era." Thus, the criminology or Dandaniti is not a new science in India; it is as old as the Srutis.

As a result, India has an abundance of literature on Dandaniti or criminology contained in the Dharmasastras, such as the Vedas, Smritis, and Kautilya's Arthashastra. In the

► Dharmasastras

► Dandaniti Concept

works of Bana, we find indirect references to crimes, rigorous imprisonment, amputation of limbs, and execution. The Smriti writers were aware of the complexity of human nature and paid due attention to the individuality of an offender, his antecedents, and his capacity to undergo punishment. Kautilya advised the king to award punishments that should neither be too mild nor too severe. In the *Brahmavaivarta Purana*, Lord Mahadeva told Brahma that if people commit an offence, it is the duty of a pious man to forgive him. During the Maurya rule, particularly under Ashoka (269–232 B.C.), the appointment of the Dharma-Mahamattas marked an effort to reform prison conditions and ensure humane treatment of inmates. Thus, in the first phase of ancient civilization in India, when Dharma was supreme, the offender was shown maximum tolerance, but this approach gradually gave way to the increasing political authority of kings in the later ages.

### Prison Systems in Medieval India

In the Mughal period in India, the criminal justice system followed Islamic rules. According to the Encyclopedia of Islam, punishments were divided into four main types:

1. *Hadd*,
2. *Qisas*,
3. *Diya*,
4. *Tazir*.

► Hadd and Qisas

Hadd were strict punishments written in the Quran or Hadith, like death, cutting off a hand or foot, or whipping someone between forty and one hundred times. Qisas meant revenge or equal punishment for example, if someone killed another person, the victim's family could ask for the killer to be killed too. If someone injured another person, they could be punished in the same way. Diya was money paid to the victim's family if they agreed not to take revenge. Tazir allowed judges to decide lighter punishments for smaller crimes, like scolding, whipping, or banishment.

At that time, prison was not usually used as a punishment. Jails mainly held people waiting for trial or kept important people and nobles locked up. During the medieval period, this changed when Emperor Akbar's minister Abul Fazal said it was allowed to use prison as a real punishment. Forts and castles were used as jails. For example, when Prince Salim



### ► Two types prisons

was born, Akbar freed many prisoners as a celebration. Also, an officer named Shahbaz Khan was jailed for three years for disobeying orders. This showed that jails were now used as part of punishing crimes. A researcher named Saran wrote that medieval prisons had two types: 'A' class prisons for royals and high officials, and 'B' class prisons for ordinary people. Forts had special rooms for these prisoners. This use of jail as a way to correct people's behaviour was new for that time.

### ► Reforming people

Later in the medieval period, Emperor Jahangir made punishments kinder and fairer. But during Shah Jahan's rule, this kind way ended. Shah Jahan himself was later imprisoned by his own son Aurangzeb, who was very strict. During Aurangzeb's time, protests were crushed harshly for example, crowds near the Red Fort were trampled by elephants.

At the same time, the Portuguese were growing their power in India. The Catholic Church gave shelter to criminals in church courts, which could not kill or hurt people badly. Instead, they made wrongdoers stay alone in cells to make them feel sorry and change. This was like the early idea of modern prisons that try to reform people.

## 4.1.3 Colonial Influence on Prison Administration

In 1600, the Portuguese built a church prison in Goa. This prison was a big complex with two-storey buildings and nearly 200 cells. Each cell was about 10x10 feet, dark and small, with only a tiny barred window in the ceiling for light and air. Meanwhile, in England, Queen Elizabeth gave a charter on December 31, 1600, to create the East India Company. By 1623, the King allowed this Company to set up trade in India and gave its officers power to control British employees under English law. Over time, the Company set up its own rules, police, and courts.

In 1661, the King's Charter expanded the Company's power. Its officers could judge not only the British but also Indians living in their settlements. A 1665 report by Hamprey Cook noted that he had ordered a prison to keep people under control, because the local population often resisted authority.

In these early days, prisons were poorly run, not much better than those during the Mughal period. The Charter Act of 1726 improved the legal authority of the Company's courts. In 1772, Warren Hastings and the Committee of Circuit planned new

► Goa Prison

► Fouzdari Control

► Charter Expansion

► Committee Reforms

• *European Magistrates*

• *Macaulay Criticism*

ways to handle criminal justice. At that time, there was no central prison system. Instead, local police stations (Foujdari Thanas) and district criminal courts had small, temporary jails.

Historian Misra wrote that each police station and court had someone to keep records of prisoners. The local police chief (Fouzdar) looked after these small jails. Often, any available building near the court was used as a prison. Sometimes they even rented buildings cheaply.

British official Aspinall noted that until 1790, these jails were run by Indian officers under the local Fouzdari department. It was common for accused people to be locked up for long periods before trial, or even arrested illegally by local police.

In 1790, jail management shifted from Indian officers to European magistrates. Governor-General Cornwallis said that the poor jail conditions needed urgent change. By 1793, new prison rules (Regulation IX) were passed. This was the first set of clear rules for how jails should be run, aiming to keep prisoners safe and healthy. From then on, prisons were recognized as separate institutions for holding people awaiting trial or serving sentences, managed by district magistrates and collectors.

Under Company rule, India had by then about 143 civil jails, 75 criminal jails, and 68 mixed jails, holding over 75,000 inmates in Bengal, the North-West Provinces, Madras, and Bombay. In 1835, Lord Macaulay criticized these jails, saying discipline was poor and dangerous. He described how violent criminals were kept together in large groups, sometimes attacking prison staff. He suggested creating a committee to investigate the prison system.

In 1836, the Governor General formed a committee with Macaulay as a member. Their 1837 report highlighted the terrible conditions. Though basic needs like food and clothes were somewhat looked after, prisons were still dirty and demoralizing. Unlike England or America, India's jails did separate debtors from criminals and men from women, and usually kept prisoners awaiting trial separate from convicted ones. The committee did not believe much could be done to reform prisoners morally. They rejected the idea of spending public money to educate criminals, arguing that there were many more deserving people outside prison who needed education.



The first real steps for prison reform came with the Regulation Act of 1834, led by Macaulay. However, nothing improved much until 1855, when a new law appointed an Inspector General of Prisons for each Presidency. Another law in 1856 removed jail duties from the top judges, the Sadar Foujdari Adalat, and gave that job to prison officials instead.

### **British Rule Takeover (1858-1947)**

#### ► Revolt of 1857-58

The year 1857 saw one of the most chaotic and tragic events in India's history: the Revolt of 1857-58. This uprising had a significant impact on how the British ruled India. One of the most notable developments during British rule was the gradual creation of a more efficient administrative system. By the second half of nineteenth century, British administration had become highly organized, aiming to ensure better law and order, justice, and a structured prison system and policies.

During this time, three Law Commissions were set up to help create uniform laws and a legal framework across India. In August 1860, the Government of India formed a Commission to look into the police system with the goal of making it more effective and cutting down costs. The Commission's suggestions led to the Police Act of 1861.

#### ► Second Prison Committee

However, there were no major improvements in the management of prisons until Sir Lawrence set up the Second Prison Committee on 3rd March 1864. The Governor General noted in his records that prison discipline and prisoner conditions in India needed urgent attention. He pointed out that 26 years had passed since the last Prison Committee formed by Lord William Bentinck, had reported serious flaws in jail management and recommended reforms. Although some reforms were introduced, the complete changes promised by Lord Bentinck's legislation were never fully put into action.

The Second All India Jail Committee was thus formed to reduce the high death rates in prisons and to address other prison management issues. The Committee found that between 1854 and 1864 alone, over 46,000 prisoners had died in custody. Some key recommendations of the 1864 Committee included: setting a minimum living space for each prisoner (54 square feet of floor space and 640 cubic feet of air space per prisoner); improving food, clothing, and bedding; regular medical check-ups for inmates; appointing medical officers in charge of central and district jails; providing separate cells in central jails for

15% of inmates; keeping young offenders separate from adult prisoners and offering them education; and categorizing prison labor into three types hard, medium, and light work.

Twelve years later, in January 1877, another expert conference was held in Calcutta to re-examine prison administration. By 1888, five separate laws governed prisons in different regions of India:

1. An Act for better prison control in the Bombay Presidency (1856)
2. An Act to regulate jails and discipline in Bombay (1864)
3. An Act for the regulation and discipline of jails in Bengal (1864)
4. The Madras Jails Act (1869)
5. The Prisons Act passed by the Governor General in Council (1870)

► Second All India Jail Committee

However, these laws differed in many important ways, creating inconsistencies in how prisons were run. The Calcutta Conference, therefore, suggested passing a single prison law for all of India. A draft Bill was created but its enactment was delayed.

In 1888-89, the Government of India formed another Committee to study how prison administration was actually being implemented and to work towards greater consistency across India. On 9th October 1888, the Governor General in Council noted that while three earlier Commissions (1834, 1864, and 1877) had laid down guiding principles for managing Indian jails, there were still large differences in how these principles were applied across provinces and even within the same province. The Governor General emphasized that while local conditions might require some differences, there were unnecessary variations in cost, prisoner health, and discipline that needed to be fixed. For example, the death rate in different jails ranged from 11 to 72 per thousand inmates, and the cost of keeping a prisoner varied widely too.

The 1888 Committee created detailed prison rules and recommended separating under trial prisoners from convicts, classifying prisoners as either casual or habitual offenders, building hospitals in every jail, and providing proper training for



► Indian Jail Committee  
of 1919-20

prison staff. Based on their recommendations, a consolidated Prison Bill was prepared. This draft Bill was reviewed by another conference of prison experts held in Calcutta in 1892. After being sent to local governments for feedback in March 1893, the Bill was finalized and passed as the Prison Act of 1894. This law still forms the basis of prison management in India today.

The next major national review came with the Indian Jail Committee of 1919-20, chaired by Sir Alexander G. Cardew. This Committee first met in London, studied prison systems in England, Scotland, the USA, Japan, the Philippines, and Hong Kong, and then conducted an extensive tour of prisons across India. Their final report, over 500 pages long, contained detailed recommendations about both principles and practical aspects of prison reform and management.

The Committee noted that while Indian prisons had improved in terms of material aspects like food, health, and labor, they had fallen behind when it came to reforming prisoners. The system treated prisoners more like numbers than individuals, paying little attention to the potential for moral or educational reform. As a result, while the system was seen as effective in punishing and deterring crime, it was not successful in truly reforming inmates. Many witnesses testified that Indian jails often made prisoners worse rather than better. The Committee felt that this failure was due more to flaws in the system than to the prisoners themselves.

In the massive report, only about 14 pages (Chapter XI) dealt with 'Reformatory Influences in Prisons', focusing on five areas:

1. Remission (sentence reductions);
2. Gratuities for prisoners;
3. Rules for visits and letters;
4. Education, prison libraries, and books;
5. Religious and moral instruction and observances.

Except for the gratuities, most of these elements already existed; the Committee mainly suggested minor improvements. However, this was the first time in Indian prison history that the goals of reforming and rehabilitating prisoners were officially recognized.

► Indian Jail Committee of 1919-20

In conclusion, the Indian Jail Committee of 1919-20 marked the end of an era in which the Government of India directly managed prisons. After the Government of India Act, 1919, the responsibility for prisons shifted to Provincial Governments.

To understand prisons in India from 1920 to 1947, one must remember the political climate of that time. The non-cooperation movement gained strength in 1921. Historian Majumdar noted that with nearly 30,000 political prisoners, jails lost their fear factor. Being jailed became a badge of honor and often a stepping stone to a political career, something unique in global history. Pandit Nehru, who led India's freedom movement and spent long years in prison, wrote in 1934 from Allahabad that political prisoners were often treated worse than regular convicts. He observed that Indian prisons reflected the larger Indian society focused on punishment and maintaining control rather than genuine reform or human welfare.

After prisons became a provincial responsibility under the 1919 Act, various provinces carried out their own reviews. For example, the United Provinces Jails Inquiry Committee of 1929 examined how reformatory measures were applied inside prisons and made recommendations for the treatment of well-behaved convicts.

#### 4.1.4 Developments: post-Independence

After India's Independence, in 1951, the Government of India sought assistance from the United Nations under its Technical Assistance Programme, requesting the services of an expert in Criminology and Correctional Administration. The goal was to train a group of jail officers and advise the government on modernizing correctional administration in the country. In response, Dr. Walter C. Reckless, a U.N. expert, arrived in India on October 21, 1951. In his report, Dr. Reckless noted that although the mission mainly focused on training jail officers in progressive prison management, it also aimed to encourage national and local interest in modern methods of handling adult and juvenile offenders.

Dr. Reckless offered several important recommendations for strengthening correctional administration in India at both national and state levels. At the national level, he suggested setting up an Advisory Bureau of Correctional Administration under the Central Government to support states in developing



► National Recommendations

correctional programs. He also recommended that the Government of India provide specialized technical help in this area, offer fellowships to prepare qualified professionals for senior prison positions like Inspector General of Prisons and their deputies, promote professional conferences for senior staff, and organize an All India conference for people working with adult and juvenile offenders.

► State Reforms

At the state level, he proposed forming full-time reviewing boards to select prisoners for premature release, revising jail manuals to place greater responsibility on superintendents and staff for rehabilitative programs, and ensuring proper training for senior jail staff. Larger states, he said, should create integrated correctional departments under a single Minister, covering jails, borstals, reviewing boards, probation, and aftercare. He also recommended employing specialists like education supervisors, vocational guides, recreation officers, clinical psychologists, and psychiatrists for personalized services, along with setting up special training institutions.

► State Reforms Prison Manual

Around the same time, the Government of India convened the Eighth Conference of the Inspectors General of Prisons in Bombay from March 11-13, 1952. Following the conference's recommendations, the Government of India asked the Bombay Government to form a committee to revise the Jail Manual and the Central Prison Act. This committee held its first meeting in June 1957 in Bombay, conducted twelve more meetings, and visited twenty-eight correctional institutions. They developed a Model Prison Manual, which was shared with all state governments. However, by 1980, only four states Andhra Pradesh, Karnataka, Kerala, and Maharashtra had revised their jail manuals as per this model.

