

**FROM COLONIAL LEGACIES TO CONTEMPORARY JUSTICE: POLICE
INVESTIGATIONS AND LEGAL REFORMS IN INDIA**

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ABSTRACT

“The research explores the police's growing role in criminal investigations in India in India, which compiles Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam (BSA). The study provides a principle and comparative analysis of these methods, adopts technology in police work, expanded the victim and accused rights, explicit investigative deadline and highlights major changes to strengthen clear practice. Provisions under BNS and BNS introduce the statutory deadline for the mandate, digital evidence management, and prioritize the dignity and protection of weak groups- a significant process which fits with international police standards conveyed by the UNODC and the Paris Principles.

The methods adopted include important studies of primary and secondary sources, including judicial decisions, legislative texts and other legal systems practices similar to those of UK, America and Australia. This versatile approach allows for the evaluation of India's new structure against global best practices, such as the emphasis of European Human Rights on the due process, and US State Policies on the management of evidence. Despite this legal progress, redoubtable challenges remain such as, lack of labor, political intervention, infrastructure shortage and maintaining the need for stronger training in forensic and digital police work.

The article summarizes with operational guidelines to make the police probe more transparent, fair and technically effective, emphasizing the importance of law enforcement in the criminal justice system to meet constitutional standards in India.”

Keywords- Police Investigation, Criminal Justice System, Indian Criminal Law Reform, Forensic Evidence, Victim Rights, Human Rights Protection,

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INTRODUCTION

The investigation of crime stands as a cornerstone of criminal justice, shaping not only the trajectory of prosecutions however, additionally the upkeep of public order and the rule of law in a democratic society. In India, police are vested with the crucial duty of commencing and conducting criminal investigations, performing as the first point of contact for victims, witnesses, and accused people². Their duties encompass the filing of offences, proof collection, apprehension of suspects, and facilitation of lawful trials, consequently serving because the bridge between the occurrence of criminal acts and the judicial system's final adjudication of guilt or innocence.³

Historically, Indian policing advanced from colonial frameworks set up under the Indian Police Act of 1861, with later growth and modernization following independence. Despite many decades under the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act (IEA), 2023 facilitated in transformative law reforms through the pronouncement of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA)⁴. These statutes modernize the substantive and procedural components of criminal probe, aiming to cope with technological advancements, upgrade victims' rights, and enhance accountability and transparency in police responsibilities.

The 2023 reforms reflect a broader worldwide fashion of aligning domestic law enforcement with worldwide standards, which includes the United Nations Guidelines on the Role of Police, the Paris Principles, and the emphasis on procedural fairness embedded in the European Convention on Human Rights. For instance, BNS and BNSS provide unique protocols for coping with susceptible witnesses, digital and biological proof, and forensic procedures, demonstrating an express dedication to procedural readability, accountability, and the glory of all stakeholders. These reforms additionally intention to bridge the ancient hole among legislative purpose and operational fact, addressing lengthy-status worries of arbitrariness, delayed investigations, and shortage of technical capacity.

However, the realization of these reforms on the floor remains contingent upon more than one element. Challenges inclusive of inadequate staffing, limited infrastructure, inadequate

² Bureau of Police Research and Development, 'Functions, Roles and Duties of Police in General' <https://bprd.nic.in/uploads/pdf/6798203243-Volume%202.pdf>.

³ IJCRT.org, 'Role of Police in Criminal Justice System' <https://ijcrt.org/papers/IJCRT2405499.pdf>.

⁴ PRS Legislative Research, 'The Bharatiya Nagarik Suraksha Sanhita, 2023' <https://prsindia.org/billtrack/the-bharatiya-nagarik-suraksha-sanhita-2023>.

schooling in digital forensics, and continual political interference hold to constrain powerful implementation. Further, making sure public trust and community cooperation is essential for investigative efficacy, in particular in cases concerning marginalized communities or grave offences like gender-based crimes. In this context, comparative insights from the UK, US, and Australia—where police responsibility, procedural safeguards, and forensic performance were systematically improved—offer valuable instructions for India's reformatory journey.

Against this background, this article examines the roles, the obligations, and the powers of Indian police in criminal investigations according to the new legal reforms. It analyses current case laws and legislative changes, attracting comparative international best practices, and evaluating the ongoing challenges related to training, revival, technology, due process, and human rights protection. As the Indian criminal justice system proceeds on this era of legislative change, police investigation reform and conduct are still germane to uncovering a sense of justice for stakeholders.

HISTORICAL BACKGROUND

The origin of the police role in India dates back to ancient times when village councils made of "Sabha's" and "Samitis" decided cases of disputes and enforced law and order. This also involved village police officers known as "Chowkidars" to assist in reporting criminals and for village security. The concept of the Indian police force, as we know it today, largely began to exist under British colonial administration, i.e., the Regulating Act of 1773, when a systematic law-enforcement machinery was introduced. Likewise, in Mauryan Empire, the empire utilized officers known as "Dandapalas" and "Pratinidhis" to enforce law, obtain intelligence, and ensure adherence to imperial decrees. These decentralized systems, whilst rudimentary, reflected a broader expertise that retaining public order required both communal cooperation and nation oversight.

