

Whether the Use of Reasonable or Excessive Force by Police in Discharge of their Duties is Justified?

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Abstract

Police are one of the most ineluctable institution of the nation. The police officers are the most discernible government's representative who are anticipated to be the most approachable, apposite, interactive and vigorous institute of any society. Police is the foremost and pivotal authority whom we approach in case of any wrongdoing or crime against us. Apart from registering the First Information Report, these law enforcement officers are responsible for the maintenance of public peace and order. The paramount responsibility of police officers is to safeguard the life, liberty and property of the people. The police force is entrusted with the allegiance of preserving the valuable Human Rights of the citizens. There are many Acts such as The Police Act, 1861; The Delhi Special Police Establishment Act, 1946 and The Model Police Act, 2006, etc which have formulated provisions for the administration and functions of the police officers. But the public is unaware about the powers, duties and authority up to which the rozzers can exercise their powers and functions.¹ This is from where the whole predicament embarks.

Keywords: Police, Duties, Discharge, Excessive Force, Justified

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Introduction

Policing may be carried out by several divergent professional organizations such as public police forces, the military, private security agencies and government agencies with various investigative and surveillance powers. The police officers are usually responsible for maintaining public peace & order, enforcing the law, ensuring safety, responding to emergencies, providing support services and detecting, preventing & investigating criminal activities. Under Article 246 of the Indian Constitution, police are a subject matter to be administered by the states. Moreover, the centre is also permitted to maintain its own police forces to facilitate the states in safeguarding law and order. Whilst the state police officers are accountable for perpetuating law & order and probing offences, the central forces succour them with internal security challenges and intelligence. The cardinal motto of most of the police forces is to PROTECT the public and SERVE the nation. The role of police force has developed considerably over a period of time. As the efficacy of the informal institutions of social control (family, schools, and the religious institutions) has dwindled, policing became increasingly inevitable. The police officers are held with a very high standard of conduct as they hold positions of great honour and authority.

People usually grumble about the corruption amid police officers, but they fail to notice the sacrifices police force make to safeguard our lives. Not everyone can do the most perilous job in the world. The Australian Federal Police (Australia), City of Los Angeles Police Department (USA), Federale Politie (Belgium), Metropolitan Police Service (UK), National Police Agency (Japan), New York Police Department (USA), Police Nationale (France), Royal Canadian Mounted Police (Canada), The

¹ Anonymous, 'Who is police? What are powers & duties of police?' (*Law Times Journal*, 27 December 2019)
<<http://lawtimesjournal.in/who-is-police-what-are-powers-duties-of-police/>> accessed 1 July 2020

Bundespolizei (Germany) and The People's Armed Police Force (China) are the ten best and effective police forces in the world.² In India, The Delhi Police are the India's best staffed and well equipped police force in the country followed by Kerala and Maharashtra. Whereas Uttar Pradesh, Chhattisgarh and Bihar are the worst and the have most overworked police force.³ Apart from staffing, use of budget and infrastructure, the other parameter that mark the efficiency and effectiveness of police force includes- integrity in policing. Police integrity implies that the police officers are operating within their legitimate authority in a fair way, i.e., in accordance with established police practices. The three chief concepts that ascertain the integrity of policing includes ethics, discretion and professionalism. (i) Police ethics is the system of moral values that are usually accepted as professional standards in policing. In policing, ethics includes values such as uprightness, allegiance and courage. (ii) Discretion in policing implies that the polis has the privilege to determine what should be done in any policing situation. Discretion contributes to police integrity when it is used to promote a just and fair upshot. However, discretion can also cause loss of trust and respect for the police as an officer's personal ethics affect the use of discretion. Police officers are presented with a multiple unique situation for which an officer's personal judgment and ethics will be exercised in the decision-making process. (iii) The professionalism in policing entails in viewing the position of police officer as a profession instead of a job.⁴ Getting hold of the wrongdoers and being the fervent heroes in catching the culprits in the society is not as serene as it seems to be in many telly series. A vigorous police department is crucial for the people's well-being as they ensure peace and adherence to law & order.

"A true police officer fights not because he hates what's in front of him but because he loves who stands behind him".

Role of the police

The Indian Constitution provides for a legislative and executive division of powers between the centre and state. With respect to polis, the state and the central police forces' responsibilities are divergent. The state police are principally in charge of domestic affairs such as crime prevention, investigation and maintenance law & order. Whilst they also provide the first response in case of more severe internal security challenges (such as terrorist attacks, insurgency or other related violence), the central forces are phenomenal in dealing with such disputes. For instance, the Central Reserve Police Force is exceptionally trained to attenuate large-scale riots with slightest deterioration to life and property, in contrast to the local police. Moreover, the central forces succour the defence forces in border protection. The centre is in charge for policing in the Union Territories. It also spun-out intelligence and financial support to the state police forces. Police officers of divergent states are regulated by their state laws and regulations. Some states have fashioned their laws in accordance with the central law (the Police Act, 1861). Also, the states have their police manuals delineating how the state police is organised, their roles and responsibilities, records that must be retained, etc. The state police forces predominantly have two arms: civil and armed police. The civil police oversee the day-to-day maintenance of law & order and curb crimes. Whereas, the armed police are kept in reserve, until an auxiliary assistance is required in circumstances pertaining to riots.⁵

² Anonymous, 'What are the ten best police forces in the world?' *Maps of World* (United States, 8 May 2020) < <https://www.mapsofworld.com/answers/defence/ten-best-police-forces-world/#>> accessed 1 July 2020

³ Bhasker Tripathi, 'Best staffed and equipped police force in the country? Delhi tops the list' *Business Standard* (Delhi, 29 September 2019) < https://www.business-standard.com/article/current-affairs/delhi-police-leading-on-numbers-money-use-up-cops-lag-behind-study-119091600049_1.html> accessed 1 July 2020

⁴ Ashley Dugger, 'Ethics, Discretion & Professionalism in Policing' (*Study.com*) < <https://study.com/academy/lesson/ethics-discretion-professionalism-in-policing.html>> accessed 1 July 2020

⁵ Anonymous, 'Police Reforms in India' (*PRS Legislative Research*) < www.prsindia.org/policy/discussion-papers/police-reforms-