► Working Group

In 1972, the Government of India set up a Working Group to suggest measures for improving prison administration and living conditions in jails. The group observed that prison conditions were generally dismal, with convicts and under trials often kept together, and adults, adolescents, juveniles, women, and mentally ill inmates confined in the same institutions due to a lack of separate facilities. Because services of specialists were not used effectively, there was hardly any focus on individualized treatment of offenders. Probation and other correctional services were scarce and poorly run, with little coordination between prisons and other correctional programs. The Working Group stressed the urgent need for a national prison policy, recommended including prison administration in

the Five-Year Plans, and proposed amending the Constitution to move prisons and allied institutions to the Concurrent List.

The Seventh Finance Commission in its 1978 report acknowledged that prisons had been neglected for far too long. In response to continued criticism about poor prison conditions, ill-treatment of prisoners, and the long detention of under trials, the Government of India set up an All India Committee on Jail Reforms in 1980, chaired by retired Justice A.N. Mulla. This Committee submitted its 511-page report in 1983, strongly recommending the adoption of a national prison policy. Subsequently, the Eighth Finance Commission, in its 1984 report, advised providing central support to improve the existing prison infrastructure. The National Human Rights Commission (NHRC), recognizing the problems faced by prisoners and the outdated prison laws dating back to the British era, initiated the drafting of a new national prison law. A draft of the proposed Indian Prisons Bill, 1995, was circulated to all state governments in February 1999 for feedback on comprehensive prison legislation. The NHRC's recommended bill was submitted to the Government of India and remains under review by the Law Ministry.

#### ► Mulla Committee

#### ► West Bengal Act

Meanwhile, the West Bengal Legislative Assembly passed the West Bengal Correctional Services Act, 1992, becoming the first state in India to officially redefine prison administration as correctional services, highlighting prisoner reform as the main goal of prison law.

#### ► Model Prisons Act

The most recent milestone in this reform journey has been the Model Prisons Act, 2023, introduced by the Ministry of Home Affairs to replace colonial-era legislations the Prisons Act, 1894; Prisoners Act, 1900; and Transfer of Prisoners Act, 1950. Drafted by the Bureau of Police Research and Development (BPR&D), this Act marks a shift from a purely custodial approach to one emphasizing rehabilitation, reformation, and reintegration. Key provisions include individualized sentence planning, grievance redressal mechanisms, segregation of inmates based on security risk, modern technological integration for prison management, separate facilities for women and transgender prisoners, and stronger parole and furlough systems. The Act also imposes stricter penalties for possession of contraband items, enhances vocational and educational opportunities, and mandates skill training for inmate rehabilitation. Following a 2024 Supreme Court directive against caste-based discrimination in prisons, the Act was amended to prohibit segregation or work allocation

based on caste, bringing prison administration further in line with constitutional values.

## Summarized Overview

In this Unit we traced the historical evolution of the prison system in India, covering ancient, medieval, colonial, and post-Independence developments. In ancient and medieval times, punishments were mostly corporal or capital, with prisons used mainly for detention before punishment rather than for rehabilitation. With the advent of British colonial rule, prison administration became more systematic and institutionalized. Important committees like the Prison Discipline Committee (1836) and the Indian Jail Committee (1919-20) laid the groundwork for prison classification, labour, discipline, and rudimentary reform measures, although the focus remained largely punitive. After Independence, India began to shift towards a correctional approach. In 1951, the Government of India invited Dr. Walter C. Reckless under the United Nations Technical Assistance Programme to guide prison reforms and train jail officers. His recommendations, along with subsequent conferences, committees, and reports such as the Eighth Conference of Inspectors General of Prisons, the Mulla Committee, and the efforts of the National Human Rights Commission, stressed modernizing correctional administration, improving living conditions, and making rehabilitation a central goal. These developments mark India's gradual transition from colonial punitive practices to a more reformatory and correctional system.

## Self-Assessment

1. Discuss the features of the prison system in ancient and medieval India. How did society view punishment and imprisonment during this period?
2. Explain the influence of British colonial rule on the development of prison administration in India. Highlight key committees and their contributions
3. Describe the major recommendations of Dr. Walter C. Reckless for improving correctional administration in India after Independence.
4. Examine the significance of the Eighth Conference of Inspectors General of Prisons (1952) and the Model Prison Manual in the evolution of prison reforms in India.
5. Critically evaluate the efforts made by the Government of India and the National Human Rights Commission towards modernizing prisons and correctional services after Independence.

## Assignments

1. Critically analyze the features of prison administration in ancient and medieval India. How did social, religious, and political factors influence the prison system during this period?
2. Examine the impact of colonial rule on the prison system in India. Discuss how the recommendations of various prison committees shaped prison administration during the British period.
3. Trace the major developments in the prison system of India after Independence. How far have reforms reflected the ideals of justice, rehabilitation, and human rights?
4. Compare and contrast the objectives of imprisonment in ancient/medieval India, colonial India, and post-Independence India. What continuities and changes do you observe?
5. "The evolution of the prison system in India reflects the broader socio-political transformations of the country." Discuss this statement with suitable examples from different historical phases.

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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU



## UNIT 2

# Types of Prison System

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ understand the main types of prisons in India.
- ▶ explain the functions of correctional institutions.
- ▶ describe key rehabilitation programs for prisoners.
- ▶ analyse the role of juvenile homes and how they help young offenders.
- ▶ understand why rehabilitation and correctional work are important.

### Background

In this unit, we explore how prisons in India are organized and classified, and how they function beyond simply confining offenders. The Indian prison system has different categories such as Central Prisons, which house long-term and high-security prisoners; District Prisons, which mainly deal with short-term convicts and under trials; and Open Prisons, which focus on trust-based reform and allow inmates to work and live with minimal supervision. We will also examine the broader role of correctional institutions, which aim not just to punish, but to reform and rehabilitate offenders so they can return to society as law-abiding citizens. Special attention will be given to rehabilitation programs like vocational training, education, counselling, and the functioning of juvenile homes for young offenders, which emphasize guidance, care, and reintegration over punishment.

### Keywords

Central Prison, District Prison, Open Prison, Correctional Institutions, Rehabilitation, Juvenile Homes, Reintegration

### 4.2.1 Types of Prison Systems

#### ► Second Chance

A man once sat under the shade of an old mango tree, thinking about the mistake that had put him behind prison walls. He was only twenty-five when he stole money to repay his debts. When he was caught and sentenced, the gates of a Central Prison in Kerala closed behind him. At first, iron bars and watchful guards were all he knew. But inside those walls, the man found something unexpected a second chance. The prison had a small carpentry workshop. There, his rough hands learned to turn pieces of wood into chairs and tables. What started as punishment became a way to learn and improve. His discipline did not go unnoticed by the officers. A year before his release, they shifted him to an Open Prison a place without high walls, where trust and work shaped daily life. He worked on the prison farm during the day, earned a small wage, and sent money to his mother. When he was released, he did not leave empty-handed. He walked out with a new skill, a plan, and hope for an honest future.

#### ► Medieval Punishment

This man's story shows what prisons can mean today. In ancient and medieval India, punishment usually meant pain, torture, or death. Prisons mainly held people until their punishment was carried out. There was no idea of helping them return to society as better citizens.

#### ► British Reforms

Under British rule, the prison system in India became more organized. The British built bigger jails, introduced prison manuals, and set up strict rules. But for a long time, prisons still focused only on keeping people locked up and punishing them. After Independence, India slowly accepted new ideas about prisons. Experts like Dr. Walter C. Reckless encouraged the country to use prisons not just for punishment but for correction and rehabilitation too. The idea was to keep criminals away from society for a time, but also to help them come back as reformed people.

Today, India's prison system has different types of institutions, each serving its own purpose.

Modern prisons have three main functions: they are custodial (keeping inmates safely locked up), coercive (enforcing court

#### ► Modern Functions

orders and discipline), and correctional (helping prisoners change). Inside prison, inmates can learn trades, study, get counseling, and take part in activities like sports or yoga to improve themselves. Young offenders are treated differently. They are sent to Observation Homes or Special Homes, which focus on care and guidance instead of punishment. These homes aim to help children grow into responsible citizens.

#### ► Rehabilitation Focus

Prisons are not separate from society. They are part of the system that keeps society safe from crime, but they also give people who have made mistakes a chance to start again. They are meant to punish but also to reform and guide. With this idea in mind, let us now understand how prisons are classified in India, what roles these correctional institutions play, and how they help people get a chance to start again through rehabilitation programs, including special care for young offenders in juvenile homes.

### 4.2.2 Classification of Prisons in India (Central, District, Open)

#### ► Unclassified Prisons

In earlier times, when society dealt with crime only through harsh punishment, there was no idea of separating or classifying prisoners. Everyone no matter what crime they committed was kept together in the same prison. This made prisons places of terrible suffering and created all kinds of bad habits among inmates. The main aim back then was to cause pain and fear, so classifying prisoners did not matter.

#### ► Prison Levels

However, with progress in the study of crime and punishment during the late 18th and early 19th centuries, a new idea came up: prisoners should be separated based on their age, gender, and the seriousness of their crime. Even then, there was no real focus on understanding each prisoner as an individual. Towards the end of the 19th century, experts began to see the value of treating prisoners as individuals, and this idea has since become an important part of modern prison management. In India, prisons are organized into three main levels: Taluka jails, District jails, and Central jails. As prisoners move from a smaller sub-jail to a district or central jail, the quality of buildings, security, healthcare, and education gets better. Central jails have better facilities to support prisoners' health, education, and rehabilitation. Besides these, India also has special prisons like jails for women, Borstal schools for young offenders, open prisons, and special jails made for particular needs.

### ► Scientific Classification

The level of services and safety at each type of prison matches the seriousness of crimes and the kind of inmates kept there. The main goal is to keep society safe while also helping prisoners reform and return to the community as better people. Today, in Kerala too, modern prisons follow this idea. Instead of grouping inmates only by simple categories like age or gender, prisoners are now classified by looking at what kind of treatment or rehabilitation they are most likely to respond well to. Protecting society remains the main goal of punishment, but proper classification is the method used to achieve this goal in a fair and scientific way.

### ► Kerala Model

As prison reformer Austin McCormick explained, the first important step after a prisoner enters jail is scientific classification and careful planning. This means collecting full case histories, doing health and psychological check-ups, and understanding each prisoner's background and needs. In Kerala's prisons, this also includes medical care, counseling, educational opportunities, and skill training suited to the individual. Prisoners may get therapy in groups or one-to-one sessions with trained social workers. They are assigned work similar to real jobs outside, so they can learn skills with real value for rehabilitation. Recreation, healthy living, and spiritual guidance are also planned to keep prisoners in good mental and physical health. In Kerala's correctional system, a classification committee does this work when a new prisoner arrives. The team usually includes a psychologist, a social worker, education and work experts, and the prison medical officer, all guided by the prison superintendent.

This scientific classification is what makes treatment and rehabilitation programs meaningful. By building each prisoner's personal case file, the prison staff can track progress and adjust the plan from time to time to help the prisoner change and prepare for a better life outside. In India, the prison population is broadly grouped in different ways to make management and treatment more effective. They are;

- 1. By sex:** Prisoners are divided into men and women.
- 2. By age:** They are grouped as children, young offenders, and adults.
- 3. By the type of law:** This includes civil prisoners, detenus, people in protective custody, non-criminal mentally ill inmates, and those held under preventive

*sections of the Criminal Procedure Code.*

**4. By stage of case:** Some are remand prisoners or under trials, waiting for investigation or trial to finish.

**5. By type of sentence:** Some serve simple imprisonment, some rigorous imprisonment; some have short, medium, or long-term sentences, while others may have life imprisonment or death sentences.

**6. By criminal record:** They can be classified as first-time or habitual offenders.

**7. By health condition:** Some inmates are classified as mentally ill, lepers, or patients with diseases like TB or AIDS.

**8. By social and economic class:** *They may be grouped as Class A, B, C or I, II, III according to their status.*

With new types of crimes and changing crime trends, prisoners today are also identified based on the specific offences they commit such as dacoits, bank robbers, smugglers, bootleggers, kidnappers, drug traffickers, or terrorists.

### **Classification of Prisons by Security Level**

#### **1. Minimum Security Prisons (Open Prisons)**

- 1.1. No high walls or armed guards open environment.
- 1.2. Inmates live in dormitories or small private rooms.
- 1.3. Only the most trustworthy and least dangerous inmates are kept here.
- 1.4. Can include forestry camps and work camps.
- 1.5. Sometimes families are allowed to stay with the prisoners.

#### **2. Medium Security Prisons**

- 2.1. More secure than minimum security prisons fenced with armed guards.
- 2.2. Focus on treatment and rehabilitation efforts.
- 2.3. Prisoners are allowed visitor privileges.
- 2.4. Inmates are often violent but still have hope of returning to normal life.

#### **3. Maximum Security Prisons**

- 3.1. Fortress-like structures high walls, multiple fences

with barbed wire, guard towers.

3.2. Main focus is strict security.

3.3. Holds the most dangerous and violent criminals.

3.4. Little rehabilitation or education inmates must earn these opportunities.

3.5. Very limited or no visitor access.

#### **4. High-Security Secure Units (Prisons within Prisons)**

4.1. High-security areas inside or separate from main prisons.

4.2. Staffed separately and completely self-contained.

4.3. For inmates who pose extreme risks e.g., killed inside prison, taken hostages, led riots, or made escape attempts.

4.4. Conditions are very strict inmates allowed out only for showers and 20 minutes of solitary exercise.

4.5. No work or rehabilitation programs offered.

4.6. Intended mainly as a security measure but felt as punishment by inmates.

4.7. Inmates can hope to return to the main prison if their behavior improves.

#### **In India, imprisonment can take different forms:**

**1. Short-Term Imprisonment:** This is a prison sentence for less than two years. Such prisoners are usually kept in district jails or sometimes in central jails.

**2. Long-Term Imprisonment:** This applies when someone is sentenced for more than two years. Such sentences are generally served in central prisons.

**3. Simple Imprisonment:** This is the basic type of sentence where an offender is kept in jail for a set time as punishment for a crime, without any hard labor.

**4. Rigorous Imprisonment:** This is a stricter punishment where the inmate must do hard labor and live under tougher conditions. It is given for serious crimes like murder, rape, or acts of terrorism.



**5. Life Imprisonment:** Here, the convicted person must spend the rest of their life in prison.

**6. Preventive Detention:** The government can hold a person without trial for a limited time if they are seen as a threat to national security or public order.

**7. Juvenile Detention:** Children under 18 who commit crimes are kept in special juvenile homes or reformatories instead of normal prisons. This topic is studied in detail in Criminology under Juvenile Delinquency.

