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# A Study on the Gap between Legislative Framework and Practical Aspects of Police Training in India

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## ABSTRACT

*Police system in India is attributed with a lot of responsibility and considered to be an important wing of maintaining peace, law and order. In addition, it is the department that implements the laws and rules at the grassroots level and thrives towards safeguarding the life of individuals in a society and their properties. Hence, the need has been felt every so often for proper training to the police personnel and the need to efficiently take care of all serious threats in the society is bestowed on to them. Also, the lack of legislations for the welfare of police organization add up to the plight.*

*In this research paper, the gaps between the legal framework and practical outcomes of police training in India will be scrutinized in a way that practicable suggestions are put forth in order to improve and reduce the gap between the two.*

**Keywords:** Police personnel, law and order.

## I. INTRODUCTION

India being a vast country which stands second in the list of most populated countries in the world and consists of a multi-cultural and multi ethnic population, maintaining peace or law and order situations are often challenging. There is a need for employing police personnel in order to provide security to people & enforce laws in the country.

The rate of crimes, violence, conflicts in society are ever-increasing and role of police is becoming even more significant. The police have had crucial role in the existence and development of India as they assure of equality and dignity to the weaker sections of the society<sup>2</sup>.

The term Police originates from the Latin term *politia* or the Greek term *politeia* that means condition of a state and its administration. It is basically an association of public servants whose

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<sup>2</sup>Malaviya.P.D. Why do not Police Change - Police on Cross Road Seminar Papers-1987 S.A.V. Police Academy Hyderabad

prime obligations are prevention and detection of crime, preservation of order and enforcement of law. According to Oxford's English dictionary, the term police is defined as a system that helps in regulation & preservation of order and implementation of law; the internal government of State. The term broadly refers to purposeful maintenance of public order and protection of persons and property, from the hazards of public accidents and the commission of unlawful acts.

The origin of police can be traced to the earliest Vedic period of the Indian history. Rigveda and Atharvaveda mention certain kinds of crimes known to Vedic India. There is Evidence that indicates the presence of police forces during the Harappan Civilisation as well.<sup>3</sup>

The role and position of police keeps evolving with the ever-increasing crime rates and other social factors and hence the weightage of work borne by them is tremendous. Therefore, police need to be well equipped and efficiently trained to combat all such issues.

Importance of training police:

- a. Helps in combating serious threats in society that arise all of a sudden.
- b. There is always a need for efficient police personnel for better administration and maintaining law and order situation.

#### **(A) Significance of the study**

Policing is a science of maintaining peace and order in an ever-changing society. The society of today naturally is not the same like that of yester-years. It has become more complex; its ambitions and prospects have grown extremely. The role of police also must change as per the changing society; and for the same police need to be given modern training to fight new challenges that the dynamic society poses to them every now and then.

This study aims to state the gaps between the legal structure and hindrances that come along during its implementation in practice.

#### **(B) Objectives**

- i. To study the legal framework with regards to police personnel and the kind of training to be given to them.
- ii. To find out the practical difficulties faced in implementing the legislation.
- iii. To suggest changes in the present scenario based on the gap between the two so as to tackle the issue.

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<sup>3</sup>[http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11_chapter%202.pdf)

**(C) Hypothesis**

Due to inadequate police legislations and insufficient training in India there are practical hardships faced by the police personnel at all levels.

**(D) Scope and limitation of the research**

The scope of this study is exclusively limited to finding out the gap between the legal structure and the practical limitations faced while training police in India.

This study is conducted employing secondary data in form of statutes, books, scholarly articles and internet sources.

However, the researcher has restricted the scope to the above due to paucity of time, costs, accessibility in collecting the data.

**(E) Research problem**

The role of police in India is ever-growing and vast functions are given to them as they are the sole body responsible for the maintenance of peace and order situation in the country. The problem arises when the personnel act upon the incident unprofessionally or are not efficient in doing their role.

The main question here can be raised on the kind of training imparted to them and modes and ways they are trained can hence be challenged.

**(F) Methodology-Tools and Techniques used for Collection of Data**

The researcher will be using doctrinal method for the purpose of this research. The doctrinal method being the secondary source of research it will be used for the analysis of statutes and rules using an assortment of matter from statutes, rules, articles, books, commentaries, case laws, journals, online databases etc.