The tactics used by malefactors play a colossal part in ascertaining the constabulary's activities. For example, if the culprit makes use of computers to commit crimes, the police force may set up an exceptional unit dedicated to investigating cybercrimes, or if the crook use firearms, the polis are likely to be armed.⁶ It is generally believed that police are obliged by the nature of their duties to use violence as a measure to control and apprehend lawbreakers in the presence of counter violence. India's police officers are more dreaded and hardly trusted by the citizens but the COVID 19 lockdown has brought out a less seen and compassionate side of them.⁷ We have got the prerogative to lead an innocuous life under the quiet channelling of the very propitious energy of the police personnel who put their life at peril in order to save our nation. Our police officers are typically criticised for its high-handedness and bribery, but they are the ones who gave their life to something bigger than oneself. They unintentionally left their own families to work endlessly for the society.⁸

Whilst the COVID 19 lockdown had largely left the public constricted to their homes, the police officers literally performed the duties varying from directing people to maintain physical distancing in the public places to taking measures against those defying prohibitory order. The police officers' duty call to be in the public place made them vulnerable to the risks of the epidemic.⁹ To keep billions of people indoors for weeks on end is a herculean task. But when our country went under a lockdown in March, that was what the Indian police officers were entrusted with. As anticipated, there was some degree of force and violence used by the police officers. Nevertheless, it also originated some surprisingly creative methods of enforcement from personnel across the country which encompassed: writing 'sorry' 500 times in Rishikesh, performing 'aartis' in Thane, yoga in Pune, ambulance with fake corona patient in Tiruppur, drawing circles in Shahjahanpur- Uttar Pradesh, an assortment of warm-up exercise (such as push-ups, sit-ups, frog hop and squats), Masakali 2.0 on loop in Jaipur.¹⁰ Hence, apart from regulating crime and maintaining order, the polis also provides basic social services. Amidst the lockdown, there have been instances whereby the police officers have been resorting to the use of coercion to avert people from coming out on the streets, but those actions of the police were justifiable to an extent. As the public failed to understand the gravity of the situation, hence in the scenario of health emergency, proportionate and justified use of coercion was regarded as an alternative recourse.¹¹

The police are not here to create disorder, they're here to preserve disorder- Richard J. Daley

Polis is there for a reason as they play a predominant role in safeguarding the society. Everyone has their different perceptions about the police officials in their respective areas. In most cases, we regard the polis as locals' foe and the most corrupt officials in the nation. But it is imprecise to generalize the

[india#:~:text=State%20police%20forces%20generally%20have.is%20organised%20in%20the%20country.>](#) accessed 1 July 2020

⁶ Thomas Whetstone, 'Police: Law Enforcement' (*Britannica*, 11 June 2020) < <https://www.britannica.com/topic/police/Criminal-profiling> > accessed 1 July 2020

⁷ Jyoti Yadav, 'COVID lockdown shows Indian police isn't all brutal. Some officers can sing for us, feed poor' *The Print* (Delhi, 11 April 2020) < <https://theprint.in/opinion/pov/covid-lockdown-shows-indian-police-isnt-all-brutal-some-officers-can-sing-for-us-feed-poor/399845/> > accessed 1 July 2020

⁸ Riya Gulati, *The Unacknowledged Corona-Paragons* (Storizen 2020) < https://books.google.co.in/books?id=3XvIDwAAQBAJ&pg=PA4&lpq=PA4&dq=storizen+riya+gulati&source=bl&ots=REtMPAd5j&sig=ACfU3U2yWziCph3AuyA7_6tO28WzFsiHeA&hl=en&sa=X&ved=2ahUKewjpye3QxZbrAhUHdCsKHXO3DHsQ6AEwEnoECAkQAO#v=onepage&q=storizen%20riya%20gulati&f=false > accessed 1 July 2020

⁹ Wilson Thomas, 'Maintain composure during lockdown duty, Commissioner's appeal to public' *The Hindu* (Coimbatore, 7 April 2020) < <https://www.thehindu.com/news/cities/Coimbatore/maintain-composure-during-lockdown-duty-commissioners-appeal-to-police/article31275944.ece> > accessed 1 July 2020

¹⁰ Omkar Khandekar, '7 creative ways Indian police punish COVID-19 lockdown violators' *LiveMint* (Mumbai, 28 April 2020) < <https://www.livemint.com/mint-lounge/features/7-creative-ways-indian-police-punish-covid-19-lockdown-violators-11588043982457.html> > accessed 1 July 2020

¹¹ Nishtha Gupta, 'Is the use of Lathi by police during the lockdown justified?' (*Criminal Law Blog*, 6 April 2020) < <https://criminallawstudiesnluj.wordpress.com/2020/04/06/is-use-of-lathi-by-police-during-lockdown-justified/> > accessed 1 July 2020

police officers as what we see is only the half glass of water and fail to see their selflessness and contribution to the society. Their work is not only vulnerable but also altruistic. Without police, the nation would have tumbled, the justice system would be higgledy-piggledy, and the enforcement of law would have been impossible. Furthermore, the public is expected to behave in accordance with the standards and norms of the society. In order to ensure that these norms and code of conducts are applied consistently, we cannot depend upon every citizen to exercise their individual interpretation of limits and enforcement procedures. Therefore, society use the trained professionals so as to centralize and standardize enforcement limits. Also, police are indispensable as “we” as a citizen have failed to take personal responsibility for the safety and security of ourselves and the society. Henceforth, **“all men are not created equal, only the finest become police.”**

The role and functions of the police in general are as follows:

- To safeguard and promote public order.
- To implement and ratify the law impartially, and to protect the life, human rights, liberty, property and dignity of the public.
- To shield public properties against the acts of violence, vandalism or any sort of attack.
- To avert crimes and truncate the opportunities for the commission of offences by their own inhibitory measures and actions as well as by cooperating and aiding with other pertinent agencies in implementing due measures for prevention of offences.
- To guard internal security, to regulate and avert terrorist activities, military activities, breaches of communal harmony and other situations affecting the internal security.
- To develop and perpetuate security in the community, and as far as possible avert conflicts and stimulate amity.
- To register and probe the cognizable offences coming to their notice via complaints or otherwise, duly furnishing a copy of the First Information Report to the complainant, and where apt, to apprehend law breakers, and proffer necessary assistance in the prosecution of law breakers.
- To register precisely all complaints brought by a complainant or his representative, in person or received by e-mail, post or other means, and take swift follow-up action thereon, after fittingly acknowledging the receipt of the complaint.
- To facilitate an individual, in menace of physical harm to their person or property, and to provide requisite assistance and provide relief to people in distress circumstances.
- To provide all the possible assistance to the people in circumstances arising out of natural or man-made disasters, and to offer active aid to other organizations in relief and rehabilitation measures.
- To gather intelligence pertaining to affairs affecting the public peace, and all types of misconduct including social offences, extremism, communalism, terrorism and other matters connected to national security, and disperse the same to all concerned organizations, besides acting, as apt on it themselves.
- To take charge of all unclaimed property and take measures for their shielded custody and disposal in accordance with the procedure prescribed.
- To aid orderly movement of people and vehicles, and to regulate and control traffic on highways and roads.
- To motivate, train and ensure the well-being of police personnel.¹²