**8. Open Prisons:** These are low-security prisons where well-behaved prisoners nearing the end of their sentence live and work with few restrictions.

**9. Death Sentence:** India still has the death penalty, but it is rarely used and is reserved for the most serious crimes.

#### 4.2.2.1 Central jail

In India, Central Jails accommodate prisoners serving long sentences, usually those convicted of serious crimes and sentenced to more than two years, including life sentences. These prisons focus not only on secure custody but also on rebuilding inmates' sense of morality and honesty. They offer extra facilities for education, skill training, and rehabilitation to help prisoners reintegrate into society.

► Extra facilities for education, skill training

The term “Central Prison” comes from an old idea by penologists like Bentham, who believed that a prison should be built at the center of a city. The aim was not only to keep prisoners secure but also to make sure that ordinary people could see the prison and be aware of who was inside. According to this philosophy, prisoners should feel a sense of shame from being watched by the public. This shame, it was believed, would help them change their behavior and reform faster.

► Idea of “Central Prison”

The idea was that the prison's walls would be built around the cells in such a way that people could see inside and observe the prisoners. In those days, many prisons were actually built in central city locations to match this idea. However, in India today, “Central Prison” is mostly just a name. Most Central Prisons are no longer located in the middle of cities they are usually built on the outskirts for security, space, and practical reasons.

#### Daily Routine in Central Prisons

A typical day in a Central Prison in Kerala begins at daybreak. The cells, blocks, and barracks are unlocked early in the morning. Prison night guards, along with convict night watchmen, ensure all inmates are awake and ready for the day. Prisoners finish their morning routine bathing and breakfast by around 7:30 AM. By this time, inmates are marched to workshops where they work from 7:30 AM to 11:30 AM. After this, they have a one-hour lunch break, and by 12:30 PM, they return to work until 4:30 PM. Evenings, usually from 4:30 PM to about 6:00 PM, are free for leisure. Prisoners can play games, read in the library, take baths, and finish their evening meals. By 6:30 PM, they are back in their cells where they are allowed to read, listen to the radio, or watch television. Silence is maintained after 9:30 PM, and prisoners must be in bed by then. Night checks are done by officers of different ranks to ensure discipline and safety. In the morning, the same routine starts again.

### **Work and Industries**

Central Prisons run various prison industries like carpentry, tailoring, weaving, bookbinding, blacksmithing, soap making, and tag making. These activities aim to provide inmates with vocational skills and productive work during their sentence.

### **Security and Health**

Security is tight. Wardens and convict wardens are on duty day and night. A tale-talk clock system is also used to ensure guards are alert. The prison superintendent makes surprise night visits at least once every fortnight to check security arrangements, while the jailor does so at least once a week. Each Central Prison has at least two assistant surgeons who provide medical care to inmates. Prisoners needing further medical help are referred to the general hospital.

### **Special Prisoners**

Certain categories of prisoners, like habitual offenders, prisoners detained under special laws like COFEPOSA or TADA, foreign prisoners, escapees, and those involved in sensitive cases are usually kept only in Central Prisons for higher security. Undertrial and remand prisoners are also held here but are kept separate from convicted prisoners. Women inmates are housed separately within the Central Prison premises for safety and care.



## Education and Welfare

Education is an important part of Kerala's prison system. Most Central Prisons have government-recognized schools up to at least the 5th standard. Each prison school has its own small library and a few teachers depending on the number of students. The District Educational Officer regularly inspects these schools and conducts exams like in regular schools outside. Inmates willing to continue higher studies can do so through correspondence courses. Many prisoners in Kerala pursue B.A., M.A., or even law degrees during their term.

## Rehabilitation and Supervision

Central Prisons in Kerala aim not only to confine but also to reform. Regular inspections are done by the Inspector General of Prisons to ensure that security, discipline, rehabilitation, and welfare activities are being properly carried out.

This well-planned system helps prisoners spend their time productively, gain skills, continue their education, and prepare for a better life once they are released.

### Kerala's Central Prisons & Correctional Homes

#### **Kerala has four main Central Prisons & Correctional Homes:**

**1. Thiruvananthapuram** - Central Prison & Correctional Home, Poojappura

Established in 1886

Located in Poojappura, Thiruvananthapuram

Capacity for around 1,000 inmates (often holds more)

**2. Thrissur** - Central Prison & Correctional Home, Viyyur

Located at Viyyur, Thrissur

**3. Kannur** - Central Prison & Correctional Home, Pallikkunnu

Located at Pallikkunnu, Kannur

**4. Malappuram** - Central Prison & Correctional Home, Tavanur

Located at Tavanur, Malappuram

#### **Prison Administration in Kerala:**

The Kerala Prisons and Correctional Services is led by the Director General of Prisons & Correctional Services, who is usually an IPS officer holding the rank of Director General of

Police (DGP) or Additional Director General of Police (ADGP). The headquarters is located at Poojappura, Thiruvananthapuram.

**The administrative hierarchy is as follows:**

1. Director General, Prisons & Correctional Services (IPS Cadre)
2. Deputy Inspector General (DIG) of Prisons-stationed at headquarters and zone levels (South, Central, and North)
3. Superintendent of Central Prisons & Correctional Homes, Open Prisons & Correctional Homes, High Security Prisons
4. Joint Superintendent / Senior Lecturer (State Institute of Correctional Administration - SICA) / Superintendent of District Jail / Women Prison / Women Open Prison
5. Deputy Superintendent or Superintendent of Special Sub Jail / Borstal School
6. Assistant Superintendent Grade I or Superintendent of Sub Jail / Armourer (SICA) / Training Officer (SICA) / Supervisor of Open Prison & Borstal School / Store Keeper of Open Prison
7. Assistant Superintendent Grade II / Prison Officer / Gate Keeper
8. Deputy Prison Officer / Chief Petty Officer
9. Assistant Prison Officer / Petty Officer
10. Assistant Prison Officer Cum Driver

Central Jails play a vital role in India's prison system by housing prisoners serving long-term sentences, dangerous offenders, and those who need higher security supervision. Unlike smaller district or sub-jails, Central Prisons are better equipped with facilities for security, healthcare, education, vocational training, and rehabilitation. Their daily routines, work programs, and correctional services aim not just to confine inmates but also to reform and prepare them for reintegration into society.

#### **4.2.2.2 District Jails**

District Jails are an important part of India's prison system. They are usually located in district headquarters and serve as



► located in district headquarters

the main detention centres for prisoners serving short-term sentences, under trials, remand prisoners, and sometimes civil prisoners. Compared to Central Prisons, District Jails are smaller in capacity and infrastructure. Their main purpose is to house people who are waiting for trial. When Central Jails are overcrowded, District Jails sometimes accommodate long-term convicts temporarily.

District Jails also provide basic facilities like food, medical care, and limited opportunities for work and education. The focus here is mostly on safe custody and maintaining order rather than on large-scale rehabilitation or vocational training. However, many District Jails now try to offer simple skill training and basic literacy programs whenever possible.

### **District Jails of Kerala**

District Jails are an essential part of Kerala's prison network. They mainly serve to keep people who have been sentenced to imprisonment for a short duration generally up to six months and also house remand and undertrial prisoners whose cases are still pending before the courts. Unlike Central Prisons, District Jails are not meant for long-term convicts but rather for short-term confinement, temporary custody, and safe holding while judicial proceedings are underway.

At present, there are thirteen District Jails spread across Kerala, each serving the local districts and helping the prison department manage the large number of people moving through the criminal justice system every day. These jails are situated strategically so that people from any corner of the state can be kept in safe custody close to the district courts where their trials are conducted.

The District Jail in Thiruvananthapuram is located at Poojappura, which also houses the state's oldest Central Prison. Kollam district has its own District Jail serving the southern coastal belt. In the hilly region of Pathanamthitta, the District Jail caters to people from the surrounding rural and semi-urban areas. Alappuzha, famous for its backwaters, has its own District Jail too, providing local detention facilities for that region.

In Central Kerala, Kottayam district is served by its own District Jail, while the high-range district of Idukki has a jail located at Muttom to cover the needs of the hilly interior areas. Ernakulam district, which includes the city of Kochi, one of

Kerala's busiest urban centres, has its own District Jail to manage undertrial and short-term convicts from the region.

Thrissur's District Jail is at Viyyur a place that is also known for housing one of the state's Central Prisons. Palakkad district has its District Jail located at Malampuzha, which is known for its dam and scenic gardens. Kozhikode, a major city in North Kerala, also has a District Jail that serves the city and nearby towns.

Further north, Kannur has its own District Jail to detain those serving short sentences or awaiting trial. In Wayanad, which is mostly covered by forests and hill regions, the District Jail is located at Mananthavady. Kasaragod, Kerala's northernmost district, has a District Jail at Hosdurg, which supports the legal system in the region by providing detention space for remand and undertrial prisoners.

The daily routine in District Jails is simple but strict. Prisoners are kept under constant watch and their daily needs like food, basic healthcare, and hygiene are taken care of by the prison staff. While these jails are smaller than Central Prisons, they too maintain minimum standards for cleanliness, order, and discipline. Some District Jails have small work sheds where inmates can engage in basic tasks like rope making, tailoring, or carpentry to pass time and earn small wages.

Education and rehabilitation efforts in District Jails are limited but not absent. Many jails encourage prisoners to take part in literacy programs or short-term skill training, often supported by local NGOs or government schemes. The focus, however, remains largely on custody and safe confinement rather than on large-scale correctional activities, since most inmates stay for a short period before release or transfer.

The management of District Jails falls under the Kerala Prisons and Correctional Services, headed by the Director General of Prisons and Correctional Services, assisted by various ranks of officers. Each District Jail is supervised by a Superintendent, who ensures the jail runs according to rules and provides necessary facilities for the inmates' basic welfare.

District Jails play a crucial role in supporting the larger prison system. By distributing the prison population across the state, they help prevent overcrowding in Central Prisons and Sub-Jails. They also ensure that under trials and remand prisoners



remain close to their families and courts, making it easier for lawyers, families, and authorities to coordinate during court proceedings.

In short, District Jails in Kerala, while modest in size and scope, are an indispensable part of the justice delivery mechanism. They stand as small yet vital institutions that hold together the daily working of courts, police, and the prison department quietly maintaining order, safety, and the rule of law at the district level.

### 4.2.2.3 Open Prisons

Criminologists have offered different interpretations of what an open prison means. Some refer to these places as open-air camps, open jails, or parole camps. At the United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Geneva in 1955, an open prison was described as an institution that operates without physical barriers like high walls, locks, bars, or armed guards. Instead, it relies on the inmate's self-control and sense of responsibility to the community they live in. In simple terms, open prisons are minimum-security facilities that help prisoners adjust back into society before they are finally released. In India, these institutions are commonly known as open jails.

#### Origin:

The idea of open prisons represents an important shift in prison history. Towards the end of the 19th century, Switzerland set up a semi-open facility known as Witzwill establishment. The concept of modern open prisons took clearer shape in the United Kingdom during the 1930s and in the United States in the 1940s. Sir Alexander Paterson, who served as Member Secretary of the Prison Commission in the UK from 1922 to 1927, played a key role in developing the open prison system in England.

**The guiding ideas behind these minimum-security institutions include a few basic beliefs:**

1. Imprisonment itself should be the punishment prisoners should not be subjected to extra suffering.
2. Prisoners cannot be prepared for freedom unless the strict restrictions of prison life are eased.

3. The difference between life inside prison and life in the outside world should be narrowed so that inmates can return as responsible citizens.

4. The principle that “trust creates trust” works for inmates too when prisoners are given more freedom and trust, they generally respond positively and live up to that trust.

The success of open prisons in England later led to the development of the ‘hostel system’ for inmates there. Seeing its benefits, many other countries, including India, followed this model to support the reformation and rehabilitation of prisoners.

### **Key Features of Open Prisons**

Open prisons, also called open-air camps or open jails, operate with unique characteristics that set them apart from conventional prisons:

1. Prisoners live in small groups under informal conditions with very minimal security measures.
2. The system encourages inmates to become aware of their social duties and responsibilities.
3. Practical training is provided, especially in farming and related skills, to help them find work after release.
4. Prisoners are allowed to regularly meet family and friends, helping them sort out personal or family issues.
5. Generous remissions of up to fifteen days a month are allowed for good behavior.
6. Proper medical care and recreational facilities are made available to maintain physical and mental well-being.
7. Open prisons are run by specially trained and qualified officers and staff.
8. Better food is provided, with special diets for those who are weak or sick.
9. Inmates are paid for their work, part of which goes to support their families.
10. Financial help, including easy bank loans, is sometimes arranged to support rehabilitation.
11. There is an open and close relationship between inmates and staff, which builds trust.



12. Inmates work under supervision and are paid wages, combining discipline with skill development.

13. The goal is to avoid unnecessarily long confinement and help inmates adjust to life outside.

### **Benefits of Open Prisons**

After independence, India expanded its use of open prisons because it was recognized that many inmates do not need to be kept in high-security jails. With careful screening, these prisoners can be moved to open camps or agricultural colonies without major security risks. Some clear advantages of open prisons are:

- 1.They help reduce overcrowding in traditional prisons.
- 2.Building open prisons costs less than constructing closed, high-security jails.
- 3.The daily running cost is also lower than that of conventional prisons.
- 4.Keeping prisoners busy with outdoor work keeps them healthy and prevents idleness.
- 5.Moving suitable prisoners to open prisons supports conservation of resources and strengthens rehabilitation by reconnecting inmates with normal work life.

Open prisons work on ideas similar to probation and parole, which are widely used today as reform-focused correctional measures.

