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Police reform and human rights: Bridging the gap in protection of minority communities

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Abstract

Ensuring the protection of minority communities remains a pressing concern within democratic frameworks, particularly in relation to policing and the enforcement of human rights. This paper critically examines the urgent necessity for police reforms in India to guarantee fair, humane, and non-discriminatory treatment of marginalized groups, including religious, caste, ethnic, and gender minorities. Despite the presence of constitutional guarantees and international human rights obligations, systemic challenges such as discrimination, custodial violence, and denial of justice continue to undermine the safety and dignity of these communities.

The research delves into the structural and functional deficiencies of current policing systems—highlighting issues such as lack of accountability, insufficient human rights training, minimal representation of minorities within law enforcement, and inadequate enforcement of reform mandates, such as those articulated in the Prakash Singh judgment by the Supreme Court. Drawing from qualitative insights based on official reports, documented case studies, and stakeholder interviews, the research paper reveals how existing police practices often reinforce marginalization rather than providing protection.

In response, the paper proposes a multidimensional reform strategy. This includes strengthening legal accountability, fostering community-oriented policing models, instituting independent oversight mechanisms, expanding minority representation, and utilizing technology for greater transparency. Special attention is given to approaches that have been effective internationally, with a view to adapting these within the Indian socio-political context.

By aligning policing practices with human rights principles and democratic ideals, the research paper envisions a transformative model of law enforcement—one that not only protects minority rights but also enhances public trust and institutional legitimacy. The findings aim to contribute meaningfully to current policy discourse and reform efforts in India's criminal justice system.

Keywords: Police reform, human rights, minority protection, community policing, discrimination, accountability, Prakash Singh guidelines, inclusive policing, India, law enforcement

Introduction

Policing is considered a fundamental pillar of democratic governance, tasked with upholding law, order, and public safety. However, its engagement with minority communities has frequently been characterized by suspicion, exclusion, and systemic inequality. In India, the colonial legacy of policing continues to influence present-day practices. Originally established as an apparatus for state control rather than public service, the colonial police system prioritized authority over accountability. As historian David Arnold notes, the colonial-era police primarily served the interests of the ruling regime rather than those of the common people^[1]. Even after India's independence, this foundational structure has largely persisted, often marginalizing communities on the basis of religion, caste, ethnicity, and gender.

The principles of human rights-based policing emphasize dignity, equality, and non-discriminatory enforcement of the law. The United Nations Code of Conduct for Law Enforcement Officials (1979) underscores that police personnel must uphold the human rights of every individual, regardless of background. Yet, in the Indian context, reports of custodial deaths, unlawful detentions, caste-based targeting, and extrajudicial encounters remain disturbingly common. These abuses are regularly documented by the National Human Rights Commission (NHRC), particularly with reference to Dalits, Adivasis, Muslims, and transgender persons^[2].

Such incidents not only erode public confidence in law enforcement but also weaken the democratic fabric of the state.

Objectives of the study

This research paper aims to investigate the complex relationship between police reform and the protection of minority rights in India. Its primary objective is to identify and critically examine the systemic shortcomings in the current law enforcement framework that contribute to human rights violations. Additionally, the study seeks to explore reform measures—both domestic and international—that could promote greater accountability, inclusivity, and transparency in policing. A key focus will be on adapting best practices to the Indian context while ensuring that the reforms align with constitutional principles and democratic values.

Literature Review

Human Rights and Policing Frameworks

The ideal function of policing in a democracy is to uphold the rights and liberties of all citizens, ensuring security through fairness, legality, and accountability. International human rights instruments offer vital standards for ethical law enforcement. A cornerstone in this regard is the United Nations Code of Conduct for Law Enforcement Officials (1979), which directs police to act with respect for human dignity and the rights of all individuals^[3]. Supplementing this are the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), which advocate the use of force only when absolutely necessary, and only in proportion to the threat posed.

India's Constitution enshrines similar values, guaranteeing equality (Article 14), protection from discrimination (Article 15), and the right to life and personal liberty (Article 21). These fundamental rights form the legal basis for policing aligned with democratic ideals. Furthermore, legislations like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Protection of Human Rights Act, 1993, are designed to offer targeted protections to marginalized groups. Despite this legal framework, enforcement on the ground often falls short. Numerous violations—ranging from custodial violence to discriminatory treatment—continue to affect minorities, suggesting a gap between the promise of the law and its practice^[4].