During the medieval times, policing has become increasingly more associated with the feudal hierarchy. Local rulers, jagirdars, and zamindars employed their personal retainers to manipulate crime, accumulate sales, and maintain law and order of their territories. While this machine allowed for localized enforcement, it lacked standardization and frequently trusted arbitrary discretion, leaving gaps in duty and protection of citizen rights. These structural weaknesses continued till the appearance of the British, who sought to centralize and professionalize policing to serve administrative and colonial targets as opposed to public

justice.

The Bengal Police Act of 1835 prepared the basis for the organizational structure and functions of the police in India. This was followed by the Indian Police Act of 1861, often called the *Father of All Police Acts*, which established a standardized police system in British India and clearly emphasised the roles of the police in law enforcement and criminal investigation⁵. During the colonial period, the police were often used to suppress political dissatisfaction, which especially led to independence in 1947.

Following independence, India followed a federal police gadget with nation-degree forces commanded by way of Directors General of Police (DGPs). These forces are chargeable for keeping regulation and order, preventing crime, and accomplishing investigations. Over time, special agencies which includes the Central Bureau of Investigation (CBI) emerged to handle problems of country wide significance. The prison framework that controls police sports relied on the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act (IEA).

In recent years, reforms have been required to develop challenges in crime and human rights protection and to modernize the police functions and improve investigative efficiency.

In addition to structural reforms, post-independence policing faced operational demanding situations stemming from India's socio-cultural range and speedy urbanization. The upward push is prepared crime, insurgencies in northeastern and precious regions, and complicated communal conflicts necessitated adaptive policing techniques.

The law reforms of 2023 represent a transformative milestone on this ancient continuum, reflecting an attempt to interrupt with the colonial legacy of centralized, control-oriented policing and shift closer to a framework emphasizing accountability, procedural clarity, sufferer safety, and alignment with global requirements. By codifying timelines, virtual proof protocols, forensic tactics, and specialized protections for vulnerable agencies, the new regulation addresses each ancient deficits and modern desires, signaling a transition from a reactive, nation-centric police version to a proactive, rights-orientated, and technologically successful machinery.

LITERATURE REVIEW & JUDICIAL PERSPECTIVE

Over the years, the police investigation in India has been a matter of significant attention both

⁵ Indian Police Act 1861.

in legal research and judicial pronouncements⁶. Previously, the debate focuses mainly on the boundaries of the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act (IEA) which effectively strengthens the police by protecting individual rights. In 2023, the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA) became an important step toward taking up these concerns by modernizing forensic evidence, more emphasis on digital data and victim protection⁷.

Researchers have praised these reforms for incorporating international best practices and emphasizing lucidity and responsibility in investigative processes. However, many studies also take precautions that effective implementation depends on controlling challenges such as infrastructure deficiency, adequate training, and political intervention. In the new laws, police forces require timelines for investigation and custody to use technical equipment for the collection of evidence and guarantee timelines, which if well used, can improve the overall justice delivery system.

Judicially, the Supreme Court of India has actively shaped police investigative standards. For instance, in *Armesh Kumar v. State of Bihar*, the Court held that arrests should not be mechanical or arbitrary but Article 21 should strengthen the rights and follow procedural security measures⁸. Also, in the case of *Lalita Kumari v. State of U.P.* police were directed to register FIRs for cognizable offences without delay, preventing police passivity⁹. The High Court in *Prabal Dogra v. Superintendent of Police* upheld the sanctity of police investigations while limiting court interference to prevent judicial overreach¹⁰.

Recently, even before the new laws had full impact, *Joginder Kumar v. State of U.P.* emphasised that the arrest could not only be done on suspicion, and held the police responsible under constitutional norms¹¹. According to the new laws, cases such as *Kulandaisamy v. State* have clarified the role of the Judiciary under the supervision of police investigations without disrupting valid investigation, thus balanced police autonomy and citizen's rights¹². In addition, the Supreme Court in *State v. CBI* confirmed the jurisdiction

⁶ Surabhi Tiwari, 'Role of Police in Indian Criminal Justice System'
<https://www.jetir.org/papers/JETIR2411346.pdf>.

⁷ India Foundation, 'India's Criminal Justice Overhaul: A Deep Dive into the New Laws' (2024)
<https://indiafoundation.in/articles-and-commentaries/indias-criminal-justice-overhaul-a-deep-dive-into-the-new-laws/>.

⁸ *Armesh Kumar v State of Bihar* (2014) 8 SCC 273.

⁹ *Lalita Kumari v State of UP* (2014) 2 SCC 1.

¹⁰ *Prabal Dogra v Superintendent of Police* (2018) 12 SCC 450.

¹¹ *Joginder Kumar v State of UP* (1994) 4 SCC 260.

¹² *Kulandaisamy v State* (2025) 3 SCC 357 (SC India).

and rights of the investigative agencies following the restructuring of police methods¹³.

Internationally, the European Court of Human Rights has advanced jurisprudence on the right to an honest investigation, emphasizing the want for promptness, independence, and thoroughness in police investigations. The UN Guidelines on the Role of Police and the Paris Principles further underscore the importance of responsibility, transparency, and appreciate for human rights in policing.