**Example across India** The first open prison in India was started in Uttar Pradesh at Lucknow in 1949. Soon after, other states followed this model by setting up similar institutions:

**Andhra Pradesh:** Mauli Ali Colony (1954), Prisoner's Agricultural Colony, Anantpur (1965)

**Assam:** Open Air Agricultural-cum-Industrial Colony, Bagbhetta, Jorhat (1964)

**Gujarat:** Open Prison, Amreli (1968)

**Himachal Pradesh:** Open Air Jail, Bilaspur (1962)

**Kerala:** Open Prison, Nettukaltheri (1962), [Cheemeni](#), [Kasargod](#), Poojappura, Thiruvananthapuram

**Madhya Pradesh:** Nav Jiwan Shivir, Mungaoli (1973) and

Lakhimpur (1975)

**Maharashtra:** Open Prison, Yerwada (1955), Open Prison, Paithan (1968)

**Mysore:** Open Air Jail, Soundatti (1968)

**Punjab:** Open Air Agricultural Prison, Nabha (1970)

**Rajasthan:** Prisoner's Open Air Camp, Durgapur (1955), Sampumanand Bandi Shivir, Sanganer (1963), Prisoner's Camp, Suratgarh (1964)

**Tamil Nadu:** Open Air Prison, Singanallur (1956), Open Prison attached to Central Prison, Salem (1966)

**Uttar Pradesh:** Sampumanand Open Air Camp, Chakia (1952); Agricultural cum Industrial Camp, Sitarganj (1960); Sampumanand Camp, Ghurma (1956); Open Prison attached to Model Prison, Lucknow (1949)

► Debates on Meaning

There is still some debate about what exactly open prisons are meant to be and how they should function. Some people see open prisons mainly as places where prisoners can do productive work, while others consider them a key part of a step-by-step release plan that prepares inmates for freedom. Certain scholars believe these institutions are best suited for prisoners who fell into crime due to difficult circumstances. Here, they can be given more trust, freedom, and a living environment that resembles normal life outside prison. This helps them rebuild their sense of responsibility and adjust better when they return to society.

India's prison system, with its structured classification into Central Prisons, District Jails, and Open Prisons, reflects a balance between security, justice, and reform. Central Prisons handle the most serious and long-term offenders with tighter security and extensive rehabilitation programs. District Jails mainly house under trials and those with short-term sentences, acting as important local detention centres. Open Prisons, on the other hand, show India's commitment to progressive correctional approaches by offering well-behaved prisoners a chance to rebuild trust and responsibility in less restrictive environments.

Together, these types of prisons serve not only to keep society safe but also to provide pathways for correction, skill development, and reintegration, turning prisons from mere places of punishment into institutions that can help people return as better citizens.



### 4.2.3 Role of Correctional Institutions

Correctional institutions, such as prisons and jails, play a crucial and complex role within the criminal justice system. Traditionally perceived merely as places of punishment and confinement, they have evolved in philosophy and practice to encompass broader social, psychological, and legal responsibilities. Today, correctional institutions are expected not only to maintain public safety and manage offenders but also to address the underlying factors that lead to criminal behavior and to promote the possibility of change. Their ultimate goal is to uphold the law, protect the community, and contribute to a safer and more just society.

#### 1. Incapacitation

At the most basic level, the role of correctional institutions begins with incapacitation, the physical removal of offenders from society. By isolating individuals who have broken the law, prisons and jails immediately reduce the threat they pose to the community. For example, repeat violent offenders, dangerous criminals, and those who cannot be safely managed in the community are confined to prevent further harm. From a criminological standpoint, this function is justified as an immediate response to public safety needs. However, experts caution that while incapacitation is effective in the short term, it does not address why people commit crimes in the first place. In other words, removing a person from society does not necessarily remove the conditions that foster crime, such as poverty, lack of education, addiction, or social marginalization.

#### 2. Rehabilitation

This is why modern correctional systems increasingly stress rehabilitation as a core goal. Rehabilitation recognizes that many individuals in prison are there not solely due to personal moral failure but because of complex social, economic, and psychological factors. Many inmates have histories of substance abuse, mental health disorders, family dysfunction, or traumatic experiences that shaped their behavior. To break the cycle of offending, correctional institutions offer a range of programs designed to help inmates build better futures. Educational programs give inmates the chance to complete basic schooling, gain literacy skills, or even pursue higher education. Vocational training equips them with practical skills, such as carpentry, electrical work, or computer literacy, improving their employment prospects upon release.

In addition to education and skills training, counseling and therapy play a vital role. Psychological interventions help inmates understand their behaviors, develop healthier coping mechanisms, and address issues like anger management, impulse control, and substance dependency. For example, cognitive-behavioral therapy (CBT) is widely used in prisons to help offenders recognize and change thought patterns that lead to criminal behavior. Rehabilitation is grounded in both psychology and criminology. It acknowledges that changing behavior requires changing mindsets, attitudes, and environments. By promoting rehabilitation, correctional institutions aim to reduce the likelihood that inmates will reoffend, thereby increasing public safety in the long term.

### **3. Deterrence**

Alongside rehabilitation, correctional institutions serve the purpose of deterrence, which operates on two levels: specific deterrence and general deterrence. Specific deterrence targets the individual offender. The experience of incarceration, the loss of freedom, separation from family, and daily restrictions serves as a warning against committing further crimes. General deterrence, on the other hand, sends a message to society at large that crime carries consequences. The visible existence of prisons, strict sentencing laws, and high-profile prosecutions are all intended to discourage potential offenders from breaking the law. However, both criminological research and psychological insights reveal that deterrence has limits. While the threat of punishment may discourage rational, premeditated crimes, it is less effective for crimes driven by desperation, mental illness, addiction, or impulsivity. Many offenders do not weigh the risk of punishment carefully before acting. These understanding challenges policymakers to look beyond punitive measures and invest in prevention and treatment strategies as well.

### **4. Retribution**

Retribution is another important principle embedded in the mission of correctional institutions. Retribution reflects the idea that justice demands offenders be held accountable and punished in proportion to the harm they have caused. This principle satisfies society's moral demand for fairness and reinforces respect for the law. Victims and communities often feel a sense of closure and validation when they see that justice has been served. However, modern legal frameworks and human rights standards emphasize that retribution must always be proportionate, lawful, and humane. Excessive or degrading

punishment violates constitutional protections and international norms. Therefore, correctional systems must carefully balance society's need for retribution with the ethical imperative to respect the dignity and rights of all individuals, even those who have broken the law.

## **5. Public safety**

A major dimension of the correctional system's role is the overarching aim of public safety. By confining high-risk individuals and providing secure environments, prisons and jails directly protect communities from harm. However, criminologists and legal scholars highlight that long-term safety cannot rely solely on incarceration. Overcrowded prisons, inhumane conditions, and the neglect of inmates' welfare can breed resentment, violence, and further criminality inside prison walls. Moreover, if prisoners leave the system unchanged or worse, hardened by prison life they may pose an even greater risk upon release. Thus, true public safety depends not only on effective confinement but also on creating conditions that reduce the likelihood of reoffending.

## **6. Reintegration**

This is where the concept of reintegration becomes essential. Reintegration refers to the support and preparation given to inmates to help them transition successfully back into society. For many, the end of a prison sentence marks the beginning of a difficult journey. Ex-offenders often face significant barriers, including stigma, unemployment, family breakdown, and lack of housing. Without support, they risk falling back into old patterns, which undermines the protective role of the correctional system. Many modern institutions now offer pre-release planning, work-release programs, halfway houses, and community supervision such as parole and probation. These measures provide structure and monitoring while also giving former inmates opportunities to rebuild their lives. Effective reintegration policies are grounded in social psychology, recognizing that community support, positive relationships, and a sense of belonging are powerful factors in preventing recidivism.

## **7. Maintaining order and security**

Maintaining order and security within correctional institutions themselves is another critical responsibility. Prisons are unique environments that bring together large groups of people with diverse backgrounds, often with histories of

violence, substance abuse, and trauma. Without firm rules, fair discipline, and adequate facilities, prisons can quickly become volatile. Disorder and violence inside prisons not only endanger inmates and staff but also undermine rehabilitation efforts. Good prison management combines physical security — such as perimeter controls, surveillance, and trained correctional officers — with systems that promote respect and constructive behavior. Research shows that humane conditions, clear communication, and fair treatment reduce tensions and encourage inmates to follow rules and participate in positive programs. Thus, maintaining order is not only about control; it is also about creating an environment where change is possible.

## 8. Mental health care

One aspect that connects all these roles is the responsibility of correctional institutions to address mental health care. A significant proportion of inmates suffer from mental health disorders, ranging from depression and anxiety to severe illnesses like schizophrenia or bipolar disorder. Many of these conditions are intertwined with substance abuse, trauma, or social disadvantage. Prisons, however, were not originally designed as treatment centers, yet in practice they have become some of the largest mental health providers in many countries. Providing proper mental health care in correctional settings is essential — not only to meet basic human rights standards but also to support rehabilitation, maintain order, and protect the wider community. Assessment, regular psychiatric care, counseling, and crisis intervention are all critical services that help stabilize inmates, reduce incidents of self-harm or violence, and prepare individuals for life beyond prison. In this sense, psychology and psychiatry play a vital role alongside legal protections that guarantee inmates' right to adequate care.

All of these functions' incapacitation, rehabilitation, deterrence, retribution, public safety, reintegration, order and security, and mental health care do not operate in isolation. They interact in complex ways, shaped by social realities, scientific understanding, and evolving legal principles. For example, a purely punitive approach may satisfy short-term demands for retribution but fail to deliver lasting safety if it ignores rehabilitation. Similarly, good reintegration programs are ineffective if inmates leave prison with untreated mental health conditions or no skills to find work. This is why modern correctional policy must be informed by interdisciplinary perspectives combining the insights of criminology, psychology,



social work, law, and public policy.

In conclusion, correctional institutions today stand at a crossroads between the traditional demands of punishment and the modern commitment to rehabilitation and reintegration. Their effectiveness depends on how well they balance these sometimes-competing aims: ensuring that justice is served, that offenders are managed safely and humanely, that society is protected, and that those who have offended are given realistic opportunities to change. When supported by research, guided by sound legal principles, and shaped by an understanding of human behavior, correctional institutions can play a transformative role moving beyond the walls that confine to rebuild lives and strengthen communities.

#### **4.2.4 Rehabilitation Programs and Initiatives - Juvenile homes**

Rehabilitation policies in juvenile homes are built on the fundamental belief that young people who engage in delinquent behavior can be reformed through proper care, guidance, and positive intervention rather than simply being punished and isolated. This approach is rooted in the understanding that criminal or antisocial behavior among juveniles is rarely the result of pure free will alone. Instead, it is often shaped and influenced by a complex interplay of social, psychological, and sometimes biological factors that interact with a child's environment and development.

► Criminogenic risk factors

When a child or adolescent ends up in conflict with the law, it is frequently found that they come from conditions of neglect, lack of parental care and supervision, poverty, exposure to criminal peers, violence, abuse, or unstable family backgrounds. These adverse circumstances are known as criminogenic risk factors, conditions that increase the likelihood of delinquency. In this context, rehabilitation in juvenile homes seeks to identify and address these risk factors through carefully designed programs and initiatives that aim to correct harmful influences, build positive skills, and redirect young people's lives onto a safer, lawful path.

A core idea behind rehabilitation in juvenile justice is that if offending behavior is caused or at least heavily influenced by these social and psychological factors, then changing these factors can reduce the risk of future offenses. This principle

resembles a “medical model”: just as doctors diagnose an illness and treat it with a personalized plan, juvenile justice workers including psychologists, social workers, counselors, and educators assess each young person’s background, needs, and risks, and then provide interventions suited to their unique circumstances. For example, if a child has fallen under the influence of delinquent peers and internalized antisocial values like “stealing is normal,” then peer diversion strategies, moral education, and life skills programs can help shift these attitudes and reduce the likelihood of repeat offenses. In line with this rehabilitative philosophy, the system provides for different types of homes and institutions to care for and reform juveniles.

### **1. Observation Homes**

Observation homes are facilities set up and maintained by the State Government, either directly or in partnership with voluntary organizations, to temporarily receive juveniles in conflict with the law while their inquiries are pending. If the State Government deems any other institution suitable for temporarily housing juveniles during such inquiries, it can officially certify that institution as an observation home.

The State Government has the authority to create rules for how these homes are run, including setting management standards and specifying the different services they must provide to support the rehabilitation and social reintegration of juveniles. The rules also outline how observation homes are certified and under what circumstances such certification may be cancelled.

When a juvenile cannot be placed in the custody of a parent or guardian, they are first kept in the reception unit of the observation home for an initial assessment. After this, the child is categorized according to age groups for example, seven to twelve years, twelve to sixteen years, or sixteen to eighteen years with careful attention to their physical and mental condition and the seriousness of the offence. This ensures proper care and further placement within the observation home. To handle the legal processes that support this rehabilitative framework, the State Government also establishes Juvenile Justice Boards.

### **2. Juvenile Justice Board**

To handle cases involving juveniles in conflict with the law, the State Government sets up Juvenile Justice Boards for each district or for a group of districts as needed. Each Board

generally includes a Metropolitan Magistrate or a Judicial Magistrate of the First Class and two social workers, with at least one social worker being a woman. Together, they form a bench, with powers equivalent to those given to a metropolitan magistrate or a judicial magistrate. The magistrate on the Board serves as the Principal Magistrate.

Magistrates appointed to the Board must have specialized knowledge or training in child psychology or child welfare. Social workers must have at least seven years of active involvement in child-related areas such as health, education, or welfare.

The State Government can terminate a Board member's appointment after an inquiry if the member misuses their power under the Act, is convicted of an offence involving moral misconduct (unless overturned or fully pardoned), or fails to attend Board proceedings for three consecutive months without a valid reason or misses more than one-fourth of the Board's sittings in a year.

When the Board is not in session, a juvenile in conflict with the law can be presented to an individual member. The Board can proceed with its work even if some members are absent, but for the final resolution of a case, at least two members, including the Principal Magistrate, must be present. If there is a difference of opinion among members during a case, the majority view is accepted. If there is no clear majority, the Principal Magistrate's opinion will prevail.

### **Powers of the Juvenile Justice Board**

Once a Board is formed for a district or a group of districts, it has exclusive jurisdiction over all proceedings related to juveniles in conflict with the law under this Act, regardless of any other law. The High Court and Court of Session also hold the same powers when cases come before them through appeal, revision, or other legal processes. Alongside the Juvenile Justice Board, the Child Welfare Committee plays a crucial role in protecting children in need of care and support.

### **3. Child Welfare Committee**

The State Government may establish one or more Child Welfare Committees for every district or group of districts as specified. These Committees exercise powers and responsibilities related to children who need care and protection.

Each Committee has a chairperson and four other members appointed by the State Government, with at least one member being a woman and another an expert in child-related matters.

If a committee member misuses their authority, is convicted of an offence involving moral wrongdoing (without being pardoned or cleared), or fails to attend proceedings for three months consecutively without good reason or misses more than one-fourth of sittings in a year, their appointment can be terminated by the State Government after an inquiry.