Minorities and the Justice System

The relationship between minority communities and law enforcement in India has been shaped by long-standing mistrust, systemic exclusion, and coercion. Originating during British colonial rule, policing was used as a tool to suppress resistance and maintain control, especially over lower-caste and tribal populations^[5]. Post-independence, despite efforts at democratization, the police structure has remained authoritarian in character.

Numerous empirical studies and civil society reports highlight how vulnerable groups—such as Dalits, Muslims, and Adivasis—are disproportionately subjected to arbitrary detention, custodial torture, and state-led violence. For instance, a 2016 report by the National Dalit Movement for Justice outlined repeated police negligence and complicity in caste-based crimes. Similarly, despite comprising roughly 14% of the population, Muslims are vastly overrepresented among undertrials and convicts, indicating deep-seated

institutional prejudice^[6].

Adivasi populations in conflict-prone states like Chhattisgarh and Jharkhand often find themselves accused under stringent laws such as the Unlawful Activities (Prevention) Act (UAPA), resulting in long detentions without trial^[7]. These trends point to entrenched practices of profiling and systemic exclusion that deny minority groups equal protection and access to justice.

Police Reforms: Global and Indian Context

Globally, numerous countries have undertaken police reform initiatives aimed at democratizing law enforcement and reinforcing accountability. Community policing, for example, is a widely adopted model in countries like the U.S., U.K and Kenya. It emphasizes proactive engagement between police and local communities, prioritizing problem-solving, trust-building, and shared responsibility for safety^[8].

Scandinavian countries, particularly Norway, offer examples of rights-based training in police academies, focusing on de-escalation, ethical reasoning, and social empathy, which contribute to low rates of police violence and high public confidence^[9].

India's major judicial intervention in this space came through the 2006 Supreme Court ruling in *Prakash Singh vs. Union of India*, which outlined a comprehensive framework for reform. Key directives included establishing State Security Commissions, separating investigation from law-and-order functions, and creating independent police complaints authorities. However, implementation has been inconsistent and often superficial. Many states have either delayed or diluted compliance, hampered by political and bureaucratic resistance^[10].

Efforts to improve police sensitivity through human rights training and the formation of dedicated cells within departments have had limited effect. The persistence of a rigid, hierarchical, and control-oriented culture, rooted in colonial traditions, remains a significant barrier. Furthermore, the underrepresentation of minorities within the police workforce reinforces an "us-versus-them" mindset, undermining internal reform and external trust.

Police Reforms and Gaps

Current Legal and Institutional Frameworks

Policing in India continues to be governed by outdated legislative frameworks, the most prominent of which is the Police Act of 1861. Enacted in the aftermath of the 1857 uprising, this colonial statute was primarily designed to consolidate control over the population rather than deliver public service. Its legacy still permeates modern policing, reinforcing rigid hierarchies, centralized authority, and a punitive orientation rather than democratic accountability^[12].

Acknowledging the systemic shortcomings in India's policing architecture, the Supreme Court, in its landmark ruling in *Prakash Singh vs. Union of India* (2006), issued seven crucial directives aimed at restructuring the police system. These included:

- Establishing State Security Commissions to protect police from political pressures.
- Ensuring fixed tenure for senior officers to promote professional stability.
- Separating the investigation function from law and order duties.

- Creating Police Establishment Boards to oversee transfers and postings.
- Setting up independent Police Complaints Authorities to address public grievances.
- Streamlining the process for appointing Directors General of Police (DGPs).
- Constituting a National Security Commission for central oversight.

Although widely regarded as a milestone in police reform, implementation across states has been inconsistent and, in many cases, superficial. Investigations by civil society groups reveal that State Security Commissions in several states either do not function or are heavily influenced by political appointees, undermining their intended independence^[13]. Similarly, Police Complaints Authorities often lack operational autonomy and investigative teeth, rendering them largely ineffective.