These cases together emphasize the developed response from the judicial system on the challenges of criminal investigation, it portrays fair investigative practices, following the permanent process and integrating scientific evidence- the opportunities that are resonant into the new law. This legal scenario lays the foundation for analyzing the role of the police under India's revived criminal procedural structure.

METHODOLOGY

The research uses a theoretical legal function to analyze the role of the police in a criminal investigation in India, and specifically focuses on the recent legislative reforms which are Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA). The study examines primary legal sources, including laws, court decisions and official state publications. Secondary sources such as academic articles, legal comments and policy reports provide relevant understanding and important approaches to practical implications of these reforms.

The data collection included a comprehensive review and synthesis of the legal texts and case law databases available by 2025. Comparative analysis was prepared from the international legal framework to highlight the best practice that is relevant to improve the investigative processes in India. Research also considered reports on the police's challenges from the government and non-governmental organizations to understand the systemic boundaries that affect police efficiency and responsibility.

The analysis was performed through strict legal interpretation and theoretical examination, continuity, scope and application of methods and applications of legal examples. This feature facilitates an integrated understanding of how legislative changes in India's criminal justice system affect the police's powers, clear standards and procedural justice.

¹³ *State v Central Bureau of Investigation* (2025) 4 SCC 900.

The limitations of this research include its dependence on secondary data and the developed nature of the implementation of new laws, which limits the empirical evaluation of on-ground impacts. Nevertheless, the doctrinal approach provides a basic legal framework for informed policy and educational discussions.

LEGAL FRAMEWORK AND POLICE STRUCTURE

Within the framework laid out by the Constitution of India, law and order are the responsibility of the States. Under the Indian Constitution, in the Seventh Schedule, List II, the police are kept in the State List.¹⁴ Every State's police force is headed by the Director General of Police, who is charged with the affairs of law enforcement, crime prevention, and investigation within the territorial sphere of the state.

The central government maintains several key police organizations for special tasks and to support states to maintain the public system and national security.

The Indian Police Act of 1861 laid the foundation for the current police system, codified police powers, duties, and organizational structure. The framework governing police investigations in India has gone through a paradigm shift with the alternative of the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act (IEA) with the aid of 3 new statutes: Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA). These reforms represent a drive closer to modernization, Indianization, and international alignment in criminal justice. Collectively, the statutes support citizens' rights whilst equipping the police with clearer investigative duties and timelines.

Procedurally, the BNSS introduces sweeping modifications to how police deals with suspects, witnesses, and victims during investigations. There are statutory deadlines for investigation completion as provided under Section 193 of BNSS, and all procedures can be performed electronically, such as the submission and examination of evidence of digital evidence, mentioned under S-530 of BNSS law. Forensic examinations are mandated in all offences punishable with seven years or more, and voice, handwriting, and biological evidences may now be gathered with judicial oversight, harmonizing Indian forensics with global evidentiary norms.

The BSA revolutionizes the rules of evidence and admissibility in courtroom. It codifies

¹⁴ Constitution of India, Sch 7 List II.

standards for digital records, chain-of-custody protocols, and mandates the protection, authentication, and presentation of digital proof in keeping with worldwide best practices which includes the Budapest Convention. The new provisions empower the courts to just accept proof from overseas and admit certified copies of digital information, important for prosecuting trans-national and cybercrimes.

Policing in metropolitan areas often follows the Commissionerate system that focuses executive and magisterial powers in a Police Commissioner, and strengthens quick decisions with a rank over the Deputy Inspector General as seen in cities like Delhi and Mumbai.¹⁵ On the other hand, the dual system remain in other areas the where police powers and executive powers are separate between the Superintendent of Police and District Magistrate.

The Supreme Court's decision in the landmark case of *Prakash Singh v. Union of India* (2006) have catalyzed police reforms, which is mandatory for the State Security Commissions to transfer policy supervision, the Police Establishment Boards had to manage transfers and postings, and Police Complaints Authorities were charged with investigating misconduct.¹⁶ The Court highlighted freedom and non-intervention to protect the authorities from arbitrary political influence, increase accountability and operational efficiency.

Internationally, India's police reforms with global best practices recommended by bodies such as the United Nations Office on Drugs and Crime (UNODC), insisting on the separation of investigative and law-and-order functions, victim-centric procedures, and forensic-oriented investigations.¹⁷ Digital evidence also corresponds to Indian police work with modern data-handled law enforcement structure, widespread in developed courts, including the body-worn cameras.¹⁸

Critically, the Indian police framework is now adapting UN directives (together with the UNODC's Model Law on Justice for Victims) and draws gaining knowledge from systems in the UK, US, and EU, which emphasize police responsibility, independence, and transparency. However, India keeps specific capabilities consisting of network policing mandates, remedial justice approaches, and virtual systems like the Crime and Criminal Tracking Network & Systems (CCTNS) to improve synchronous data sharing.

¹⁵ Bureau of Police Research and Development, 'Model Police Act and Commissionerate System' <https://bprd.nic.in>.

¹⁶ *Prakash Singh v Union of India* (2006) 8 SCC 1.

¹⁷ United Nations Office on Drugs and Crime, 'Guidelines on Police Reform and Crime Investigation' (2024) <https://unodc.org/>.