The Committee works like a Bench of Magistrates, holding the same powers as a Metropolitan Magistrate or a Judicial Magistrate of the First Class .

### **Procedures Related to the Committee**

The Committee holds meetings at designated times and follows prescribed procedures for conducting its business. If the Committee is not in session, an individual member can place a child in safe custody or make other necessary arrangements. If Committee members disagree on an interim decision, the majority opinion stands; if there is no majority, the Chairperson's view will prevail. The Committee's work is valid even if a member is absent at any stage of proceedings.

### **Powers of the Committee**

The Committee has the final authority to handle cases related to the care, protection, treatment, development, and rehabilitation of children, ensuring their basic needs are met and their human rights protected. When a committee is established for an area, it has exclusive jurisdiction over all proceedings concerning children in need of care and protection under this Act, unless stated otherwise.

### **Production before the Committee**

A child needing care and protection may be brought before the Committee by various authorized people or groups, including police officers, special juvenile police units, designated police officers, public servants, recognized voluntary organizations (such as Childline), other recognized agencies, approved social workers, or even the child himself.

The State Government can make rules on how police reports are submitted to the Committee and how children are entrusted to children's homes while inquiries are underway.



## **Inquiry Procedures**

When a report is received, the Committee, police officer, special juvenile police unit, or designated officer must carry out an inquiry as specified. Based on its own findings or reports from other sources, the Committee may order that the child be placed in a children's home for a thorough and timely investigation by a social worker or child welfare officer.

Such inquiries must be completed within four months from the date of the order, or sooner if the Committee decides. If needed, the Committee may extend this time by recording reasons in writing.

If, after the inquiry, the Committee finds that the child has no family or support system, it may allow the child to stay in a children's home or shelter until suitable rehabilitation is arranged or until the child reaches the age of eighteen.

## **4. Special Homes**

Special Homes are established and maintained by the State Government, either directly or in collaboration with voluntary organizations, to receive and rehabilitate juveniles in conflict with the law. If the State Government believes that an institution other than its own is suitable for receiving such juveniles, it can formally approve that institution as a Special Home.

Rules framed by the State Government guide the operation and management of these Special Homes, setting standards for services that help re-socialize juveniles. These rules also explain the conditions under which an institution may be certified as a Special Home and the process for cancelling this certification, if needed. Additionally, the rules may include guidelines for classifying and separating juveniles based on age, the nature of their offenses, and their physical and mental conditions to ensure appropriate care and treatment.

## **5. Children's Homes**

The State Government may also set up and run Children's Homes either on its own or in partnership with voluntary organizations in every district or group of districts, to care for children in need of protection and support. These homes provide a safe place for children while inquiries about their circumstances are ongoing and continue to care for them afterwards by offering treatment, education, training, development, and rehabilitation.

The State Government sets standards for how these Children's Homes must be run, including what services they must offer, and can decide when to grant or withdraw certification or recognition for these institutions or partner organizations.

### **Inspection**

To ensure that Children's Homes operate properly, the State Government can appoint inspection committees at the state, district, and city levels. These committees usually include representatives from the State Government, local authorities, the Child Welfare Committee, voluntary organizations, and relevant medical experts and social workers, as specified by regulations.

### **Social Auditing**

The Central or State Government can monitor and assess how Children's Homes function by carrying out social audits at regular intervals through designated individuals or institutions.

### **1. Shelter Homes**

The State Government may also approve credible and capable voluntary organizations to set up and run Shelter Homes for juveniles and children. These homes act as drop-in centers for children who urgently need support and temporary shelter. Shelter Homes should, as far as possible, provide facilities as prescribed by the relevant rules to ensure proper care and immediate assistance for children in crisis.

### **Transfer**

If, during an inquiry, it is found that a child comes from outside the area covered by the Child Welfare Committee's jurisdiction, the Committee must arrange for the child's transfer to the proper authority in their home area. The child is escorted by staff from the original home where they were staying. The State Government may also make rules for covering the travel expenses of children who are being transferred. To ensure proper handling of juvenile cases at the law enforcement level, Special Juvenile Police Units have been designated.

### **2. Special Juvenile Police Unit**

A Special Juvenile Police Unit is a designated branch of the state's police force responsible for handling matters involving juveniles or children. The Deputy Superintendent of Police or the Woman and Child Support Unit acts as the Nodal Officer for all juvenile cases. Every police station must appoint officers



with appropriate training and understanding to serve as Juvenile or Child Welfare Officers. Each station must also have an NGO representative assigned as a Child Welfare Officer. The list of these officers is updated every three months to keep up with changes due to staff transfers. The Station House Officer (SHO) holds ultimate responsibility for enforcing the provisions of the juvenile justice laws.

### **Duties of the Police under the Act**

As soon as the police apprehend a juvenile in conflict with the law, they must place the child under the care of the Special Juvenile Police Unit or the designated officer, who must then immediately notify a member of the Juvenile Justice Board. If a Board has not yet been formed, the juvenile must be presented before the relevant court.

In addition to managing juvenile crime cases, the designated officer at each police station serves as the Nodal Officer for calls received on the Woman & Child Helpline (1091 a toll-free number that must be displayed on all station notice boards) and for investigating child abuse cases. The Station House Officers must ensure that designated officers personally handle all cases involving child victims. If a juvenile is arrested and not granted bail by the officer in charge, they must be placed only in an Observation Home until they are presented before the Board or Court. The officer in charge must also inform the juvenile's parent or guardian about the arrest and direct them to appear before the Board. Additionally, the Probation Officer must be notified so they can gather information about the juvenile's background and family situation. To put these principles into action within institutions, juvenile homes implement a range of targeted rehabilitation programs which typically include a combination of certain initiatives like:

### **Educational and Vocational Programs**

Many juveniles in homes have experienced interrupted or no formal schooling. Providing basic literacy, mainstream education, and opportunities for skill development helps young people catch up academically and prepares them for a productive life. Vocational training such as tailoring, carpentry, computers, arts, or other trades gives adolescents practical skills to support themselves once they leave the institution, reducing the temptation to re-offend due to lack of livelihood.

### **Counseling and Psychological Services**

Recognizing that many juvenile offenders have experienced

trauma, neglect, or abuse, juvenile homes often employ trained counselors and psychologists who provide individual and group counseling. Therapy addresses emotional and behavioral issues, teaches anger management, develops impulse control, and promotes positive coping strategies. This aspect of treatment helps correct thinking patterns and emotional wounds that may otherwise keep youths trapped in a cycle of delinquency.

### **Behavior Modification and Life Skills Training**

Juvenile homes usually incorporate structured daily routines, moral education, and social skills development. This helps instill discipline, responsibility, and respect for others. Mentorship programs, peer support groups, and moral development sessions are used to strengthen prosocial values and positive self-identity.

### **Family Intervention and Reintegration Support**

A major goal of juvenile justice is to reintegrate children into their families and communities whenever it is safe and suitable. Family counseling helps address conflicts or dysfunctions at home that may have contributed to delinquency in the first place. Social workers work with families to build supportive environments, prepare parents for reunification, and ensure that the child will not return to the same risky situations.

### **Health and Mental Health Care**

Juvenile homes must ensure regular physical and mental health care for residents. This includes medical check-ups, treatment for illnesses, nutrition programs, and psychiatric care where needed. Addressing physical and psychological health is critical for overall well-being and successful rehabilitation.

### **Recreation and Cultural Activities**

Engaging youths in sports, music, art, drama, and cultural activities provides healthy outlets for energy and creativity. Such programs not only reduce boredom and stress but also help youth develop confidence, teamwork, and a sense of achievement.

These initiatives illustrate that rehabilitation is fundamentally different from punishment alone. While retribution inflicts suffering as payback and deterrence threatens harsh consequences to discourage offending, rehabilitation in juvenile homes focuses on helping young people change for the better to protect society by making them less likely to offend again.



This does not mean juveniles are “coddled.” Rather, it means resources and expertise are used wisely to break the cycle of crime by treating its underlying causes.

Juvenile justice laws in many countries including India’s Juvenile Justice (Care and Protection of Children) Act reflect this philosophy by mandating care, protection, treatment, education, and vocational training for children in conflict with the law. The focus is on their best interests and their right to grow into responsible, law-abiding adults. All these policies, structures, and programs from Observation Homes and Special Homes to the Juvenile Justice Boards, Child Welfare Committees, Shelter Homes, and Special Juvenile Police Units work together to uphold the core principle that rehabilitation, rather than mere punishment, is the key to addressing juvenile delinquency. Each element plays a vital role in identifying the root causes of offending behavior, protecting children’s rights, and creating the right conditions for young people to heal, learn, and reintegrate into society as responsible citizens.

## Summarized Overview

In this unit, we examined the fundamental aspects of the prison and correctional system in India and its evolving role within the broader criminal justice framework. We began by understanding the different types of prison systems, ranging from traditional closed prisons, which primarily focus on confinement and security, to more progressive models like open prisons, which emphasize reform, responsibility, and gradual reintegration into society through supervised freedom and work opportunities. We then explored the classification of prisons in India. Further, we discussed the role of correctional institutions, highlighting that modern correctional philosophy extends beyond mere confinement and punishment. Correctional institutions aim to reform and rehabilitate offenders through educational programs, vocational training, psychological counseling, life skills development, and other support services that address the root causes of criminal behavior and reduce the risk of re-offending. Finally, we focused on rehabilitation programs and initiatives in juvenile homes, which embody the belief that children and adolescents in conflict with the law should be guided and supported towards positive change rather than subjected to punitive isolation. Juvenile homes provide a safe and structured environment where young people receive tailored interventions such as education, vocational training, counseling, mental health care, behavior modification, life skills training, family reintegration support, and recreational opportunities all designed to tackle the social, psychological, and environmental factors contributing to delinquency. Together, these components reflect a balanced, humane approach to criminal justice one that integrates custody and correction with meaningful rehabilitation, protection of rights, and the ultimate goal of re-socializing individuals so they may return to society as responsible, law-abiding citizens.

## Self-Assessment

1. Explain the different types of prison systems and discuss their objectives in the context of modern correctional philosophy.
2. Describe the classification of prisons in India. How do Central Prisons, District Prisons, and Open Prisons differ in terms of purpose, structure, and administration?
3. Critically examine the role of correctional institutions in the criminal justice system. Why rehabilitation is considered an essential function alongside punishment?
4. Discuss the key rehabilitation programs and initiatives implemented in juvenile homes. How do these programs address the social and psychological needs of juveniles in conflict with the law?
5. Analyse the significance of observation homes, special homes, and the Juvenile Justice Board in ensuring effective care and rehabilitation of juveniles?
6. Describe the role of police in the criminal justice system?

## Assignments

1. Critically examine the classification of prisons in India with special reference to Central, District, and Open prisons. How does each category serve different purposes in the penal system?
2. Discuss the role of correctional institutions in the Indian criminal justice system. To what extent do they balance punishment with reform and rehabilitation?
3. Evaluate the effectiveness of rehabilitation programs and initiatives in Indian prisons. How do such programs contribute to reducing recidivism?
4. Analyze the significance of juvenile homes as correctional and rehabilitative institutions. How are they distinct from conventional prisons?
5. “Prisons in India are transforming from punitive institutions to reformatory and rehabilitative centers.” Discuss this statement with examples of existing correctional and rehabilitation initiatives.



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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU



# UNIT 3

## Major Reforms in Prison Administration

### Learning Outcomes

Upon completion of this unit, the learner will be able to:

- ▶ understand the major reforms needed in prison administration.
- ▶ comprehend the recommendations of Mulla Committee and Amitava Roy Committee
- ▶ understand how to protect human rights in prisons.
- ▶ analyse the role of NGOs and civil society help in prison reform.
- ▶ recommend ways to make prisons better and more humane.

### Background

In this unit, we focus on the transformation of prison administration in India through reform initiatives, policy changes, and humanitarian perspectives. Over the years, several Prison Reform Committees notably the Mulla Committee and the Amitava Roy Committee have provided valuable recommendations to improve prison management, ensure inmate welfare, and modernise facilities. We will study how these committees addressed issues like overcrowding, understaffing, poor infrastructure, and lack of rehabilitation opportunities.

The unit also highlights the importance of human rights in prisons, recognising that even those who have broken the law retain their fundamental dignity and legal rights. In addition, we explore the crucial role of NGOs and civil society, which contribute by providing legal aid, counselling, vocational training, education, and rehabilitation support. Together, these reforms aim to shift the prison system from being purely punitive to one that is also humane, rehabilitative, and socially constructive.

### Keywords

Mulla Committee, Amitava Roy Committee, Prison Reform, Human Right NGOs, Civil Society, Rehabilitation

### 4.3.1 Major Reforms in Prison Administration

Before we study prison reform, let's pause and imagine: What would it be like to live in an old prison in the 1700s? Dark cells. Overcrowded rooms. Sick people with no doctors. Filthy conditions worse than animal sheds. Prisoners beaten, starved, and forgotten. Why do you think prisons were run this way? Who cared how prisoners lived? Back then, most prisons were only places of punishment and profit, not places to change people. Prison keepers earned money by collecting fees from prisoners and their families. There were no clear rules about safety, hygiene, or reformation. But soon, reformers like John Howard in England and Benjamin Rush in America asked an important question: Shouldn't prisons help people change not just suffer? They wanted prisons to be clean, safe, and focused on discipline, work, and moral improvement. Today, when we talk about prison reform, we talk about this big shift from cages of cruelty to centers of correction. So, think: What makes a prison fair? Should it only punish or help people become better citizens? What would we include in a good prison system? With this in mind, let's see "how prison reform changed punishment into correction."

#### Historical Development of Prison Reforms:

Over time, as penological and criminological ideas advanced, a clear philosophy of corrections developed and matured through practical experience. This growth in thought highlighted that effective correctional policies should balance rehabilitation and reform with deterrence. This balanced approach shapes the guiding principles of today's correctional manuals and prison administration. The evolution and refinement of prison manuals have always reflected changes in correctional philosophy. To understand the origins of prison reform, it is useful to look back at the state of prisons in England and America before the 18th-century reform movement began. Back then, there were mainly two types of prisons:

1. Common gaols, which were simple places for keeping people in custody.
2. Houses of correction, meant to punish and discipline offenders through forced labor.

Conditions in these prisons were often shocking. For example, in 1767, an article in Gentleman's Magazine described how criminals in England were kept in conditions worse than animals. Doctor William Smith's accounts painted a grim picture of overcrowded, filthy wards filled with poor, sick, and neglected inmates who suffered terrible diseases and brutal treatment more like dungeons than facilities in a civilized society.