Legislation governing the Police officials

Alike many federal nations, the Constitution entrusts the maintenance of law and order essentially to the states and territories. At the federal level, some of the paramilitary forces are integrant of the

¹² Anonymous, ‘Functions, Roles and Duties of Police in General’ (BPRD) <
<https://www.bprd.nic.in/WriteReadData/userfiles/file/6798203243-Volume%202.pdf>> accessed 1 July 2020

Ministry of Home Affairs which succour the states. Big cities have police officials under their own state police. All the senior officers in the federal agencies and state police forces are members of the Indian Police Service.

(I) **Central Agencies:** They are regulated by the Central government. Most of the federal law-enforcement organizations comes under the Ministry of Home Affairs wherein the head of each organization is an IPS officer. In addition to modulating the IPS, the MHA maintains several organizations and agencies that deals with the police and security. Also, the polis in the union territories comes under the MHA.

The Constitution ascribes the responsibility to the states and territories for maintaining law & order, and nearly all routine policing encompassing the apprehension of offender is done by state-level police forces. The constitution also permits the central government to participate in police organization and operations by authorizing the creation of the Indian Police Service. The central agencies are categorized into the following:

(i) **The Central Armed Police Forces includes:** Border Security Force, Central Industrial Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, National Security Guard and Shastra Seema Bal.

(ii) **Special Protection Group:** It is the central government's executive protection organization which provides daily, rock-the-clock security to the present Prime Minister and his family throughout India.

(iii) **Central investigation and intelligence institutions includes:** Central Bureau of Investigation, Income Tax Department, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate General of Central Excise Intelligence, National Investigation Agency, Narcotics Control Bureau, Bureau of Police Research & Development and National Crime Records Bureau.

(iv) **Central Forensic Institutions include:** Central Forensic Science Laboratory and National Institute of Criminology and Forensic Science.

(II) **State Police:** The dominion over a state police are held by the state's home department, led by a principal secretary (normally an Indian Administrative Service officer). Every state and union territory have a state police force (headed by an Indian Police Service officer), who is responsible for maintaining law & order in their respective area. In most of the states and territories, police are divided into civil (unarmed) police and armed contingents. The civil police answers routine complaints, carries out investigations, perform traffic duties and patrol the streets. The armed police are categorized into two groups: District Armed Police and the Provincial Armed Constabulary.¹³

The Police Act, 1861:

The 1861 Act is a significant statute that highlights the functions and powers of the police officials. The preamble of the Act provides that, "it is expedient to restructure the police and to make it a more systematic catalyst in the detection and prevention of offence." The Police Act was passed in 1861, the time when no representative government existed in our nation, remained in actuality at the outset of the Constitution and its constitutionality cannot be challenged with regards to its applicability in the States.¹⁴

¹³ Anonymous, 'Law enforcement in India' (*Wikipedia*) < https://en.wikipedia.org/wiki/Law_enforcement_in_India > accessed 1 July 2020

¹⁴ The Police Act, 1861 < http://jowaipolice.gov.in/Laws_and_References/police_acts_and_manuals/01_The_Police_Act_1861.pdf >

Applicability: The Indian Police is the subject of state, though most police in the country are governed by The Police Act 1861, which is a Central Act but embraced by the state governments.

We have always held the Police Act, 1861 responsible for most of the hassles afflicting us. But then we enacted the new legislations since Independence to govern the functioning of the police forces in many states wherein, the new (state) enactments were patterned on the model of the old 1861 Act. In fact, some of the state Acts (e.g., the Bombay Police Act, 1952) farther secured the executive control over the police, without instituting any safeguards to avert the misuse of police for partisan purposes and without engulfing effective procedures to ensure the accountability of the police.

The present Act (PA, 1861) has made it convenient for others to misuse and abuse the police organization. It has been feasible for people in positions of power to do so because of the following reasons:

- (i) The Act grants power to the government to exert superintendence over the police officials without expounding the term 'superintendence' or prescribing some guidelines to make sure that the use of power will be licit.
- (ii) It articulates police control only and is conspicuously silent about the police accountability.
- (iii) It doesn't set up any institutional and other arrangements to protect the police from illegitimate and undesirable outside pressures, control and influences.
- (iv) It doesn't make it obligatory to define the objectives and performance standards, nor does it set up independent procedures to inspect and monitor the performance of police.
- (v) It doesn't recognize the government's responsibility to set up an efficient and effective police force.
- (vi) It doesn't mandate the police to function as a service- oriented and professional organization.¹⁵

Model Police Act, 2006

In 2005, the central government instituted the Police Act Drafting Committee to design a new model police legislation in order to supplant the Police Act, 1861. In 2006, The Model Police Act was submitted by the Committee, which was circulated to all the states. The salient features of the 2006 Act are as follows:

(i) **Responsibilities:** The duties of the polis will include: safeguarding life, liberty and human rights; protecting public order; implementing the law (impartially); preserving public properties; averting and investigating offences; averting militant, terrorist and other activities affecting internal security; providing aid in natural or man-made calamities and amassing intelligence, etc. In the police stations of the crime prone rural areas and urban areas, investigation of economic and heinous offences will be carried out by a Special Crime Investigation Unit, led by an officer at least of the rank of a Sub-Inspector. The officers of these units will typically not be deflected for any other duty.