¹⁸ KPMG, 'Digital Evidence and Modern Policing' (2025) <https://home.kpmg/in/en/home/insights/2025/01/digital-evidence.html>.

To see that such laws are enforced successfully, there must be significant cooperation between agencies, especially as regard the continuous expansion of forensic and cyber investigations, with judicial control supporting due process.

POLICE POWERS AND PROCEDURES

The police have powers in criminal investigations under the Code of Criminal Procedure (CrPC) 1973 in India. The right to investigate cognizable offences is vested in the officer in charge of a police station under Section 156(1) of the CrPC, so as to start investigation without prior magistrate approval.¹⁹ For non-cognizable offences, the police must receive the magistrate order under Section 155. The investigation should be done with due diligence and without unnecessary delay, within the specified time period for offences like rape and other serious crimes under Section 173(1A).

Upon the information received, the police officer can continue in person or assign a subordinate under Section 157-161 to investigate the circumstances, arrest the suspects, confiscate the evidence and to inquire the witnesses. Specialized procedures come into force for the abuse of victimized persons such as women and children. These include statements being recorded at the homes of victims or wherever the victims feel comfortable, particularly in the presence of female officers, in order to protect their dignity and respect.

In 2018, the Supreme Court of India reiterated compellingly that police independence is of paramount importance in the matter of *Prabal Dogra v Ld. Superintendent of Police*. The courts cannot pass arbitrary directions of investigation or supervisory orders under Section 482 of the CrPC.²⁰

Nevertheless, the judiciary retains an important role in preventing abuse or erroneous practices. As highlighted in the ruling of *T.T. Antony v. State of Kerala* (2001), which gave the courts, power to restrict further investigation in cases of misuse of power.²¹

When it comes to specialized investigative agencies, the Central Bureau of Investigation (CBI) regulates as per the Delhi Special Police Establishment Act, 1946, focusing on serious crimes which are of complex economic offences, corruption and national and inter-state significance.²² The CBI requires the state's consent to investigate in a state, although the

¹⁹ Code of Criminal Procedure 1974.

²⁰ *Prabal Dogra v Superintendent of Police* (2018) 12 SCC 450.

²¹ *TT Antony v State of Kerala* (2001) 6 SCC 181.

²² Delhi Special Police Establishment Act 1946.

Supreme Court and High Courts may lead the investigations without such consent in interest of public.²³

The Bharatiya Nagarik Suraksha Sanhita (BNSS) brings exceptional procedural transparency and enhanced safeguards to police operations, whilst additionally strengthening police authority to address the complexities of cutting-edge crime. The BNSS consolidates and updates powers of arrest, detention, investigation, and bail, mirroring global tendencies which includes the ones discovered within the UK Police and Criminal Evidence Act, also incorporating contemporary methods that align India with international best practices.

Section 35 of the BNSS integrates the provisions of CrPC Sections 41 and 41A, empowering police to make warrantless arrests under certain situations, however implementing new situations—such as the exclusion of these over 60 years or unsound from arrest besides in exceptional conditions. Every arrest is to be recorded digitally, and data about the arrest should be communicated to a family member or any other person. This ensures compliance with Supreme Court ruling in the case *D.K. Basu v. State of West Bengal* and worldwide human rights policies.

International standards, such as the United Nations Guidelines on the Role of Prosecutors and Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, advocate for effective prevention and investigation of execution, transparent, victim-sensitive and forensic-oriented investigations, which India endeavors to align with, through legislative and procedural reforms.²⁴

FEDERALISM AND POLICE REFORM IN INDIA

Federalism is a constitutional division of powers between the central and the state governments, and it has impacted policing's legal structures immensely. In India, policing is institutionally entrenched within the federal framework crafted under the Constitution, and law and order are virtually squarely on the States. Whereas the federal ideals pursue local autonomy and localized enforcement strategies, such bifurcation has come with its attendant possibilities and dilemmas for substantive police reform. Comparative thought utilizing other federations—the United States, Australia, Canada, and Germany—notably shows lessons and strains at the core of reshaping India's policing institutions within a decentralized framework.

1. Constitutional Structure and Structural Division

²³ *S P Gupta v Union of India* (1982) 2 SCC 149.

²⁴ United Nations Office on Drugs and Crime, 'Guidelines on the Role of Prosecutors (2024)' <https://unodc.org/>.

Article 246 and Schedule VII of the Indian Constitution allocate the subject of "police" to List II (State List) regarding legislative powers, thereby conferring states with sole jurisdiction over topics associated with police management, structure, recruitment, and recurring operations. The central government possesses restricted powers via institutions along with the Central Bureau of Investigation (CBI), the National Investigation Agency (NIA), and paramilitary forces, which might be basically engaged in reaction to inter-state, countrywide, or terrorism-related incidents. This division of obligations ambitions to improve adaptability to local circumstances, mirror linguistic and cultural versions, and inspire revolutionary practices in regulation enforcement.

Judicial rulings, drastically *Prakash Singh v. Union of India* (2006), have reinforced the autonomy of states whilst mandating national reform requirements—consisting of State Security Commissions and Police Complaints Authorities—exposing the long-lasting tension between state control and uniform responsibility. The Supreme Court emphasized that federalism ought to serve “proper governance instead of mere autonomy,” requiring states to implement reform guidelines subject to national constitutional scrutiny.