### **The Penitentiary Act of 1779:**

This appalling situation spurred reformers like John Howard (1726-1791) to fight for change. His tireless work led to the Penitentiary Act of 1779, which laid out four key principles for improving prisons:

1. Prisons should be safe, spacious, and sanitary.
2. Inmates should follow a structured routine that includes work, proper diet, and moral or religious instruction.
3. Prison keepers (gaolers) should no longer profit privately from inmates but work as paid public servants.
4. Prisons must be regularly inspected by external officials to ensure proper standards.

In 18th-century England, prisons were usually managed by local justices of the peace. These officials appointed a master or governor to run daily operations. Over time, due to lack of oversight and funding, many prison masters turned prisons into private profit-making businesses, charging prisoners fees upon their release. The General Prisons Act of 1791 was passed soon after to strengthen the push for systematic prison reform.

### **Further Reforms in England and America:**

In America, similar ideas gained momentum through reformers like Benjamin Rush (1745-1813), who advocated for better prison conditions and the moral improvement of inmates. New penitentiaries were built in both England and America, introducing separate cells, work programs, and exercise areas to encourage discipline and personal reform. Influential figures such as Captain Alexander Maconochie, who managed Norfolk Island's penal colony, and Sir Walter Crofton, who oversaw Irish prisons, put reform ideas into practical action. In America, reformers like Brock May, Gaylord Hubbell, Frank P. Sanborn, and Enoch O. Wines further promoted humane treatment and the rehabilitation of prisoners.

### **Reformations:**

In America, the old penitentiaries, influenced by Quaker ideas that encouraged offenders to confess and repent for their wrongdoings, gradually evolved into reformatories around 1870. These new reform institutions were built on important principles:

1. The main goal of prison discipline should be to reform criminals, not simply to cause them needless suffering.
2. Prisoners should earn increasing privileges through good behavior, giving them more control over their own future.
3. Prisoners should share in the benefits of their own labor.
4. Prison restrictions should be gradually reduced for well-behaved inmates.
5. The aim should be to produce honest, hardworking citizens, not just well-behaved inmates behind bars.

Under this system, prisoners were placed into three grades:

1. Second grade - the starting level for every new prisoner.
2. First grade - awarded after five months of good conduct, with a chance for parole after another six months of continued good behavior and enough merit marks.
3. Third grade - the lowest level, assigned to those who seriously misbehaved. They had to work their way back up to second grade by showing at least six months of good behavior.

Reformatories mainly focused on young offenders, usually aged 17 to 31, and offered programs in education, vocational training, moral and religious lessons, military drills, sports, and physical training to help shape them into responsible citizens.

### **Individualized Treatment:**

From 1900 onwards, prison reforms took a new turn by focusing on the individual treatment of each offender. This meant looking at each prisoner's unique background and needs. New ideas included community-based corrections,



better medical and psychiatric care inside prisons, experiments with self-governance by inmates, and the use of indeterminate sentences, where release depended on an inmate's progress.

The goal was to collect as much information as possible about every offender and then use this knowledge to plan the best way to rehabilitate them. This scientific approach was inspired by the positivist school of criminology, developed by Cesare Lombroso and others, which believed crime could be studied and treated like a social disease.

### **Community-Based Corrections:**

One major outcome of this idea was the rise of community-based corrections. Instead of locking up every offender, this approach focused on helping them stay connected to society and rebuild their lives in the community. In 1967, the President's Commission on Law Enforcement and Administration of Justice (USA) said corrections should help offenders repair family ties, find jobs, continue education, and regain a proper place in society.

Probation and parole became key tools for this. However, by the late 1970s, support for community corrections declined slightly, and modern systems returned to balancing rehabilitation with deterrence making sure punishments still discouraged crime.

### **Juveniles and Females:**

By the 19th century, reformers understood that juveniles and women needed separate correctional facilities because they often respond better to reform and rehabilitation. Special houses of refuge for young offenders were set up in the 1820s and 1830s, while the first dedicated women's prison in America was built in 1873.

These special institutions focused more on education, reform, and moral guidance, recognizing that young offenders and women were more likely to benefit from a corrective rather than purely punitive approach.

### **Prisons in India:**

After looking at how prison reforms developed in other countries, we can see that when the Pitt's India Act of 1784 allowed the East India Company to rule India, the country

already had several civil and criminal jails. These jails were mostly modeled on the English system, and the conditions inside were just as harsh. Prisoners were mainly used as labor for building roads and public structures.

### **Beginnings of Prison Reforms in India:**

The first real steps towards prison reform in India began with the Prison Discipline Committee (1836-1838), which included Lord Macaulay as a member. The committee found that prison conditions were terrible, especially in terms of sanitation. Lord Macaulay described the Alipore Jail in Calcutta as “shocking to humanity” and “a great dishonor to our government.” Many visitors at the time compared Indian prisons to hells on earth, and the death rate due to diseases was extremely high, about 141 out of every 1,000 prisoners died inside. Because of this committee’s recommendations, new prisons were built, living conditions were improved, better food and clothing were provided, and more care was given to sick inmates. Later, the Commission of Enquiry into Jail Management and Discipline (1864) and the Conference of Jail Experts (1877) pushed for even more improvements especially in sanitation, food quality, bedding, and medical care. The second Jail Commission of 1864 also called for separating male and female prisoners, and keeping children separate from adults to ensure better protection and treatment. These early reforms laid the foundation for modern ideas of prison management and correctional care worldwide.

### **4.3.2 Recommendations by Prison Reform Committees - Mulla Committee, Amitava Roy Committee**

The first major step in prison reform in India began with the Prison Discipline Committee, which included Lord T.B. Macaulay. This committee highlighted the severe overcrowding and unhealthy conditions in prisons at the time, where diseases like cholera claimed many lives. It recommended constructing larger central prisons with better hygiene, improved food, and medical care, along with stricter discipline. However, it rejected ideas of moral or educational reform, insisting that prisoners be kept busy with dull, repetitive work with no incentives for early release. Influenced by England’s punitive mindset of that era, this led to the construction of several central prisons, starting with Agra in 1846.

The second commission the Commission of Inquiry into



Jail Management and Discipline in 1864 was formed because many earlier recommendations were not fully implemented, and mortality rates remained high. It found that deaths were caused by overcrowding, poor ventilation, bad drainage, lack of clean water, poor hygiene, and unfit prisoners forced to work. It recommended separating juveniles and female prisoners from adult males and emphasized improved discipline, diet, and medical supervision. This led to the appointment of Indian Medical Service officers as jail superintendents to improve health conditions, which helped reduce deaths.

In 1877, a Conference of Jail Experts again reviewed prison conditions but did not make significant new recommendations. The Fourth Jail Commission (1888) focused on standardizing prison operations across India and called for a single law to govern all prisons. This resulted in the Prisons Act of 1894, which unified prison management and defined prison offenses and punishments.

A major milestone came with the Indian Jail Committee (1919-1920) under Sir Alexander Cardew. Unlike earlier committees, it explicitly supported prisoner reform and rehabilitation instead of relying only on deterrence. The committee noted that prisons should aim not just to punish but to help criminals return to society as reformed, useful citizens. After studying prison systems in various countries, the committee made 584 recommendations covering every aspect of prison administration. These recommendations inspired laws like the Borstal Act, various probation acts, and the Punjab Good Conduct Prisoners Provisional Release Act. Provincial committees like the United Provinces Jail Enquiry Committee (1929) were also influenced by its ideas.

In 1935, the Government of India Act transferred prison administration to provincial governments, replacing the earlier dual control system. The experience of freedom fighters during the independence movement highlighted the harsh realities of prisons. Pandit Jawaharlal Nehru, in his essay *Prison Land* (1934), described prison life as painfully monotonous and isolated from the outside world, reinforcing the need for reform.

Post-independence, reform continued with Dr. Walter C. Reckless, a UN expert, visiting India in 1951-52. His report *Jail Administration in India* recommended updating prison manuals. The All-India Jail Manual Committee (1957) created a model manual, leading to updated jail manuals in several states.

The Central Bureau of Correctional Services was established in 1961 under the Ministry of Home Affairs to guide national prison policy. In 1978, Tamil Nadu set up its own Prison Reforms Committee under R.L. Narasimhan, which made 178 recommendations, most of which were later implemented.

In 1980, the Government of India formed the All-India Jail Reform Committee, chaired by Justice A.N. Mulla. This influential committee called for a complete overhaul of the outdated Prisons Act, 1894, and emphasized prisoners' rights. It pointed out inconsistencies in Borstal Schools Acts across states and recommended a uniform act for young offenders, which led to the Juvenile Justice Act of 1986.

Finally, in 1986, the Government set up another high-level group led by R.K. Kapoor, former Director of the Intelligence Bureau, to examine security, discipline, and management in prisons. This group made 238 recommendations, many of which are still being implemented.

### **Mulla Committee**

Government of India appointed various committees to study and recommend reforms for the prison system. One of the most notable among these was the All-India Jail Reforms Committee (1980-1983), commonly known as the Mulla Committee, after its chairman, Justice A.N. Mulla, a retired High Court Judge. Before the Mulla Committee, prison reform in India had been addressed through various committees, commissions, and legislative steps. The Indian Prisons Act, 1894, was the principal legislation governing prisons for decades. By the late 1970s, it had become clear that the Act no longer addressed modern correctional challenges, human rights standards, or the rehabilitative needs of prisoners. Recognizing this need, the Government of India constituted the Mulla Committee in 1980. Its mandate was comprehensive: to examine the working of prisons, study all aspects of prison administration, and suggest measures for improvement, focusing on human dignity and reformatory justice.

At the time, Indian prisons suffered from severe overcrowding, outdated infrastructure, poor sanitation, lack of medical facilities, understaffing, and inadequate training of prison personnel. Many prisons were still run on punitive colonial principles, with limited scope for correctional programming or rehabilitation. The gap between policy and practice was wide.



Furthermore, human rights concerns were increasingly being raised both within the country and by the international community. The courts were also becoming more active in responding to prisoner grievances and ensuring minimum humane conditions. The Mulla Committee emerged as a timely initiative to address these challenges holistically.

### **Major Recommendations of the Mulla Committee**

The Mulla Committee submitted a landmark report in 1983. Its recommendations covered a wide range of aspects from legislation to management practices and rehabilitation. The core recommendations are summarized below.

#### **1. Revision of the Prisons Act, 1894**

The Committee firmly recommended a complete overhaul of the outdated Prisons Act. It emphasized the need for modern legislation to reflect contemporary correctional philosophies that balanced security with human rights and rehabilitation.

#### **2. Human Rights of Prisoners**

The Committee underlined that prisoners do not cease to be human beings. Except for restrictions necessary for confinement, security, and discipline, no other basic human rights should be denied. It recommended that legal aid, grievance redressal, visitation rights, proper diet, medical care, and hygienic living conditions should be ensured.

#### **3. Separate Law for Young Offenders**

Recognizing that young offenders are more amenable to reform, the Committee recommended a separate uniform legislation for Borstal institutions and young offenders covering boys aged 16-23 and girls aged 18-23. This paved the way for a distinct approach to juvenile justice.

#### **4. Uniform Prison Policy**

One major problem noted was the inconsistency in prison administration across states. The Committee proposed a uniform national policy to ensure standardized prison conditions, administration, and rehabilitation measures throughout India.

#### **5. Professionalization of Prison Staff**

Prison administration in India was often handled by general civil servants or medical officers, with little or no training in corrections. The Committee stressed the need for well-trained

professional prison staff. It recommended specialized training academies and induction programmes to build modern, sensitive correctional services.

## **6. Better Prison Conditions**

The Committee highlighted the urgent need to improve prison infrastructure. It called for better sanitation, food, clothing, bedding, ventilation, clean water supply, and healthcare facilities. It recommended periodic inspections by independent authorities to ensure compliance.

## **7. Emphasis on Aftercare and Rehabilitation**

A vital recommendation was to strengthen aftercare services. Prisoners should be given help to reintegrate into society through counselling, job placement, halfway homes, parole, and community support. The Committee highlighted the role of voluntary organizations in this process.

## **8. Community-Based Corrections**

The Committee encouraged alternatives to incarceration. Probation, parole, open prisons, and other non-custodial measures should be promoted to reduce overcrowding and facilitate rehabilitation in the community setting.

## **9. Focus on Security and Discipline**

While advocating reform, the Committee did not ignore security. It suggested modernizing security arrangements and maintaining strict discipline but within a framework that respected human dignity.

## **Significance and Impact**

The Mulla Committee's report remains one of the most comprehensive and progressive frameworks for prison reform in India. Its influence is visible in several subsequent developments:

**Juvenile Justice Act, 1986:** One direct outcome was the enactment of the Juvenile Justice Act, which embodied the Committee's recommendation for a separate law for young offenders.

**Revision of Jail Manuals:** Many states revised their jail manuals in line with the Committee's model manual.

**Promotion of Open Prisons:** States like Rajasthan expanded



open prison systems following the Committee's stress on community-based correction.

**Recognition of Prisoners' Rights:** Courts and policymakers increasingly cited the Committee's findings to push for humane prison conditions.

The Mulla Committee set a new benchmark for prison reforms in India. By balancing the twin goals of security and rehabilitation, it laid down a vision for transforming Indian prisons from punitive warehouses to correctional institutions aiming for the reformation and reintegration of offenders. Even today, the Committee's recommendations serve as a guiding light for policymakers, prison administrators, human rights defenders, and scholars. Moving forward, the real challenge is to bridge the gap between recommendations and practical implementation so that the prison system upholds not only the rule of law but also the dignity and potential for reformation in every human being.

### **Amitava Roy Committee**

Prison overcrowding, inhuman living conditions, and the slow pace of prison reforms have long plagued India's criminal justice system. Even decades after the Mulla Committee's landmark report (1980-83), many of its recommendations remained only partly implemented. Against this background, the Supreme Court of India took active steps to address continuing problems through judicial directions and expert committees. One important initiative was the appointment of the Justice Amitava Roy Committee in 2018.

The Amitava Roy Committee was constituted by the Supreme Court of India as part of its continuing effort to monitor prison conditions and protect prisoners' fundamental rights. The Committee was named after Justice Amitava Roy, a former judge of the Supreme Court who was appointed to head this panel.