(ii) **Accountability:** The state government will exert its superintendence over the police. This will encompass setting guidelines and policies, laying down yardsticks for quality policing, and ensuring that the polis perform their obligation in a professional way. State Police Boards will be organized in each structured guideline, select officials who are qualified to be elevated to rank of DGP, and assess

¹⁵ Anonymous, 'Legislation governing the police- need to replace' (*Human Rights Initiative*) <
https://www.humanrightsinitiative.org/publications/police/principles_of_a_model_police_bill.pdf> accessed 1 July 2020

the performance of the polis. Police Accountability Commissions (PAC) will also be established by states to confront the grievances of police misconduct.¹⁶

Code of Criminal Procedure, 1973

Criminal Procedure Code is a procedural criminal legislation which provides a machinery for the punishment of offender against substantive criminal laws. It deals with the Constitution of Criminal Courts, categorizes them, expounds their powers, sets down the procedure for criminal proceedings, inquiries or trials, prescribes the obligations of the polis in arresting offenders & investigating offences and also incorporates provisions for their prevention. The powers of polis are exhaustive and are constructed on two fundamental functions of Police: maintaining law & order and investigation of illicit activities. The polis illuminates most of its authority from the Code of Criminal Procedure, 1973 and The Police Act, 1861. The powers of the police are enumerated below:

Power of Police to Investigate: The polis has the authority to probe against the cognizable and non-cognizable offences. The investigation of polis begins when: someone lodges First Information Report (FIR) or police official suspects the commission of a cognizable offence or whenever a competent magistrate orders the police official.

Power of Police to Arrest: The polis has the power to make the arrests for both cognizable and non-cognizable offences. For non-cognizable offences, the police official has no power to arrest a person without warrant. However, for cognizable offence, the police official can arrest a person without a warrant.¹⁷

Power of Preventive Arrest: Chapter XI of the Act encompasses certain provisions regarding deterrent action to be taken by the polis in definite circumstances. Section 149 emancipates every Police Officer to interpose for the purpose of preventing the commission of any cognizable offence to the best of his ability. It may be noted that this section provides for prevention of cognizable offences only. Wider powers for the prevention of offences in general are dealt in Section 23 of the Police Act, 1861.

U/S 150, every Police Officer deriving any information of any design to carry out any cognizable offence must impart such information to his senior Police Officer. Additionally, any police personnel, knowing of a plan to perpetrate any cognizable offence, may apprehend, without any directive from the Magistrate and without a warrant, an individual about to commit the offence, if it seems to such Officer that he cannot otherwise avert the commission of the offence. However, such an individual cannot be detained in custody for more than 24 hours from the time of arrest, unless his farther incarceration is entailed or authorized under the Code or under any other legislation. (S.151)

The power of a Police Officer under S.151 is only restricted and exceptional prerogative to avert the commission of a cognizable offence; the authority is, in no sense, homologous to the power of preventive detention. Under this section, police personnel have no authority to keep an individual under arrest in prophesy of a contemplated order of imprisonment.

¹⁶ PRS, 'Police Reforms in India' PRS Legislative Research < https://www.prsindia.org/policy/discussion-papers/police-reforms-india/#_edn26> accessed 1 July 2020

¹⁷ Srijan Somal, 'Powers of police under Code of Criminal Procedure' (*Legodesk*, 6 March 2020) < https://legodesk.com/legopedia/powers-of-police-under-crpc/#_edn10> accessed 1 July 2020

Powers of the Police

It is through the police, the states can modulate behaviour and enforce order within their territory for the betterment of the safety, health, morals and general welfare of their inhabitants.¹⁸

The fundamental duty of the police official is to safeguard the public by detecting and preventing offence. The use of police powers must be in consonant with the equality's legislation and human rights. Police officials are independently responsible for ensuring their use of their powers is legitimate, proportionate and necessary. The powers of the police can be categorized into the following:

- **Powers to investigate crime:** The police have the power to probe against the cognizable and non-cognizable offences.
- **Powers to prevent crime:** This encompasses a wide range of powers of the police: to maintain public order and avert anti-social behaviour.
- **Powers to 'dispose' of criminal cases:** These powers permit the police officials to dispose the criminal cases outside the court or change suspects so they can be prosecuted through the courts.¹⁹ Furthermore, police have the power to stop & search, detention & custody and policing protests.

Duties and responsibilities of Police

The social responsibilities of the police personnel include:

- They shall assist and guide the members of the public, particularly the senior citizen, children, women, the indigent and the physically & mentally challenged people, who are found in helpless condition on the streets or other public places or otherwise need assistance and protection.
- The police officials shall behave with due courtesy and decorum with the members of the public, particularly with the women, senior citizens and children.
- They shall make sure that in all circumstances, especially during the conflict between classes, communities, castes and political groups, the conduct of the polis is always governed by the principles of human rights norms and impartiality, with special attention to protection of weaker sections including minorities.
- They shall provide all requisite help to the victims of crime and of road accidents, and in particular make sure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilities their compensation and other legal claims.
- They shall provide all requisite assistance to the members of the public, especially children, women and the poor, against criminal victimization by any individual or organized group.
- They shall avert the oppression of women and children in public transport and places, including stalking, making objectionable gestures, signs, remarks or harassment caused in any manner.
- They shall promote, preserve and protect human rights and interests of the weaker sections, poor, weak, backward classes and the downtrodden.
- They shall organize for legally permissible shelter and sustenance to every person in the custody and generate awareness to all such person about the provisions of legal aid schemes available from the Government and also inform the concerned authorities in this regard.

¹⁸ Anonymous, 'Police power' (*Wikipedia*)

<[https://en.wikipedia.org/wiki/Police_power_\(United_States_constitutional_law\)](https://en.wikipedia.org/wiki/Police_power_(United_States_constitutional_law))> accessed 1 July 2020

¹⁹ Jennifer Brown, 'Police powers: an introduction' (*Commons Library*, 17 June 2020)

<<https://commonslibrary.parliament.uk/research-briefings/cbp-8637/>> accessed 1 July 2020

In the light of above-mentioned description of police work and responsibilities, an inventory of police duties and functions can be prepared in the following manner:

- Crime prevention and preservation of peace and security
- Investigation related duties and jobs
- Crime detection work
- Collection of Intelligence
- Democratic and election related duties
- Enforcement of Social Legislation, Minor, Major and Special Acts
- Natural calamities, disaster management and emergency duties
- Order maintenance and security jobs
- Maintenance of Police Records
- PRO duties
- Assistance of other departments (such as education, banks, municipalities, revenue and other departments)
- Miscellaneous duties and functions (such as ceremonial & regulatory duties)²⁰