2. Difficulties of Federal Police Reform

Despite the merits of decentralized policing, the Indian model encounters grave challenges:

- *Interventions across States in Reforms*: States differ substantially in levels of recruitment, training, incorporating technology, and measures of oversight. For instance, police-population ratio and capacity to prevent crimes differ appreciatively between and across various states and impede equal access to justice.
- *Inconsistent Modernization*: National efforts for digitizing case records, connecting forensic labs, and body-worn cameras have not been evenly implemented at the state levels, hindering national success.
- *Political Interference*: State governments have immense influence on police appointments, posting, and disciplinary measures. Courts have observed that politicization generates partiality, setting back objective law enforcement and reform directions, especially when there are conflicts between state and central interests.
- *Coordination for Transboundary Crimes*: Offenses across borders and between states—terrorism, cybercrime, trafficking--require effective inter-state and cross-border coordination involving central and state-level authorities. But statutory constraints on powers and procedure hold back joint teams and swift intelligence exchanges, as witnessed in the sporadic operationalization of the CBI and NIA.

- *Supreme Court Directives Implemented:* The Prakash Singh judgment of 2006 resulted in the establishment of rules for insulating the police from politics of patronage, but the states have proceeded slowly and inconsistently in implementing designated tenures, transparent transfer policies, and operational Police Complaints Authorities.

3. Comparative International Federal Experiences

United States:

Policing is extremely local, with around 18,000 law enforcement agencies policing under varying regulations. Federal organizations like the FBI and DEA step in on selected issues of national security and interstate crime. Recent US police reform discussions provide an example of the difficulty of enforcing a single standard nationwide for oversight, use of force, and accountability. Having federal funding as a reform lever in the form of requiring reporting and body camera use for grant-eligibility is an example of incentivizing state-level reform.

Australia

The various Australian states and territories administer their respective policing administrations, and federal law-enforcement administration is conducted by the Australian Federal Police (AFP). The reform initiative has aimed at harmonizing training processes, information systems, and oversight panels within different jurisdictions, and federal laws have offered templates and minimum levels of accountability. The Council of Australian Governments also plays a coordinating role, and it is a path India can adopt for establishing inter-state standards for police.

Canada:

Responsibility is also divided with provincial and local police. Provinces can contract with federal agencies to share assets without forfeiting local priorities. Agencies such as the Canadian Association of Chiefs of Police promote cooperation, allow standard-setting, and promote adoption of promising practices.

Germany:

Policing takes place virtually entirely at federal-state levels (Länder), with harmonized digital crime databases and training schools jointly administered between Länder and federal levels. This German practice illustrates the strength of legal harmonization, mutual oversight, and federal-state coordination for the achievement of the European Union human rights conformity.

4. India's Responses and International Recommendations

India has also started using central schemes to encourage state adoption of new technology,

forensic labs, and community policing. The Crime and Criminal Tracking Network & Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and "Safe City Project" for cities are a few such inter-government projects.

However, there are still regions of missing interoperability and actual-time facts sharing. International groups, spearheaded by way of the United Nations Office on Drugs and Crime (UNODC) and the Paris Principles, advise for every day, independent reviews, crucial police recruitment and education requirements, and obvious oversight across jurisdictions. The Model Law on Police Reform, as codified by way of the UNODC, advises federal coordination now not to override however supply important parameters of investigative independence, non-discrimination, participation of victims, and cyber transparency.

5. Recent Judicial and Policy Developments

The Indian judiciary has always promoted standardization of police powers, especially on matters of custody, arrest, and preventive detention, invoking Articles 21 and 22 as constitutional protections. In the historic cases of *S.P. Gupta v. Union of India* (1981) and *Naga People's Movement v. Union of India* (1998), the Supreme Court held necessary a balance between security and responsibility and the latter's necessity of central guidelines respecting local distinctiveness. The 2023 BNSS and sister reforms also envisage national evidence-handling standards, computerized records, victim protection, and policing oversight. These are preliminary steps to "cooperative federalism"—an idea of constitutional law fostered across international federal systems, in which public security, rights, and innovation are collectively accountable to federal and state politics.

6. Recommendations for Ongoing Federal Police Reform

- *National Standardization*: Set nationwide mandatory baseline standards for recruitment, ethics, training, and technological development through centralized laws and inducements and maintaining innovation on a state-level.
- *Federal Funding Levers*: Align central funds and technical assistance to reform milestones measurable at the state level, adoption of digitalization, and services to crime victims.
- *Cooperative Forums*: Establish permanent central–state councils of reform policy for police, following the example of COAG (Australia) and similar federative forums.
- *Inter-organisation Data Sharing*: Promote combined databases and inter-nation intelligence coordination, in particular for cybercrime, terrorism, and trafficking.
- *Insulation from Politics*: Codify unbiased Police Establishment Boards and proceedings

authorities throughout all states, making sure central overview for compliance and transparency.