The committee was not a legislative commission like the Mulla Committee but was formed by the Supreme Court to assist it in a public interest litigation (Inhuman Conditions in 1,382 Prisons, Writ Petition). This PIL highlighted severe overcrowding, poor living conditions, prolonged undertrial detention, custodial violence, and lack of rehabilitation facilities. The court recognised that systemic reforms were urgently required and appointed the Committee to suggest

practical steps that could be implemented by states and prison departments.

### **Main Objectives**

1. To examine the condition of prisons in India in the light of constitutional protections.
2. To suggest measures to decongest prisons.
3. To recommend steps to modernise prison administration.
4. To propose reforms to protect prisoners' rights and human dignity.
5. To ensure that undertrial prisoners do not languish in jails for petty offences due to procedural delays.

### **Major Recommendations of the Amitava Roy Committee**

In its detailed report, the Committee made practical, actionable recommendations focusing on immediate improvements as well as long-term policy shifts. Some of its significant recommendations are:

#### **1. Reduce Prison Overcrowding**

The Committee recommended that states must make more use of open prisons, which allow well-behaved prisoners to live in semi-open conditions with greater freedom. It suggested identifying eligible prisoners for premature release under relevant rules and remission policies. Undertrial prisoners, especially those who have spent more time in jail than the maximum sentence for their alleged offence, must be released promptly.

#### **2. Strengthen under trial Review Committees (UTRCs)**

The Committee stressed the active role of UTRCs, which review cases of undertrial prisoners every quarter. It recommended that these committees should be effective and regularly convene to ensure that eligible undertrials are released on bail or bond.

#### **3. Improve Legal Aid**

The Committee noted that many prisoners remain in custody due to lack of legal help. It recommended the strengthening of legal aid services inside prisons, with trained paralegal volunteers and legal aid lawyers to ensure fair representation.

#### **4. Infrastructure and Basic Facilities**

The Committee highlighted the need for urgent improvement



in hygiene, sanitation, food, and medical care. It recommended that modern kitchens, better medical facilities, and sufficient staff must be ensured.

### **5. Capacity Expansion**

States should plan for new prison construction and expansion of existing jails to match rising inmate numbers.

### **6. Technology and Record-Keeping**

The Committee recommended that states should modernize prison record-keeping using digital prisoner management systems. This would help track undertrial cases, ensure timely release, and improve accountability.

### **7. Training of Prison Staff**

Like the Mulla Committee, Justice Amitava Roy's panel emphasized the training of prison staff in human rights, prisoner management, and rehabilitation techniques. Proper training would sensitize officers to the rights and needs of inmates.

### **8. Rehabilitation and Reintegration**

The Committee recommended more focus on educational, vocational, and skill-development programmes to help prisoners reintegrate after release. It also encouraged linking released prisoners with employment and social welfare schemes.

### **Significance**

The Amitava Roy Committee's report is significant because it brings the Supreme Court's authority behind pressing reforms. It revived national attention on the sad state of Indian prisons and placed clear responsibility on state governments to act. The Committee's recommendations are practical and build on the ideas of the Mulla Committee and other earlier reports, but with an emphasis on time-bound action, accountability, and regular monitoring by courts. Its approach is rooted in the fundamental rights guaranteed by the Constitution especially Article 21 (Right to Life and Personal Liberty). The Supreme Court, through this initiative, reiterated that prisoners are not to be treated as "forgotten people" but as human beings with dignity. The Justice Amitava Roy Committee's work is a continuation of India's long journey towards humane, efficient, and just prison administration. Its recommendations remind policymakers and prison officials that correctional facilities must balance security and discipline with human rights and reformation

### 4.3.3 Addressing Human Rights in Prisons

Prisoners often become a neglected group, forced to live in poor, inhuman conditions with limited contact with the outside world, fully dependent on the State for their needs. Although the Prisons Act, 1894 mentions some rights, it mainly stresses discipline and punishments, not welfare. Reform committees have long noted that prisoners' rights are ignored. However, with changing ideas on punishment and strong judicial activism, prison conditions in India have improved. Courts have upheld prisoners' rights under Articles 19 and 21, leading to better classification, medical care, furlough, parole, education, vocational training, Open Air Prisons, and community service. Today, prisons aim more at rehabilitation than mere punishment thanks largely to the judiciary's role in ensuring humane treatment.

#### Rights in General

The Constitution of India guarantees fundamental rights to all citizens, and prisoners though deprived of some liberties by due process of law continue to enjoy these basic rights. The State must protect and uphold their human rights as part of its duty. Prisoners' rights come from statutes and court interpretations of constitutional provisions. A key principle of human rights law is that these rights are inalienable, yet this is often neglected in prisons. Many Supreme Court and High Court judgments have exposed the poor conditions in prisons and the frequent violation of inmates' rights, rooted in the mistaken belief that prisoners don't deserve full constitutional protections. This view is not only morally wrong but legally flawed, as it ignores the basic fact that prisoners remain citizens with human dignity.

#### Legal Framework for Prisoners' Rights

The Prisons Act, 1894 remains the main national law governing prisons and prisoners in India. Although the Prison Manual of 1970 included detailed provisions about prisoners' rights, it was never fully enforced. As a result, the 1894 Act is still the primary legislation at the national level. Each state also has its own prison laws and manuals, which cover day-to-day prison management. However, these often only provide basic guidelines for fulfilling prisoners' fundamental physical needs, with limited details for broader rights and welfare. Committees formed over the years to review prison administration have repeatedly highlighted the need to protect prisoners' rights and to modernize prison infrastructure to align with contemporary



correctional principles.

### **Prisoners' Basic Physical Needs**

Prisoners' most fundamental physical needs include food, water, clothing, bedding, proper accommodation, sanitation, hygiene, and medical care all essential for survival and dignity.

#### **Food and Water:**

The Prisons Act, 1894 only briefly mentions that civil and unconvicted prisoners may buy food and water for themselves; it does not set any minimum standards. More detailed rules are instead found in State Prison Manuals.

#### **Clothing and Bedding:**

Again, the Prisons Act allows civil and unconvicted prisoners to arrange their own clothing and bedding. For convicted prisoners, it is the State's duty through State Prison Manuals to supply clothing and bedding suited to climate and to ensure these are clean, non-degrading, and provide individual beds for each inmate.

#### **Accommodation:**

The Act mentions separate accommodation but does not define standards. True accommodation should be scientifically planned: enough floor space, ventilation, proper air quality, sanitation, and modern kitchens.

#### **Classification:**

Earlier, prisoners were simply grouped together. Since the late 19th century, the idea of individualized treatment based on prisoners' needs and reform potential has shaped modern prison design and inmate classification.

#### **Sanitation and Hygiene:**

Though not specified in the Prisons Act, State Manuals require basic sanitation to prevent disease outbreaks, a concern repeatedly raised by the National Human Rights Commission, which has urged states to maintain better hygiene standards.

#### **Medical Care:**

The Act provides for prison hospitals and medical officers to care for inmates' health. The courts and the National Human Rights Commission have reinforced the right to medical

treatment as essential. In *Mohammad Giasuddin v. State of A.P.* (1977), the Supreme Court emphasized medical care as a core goal of imprisonment.

## **Prisoners' Non-Physical and Aspirational Rights**

### **Freedom from Physical Restraints**

Modern penology opposes using physical restraints like fetters or handcuffs unless absolutely necessary. The Supreme Court in *Prem Shankar v. Delhi Administration* (1980) ruled that using restraints without real need violates Articles 14, 19, and 21 of the Constitution. Any use must be justified and recorded immediately by authorities.

### **Right to Visitation**

Prisoners have a social right to meet family and friends to avoid total isolation. The Prison Act, 1894 gives inmates the right to meet visitors at suitable times under certain rules.

### **Right to Bail**

Most prisoners in India are undertrials from poor backgrounds who can't afford bail bonds. The Law Commission's 78th Report and the 2005 CrPC amendment promote liberal bail conditions. Section 479 BNS now allows undertrials to be released if they've served half the maximum sentence for their offence in detention.

### **Right to Speedy Trial**

A speedy trial is vital to prevent undertrials from mixing with hardened criminals and facing undue detention. The Supreme Court in *Hussainara Khatoon v. State of Bihar* (1980) and *Common Cause v. Union of India* (1996) confirmed that a speedy trial is a constitutional right under Article 21.

### **Right to Free Legal Aid**

Articles 39A and 22(1) guarantee free legal aid. The Supreme Court in *Hussainara Khatoon* stressed that denying legal help to poor undertrials violates Article 21.

### **Right against Custodial Torture**

In *Sunil Batra v. Delhi Administration*, (1980) the Court declared that prisoners retain all fundamental rights consistent with lawful detention and must be protected from torture and cruel treatment, aligning with UN standards. Victims of



custodial torture can directly petition courts to uphold their rights under Article 21.

### **Rights of Women Prisoners**

Women prisoners, though a small proportion, have unique needs. The Krishna Iyer Committee (1979) and Mulla Committee (1983) emphasized gender-specific rights:

- Lady Doctors for medical care.
- Proper pre- and post-natal care for pregnant inmates.
- Facilities for children living with mothers in prison, including crèches and schooling.
- Support for visits and family contact, as many women are imprisoned far from home.
- Special help for illiterate women to maintain communication with family.
- The Supreme Court has directed states to ensure childcare, health, hygiene, birth registration, and education for inmates' children.

In conclusion, the recognition and expansion of prisoners' rights in India owe much to progressive judicial interpretation and activism, which have filled the gaps left by outdated prison laws like the Prisons Act of 1894. However, there remains an urgent need for comprehensive, modern prison legislation that clearly codifies all rights upheld by courts and existing state provisions, with special attention to the unique needs of women prisoners. Bridging the gap between legal rights and their practical implementation is essential to ensure that prisons truly uphold human dignity and promote reform and rehabilitation.

### **4.3.4 Role of NGOs and Civil Society**

The ultimate goal of any modern correctional administration is not limited to the mere safe custody and confinement of offenders, but extends far beyond to their meaningful rehabilitation and reintegration into the mainstream of community life. The very purpose of prisons as reformatory institutions will remain incomplete unless the offenders, after serving their sentence, are assisted and equipped to become responsible and productive members of society once again. In this context, aftercare plays an indispensable role as it bridges the gap between institutional life and free social life, providing

the released prisoner with the support necessary to face the often harsh and rejecting outside world. However, the success of aftercare services and rehabilitation does not rest solely upon the shoulders of the government or prison authorities. The meaningful involvement of non-governmental organizations (NGOs) and civil society is equally essential to ensure that the cycle of correction does not break down at the most crucial stage when the individual re-enters society.

Historically, India's approach to aftercare has evolved slowly, with notable milestones such as the formation of Discharged Prisoners' Aid Societies in the late nineteenth and early twentieth centuries, and the Advisory Committee on Aftercare appointed by the Central Social Welfare Board in 1954 under Professor M. S. Gore, which laid down clear recommendations for developing a practical and sustainable aftercare infrastructure. Despite these recommendations, however, the ground reality even today reveals gaps and weaknesses due to lack of continuity in services, insufficient funding, and limited community involvement. The stigma and social rejection that follow the label of 'ex-prisoner' continue to hamper the prospects of successful rehabilitation. The All-India Jail Manual Committee (1957) wisely described aftercare as the convalescence of the released prisoner a process of gradual reintegration that helps the individual move from the restrictive, artificial prison environment to meaningful citizenship and resettlement in the community.

In this light, NGOs and civil society have an important and multidimensional role to play at every stage of this journey. Firstly, they act as a bridge between the prison and the outside world by planning for rehabilitation from the day an offender enters the prison system. Through collaboration with prison authorities, NGOs can develop individualized rehabilitation plans that address not only vocational training but also the social, psychological, and legal needs of each prisoner. Many prisoners are victims of circumstances and social disadvantages, and NGOs can provide the much-needed counselling services inside prisons to heal trauma, build self-confidence, and address behavioural issues. Such interventions also prepare inmates for reintegration into families and communities.

Secondly, once the prisoner is released, civil society organisations can offer transitional support through halfway homes, aftercare hostels, and shelters that provide temporary safe accommodation for those who have no family support or



stable housing. Without such support, many released prisoners face homelessness and economic vulnerability, which often leads them back into crime. NGOs can thus reduce recidivism by ensuring that no released prisoner is left stranded. Equally critical is the role of NGOs in providing modern, market-relevant vocational training and skill development both inside prisons and after release. Existing prison workshops and training programmes often fail to match the demands of the current job market. By partnering with industries and skill development agencies, NGOs can upgrade training facilities, supply better equipment, and provide certification and placement opportunities, thereby making released inmates employable and self-reliant.

Furthermore, legal aid is an area where NGOs make an invaluable contribution. Many inmates come from underprivileged backgrounds and lack awareness of their legal rights. NGOs can extend free legal counselling, assist with appeals, help prisoners secure parole, and support them in resolving pending legal matters post-release. They can also help inmates obtain identity documents, which are crucial for accessing welfare schemes, opening bank accounts, or seeking employment. NGOs also have a major responsibility in sensitising the community to accept and support released prisoners. The stigma attached to imprisonment often results in social exclusion, even from one's own family. NGOs can run public awareness campaigns, engage religious groups, local leaders, youth clubs, and panchayats to break down prejudice and highlight the positive outcomes of rehabilitation.

Additionally, NGOs serve as vital facilitators, connecting released prisoners to social welfare schemes and economic opportunities. Many ex-offenders are unaware of government benefits, microfinance options, or skill-based employment schemes they may be eligible for. By building linkages with welfare departments, labour offices, rural development agencies, and local industries, NGOs ensure that these individuals can access every available support to rebuild their lives. Probation and parole are underutilised community-based correctional methods that have immense untapped potential in India. NGOs can strengthen these alternatives by working as partners with probation officers, providing supervision and mentoring services, organising community service projects, and maintaining regular contact with families to ensure social support.

Moreover, civil society organisations have an important role in policy support, research, and monitoring. By conducting independent studies, they can identify gaps in existing aftercare frameworks and suggest evidence-based reforms. They can monitor the effectiveness of rehabilitation initiatives and advocate for policy changes that strengthen aftercare services as an integral part of the correctional system. To make these efforts sustainable, NGOs can mobilise Corporate Social Responsibility (CSR) funds to support prison reforms and aftercare initiatives. Many companies today are keen to invest in social welfare programmes and can be encouraged to support skill training centres, rehabilitation shelters, or even offer employment to rehabilitated prisoners as part of their CSR commitments.