Shortcomings in the police system

From the problems pertaining to the police infrastructure, organization and environment to obsolete weaponry and intelligence gathering techniques to shortage of manpower to corruption, police force in the country is not in a good shape. Hence, the existing police system suffers from multitude insufficiencies. According to the police laws, both the Central and State police forces come under the control and superintendence of political executives which has resulted in the lack of democratic functioning and appropriate action. It is the need of the hour that we extricate the police from the domination of the political executives and transform it from 'Ruler's Police' to 'People's Police.'²¹

It has been observed that the police officials often violate the Human Rights. The four chief abuses that are frequently committed by police encompass the failure to investigate crimes, arbitrary arrest & illegal detention, custodial torture and extrajudicial killings.²² Recent developments have upraised the concern about the use of force by the police. They vary from well-publicized incidents involving allegations of excessive force to the onset of "aggressive" policing, whose frequent emphasis on zero-tolerance enforcement is sometimes regarded as encouraging use-of-force abuses.²³ Ascertaining with precision the circumstances in which agents of the state, the police in particular may deprive its citizens of life is at the heart of assessing a state's respect for the right to life. 'The deprivation of life by the State authorities is a matter of the utmost profundity. Therefore, the law must strictly regulate and limit the circumstances in which a person may be deprived of his life by such authorities.'²⁴

Use of force by the Police: Legitimate and illegitimate use of force by police in discharge of their duties

The law enforcement officers are permitted to use coercion in specified circumstances, are trained in the use of coercion, and usually face numerous circumstances during their careers when use of coercion

²⁰ Bureau of Police Research and Development, 'Functions, Roles and Duties of Police in General' (BPRD) <<https://www.bprd.nic.in/WriteReadData/userfiles/file/6798203243-Volume%202.pdf>> accessed 1 July 2020

²¹ Vikrant Singh Kushwah, 'Why India needs urgent police reforms?' (Observer Research Foundation, 4 December 2018) <<https://www.orfonline.org/expert-speak/why-india-needs-urgent-police-reforms-46003/>> accessed 1 July 2020

²² Anonymous, 'Broken System: Dysfunction, Abuse and Impunity in the Indian Police' (HRW, 4 August 2009) <<https://www.hrw.org/report/2009/08/04/broken-system/dysfunction-abuse-and-impunity-indian-police>> accessed 1 July 2020

²³ Janet Reno, 'Use of Force by Police: Overview of National and Local Data' (National Institute of Justice Research Report) <<https://www.ncjrs.gov/pdffiles1/nij/176330-1.pdf>> accessed 1 July 2020

²⁴ Human Rights Committee, General Comment No. 6 on Article 6, the right to life, Sixteenth session (1982), §3.

is apt- for example, restraining unruly combatants, in making some arrests, or controlling a disruptive demonstration. When the extent of coercion exceeds the level considered justifiable under the circumstances, however, the activities of the police come under public scrutiny.

Incidents involving the excessive use of force by the police officials frequently receive attention from the legislators, media, and, in some instances, civil and even criminal courts. Whether the excessive force is deviant behaviour of individual officers or is a practice and pattern of an entire law enforcement agency, both the law and public opinion castigate such incidents.²⁵

The three general principles governing the use of force:

As far as it determines the use of coercion, law enforcement's law has three essentials integrant: necessity, proportionality and precaution. Necessity and proportionality establish the borderline on how and when coercion may be used lawfully during policing actions. In contrast, the principle of precaution applies upstream which requires the states to ensure that law enforcement operations are organized and managed in order to decrease the peril of injury.

The Principle of Necessity: It provides that coercion used for the purpose of law enforcement must be inevitable in the circumstances. The use of coercion by the law enforcement officials must 'only when strictly necessary'. Also, whatever its nature and extent, the use of coercion must be for a legitimate purpose. The officials may use such coercion, and no more, 'as is reasonably necessary under the circumstances' to avert offence or to assist or effect in the legitimate arrest of offenders or suspected criminals. Coercion must never be used vengeful or as a form of extrajudicial punishment. It must not be used in a discriminatory way, or against a person who offers no resistance. In all conditions, coercion must cease to be used when the necessity for further violent action has passed (for instance, when a suspect is lawfully and safely detained). Prejudicial practices, for instance against minorities, are 'in principle arbitrary' and consequently a contravention of international law.²⁶ Moreover, when some level of coercion is required, no more than the minimal coercion that is reasonably mandatory in the circumstances is to be applied. This implies that even potentially violent suspects should be detained rather than killed, whenever this is reasonably viable.²⁷

The Principle of Proportionality: Proportionality 'establishes a maximum on the coercion that might be used to attain a specific licit objective.' This principle comes into picture when the principle of necessity has been met, but when acting in line with the principle of necessity may render necessary coercion illicit. An instance of inordinate use of coercion would be using a firearm to avert an unarmed burglar from evading. If the situations are such that police personnel at the scene can only avert a burglar from evading by using the firearm, the principle of proportionality may intercede to render its use illicit. As the ECHR has held, an evading suspect who does not cause a menace to life may not be shot 'even if a failure to use lethal coercion may out-turn in the opportunity to detain the fugitive being lost.'²⁸

The Duty of Precaution: It acts as a precursor to the principles of necessity and proportionality. The officials have an obligation to plan law enforcement operations in a way that reduces the peril that its law enforcement officials and agencies may injure or kill a member of the public or another law enforcement official. Therefore, whenever licit use of coercion and firearms is inescapable, the officials

²⁵ Janet Reno, op. cit., p. iii

²⁶ Human Rights Committee, General Comment no 35 on Article 9 (Liberty and security of person), 16 December 2014, §17.

²⁷ N.S. Rodley, 'Integrity of the Person' (Oxford University Press, 2010, p 223).

²⁸ *Nachova v Bulgaria* [2005] ECHR §95

must 'minimize injury and damage' and 'preserve and respect human life'. The necessity to use coercion may also be obviated, or at least minimized, by equipping police officials appropriately with 'self-defensive equipment such as helmets, bullet-proof vests, shields, and bullet-proof means of transportation. Failure to provide its law enforcement officials with pertinent defensive equipment may imply that the state has infringed its duty of precaution, for instance when this leads inevitably or predictably to use of excessive force.

Henceforth, under conventional and customary international human rights law, the state must make sure that its law enforcement officials protect and respect the right to life. A significant contribution has been made by the UN human rights machinery in this area. In two resolutions in 2014 and 2016 that addressed the application of coercion in the context of law enforcement, the Council called on states to make sure that their national procedures and legislation are 'congruous with their international commitments and obligations and 'effectively enforced by officials exerting law enforcement obligation, in particular applicable principles of law enforcement, such as the principles of necessity and proportionality.²⁹

The problem of excessive use of force by the police and how to curb it?