**(G) Literature Review**

George H. Brereton [1935]<sup>4</sup>. In this paper, the author has laid emphasis on the kinds of training that police personnel are made to go through and the need for training police. The paper also identifies the problem faced in training of police. It states that the problem faced during training arises on account lack of proper qualification, non-use of scientific methods, and limited tenure of training that makes it difficult to train the police.

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<sup>4</sup>George H. Brereton, Police Training--Its Needs and Problems, 26 Am. Inst. Crim. L. & Criminology 247 (1935-1936); <https://scholarlycommons.law.northwestern.edu/jclc> (retrieved on 27 February 2019)

Veerabhadriah H. [1963]<sup>5</sup>. In this paper, the author has stated that police personnel are torn between three lists of the VII Schedule, the tasks of policing remain shared, muddled and overlapping responsibility between the Union and the State governments. Further, their position is weakened in the society due to lack of training. This robs the police departments from efficiency and dealing with the society.

Malaviya.P.D. [1987]<sup>6</sup>. In this paper, the author has dealt with and focused on the bestowed interests in society and in the political system that generally tends to defaming police and frustrate change and growth of police by exploiting them and the police is unable to tackle the situation due to deficiency in their training.

Dr. M. Srinivasan[2005]<sup>7</sup>. The author in this present study examined the impact of training programme on the attitude of police recruits. It was observed that there was no significant change in the attitude in respect of purpose of punishment, new concepts in police role, correctional concepts, treatment of victims and the better understanding of laws in India.

## **II. LEGISLATIVE FRAMEWORK**

The role of maintenance of law and order situation lies with the police. There is an immense need that efficient training has to be imparted to these personnel so that they can take actions in good faith and rationally.

The work of the personnel is made easy by way of training given to them before they are inducted in service. Training is an important part that shapes the efficacy of police officers.

While there are various enactments made and ordinances drafted and passed with regards to appointment and promotion within the police department, minimum emphasis is laid on the training factor of the personnel appointed.

Since, the Constitution of India states that policing is a state subject, the states have a duty cast upon them to deliver to their people an efficient police system.

However, after-independence most have adopted the 1861 Act without change, while others have passed laws heavily based on the 1861 Act.

The police Act, 1861 is an outdated law and contains no provision for need of training nor does

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<sup>5</sup>Veerabhadriah H. "An Insight into Police Administration an Article in Studies in State Administration, ED. Halappa G.S. Kamatak University 1963.

<sup>6</sup> Malaviya.P.D. Why do not Police Change - Police on Cross Road Seminar Papers-1987 S.A.V. Police Academy Hyderabad

<sup>7</sup> Dr. M. Srinivasan, "Role of Training in changing the attitude of Police Constabulary recruits in Tamil Nadu"; *The Indian Police Journal*; Vol. L II No. 3 July-September, 2005; Pg. 31.

it contain provisions for taking actions against authorities for not imparting efficient training.

However, the Indian police services (probation) rules, 1954 contains provision under sections 5, 6, 7, 8 & 9 with regards to training. It states that training is necessary and until the person completes the training they will be kept on probation. Secondly, attending the lectures during training is mandatory and failure to do so will hold back the person from being appointed.

The sections also mention provisions regarding not appearing in the exams conducted during training.

The training imparted to the police personnel is an essential tool that can be used by them while executing their multifaceted tasks that include patrolling, surveillance, Prevention of crimes, Investigation, Interrogation of the offenders & the suspects, Search & seizure, Identification, tasks that include general welfare of the society and also working towards prevention of juvenile delinquency.

Apart from these challenging tasks that they encounter on a day to day basis, there have been introduction of emerging trends that suit the modern-day policing and helps the police system for better and efficient functioning. Therefore, there has been introduction of concepts like rural and community policing in India.

In our country, we follow the reactive policing method which states that the police organization is wholly and solely responsible for the prevention of crimes and to maintain the law and order situation in the society.

For this very purpose the introduction of the modern concepts like rural policing and community policing has been beneficial in order to regain the trust of the locals and to perform duties cast upon the police organization. The basic concept of rural policing existed even during the Vedic times.

Rural policing is policing targeted towards the villages and community policing targets the cities and metropolitan areas. In the rural areas, the locals had issues trusting an outsider being posted in their area. On the other hand, in cities people were so busy in their lives that they would not want to get involved with the police and help or coordinate with them. The issues faced were more or less similar. Hence, introduction of these concepts has been successful in the country.

