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Socio-Political Context and Impact on Law Enforcement Practices in India

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ABSTRACT

The relationship between socio-political dynamics and law enforcement practices is complex and deeply intertwined, influencing the effectiveness, fairness, and accountability of policing systems worldwide. In democratic societies, law enforcement is expected to maintain public order while upholding the rule of law and safeguarding citizens' rights. However, socio-political factors such as political interference, social inequalities, economic disparities, and communal tensions often shape the functioning of police forces, sometimes leading to biased enforcement and systemic abuses of power. Key areas of analysis include the politicization of police forces, the disproportionate targeting of marginalized communities, and the role of law enforcement in managing protests and dissent. The paper concludes by advocating for reforms, including the depoliticization of police forces, community policing initiatives, and stronger accountability mechanisms, to ensure equitable and effective law enforcement in diverse socio-political environments.

Keywords: Police, Law-enforcement, Socio-political, Atrocities, Human rights.

I. INTRODUCTION

The law enforcement or the police system in India is largely based on the British government set up. They wanted a professional, organized force with clear roles and responsibilities. It's pretty different from what came before under other rulers in India.³ In the present scenario, there are various incidents which highlight the critical and controversial role that the police play in the criminal justice system and the need for developing a professional, competent police force. Work culture and ethics today, decide the success and failure of any organization. Police is considered as an organization which caters to community welfare and better service by the police personnel.⁴ Unfortunately work culture in police organization still carries the stigmatized colonial ethos which has become the bone of contention between the police and the public as it has given rise to criminal and political nexus, autocratic style of leadership, rigid hierarchy and

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³ Neelam Kumari & R.K.Sharma, *Pursuance of Core Principles of Police Reforms: A Critique*, 63 IPJ. 1, 2 (2016).

⁴ K.C. DAVIS, *POLICE DISCRETION*: ST. PAUL, M.N 570 (West Publishing, 1975).

lack of education among the employees. The socio-political context of India has a significant impact on law enforcement practices and the prevalence of police abuse of power in India from very beginning. Time has changed, ruling parties have been changed but the socio-political context and impact on the law enforcement has not been changed, the same system is still going on in the society.

II. MEANING OF SOCIO-POLITICAL CONTEXT

‘Socio-political context is a term that refers to the social and political aspects of a community, including the laws, practices, values, beliefs, and regulations that exist within it. It can also be used to describe the differences between groups of people based on their political beliefs and social class.’⁵

(A) Socio-Political Context and Impact on Law Enforcement Practices

In early human societies, there was no established political order and then individuals' actions were based solely on the personal power and conscience. Humans lived in a state of constant fear and the social contract theory was developed to achieve social and political stability. Under this theory, individuals surrendered certain rights and freedoms to the state in exchange for protection of their remaining rights and maintenance of social order. As a result of the social contract theory, states became obligated to protect citizens' life, liberty, and property. All states started having police forces in some form to control crime and contribute to public safety.⁶ Although, in today's era, the larger aim of police round the globe is the same, the way in which police operates in a democratic and a non-democratic society differs greatly, i.e., “the conditions under which police operate and the means they use vary greatly between democratic and non-democratic societies.”⁷

Thus, welfare of the people is of prime importance for any state, but no growth is possible unless and until the environment is conducive. It is obvious that if the society is safe and free from fear then only people of the society can grow and realise their potentials. Consequently, to maintain social order, peace and tranquillity, police as an agency of government comes into play for the welfare of the society. So, we can say that the police force is integral to the functioning of a democratic society like India, where the rule of law is paramount, and the welfare of the people is a primary objective. In other words, we can say that “The police and political executive are

⁵ Socio-political, COLLINS (Jan. 8, 2025, 10:04 PM), <https://www.collinsdictionary.com/dictionary/english/sociopolitical-context>.

⁶ Bharti Khera, *Political Influences and Police System*, 30 SUPREMOAMICUS, 242, 242 (2022).

⁷ Lipset, *Police and Democracy*, *The Encyclopedia of Democracy*, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, (Jan. 8, 2025, 10:20 PM), <http://web.mit.edu/gtmarx/www/poldem.htm>.

both bound together in the common endeavour of preventing and investigating crime, maintaining law and order and ensuring that the people have a well-functioning essential service that protects life, property and liberty.”⁸

“Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with high degree of responsibility required by their profession.”⁹

‘It is found that the law enforcement profession is associated with high stress levels. The nature and demands of the work put police at risk of exposure to several acute and chronic stressors. It is observed that the time consuming administrative and legal responsibilities, like filing reports or attending court dates, following the instructions of the political leaders, are associated with stress as well.