Equally important is the training of prison staff and probation officers. NGOs can play a constructive role in building the capacity of prison officers by training them in basic counselling skills, reintegration planning, and community liaison techniques. Sensitizing prison staff to see themselves not just as custodians but as facilitators of rehabilitation is critical for changing the prison culture from punitive to reformative. In the same vein, the role of police officers at the grassroots level is vital. NGOs can conduct awareness sessions and workshops for local police personnel, training them to handle released prisoners with sensitivity and to assist them in accessing welfare schemes and employment opportunities instead of treating them with suspicion.

Despite decades of recommendations by multiple reform committees, including the All-India Committee on Jail Reforms (1980–83) and the Mulla Committee, India's aftercare infrastructure still remains weak, patchy, and under-resourced. The Model Prison Manual and the Juvenile Justice Act make clear provisions for structured aftercare, yet implementation on the ground is uneven. Many existing aftercare homes and aid societies suffer from chronic financial shortages, poor staffing, and lack of community support. In some states, promising initiatives have shut down or been converted to other uses under the social welfare departments due to neglect and funding constraints.

To move forward, it is essential that India recognizes aftercare and rehabilitation not as optional charity but as a statutory obligation of the correctional system. Some countries, like



Japan, have shown that establishing a dedicated Rehabilitation Bureau under the Ministry of Justice can greatly improve monitoring, funding, and execution of aftercare services. India too must create a central authority or bureau to plan, coordinate, and oversee aftercare efforts nationwide. This agency should ensure that planning for rehabilitation begins the day an offender enters prison and continues until they are fully reintegrated into society.

In this entire endeavor, NGOs and civil society must be recognized and supported as equal partners. The government must provide them with financial assistance, capacity building, and a formal framework for collaboration. Voluntary workers engaged in aftercare must receive proper training, guidance, and incentives to sustain their motivation and commitment. The community must also be brought closer to prison programmes through open days, community involvement in skill workshops, and positive stories shared through mass media to build public trust and empathy.

In conclusion, the rehabilitation of released prisoners is not just an administrative task but a shared societal responsibility. Without the active participation of NGOs and civil society, the correctional system cannot achieve its ultimate goal of transforming offenders into responsible citizens. As India continues to modernize its prisons and justice system, it must also strengthen its aftercare services by translating decades of policy recommendations into practical, well-funded, and community-supported action. Only then can the cycle of crime be broken sustainably, and prisons fulfil their true reformative purpose.

## Summarized Overview

Prison administration in India has gradually evolved from a purely custodial system to one that aspires to be reformative and rehabilitative. Over the years, important committees like the Mulla Committee and the Amitava Roy Committee have highlighted the urgent need for reforms to improve prison conditions, reduce overcrowding, speed up trials, ensure legal aid, and expand vocational training and aftercare services. At the heart of these reforms is the commitment to protect human rights within prisons. Every prisoner, despite losing certain freedoms, must be treated with dignity and provided with basic facilities like health care, clean living conditions, education, and protection from abuse and torture. In achieving these goals, the role of NGOs and civil society is crucial. They bridge the gap between prisons and society by providing counselling, legal support, skill training, and aftercare homes. They also help former prisoners

reintegrate into the community, reduce stigma, and create awareness so that ex-offenders get a second chance at life. Together, these reforms aim to build a humane, modern prison system that not only punishes crime but also corrects and rehabilitates offenders, helping them return as responsible citizens which is the true goal of any progressive correctional administration.

## Self-Assessment

1. Discuss the major recommendations of the Mulla Committee and their relevance to modern prison administration in India.
2. Explain the key suggestions made by the Amitava Roy Committee for prison reforms. How do these recommendations address current challenges?
3. Critically examine the importance of protecting human rights in prisons. What measures can be taken to uphold the rights and dignity of prisoners?
4. Analyze the role of NGOs and civil society in supporting prison administration and the rehabilitation of offenders. Give suitable examples.
5. What are aftercare services in the prison system? Discuss their significance in the successful reintegration of released prisoners into society.

## Assignments

1. Explain the role of NGOs and Civil Society in improving prison conditions and ensuring rehabilitation of inmates?
2. Critically examine how the recommendations of Amitava Roy Committee address structural and human rights issues in Indian prisons.
3. Evaluate the challenges and limitations in implementing prison reforms in India despite multiple reform committee recommendations and active role of civil society.



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## Suggested Reading

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## Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



SGOU



**QP code:**

**MA PUBLIC ADMINISTRATION  
Semester III- Discipline Specific Elective Course  
MODEL QUESTION PAPER - SET 1**

**Course Code: M23PA01DE**

**Course Title: Police Administration and Criminal Justice**

**Maximum Marks: 70 Marks**

**Maximum Time: 3 Hours**

**SECTION A**

Answer any ten questions in a word or a sentence. Each question carries one mark.

**(10X1 = 10 Marks)**

1. What is community policing?
2. Name one responsibility of the police.
3. What is the role of the Commissioner of Police?
4. Mention one challenge faced by police in maintaining public order.
5. Name one major recommendation of the Soli Sorabjee Committee.
6. What was the objective of the K T Thomas Commission in Kerala?
7. Mention one challenge in implementing the Prakash Singh Guidelines.
8. Name one innovation in police force in Kerala.
9. Define justice in the context of the criminal justice system.
10. Mention one classical conditioning principle in behavioural theory.
11. Name one theory related to crime
12. What is the role of corrections in criminal justice?
13. Mention one type of prison in India.
14. Name one prison reform committee in India. .
15. What is the primary function of juvenile homes?

**SECTION B**

Answer any five questions in two or three sentences. Each question carries two marks.

**(5X2 =10 Marks)**

16. Briefly explain the functions of the Union Ministry of Home Affairs in coordinating central and state police forces.
17. Describe the organisation of police at the district level.
18. Explain the historical importance of Police Act, 1861.
19. Describe one challenge in implementing police reforms in India.



20. Explain the relationship between crime and society with one example.
21. Name and briefly explain two social theories of crime.
22. Describe the role of correctional institutions in rehabilitation programs.
23. Explain one human rights concern in prison administration.
24. What is the objective of the commissionerate system?
25. Briefly explain the recommendation of the Prakash Singh Guidelines

### SECTION C

Answer any five questions in one paragraph. Each question carries four marks.

(5X4 = 20 Marks)

26. Discuss the evolution of the police system in India after independence.
27. Explain the structure and working of the Central Armed Police Forces.
28. Analyse the recommendations of the M K Joseph Commission.
29. Explain Nirbhaya and Clean Campus Safe Campus initiatives in Kerala.
30. Discuss any two theories of crime.
31. Describe the components of the criminal justice system and the role of police.
32. Explain the significance of correction system.
33. Explain the classification of prisons in India (Central, District, Open) and their main characteristics.

### SECTION D

Answer any three questions in two pages. Each question carries ten marks.

(3X10 =30 Marks)

34. Analyse the impact of colonial policies on the modern Indian prison system.
35. Analyse the role of the Commissionerate system in modern urban policing
36. Critically assess the challenges in implementing recommendations of national and state-level police reform committees.
37. Examine the challenges and impact of community policing initiatives in Kerala.
38. Evaluate the role of NGOs and civil society in promoting prisoner rehabilitation and human rights.
39. Discuss the application of crime theories in policing practices in India



# SREENARAYANAGURU OPEN UNIVERSITY

**QP code:**

## **M.A PUBLIC ADMINISTRATION**

### **Semester III- Discipline Specific Elective Course**

#### **MODEL QUESTION PAPER - SET II**

**Course Code: M23PA01DE**

**Course Title: Police Administration and Criminal Justice**

**Maximum Marks: 70 Marks**

**Maximum Time: 3 Hours**

#### **SECTION A**

Answer any ten questions in a word or a sentence. Each question carries one mark.

(10X1 = 10 Marks)

1. Define police.
2. Name two functions of the police.
3. What is the Commissionerate system of policing?
4. Mention one challenge in law enforcement in India.
5. Name one recommendation of the Prakash Singh Guidelines.
6. What was the purpose of the Police Act, 1861?
7. Mention one challenge in implementing police reforms in Kerala.
8. Name one community policing initiative in Kerala.
9. Define crime.
10. Mention one behavioural theory of crime.
11. Name the three parts of personality described by Freud.
12. What is the full form of NIA?
13. Name one recommendation of the Prakash Singh Committee
14. What is a juvenile home?
15. Mention one rehabilitation program in prisons.

#### **SECTION B**

Answer any five questions in two or three sentences. Each question carries two marks.

(5X2 =10 Marks)

16. Briefly explain the structure of the Union Ministry of Home Affairs.
17. Outline the hierarchy of the state police system.
18. Explain the drawbacks of Police Act 1861



19. Explain Janamaithri Suraksha as a community policing initiative.
20. What is the role of police in preventing organized crime?
21. Mention two social disorganisation theories of crime
22. Explain the classification of prisons in India.
23. Describe one role of correctional institutions in rehabilitation
24. Name one innovation in Kerala Police other than Janamaithri Suraksha.
25. Mention one challenge in the Indian criminal justice framework.

### SECTION C

Answer any five questions in one paragraph. Each question carries four marks.

(5X4 = 20 Marks)

26. Discuss the evolution of the police system in India pre- and post-independence.
27. Explain the organisation and working of CBI, IB, and NIA.
28. Analyse the recommendations of the Prakash Singh Guidelines.
29. Explain one challenge in implementing community policing initiatives in Kerala.
30. Discuss behavioural and psychodynamic theories of crime.
31. Explain the role of police, judiciary, and corrections in the criminal justice system.
32. Discuss major reforms in prison administration in India.
33. Analyse the role of NGOs and civil society in prison reform.

### SECTION D

Answer any three questions in two pages. Each question carries ten marks.

(3X10 =30 Marks)

34. Critically examine the historical evolution and reforms of police administration in India.
35. Analyse the structure and functioning of the criminal justice system in India.
36. Evaluate the impact of police reforms in Kerala.
37. Discuss the challenges and effectiveness of community policing initiatives in Kerala.
38. Critically evaluate major reforms in prison administration, focusing on rehabilitation and human rights.
39. Examine the relationship between crime theories and police practices in India.

സർവ്വകലാശാലാഗീതം

വിദ്യാൽ സ്വതന്ത്രരാകണം  
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ശ്രദ്ധപ്രസാദമായ് വിളങ്ങണം  
ഗുരുപ്രകാശമേ നയിക്കണേ

കുരിശിൽ നിന്നു ഞങ്ങളെ  
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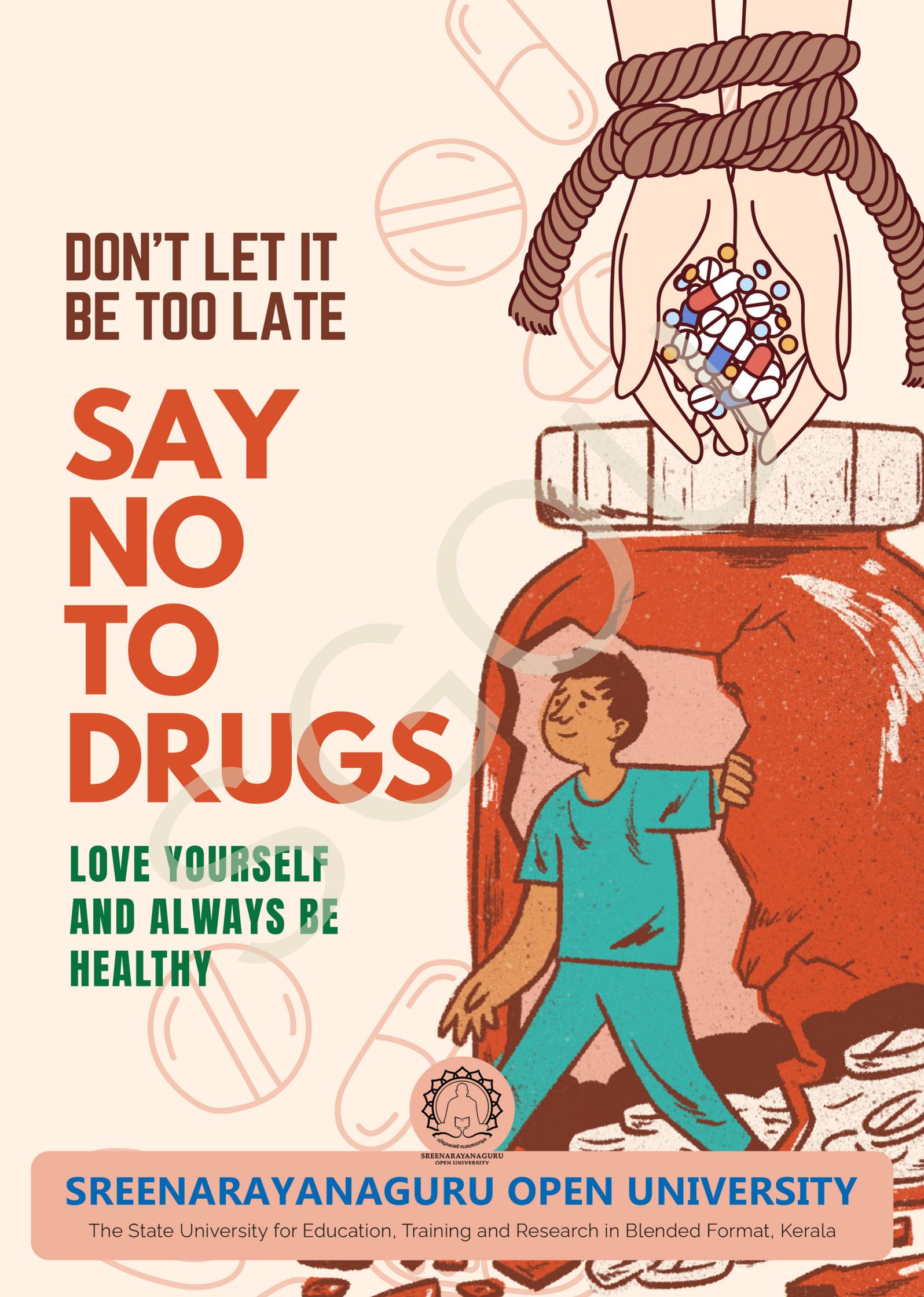
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# Police Administration and Criminal Justice

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