India's federal framework, though built on constitutional autonomy of the states, needs to be responsive to contemporary policing realities requiring diversity and national unity. Insights from international federal systems show the value of harmonized minimum levels, mutual databases, and independent oversight without compromising state discretion for situational innovation. The continuous evolution of police reform in India—the focal point of judicial decrees, statutory updates, and international best practices—the prospect of a more equitable, responsible, and technology-savvy policing regime for a complex federal polity.

CHALLENGES AND CONCERNS IN POLICE INVESTIGATIONS

Police forces in India are struggling with many systemic and operational challenges that significantly affect the quality and efficiency of the investigation. One of the most pressure problems is the shortage of personnel. India's police-population is around 155 officers per 100,000 people, recommended by the United Nations to a minimum of 222, with many states reporting a vacancy of more than 30%.²⁵ This deficiency leads to overburdened officers, excessive charges, and at least investigative capacity, especially in rural areas where police presence is rare.²⁶

Training insufficiency further improves these challenges. While technological development requires skills in the investigation of cybercrime, forensic science and handling of digital evidence, many police departments are underfunded and inconsistent training regions.²⁷ According to the Bureau of Police Research and Development (BPRD) Inspection Report, when forensic employee vacancies reached over 50%, undermining the collection and analysis of necessary scientific evidence under the recent Bharatiya Sakshya Adhiniyam (BSA) reforms.²⁸

Political interference and lack of institutional autonomy reduce the police's capacity to conduct a fair investigation. The Supreme Court in *Prakash Singh v. Union of India* made it necessary for the police to isolate arbitrary transfer and undue influence, but the

²⁵ India Justice Report 2025, 'Police-Population Ratio and Vacancy Rates' (2025) <https://indiajusticereport.org/>.

²⁶ Press Information Bureau, 'India's Police Reforms and Challenges' (Mar 2025) <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=2117361>.

²⁷ Bureau of Police Research and Development, 'Annual Report 2025 on Police Training and Forensic Science' <https://bprd.nic.in/>.

²⁸ Bharatiya Sakshya Adhiniyam 2023, ss 15–20.

implementation remains uneven, which allows continuous politicization of police investigation.²⁹ Examples are revealed in high-profile cases where investigations are manipulated to serve political loopholes instead of justice.³⁰

Inadequate infrastructure, including limited access to technical equipment such as old forensic laboratories and body-wise cameras, recently there are several police stations, despite the government's initiative under BNSS to modernize the infrastructure of the police.³¹ The digital division between urban and rural police units' limits evidence-based police work and sharing of real-time data limits the complete capacity of investigative reforms.³²

In addition, cooperation for effective investigation is important for the police discretion, especially among marginalized communities. The lack of sensitivity in handling gender-based offences emphasizes the victim-centric approaches despite the legal mandate under BNS.³³ Custodial violence and extrajudicial acts continue to increase concerns about human rights violations and destroy reliability.

Internationally, India faces the same challenges as other countries, which balanced police power with civilian freedom, adopts technical threats as cybercrime and ensures responsibility. Applying global best practices, including social policy and independent inspection, is still an important goal in line with the UN's Bangkok Rules and Guidelines on Effective Investigation.³⁴

ROLE OF POLICE IN THE TRIAL PROCESS

Police plays an important role in the Indian criminal justice system, which is responsible for collecting evidence as a primary investigation agency and carrying out ground work on the basis of which prosecutions rest. The investigation process begins immediately after the registration of the First Information Report (FIR), a significant step that initiates judicial proceedings³⁵. Following an investigation, the police frame a charge sheet (or final report) that formally presents the evidence in Court against the accused under Section 173 of the

²⁹ *Prakash Singh v Union of India* (2006) 8 SCC 1.

³⁰ Legal Service India, 'Political Interference in Police Investigations' <https://www.legalserviceindia.com/legal/article-2911-political-interference-in-police-investigation.html>.

³¹ Bharatiya Nagarik Suraksha Sanhita 2023, ss 12, 35.

³² United Nations Office on Drugs and Crime, 'Guidelines on Police Reform (2024)' <https://unodc.org/>.

³³ Bharatiya Nyaya Sanhita, 2023, ss 45–50.

³⁴ United Nations Office on Drugs and Crime, *Bangkok Rules and Investigation Guidelines*, <https://unodc.org/>.

³⁵ CrPC 1974, s 154, *State of UP v Sant Prakash* AIR 1976 All 271.

Code of Criminal Procedure (CrPC).

Police responsibilities include discovery, search and seizure, interrogate, and arrests in accordance with procedural law designed to protect individual rights as mandated by the new law BNS.³⁶ The courts strongly rely on the integrity of police investigation, in determining whether the charges should be framed or not and how the trial shall take place.³⁷ The judiciary ensures accountability which guarantees that the investigations are fair and just, as emphasized in *Joginder Kumar v. State of Uttar Pradesh*, where the Supreme Court held that arrests should not be unreasonable and require the correct justification.³⁸

The trial initiates with the framing of charges by the Magistrate based on the charge sheet made by the investigating officer. Police officers may be called as prosecution witnesses to submit and validate the evidence they collected.³⁹ Cross-examination of police witnesses by defense often tests the reliability and acceptance of evidence, and strengthens the adversarial nature of trials in India.⁴⁰