We can observe and understand the types of stress found in law enforcement officers, they can be categorized like: (1) operational stress, (2) organizational stress, and (3) external pressure from the socio-political context, along with the contextual and individual factors that can affect the way the stress is experienced.

Socio-Political Context of Policing Stress can also come from how officers are treated by the network of people and organizations to whom they are accountable, including the political establishment, the public, and their friends and family. Accountability to each of these groups can affect an officer’s stress outside of the organizational or operational concerns of the daily beat. It is obvious that the political pressure in one side and the legal duty of the police on the other side are conflicting sometimes and that can cause stress in the morality of the police.’¹⁰

(B) Socio-Political Influences

1. **Political Patronage and Influence:** Law enforcement in India is often influenced by political patronage. Political decisions and policies directly influence law enforcement practices. Political parties have always exerted considerable influence over police appointments and actions, impacting the impartiality and effectiveness of law enforcement. Elected officials may exert pressure on law enforcement agencies to adopt tough-on-crime stances, which can lead to aggressive policing tactics and potential abuse of power.¹¹

⁸ *The Police- Politician Paradigm, The Executive – Police Relationship*, COMMONWEALTH HUMAN RIGHTS INITIATIVES, (Jan. 9, 2025, 2:30 PM), https://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/police_executive_paradigm_ste_nning.pdf.

⁹ UN Code of Conduct for Law Enforcement Officials, art.1.

¹⁰ et all. Jessica Saunder, *Contemporary Police Stress: The Impact of the Evolving Socio-Political Context*, 20 CCJLS. 35, 36-38 (2019).

¹¹ Eklavya Vasudev & Thomas Blom Hansen, *Citizens and the State: Policing, Impunity, and the Rule of Law in*

2. **Community Policing and Public Interaction:** Community policing brings police professionals, government officials and community and neighbourhood leaders together to identify and evaluate problems within the community and work together to solve them.¹² But the relationship between the police and the public is damaged due to political interference. Police are seen as tools of the ruling party. They are rarely seen as the neutral enforcers of the law in the society and as a result this can affect public trust and cooperation with law enforcement.¹³
3. **Civil Unrest and Protests:** India has a vibrant culture of political activism and protests. Law enforcement agencies have to frequently deal with large-scale rallies, strikes (bandhs), and agitations and to deal with these events they have to use of excessive force or politically motivated actions against public.

(C) Impact on law enforcement practices

1. **Politicization of Police:** Political influence can lead to biased law enforcement, where actions are taken based on political affiliations rather than legal considerations. This affects the credibility and effectiveness of the police force.
2. **Resource Allocation and Training:** Political priorities often dictate resource allocation, affecting the operational efficiency of the police. Training programs may also be influenced by the need to address politically sensitive issues, sometimes at the expense of broader law enforcement skills.¹⁴
3. **Human Rights Concerns:** Instances of human rights violations by the police, such as custodial violence and suppression of dissent, are areas of concern. Efforts to improve human rights training and accountability mechanisms are crucial for reforming law enforcement practices.¹⁵

III. KEY CASE LAWS

Here are some following case laws that highlight the impact of socio-political contexts on law enforcement practices in India:

India, THE HINDU CENTRE, (Jan. 9, 2025, 3:00 PM), <https://www.thehinducentre.com/incoming/citizens-and-the-state-policing-impunity-and-the-rule-of-law-in-india/article67887312.ece>.

¹² G. Selvi, *Community Policing and Challenges in India*, 2 IJEMH. 115, 116 (2021).

¹³ G. Selvi, *Community Policing and Challenges in India*, 2 IJEMH. 115, 118 (2021).

¹⁴ Gaurav Bhatnagar, *Make Police More Accountable, Free from Outside Influence*, THE WIRE, (Jan. 9, 2025, 3:30 PM), <https://thewire.in/government/police-accountabilityinfluence-biases-autonomy>.

¹⁵ Bharti Khera, *Political Influences and Police System*, 30 SUPREMOAMICUS. 242, 242 (2022).

1. **Prakash Singh v. Union of India (2006)**¹⁶

The main issue of this case was politicization of police forces and lack of accountability.

The Supreme Court issued seven directives aimed at police reforms, including:

- Fixed tenures for officers to prevent arbitrary transfers.
- Creation of independent oversight bodies like the State Security Commission to shield the police from political interference.
- Separation of law and order duties from investigative responsibilities.

This case highlighted the need for an independent and accountable policing system in India.

2. **Kedar Nath Singh v. State of Bihar (1962)**¹⁷

This case highlighted on the misuse of sedition laws to suppress dissent. The court upheld the constitutionality of Section 124A of the IPC¹⁸ (sedition) but limited its application to acts that incite violence or create public disorder.

It clarified the boundaries of police powers while dealing with dissent and protests.