There are many situations whereby the use of coercion by the police officials is regarded a legit action. Indeed, even in a democratic society, the police force is distinguished by their legal authority to apply coercion against the citizens. Provided the high prospect for the polis to abuse force, checks and balances are required to reduce the application of coercion and make officials responsible when they resort to it. The police officers are modulated by the Indian Constitution, by statute, case law, and by the internal rules and procedures that regulate the application of coercion and govern the situations wherein the official barbarity is pardonable. But there is growing consensus within India that police reform should be elevated on the national agenda. The law proffers extraordinary discretionary powers of arrest to police officers. However, there is no independent information available on police abuses and violence, recurrent application of coercion is revealed by the eventuality of encounter killings which marks as a critical indication of police malfeasance. Incidents pertaining to the excessive application of coercion by polis are improbable to be tackled until crucial amendments are put in place in the criminal justice system.

In the Indian Penal Code of 1860, the Britishers implemented provisions to facilitate polis action against rowdy public. The lawful authority to disperse what was delineated as an unlawful assembly comes from Section 129 of the CrPC, 1898. Section 143 of the CrPC authorizes an executive magistrate to forbid the repetition or continuation of public nuisance, and Section 144 allows the issuing of directions to the public to refrain from definite acts that may cause 'a disturbance of public tranquillity, or a riot, or an affray'. Thus, these legal provisions provide a wide array of powers to the polis, encompassing the right to use coercion to disperse any unlawful assembly and uphold order. Moreover, the law proffers an extraordinary discretionary power of arrest to police officials. The general powers of arrest are, for instance, provided to the police officials in the CrPC. Section 41 provides that the police official may arrest an individual without procuring a warrant if there exists a reasonable suspicion of a 'cognizable offence'. The law leaves the ascertainment of basis for arrest absolutely at the discretion of the police official involved.

²⁹ Geneva Academy, 'Use of force in law enforcement and the right to life: The role of the Human Rights Council' (Geneva Academy, November 2016) < https://www.geneva-academy.ch/joomlatools-files/docman-files/in-brief6_WEB.pdf> accessed 1 July 2020

Illegitimate use of force by the police

Use of deadly force by police: Indian police are oftentimes inculpated of applying gruesome coercion. Anecdotal evidence propounds that this impression is not without rationale. The totality of individuals being exterminated in the name of anti-crime operations and maintenance of order is high, albeit such operations can also upshot in the demise of police officers. The perpetuating phenomenon of such deaths is a matter of huge concern and calls into precariousness the professionalism of the personnel while dealing with criminal behaviour and civilian unrest. Polis have a repute for intimidating illegitimate coercion to extort money from purveyors, drivers and even from those seeking police help. These go undocumented, except sometimes as fallacious cases to oppress people who rebuff to accede to illicit demands. The Human Rights Watch has reportedly established evidence of the pervasive application of torture and illegal coercion by the Indian polis. Also, the Commonwealth Human Rights Initiatives heaves attentiveness to a culture of vindication that persists with regards to wrongful acts wreaked by the polis. Abuse of authority, prejudice, corruption, unlawful methods and excessive application of coercion, even when well documented, are left unpunished and unattended. The usual types of abuse encompass denial to register FIR, disinclination to accept complaints or investigate them, unjustifiable arrests, 'encounter' killings, unwarranted detentions & providing fake evidence and extrajudicial widespread torture as a mode of investigation.³⁰

Encounter Killings: The most daunting phenomenon in the polis's use of coercion is the ubiquity of 'encounter killings' (extra-judicial killings), whereby the polis decimates a suspect and ascribe it as self-defence. These executions have long been part of the socio-political landscape of India. In India, the police encounters are officially depicted as unplanned shoot-outs, spontaneous in which the perpetrator or offender is almost inevitably knocked off and there are rarely any contusions to the polis. There is appreciable acceptance of this use of deadly force by the politicians, media and citizens. Encounters are regarded as a retort to lawlessness, organized offence and terrorism. In certain cases, 'alleged perpetrators, belonging to the armed forces or police, have been accorded out of turn promotions, or have in other manners been rewarded. In India, encounters have not been discerned as a major complication. Especially in large cities such as Delhi and Mumbai, they are contemplated as an intended short cut, by passing the uncertainty and delay of the criminal justice system. In the backdrop of burgeoning affront in the nation over the rising incidents of offences against women, the encounter of the four accused by Telangana polis in the Hyderabad rape and murder case has been embraced by the masses, political leaders and public figures. Howbeit at the same time, issues have also been elevated over the appropriateness and legality of the polis action causing the debate that 'whether a democratic nation should follow the constitutional norms and adhere to the due process of law or shall it adopt the measures of retributive justice to bring instant and speedy justice. The National Human Rights Commissions and the Supreme Court have laid down proper guidelines and procedures on extrajudicial killings that must be followed so as to avert any abuse of power by the law enforcement agencies. Albeit, there is no provision in the Indian law that directly legalizes the encounters of criminals, nevertheless, there are definite enabling provisions that may be explicated differently to vest police with definite power to deal with offenders. In nearly all instances where an encounter has taken place, it has been done for the self-defence of the police personnel. Under Section-96 of the Indian Penal Code, every person has the prerogative to private defence which is an inherent and natural right. Correspondingly, Section-100 of IPC, exception 3 of Section 300 of IPC, Section-46 of the Code of Criminal Procedure, etc. sets out homogeneous provisions with respect to investigations in extra-judicial killings and instances of culpable homicide. As per the NHRC, albeit the elevating offences

³⁰ SAS, 'The use of force by India's Police' (*Small Arms Survey*, 3 August 2012) <
<https://www.files.ethz.ch/isn/151470/IAVA-IB3-A-Heavy-Hand.pdf>> accessed 1 July 2020

against women have created an atmosphere of fear and anguish, the loss of human life even of an accused might send a wrong message to the society. Henceforward, it is an earnest responsibility of the State to foster police officials to dissuade antisocial elements, and at the same time inhibit the flagrant abuse of power.³¹