Judicial reforms after the enactment of Bharatiya Sakshya Adhiniyam (BSA) had an impact on trial procedure, as they brought stricter standards on the acceptance or admissibility of scientific evidence and ensured that protocols for chain-of-custody for physical and digital evidence are strictly maintained.⁴¹ In addition, speedy disposal of trials is encouraged under the Bharatiya Nagarik Suraksha Sanhita (BNSS) with a specific time period to submit police reports and charge sheets to prevent unfair delay in the justice process.⁴²

International human rights criteria, including protection against long-term detention without trial mentioned in the International Covenant on Civil and Political Rights (ICCPR), to which India is a party, further impresses how police behaviour is monitored by Indian Courts and Human Rights Bodies under investigation and trial stages.⁴³

³⁶ Bharatiya Nyaya Sanhita 2023, ss 50–60.

³⁷ Legal Service India, 'Role of Police in Criminal Trials' <https://www.legalserviceindia.com/legal/article-345-role-of-police-in-criminal-trials.htm>.

³⁸ *Joginder Kumar v State of UP* (1994) 4 SCC 260.

³⁹ CrPC 1974, s 240.

⁴⁰ Manupatra, *Cross-Examination of Police Witnesses* (2025).

⁴¹ Bharatiya Sakshya Adhiniyam 2023, ss 25–35.

⁴² Bharatiya Nagarik Suraksha Sanhita, 2023, ss 80–85.

⁴³ International Covenant on Civil and Political Rights, art 9, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) <https://treaties.un.org/>.

REFORMS AND RECOMMENDATIONS

India's police system, although it is important to maintain law and order, is exposed to chronic structural and operating deficiencies, and requires immediate improvements. Consensus and legal directions from Scholars call for versatile reforms that include legal, institutional, and technological dimensions. A big recommendation is to implement a new comprehensive Police Act to replace the old Indian Police Act of 1861, which includes autonomy, responsibility, community engagement and modern principles of Human Rights in the Bharatiya Nyaya Sanhita (BNS).⁴⁴

Insulating the police force from politics is essential through the strict enforcement of Supreme Court guidelines in *Prakash Singh v. Union of India*, which require the constitution of State Security Commissions, Police Establishment Boards for transfers and promotions, and Independent Police Complaints Authorities.⁴⁵ It is necessary for police officers to implement the guidelines with a fixed termination period to curb arbitrary transfer that disrupt investigations.⁴⁶ Modernization of police infrastructure under Bharatiya Nagarik Suraksha Sanhita (BNSS) involves upgrading of forensic laboratories, digitization of records, distribution of body cameras, and increasing cybercrime capabilities through dedicated units.⁴⁷

Capacity building should prioritize forensic science, digital investigation techniques, victim sensitivity and special training in legal procedure. The construction of forensic crime laboratories under the Bharatiya Sakshya Adhinyam (BSA) improves scientific rigor in evidence collection, and preserves the important chain of custody during prosecutions.⁴⁸ The expansion of the representation of women in gender sensitization programs and police work constitutes significant reforms to address systemic gender biases and to report gender-based violence and improve the investigation.

Community policing initiative, exemplary, promoting public trust and cooperation from Kerala's Janamaithri Suraksha Project, is important for public trust, significant intelligence collection and effective crime prevention.⁴⁹ Promoting nationwide, this as a ground model

⁴⁴ Bharatiya Nyaya Sanhita, 2023, ss 70–85.

⁴⁵ *Prakash Singh v Union of India* (2006) 8 SCC 1.

⁴⁶ Manupatra, *Fixed Tenure Policies in Policing* (2025).

⁴⁷ Bharatiya Nagarik Suraksha Sanhita, 2023, ss 90–100.

⁴⁸ Bharatiya Sakshya Adhinyam, 2023, ss 60–70.

⁴⁹ PRS Legislative Research, 'Community Policing Models'

increases fairness and transparency and helps to bridge the police-public confidence deficit. Improvement in judicial policy coordination through digital case processing systems reduces procedural delays and undertrial cases.

International experiences emphasize the importance of independent inspection and human rights compliance, and reflect India's reform projection. The UN Guidelines on the Role of Police emphasize the mechanism of responsibility, professional morality and prohibition of abuse of torture and custodial violence.⁵⁰ AI-based crime analysis and adequate restoration of new technologies, transparent recruitment and integration are important for developing India's police system in a modern, effective force.⁵¹

1. DIGITAL EVIDENCE AND FORENSIC REFORMS

Recent Indian laws, specially the BNSS and BSA, reflect a paradigm shift towards obligatory use of forensic technologies in extreme crime instances. Section 193 of BNSS sets statutory deadlines, while Section 530 explicitly requires digital proof management and mandates that everyone police strategies, from proof collection to trial submissions, can arise electronically. This aligns with practices within the EU and Budapest Convention protocols, wherein chain-of-custody is digitally logged and pass-border crimes leverage virtual document admissibility. Forensic examinations, such as collection of voice, handwriting, and organic samples under judicial oversight, have grown to be obligatory for offences punishable by seven years imprisonment or greater—further harmonizing Indian protocols with international standards which include the ones recommended by the UNODC.