In rural policing, an individual belonging to that particular village is appointed as an intermediary who is also known as the village guard and he is the one that performs or discharges the functions and duties of the police. The village guard has to report to SHO

whenever he visits the village or as and when the village guard is asked to report.

In community policing, the police take proactive steps thereby involving not just the individuals of a particular society but also dealing with various NGOs and also taking help from rehabilitated criminals who can help them prevent crimes and maintain peace in the society.

The need for bringing about reforms in the police system in India and essentially the police laws, has been long recognised. The debates and discussion that took place by the government for many years led to creation of committees and commissions in order to bring about reforms in the police system. However, India remains saddled with an outdated and old-fashioned law and whereas the various reports by committees remain ignored without important recommendations being enforced.<sup>8</sup>

#### **(A) The National Police Commission<sup>9</sup>**

In 1977, The National Police Commission (NPC) was setup by the union government. It dealt with the organisation, role, and functions of the police, police-public relations, political interference with policework, misuse of police power and police accountability and performance evaluation. The NPC produced eight reports between 1979 and 1981, setting out wide reaching recommendations for reform. The reforms somehow pointed out towards competent training to be imparted to the police personnel. Hence, emphasis have to be laid on the following as these reports<sup>10</sup> state the different parameters upon which police have to be trained:

1. First report- stated the hierarchy to be maintained in the department and the way in which inquires and calling upon witnesses for evidence was to be dealt with.
2. Second report- focused more on the role of police and suggested modes through which political interference has to be separated from them.
3. Third report- laid down grounds and qualifications for postings and promotions and the guidelines for police with regards to use of handcuffs and arrest.
4. Fourth report- focused on reducing mistreatment in custody by police.
5. Fifth report- dealt with police recruitment, conduct, maintaining transparency, appointing women police officers.

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<sup>8</sup>[https://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1101/MR1101.chap6.pdf](https://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1101/MR1101.chap6.pdf)

<sup>9</sup> [shodhganga.inflibnet.ac.in/jspui/bitstream/10603/105350/8/08\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/jspui/bitstream/10603/105350/8/08_chapter%202.pdf)

<sup>10</sup>Ibid

6. Sixth report- dealt with special training required to handle riot cases, separate training for personnel who deal with investigation and others who deal with maintaining law and order
7. Seventh report- recommended for establishing an All India police institute for specialized training to combat all challenging situations faced during service.
8. Eighth report- focused on accountability of police officers and to replace the police Act, 1861 to meet the changing society.

**(B) Ribeiro committee (1998-99)<sup>11</sup>**

There was a demand made to the SC for implementing the recommendations made by National Police commission. It was contended that, although, training needs of the police at the lowest level needs much strengthening especially in terms of protection of human rights. The second aspect is to have combined training for senior police officers and Prosecutors as well as Judges. A system of joint programmes, professional exchanges and research needs to be developed for the long-term.

Hence, In May 1998 the government set up the Ribeiro Committee in compliance with the directions of the Court. The Committee was to review the actions taken in order to implement the suggestions put forth by the National Police Commission, the National Human Rights Commission and the Vohra Committee, to recommend ways and means through which implementation of the pending recommendations could be carried out and also to make any other suggestions which they considered to be necessary.

There were recommendations made by 2 reports stating to set up a police establishment board that will make rules for the police organization, replacing the old police Act, NPC's recommendation with respect to training to be implemented and each state should have a separate police recruitment board so as to provide them with better training at all levels. Also, the quality of training in police training institutions must be improved to enhance the performance and behaviour of the police.

**(C) Padmanabiah committee (2000)<sup>12</sup>**

The Committee was to scrutinize the difficulties and challenges that the police would encounter in the next millennium; to foresee a system that would be people friendly and at the same time be able to effectually tackle issues of with regards to organised crimes and terrorism; and also to propose ways to convert the police into a proficient and competent sytem; recognize

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<sup>11</sup> Ibid

<sup>12</sup> [http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11_chapter%202.pdf)



mechanisms to protect the police system from political interference; consider redressal of public complaints and of police grievances; create ways of safeguarding public trust and support; and inspect the need for 'federal crimes' and create a Federal Law Enforcement Agency.

The important recommendations made by the committee were replacing the old enactment and setting up a Police Training Advisory Council at the union level and also in each state, to advise the relevant Home Minister on police training. Further, existing Constables should be retrained. Those personnel who do not effectively complete the training program should be compulsorily retired.