3. **D.K. Basu v. State of West Bengal (1997)**¹⁹

This case is renowned for focusing on Custodial torture and abuse by police.

The court laid down guidelines to prevent custodial violence, including:

- a. Mandatory recording of arrests.
- b. Notification of arrests to relatives.
- c. Medical examination of detainees.

This case remains a cornerstone in protecting the rights of individuals against police brutality.

4. **State of Maharashtra v. Madhukar Narayan Mardikar (1991)**²⁰

The issue of this case was dignity and equal treatment under law enforcement. The court ruled that the police must treat all citizens with respect and cannot discriminate based on social or economic status.

This case highlighted the need for impartial and humane treatment by police.

¹⁶ Prakash Singh v. Union of India, (2006) 8 S.C.C 1 (India).

¹⁷ Kedar Nath Singh v. State of Bihar, (1962) AIR 1962 S.C 955 (India).

¹⁸ The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860.

¹⁹ D.K. Basu v. State of West Bengal, (1997) AIR 1997 S.C 610 (India).

²⁰ State of Maharashtra v. Madhukar Narayan Mardikar, (1991) AIR 1991 S.C 207 (India).

5. Arnesh Kumar v. State of Bihar (2014)²¹

This case highlighted on arbitrary arrests and misuse of police powers. The court emphasized the need for adherence to procedural safeguards before making arrests, especially in non-cognizable offenses.

This case reinforced the principles of due process and accountability in policing.

6. People's Union for Civil Liberties (PUCL) vs. Union of India (2005):²²

This case concerned fake encounters and extrajudicial killings by police. The Supreme Court issued guidelines for the investigation of police encounters, including:

- Mandatory registration of FIRs in cases of encounter deaths.
- Independent investigation and magisterial inquiry.

This case established mechanisms for accountability in cases of extrajudicial killings, aiming to prevent misuse of force by police.

7. National Human Rights Commission v. State of Gujarat (2009)²³

Police complicity and failure during the 2002 Gujarat riots was the key issue of this case. The Supreme Court criticized the state police for failing to act impartially and protect vulnerable communities. It directed the reopening of cases and independent investigations, leading to several convictions.

This case emphasized on the importance of neutrality and fairness in law enforcement, especially during communal conflicts.

IV. CONCLUSION

The above cases collectively reflect the socio-political challenges faced by India's law enforcement system. They highlight the need for:

- **De-politicization of the police** – The influence of political interests on law enforcement agencies poses a significant challenge to the credibility, independence, and efficacy of policing in India. Police forces, designed to ensure justice and uphold the rule of law. But they often face political pressures that compromise their autonomy, efficiency, and impartiality. The need for de-politicization arises to restore public trust, enhance professionalism, and create a system where the police serve the people without fear or

²¹ Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India).

²² People's Union for Civil Liberties (PUCL) vs. Union of India, (2005) AIR 1997 S.C.5 68 (India).

²³ National Human Rights Commission v. State of Gujarat, (2009) 6 SCC 342 (India).

favour.

- **Need for Protection of Vulnerable Communities** - Vulnerable communities in India, such as Dalits, Adivasis, women, children, LGBTQ+ individuals, and religious minorities, face systemic discrimination and are disproportionately targeted by law enforcement. Dalits and Adivasis are frequently subjected to police brutality and wrongful arrests, as highlighted by NCRB reports. This necessitates proactive measures to safeguard their rights and ensure equitable justice.
- **Need for Reform in Custodial and Procedural Practices** - Custodial practices in India often involve torture, forced confessions, and denial of basic human rights. Failures to follow proper procedures, including unlawful detentions and prolonged delays in judicial proceedings makes things even harder for people in custody. Implementing reforms is essential to protect human dignity, follow due process principles and uphold the constitutional rights of all citizens.

Basically, reforms in India's law enforcement practices are urgently needed to address these socio-political challenges. The implementation of the **Prakash Singh directives**²⁴, modernization of the **Police Act of 1861**²⁵, and the adoption of unbiased and community-oriented policing models are crucial steps toward de-politicizing the police and ensuring fair treatment for all citizens. Furthermore, strengthening procedural safeguards, such as those highlighted in **D.K. Basu v. State of West Bengal (1997)**²⁶ is also needed. It is also necessary to enhance the functions of the oversight mechanisms to prevent abuses of power and ensure accountability. Ultimately, we can say that law enforcement in India must operate as an impartial institution that upholds constitutional values of equality, justice, and human dignity.

²⁴ Prakash Singh v. Union of India, (2006) 8 S.C.C 1 (India).

²⁵ The Police Act, 1861, No. 5, Acts of Parliament, 1860 (India).

²⁶ D.K. Basu v. State of West Bengal, (1997) AIR 1997 S.C 610 (India).