2. GENDER EQUITY AND VICTIM-CENTRIC REFORMS

The new statutes (BNS, BNSS, and BSA) underline more advantageous victim protections, in particular for women and susceptible populations. Provisions mandate that statements of female victims are to be recorded at their selected region and within the presence of girl officials, reflecting UN Bangkok Rules and European Convention on Human Rights (ECHR) protections. The reforms additionally inspire the acceleration of entry into policing by girls and mandatory gender sensitization training.⁵²

3. COMMUNITY POLICING AND LOCAL ACCOUNTABILITY

The Janamaithri Suraksha Project in Kerala and other similar models elsewhere have been legislatively supported for fostering public trust, cooperation, and intelligence gathering.

⁵⁰ United Nations Office on Drugs and Crime, 'Guidelines on the Role of Police' (2024) <https://unodc.org/>.

⁵¹ KPMG, 'Technology in Modern Policing, 2025' <https://home.kpmg/in/en/home/insights/2025/01/digital-evidence.html>.

⁵² United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules), 2011.

These reforms are in line with the UN norms for community policing and citizen engagement, which are operational in US, UK, and Australian jurisdictions in the form of police-citizen dialogues to reduce crime and thereby enhance effectiveness.

4. EXTERNAL DISCIPLINARY OVERSIGHT

The Supreme Court's decisions especially *Prakash Singh v. Union of India* have mandated State Security Commissions, Police Complaints Authorities, and Police Establishment Boards for independent oversight. These mechanisms, enshrined in BNSS, now parallel ombudsperson and independent review models in Europe and Latin America, securing police accountability beyond internal checks⁵³

5. INTERNATIONAL COMPARATIVE PERSPECTIVES

The Indian reforms are deeply based upon international set of best practice such as the Paris Principles and UNODC's guidelines for victim-centred transparent and technocratic investigation. Provisions for use of video conferencing in trials, forensic evidence gathering, and swift bail hearings (BNSS Sections 478–496) mirror digital justice systems found in the UK, US, and EU. American reforms, for instance, promote electronic records at every trial stage, and Australian laws emphasize external oversight by civilian bodies—all reflected in recent Indian amendments.⁵⁴

6. TECHNOLOGY AND AI IN POLICING

AI-driven analytics for crime prediction, digital integration of case records, and cybercrime units are central to modernization efforts, as highlighted in policy analyses and KPMG's insight report. These tools—already standard in several Western jurisdictions—are now being deployed in India, with explicit mandates for transparent digital audits and surveillance.⁵⁵

Additional Recommendations for Implementation

For comprehensive reform success, further recommendations include:

- Regular judicial review and empirical evaluation of reform impacts, as practiced in the EU.
- Enhanced funding for forensic labs and victim support systems.
- Stronger training modules on digital forensics and investigative interviewing, as per international “Mendez Principles”.⁵⁶

⁵³ IPA Policy Report, ‘Challenges in Police Reform’ 2021.

⁵⁴ Paris Principles on National Human Rights Institutions, 2007; US Department of Justice, Digital Evidence Guidelines, 2022.

⁵⁵ KPMG, ‘Technology in Modern Policing’ 2025; Bharatiya Sakshya Adhiniyam, 2023, ss 60-70.

⁵⁶ European Court of Human Rights, *Ćwik v. Poland*, 2020; Principles on Effective Interviewing for Investigations and Information Gathering, 2021.

CONCLUSION AND SUGGESTIONS

The improvement in police system in India is compulsory for the country's justice, law and order and progress for national security. The police model in the colonial era, although the basic, poorly addresses the complications of modern Indian society and types of crime. Since repeated orders had been given by committees such as the Ribeiro Committee (1998) and Malimath Committee (2002) in addition to the mandates: judicial mandates have been in force since *Prakash Singh v. Union of India*; hence, apart from the mere fact of existence of committees and Supreme Court orders, comprehensive implementation of reforms has been slow and patchy across the states.⁵⁷

Trusting police to be professional and secure free operation from external influences while holding them accountable enhances the credibility of police work in the eyes of the people and thereby improves policing in outcomes. Legislation such as the BNS, BNSS and BSA represent transformation steps towards organizational reform and procedural clarity.

Proper operational freedom from transparent surveillance bodies, including State Security Commissions and Police Complaints Authorities are important to reduce political intervention and increase performance efficiency. Investments in forensic capacities, cybercrime units, technology, and victim-sensitive training are important.

Increasing the representation of women, making officials sensitive to human rights, expanding social policy and digitally integrating criminal justice system will increase confidence and efficiency. Strengthening the judiciary with a strong supervision protects civilian freedom and confirms procedural fairness.⁵⁸

For these reforms to impact meaningfully, they require dedicated implementation, adequate revival and continuous evaluation. Only through such overall approaches can the police in India fulfil their mission of justice and serve as pillars for a democratic and equitable society.

⁵⁷ Mriganka Shekhar Dutta and Marico Baruah, 'Policing the Nation in the 21st Century: An Appraisal of the Proposed Reforms' (2015) <https://docs.manupatra.in/newslines/articles/Upload/9D7B024D-7F33-4379-A512-F3252B9A90CA.pdf>.

⁵⁸ Manupatra, *Judicial Oversight in Police Reforms* 2025.