The use of Third Degree: There is a very prolonged background of police savagery. In Northern India, many police stations are reported to have devised treacherous measures of torture and third-degree during the course of interrogation to wring confessions unlawfully. Oft-times this is done with the self-righteous stand than in the interest of working out the case. The contrivances of torture and their ugly existence in the police stations were conveniently disregarded in the line expediency. This, in turn, gives an momentum to the protracted application of third-degree in policing.³² Sections 330, 331, 342 and 348 of the IPC have been professedly contrived to dissuade a police official, who is authorized to arrest a person and to cross-examine him during investigation of an crime from resorting to third degree methods of engendering ‘torture’.³³

Use of Persuasion: Persuasion can be an efficacious contrivance in procuring the suspect’s assistance in the offender investigation and court processing of the case. There are options obtainable to police officials when they need to arrest someone. Perchance the most usual alternative is the issuance of a citation for the suspect to appear in court. Such an approach³⁴ is an effectual means of having persons suspected of minor crimes to report voluntarily into custody and thus decreasing the potential for the application of coercion to procure a suspect’s compliance.³⁵

Use of firearms: The equipment and weapons of the polis differ from agency to agency and state to state. The paradigm equipment for a constable on the beat is the baton. Rampage polis have other equipment, encompassing tasers and tear gas. Albeit polis constables usually do not carry firearms on regular duty, they are accessible at police stations. Officials at and above the rank of sub-inspector or head constable are permitted to carry a side arm, generally a Glock 17 or Pistol Auto 9mm 1A. Traffic police officials have fine books and other equipment. Whereas in Britain, Iceland, Ireland, New Zealand and Norway, officers are unarmed when they are on patrol. Police officials are only equipped with firearms under exceptional circumstances.³⁶ The stun guns are regarded as a low risk weapon thence, they are being utilized by the police officials in situations where the general public or the officers themselves face a intense threat or actual violence upon which no austere action could be taken. Due to the application of stun gun, there has been a reduction in the application of rigorous and deadly coercion which has decreased the rate of injury to both the officials and public.³⁷

³¹ Drishti IAS Team, ‘In Depth: Encounter- Supreme Court Guidelines’ (*Drishti IAS*, 24 December 2019) <<https://www.drishtiiias.com/loksabha-rajyasabha-discussions/in-depth-encounter-supreme-court-guidelines>> accessed 1 July 2020

³² Vikram Singh, ‘The curse of third degree’ *Times Now News* (Delhi, 4 November 2019) <<https://www.timesnownews.com/columns/article/the-curse-of-third-degree-police-brutality-india-custodial-deaths-crime/511221>> accessed 1 July 2020

³³ Rukmani Seth, ‘Custodia Torture’ (*Legal Service India*) <<http://www.legalservicesindia.com/article/297/Custodial-Torture.html>> accessed 1 July 2020

³⁴ Anonymous, ‘Law enforcement in India’ (*Wikipedia*) <https://en.wikipedia.org/wiki/Law_enforcement_in_India> accessed 1 July 2020

³⁵ CRS, ‘Police use of excessive force’ (*Community Relations Service*, June 2002) <<https://www.justice.gov/archive/crs/pubs/pdexcess.htm#42>> accessed 1 July 2020

³⁶ Rick Noack, ‘5 countries where most police officers do not carry firearms- and it works well’ *Washington Post* (London, 8 July 2016) <<https://www.washingtonpost.com/news/worldviews/wp/2015/02/18/5-countries-where-police-officers-do-not-carry-firearms-and-it-works-well/>> accessed 1 July 2020

³⁷ Rimjhim Vaishnavi, ‘Is stun gun legal in India?’ (*iPleaders*, 3 July 2015) <<https://blog.ipleaders.in/is-stun-gun-legal-in-india/>> accessed 1 July 2020

The problem of excessive use of force by the police:

Use of coercion is a key integrant of policing and one of the most contentious issue in law enforcement. Albeit, the application of force has subsisted in policing since its commencement, it was not until this profession became more formalized that application of force policy also became more prevalent. The discrete complication that application of force policy seeks to tackle is the proliferation in incidents of officials involved injuries/deaths. The nature of the complication originates from a history of interplay between polis and citizens. The other facet to the nature of the complication is that there is no invariably agreed upon definition of use of coercion. Denizens also feel that they are being inordinately targeted or unjustly stopped by police officials. The consequences in such exemplars of polis use of coercion is that its upshots in injury or death.³⁸ Forbye, the undue use of coercion by polis is oftentimes a difficult phenomenon to determine, as well as a difficult notion to define. Unlike corruption that is stimulated by behoof- which is usually impermissible by its very nature, excessive application of coercion often reposes at the marginal end of the acceptable application of coercion continuum. That is, because the society approbates the polis to use physical force to carry out their mandate, it is oftentimes vague when, along the use of coercion continuum, the acceptable application of coercion becomes gruesome. Haply this is why grisly coercion, or brutality, oftentimes seems to occur unchecked in communities that are unable to advocate for themselves, making it arduous to hold police officials liable for the application of illegitimate violence.³⁹

Cases pertaining to the excessive use of force by the police: The role of the polis and the nature of policing have become the focal point of controversy and debate among media, politicians and the public. With the polis frequently being the major violator of human rights and the culprit in custodial violence, Indian policing is oftentimes regarded to be in a state of crisis. Major ill-use of power and cause of inequity to the people have debilitated the public confidence in polis. The notion of egalitarianism and the provision for protection against torture or any other arbitrary behaviour forms the foundation of the Constitution. The right to life and personal liberty as guaranteed under the Constitution sets out that nobody can be deprived of their right to life unless there is a procedure established by the law.⁴⁰

(I) Rudul Sah vs State of Bihar⁴¹: In this case the petitioner who was illegally imprisoned for over 14 years after his acquittal filed a habeas corpus petition under Article 32 of the Constitution praying for his release on the basis that his incarceration in the jail was illegitimate. He also requested for other reliefs including the compensation for his illegal detention. When the petition came up for hearing, the judicature was informed by the respondent (State) that the petitioner had already been set free from the lock-up. It was held that the petitioner's detention in the prison after his acquittal was thoroughly unreasonable. Ergo, the Apex Court under writ jurisdiction, passed a resolution of compensation for the breach of Article 21 and 22 of the Constitution.