#### **(D) The Police Act drafting committee (2005-06)<sup>13</sup>**

The Government of India set up a committee known as the Police Act Drafting Committee, headed by Soli Sorabjee. The Committee started its research work in September 2005 and a Model Police Act was submitted in October 2006 to the union government.

The committee took into consideration the recommendations put forward by all the previous committees and with regards to training it stated that it must be provided for new officers and also when existing officers are posted to a different branch.

Annual refresher classes must be held, training must be linked to the career development schemes of all police officers, the state government shall lay down a training/education policy covering all ranks and categories of police personnel and the state government must periodically create and upgrade the infrastructure and capabilities of its training institutions.

#### **(E) Prakash Singh V. Union of India<sup>14</sup>**

This is a landmark judgment in which a PIL was filed in the SC to implement the recommendations of the committees and to replace the old enactment on Police Law with the model Act of 2006.

The Supreme Court laid the following guidelines:

- States to send names of senior police officers to the UPSC to be appointed as DGP or Police commissioner and they shall have a fixed tenure of 2 years.
- Rules or state laws made on the subject of appointment of police officer will be kept at abeyance.
- Liberty to be granted to states to move to the SC to seek modification of its order.

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<sup>13</sup> [http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/21078/10/11_chapter%202.pdf)

<sup>14</sup> Writ petition (civil) 310 of 1996

- Separating the functions of police with regards to investigation and maintaining law and order.
- Setting up police establishment board.
- Setting up police complaints authority in every state.
- Need of national security commission at union level for selection and placement of police personnel.

However, the proper implementation of this judgment never took place.

### **III. PRACTICAL DEFICIENCY**

It is a well acknowledged fact that the police should have a recognized service-oriented role in providing relief to people in distress situations. The police personnel have to be trained in a way that they are fully equipped to achieve the service-oriented functions.<sup>15</sup>

As per the legislative framework the training should cover the following components<sup>16</sup>:

- Leadership
- Community involvement
- Management & supervision
- Crises management & supervision
- Force management & integrity issues
- Staffing, personal and legal issues
- Patrol operations and tactical responses
- Investigation

However, none of them are being efficiently dealt with during the training process.

Further, BPR & D has appointed firms to take care of ideally deal with all aspects of training. The firm shall evaluate the content and methodology of training being imparted to Police personnel to assess whether these training programmes are effective and being delivered efficiently, whether the training leads to improvement in performance or not and based on the study, suggest the training courses to be added and deleted and indicate improvement and changes in the existing training modules.

Factors that hinder police training and bring in hardships in their efficiency:

1. Political interference in appointment and in service of police.

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<sup>15</sup>[http://humanrightsinitiative.org/publications/police/police\\_reform\\_debates\\_in\\_india.pdf](http://humanrightsinitiative.org/publications/police/police_reform_debates_in_india.pdf)

<sup>16</sup> [https://police.un.org/sites/default/files/20180620\\_gap\\_list.pdf](https://police.un.org/sites/default/files/20180620_gap_list.pdf)

2. The laid back attitude of authorities during training.
3. Zero knowledge of law possessed by the candidates.
4. Poor implementation of laws.
5. Tenure of training is less.

#### **IV. ANALYSIS & RECOMMENDATIONS**

Analyzing the legal structure and the practical hardships it can be stated that, even when provisions for effective training is provided for, the authorities do not take an initiative to implement the same. Further, other social and administrative issues above-mentioned add to it and training as a whole fail.

As a result of failure on the part organization, the after effects that follow are lack of cooperation & support from public, distrust in police by the public & they look down upon them, lack of sense of social responsibility, misuse of the organization by the politicians and there being a suspicion on the working of police especially with regards to confessional statements. The level of training imparted also need to be changed and should advance and achieve meeting international standards.

##### **(A) Recommendations**

- Advancement in the training models and other skills are very much promising when it comes to making the training more readily available.
- State support can help increase the level of training readiness, thereby contributing to public safety.
- Training should address precise, recognized requirements, such as the need for training in dealing with crime-scenes and documenting the same by collecting all the relevant evidences.
- Political influence should be reduced in appointment and training or at any other level.
- Implementation of the guidelines mentioned in the SC judgment to be implemented effectively as soon as possible.
- Tenure of training for non-law graduate police personnel should be increased to 1 year and candidates with a law degree should be preferred during appointment for increasing efficiency in service.

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