(II) Saheli, A Women's Resources Centre vs. Commissioner of Police, Delhi⁴²: Herein, a nine-year old child was fiercely beaten up by the polis and later passed away. There was an apparent misuse of

³⁸ Evin Carmack, 'Police use of force policy and excessive force' (*EBP Society*) <
<https://www.ebpsociety.org/blog/education/270-police-use-force-policy-excessive-force>> accessed 1 July 2020

³⁹ Robert J.Kane, 'Police and the excessive use of force' (2018) Springer <
https://link.springer.com/referenceworkentry/10.1007%2F978-1-4614-5690-2_364> accessed 1 July 2020

⁴⁰ Joshua N Aston, 'What counts as torture by the police according to the Indian Constitution?' (*Scroll*, 9 March 2020) <
<https://scroll.in/article/955552/this-book-reminds-us-of-what-counts-as-torture-by-the-police-according-to-the-indian-constitution>> accessed 1 July 2020

⁴¹ AIR 1983 SC 1086

⁴² AIR 1990 SC 513

conflict and curb mobs with minimal application of coercion. However, it is difficult to evaluate how much such situational prevention techniques help. There have been various endeavours to rein in polis use of coercion. The most significant efforts at reform have come from outside the polis and the Home Ministry. In few instances, inquiry commission were established and police who were found guilty were penalized. Two initiatives designed for systematic reform deserve special attention: The National Police Commission (NPC) and National Human Rights Commission (NHRC). India is fortunate to have an active NPC, NHRC and judiciary that shows great concern for the rights of the citizens. The abuse of force casts a dark shadow over India's police authority. In a democratic country, polis is expected to function with liaison from citizens and to be liable to them for their actions. In India, both cooperation and accountability are missing. The polis has a reputation for extortion & brutality, and the citizen distrust of them is pervasive. Little is being done to constraint police from excessive use of force. The academies of police dearth courses for training officials in minimizing the application of coercion. Also, the organizational culture does not promote curtailment on the part of officials. There is acceptance, and even sanction at the highest level of leadership, of encounter killing. Indian police routinely tackle the peril of violence, which upshots in many demises on duty. Dangers varies from the special risks of domestic violence to mobs, insurgency, organized crime, terrorism and especially accidents while on official duty. Since the police presence is generally thin, situations arise where a small number of polis are caught amidst large and hostile crowds, and incidents of police officials injured or murdered by mobs are frequent. Police officials must continue to have recourse to coercion to maintain order and safeguard the innocent. But this use of coercion must be subject to the rule of law. The nation's political leadership must emphasize on proper training and the provision of adequate resources to handle severe situations. Events that lead to the application of coercion, particularly dangerous force, must be scrutinized.⁵⁰

Reforms in the police force to make them more people-centric

Even after the Apex Court's discernment asking the Centre and all states to bring reforms to make the police officials more people-centric than ruler-centric not much has changed on the same. On 22nd December 2006, the Apex Court delivered a historic judgement in *Prakash Singh vs Union of India* directing the central and state governments to comply with a set of seven directives that laid down practical mechanism to kickstart the police reforms.⁵¹ The court sought to achieve functional autonomy to the police and enhanced police accountability through its directives.

Overview of the Directions of the Supreme Court in Prakash Singh vs Union of India: In 1996, a petition was filed before the Apex Court that raised various instances of misuse of power by the polis and alleged that police officers perform their duties in a politically partisan way. It purported non-enforcement and discriminatory application of laws in favour of persons with clout, and also raised instances of unauthorized detentions, torture harassment against the ordinary citizens. In 2006, the court issued its judgment, ordering the centre and states to establish authorities to lay down guidelines for the functioning of polis, assess police performance, decide postings and transfers, and receive complaints of police misconduct. The court also required that minimum tenure of service be guaranteed to key police officers to safeguard them from arbitrary transfers and postings.⁵² It has been 14 years since the Court issued a string of directions to restructure, reorganize and reform the police. The states, however, have been dragging their feet on enforcing the directives. The political class may swear by the rule of

⁵⁰ SAS, op. cit, p. 8-10

⁵¹ Anonymous, '11 years after famous SC judgement on police reforms, know what the judgement was & where do we stand' The Logical Indian (14 April 2017) < <https://thelogicalindian.com/story-feed/awareness/sc-judgement-police-reforms/> accessed 24 July 2020

⁵² PRS, op. cit., p.i

law but, in reality, they want the law of the rulers to persist. There has been farcical compliance and whatever action has been taken at the state level goes against the letter and spirit of the apex court's instructions.⁵³

Conclusion

The contemporary cases of police brutalities have lifted a crucial question as far as the extent of police authority is concerned. Be it the recent torture and murder case of Jayraj and Bennix in Tamil Nadu, police brutality in the times of COVID-19 pandemic, the application of coercion and violence by police against CAA protestors, violence in Jamia Malia Islamia or the Hyderabad encounter case. In India, the superfluous use of coercion by the police officials defying all the norms of human existence and lawfulness seems to be the foremost and prime response of the police while dealing with law and order issues.⁵⁴ It is to be noted that the police, in general, themselves work under incomprehensible oppression, are abysmally paid, have typically horrendous living conditions and, worst of all, are usually obligated to venal superiors. Most of the police officials, like rest of carry prejudices which make their performance unfair and uneven. But, as individuals, each of them is no better or worse than any of us.⁵⁵ The role of the police official is proactive, it is not that of the instigator. Their role extends only as far as the law permits. This implies that the official will not act beyond the permissible limits unless there is a threat to the law, a person, or property. But the cases pertaining to police brutality and violence has escalated over the years. There is a well saying that no one is born as a criminal, but it is the society that instigate a person to commit a wrong. Kiran Bedi is the perfect exemplar who had transformed the lives of the prisoners for good. By relying on the principle of reformation rather than punishment will give a better hope future to the offenders.

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⁵³ Prakash Singh, 'Politicians don't want reforms in the police force' *Firstpost* (India, 27 May 2019) < <https://www.firstpost.com/india/politicians-dont-want-reforms-in-police-6707361.html>> accessed 24 July 2020

⁵⁴ Mahak Paliwal, 'Police Brutality and Violence in India: Miserable Failure of the Law and Order' (*All India Legal Forum*, 28 July 2020) < <https://allindialegalforum.wordpress.com/2020/07/28/police-brutality-and-violence-in-india-miserable-failure-of-the-law-and-order/>> accessed 29 July 2020

⁵⁵ Jamal Mecklai, 'India needs to wake up to the dire need for police reforms' *Financial Express* (India, 16 June 2020) < <https://www.financialexpress.com/opinion/india-needs-to-wake-up-to-the-dire-need-for-police-reforms/1992676/>> accessed 30 July 2020

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