Structural Barriers

A significant impediment to meaningful reform lies in the inadequacy of police training. Many state academies continue to focus heavily on physical discipline and enforcement tactics, neglecting critical subjects such as human rights, conflict resolution, and gender sensitivity^[14]. Furthermore, the lack of continuous in-service education, especially for lower-level officers who have the most direct contact with citizens, contributes to outdated and authoritarian policing styles.

The politicization of the police is another persistent issue. Appointments, transfers, and promotions are frequently influenced by political allegiances rather than merit or integrity. This practice undermines professional autonomy and results in the selective application of law. As Human Rights Watch (2009) noted, political interference often exacerbates targeted policing, particularly during communal violence or caste-based conflicts^[15].

The underrepresentation of marginalized communities within police forces is also a structural deficiency that hampers reform. For example, Muslims-comprising over 14% of the population-account for only around 3-4% of police personnel nationwide.¹⁶ Similar disparities exist for Dalits, Adivasis, and women. This lack of diversity contributes to institutional mistrust and reinforces a perception of the police as an alien force in minority-dominated areas.

Implementation Challenges

Even where reform frameworks exist, their actual enforcement faces resistance at multiple levels. This resistance stems from deeply embedded institutional culture, where senior officers may view reforms as threats to their discretionary power, while junior personnel often lack exposure to rights-based approaches to policing. Additionally, poor working conditions-such as long hours, inadequate pay, substandard housing, and lack of mental health support-contribute to systemic demoralization and resistance to change.

Bureaucratic delays further hinder reform progress. Since policing is a subject under state jurisdiction in the Indian Constitution, implementation depends on state governments, many of which cite budgetary constraints or political complexity as reasons for non-compliance. The absence of a centralized authority to ensure adherence to Supreme Court

directives has resulted in wide disparities in reform implementation across different states^[17].

Moreover, the lack of a unified national policy on police modernization exacerbates the problem. While certain states like Kerala have piloted innovative community policing models-such as Janamaithri-others continue to use the police for partisan purposes, especially during communal disturbances or protests, further undermining public trust.

The disconnect between judicially mandated police reforms and their on-ground execution reflects deeper issues rooted in political inertia, institutional conservatism, and weak accountability mechanisms. Addressing these challenges requires more than legislative reform; it calls for a fundamental shift in police culture, greater inclusivity within the force, and the establishment of independent oversight bodies that are transparent, empowered, and trusted by the public.

Human rights violations faced by minorities types of violations

The interface between minority communities and policing institutions in India continues to be shaped by recurring and deeply entrenched patterns of human rights violations. Despite constitutional guarantees under Articles 14 (equality before law), 15 (protection from discrimination), and 21 (right to life and liberty), these protections are frequently denied in practice-especially to Dalits, Muslims, Adivasis, and other marginalized groups.

Custodial torture remains among the most severe forms of abuse disproportionately inflicted on minority individuals. It is routinely used to extract confessions or to inflict punishment in custody. In 2021, the National Crime Records Bureau (NCRB) recorded 88 custodial deaths across India. Alarming, only 21 of these cases were officially investigated, and just 2 resulted in charge sheets being filed-indicating a deeply rooted culture of impunity^[18].

Unlawful detention is another widespread violation, particularly affecting young men from Muslim and tribal communities. These individuals are often apprehended based on vague suspicion, detained without following proper arrest protocols, and released without charges-causing not only psychological trauma but long-term social exclusion^[19].

Surveillance and community profiling also remain serious concerns. In tribal and insurgency-prone regions, Adivasi populations are regularly subjected to heightened monitoring under the guise of national security. In urban settings, Muslim neighborhoods experience intensified digital surveillance, mosque watch lists, and pre-emptive policing during religious events or after security incidents. Such collective scrutiny directly undermines the principle of individualized justice and fosters alienation.

Routine identity-based policing practices, such as stop-and-search, biased FIR registration, and disproportionate use of force, also reveal structural discrimination. According to the Status of Policing in India Report (2020) by CSDS, 47% of Dalits and 45% of Muslims reported feeling discriminated against or mistrusted during police encounters, compared to only 25% of upper-caste Hindus^[20].

Case Studies and Reports

Documented incidents and official investigations offer compelling evidence of the systemic nature of these abuses.

One of the most high-profile examples was the Sathankulam custodial death case in Tamil Nadu (2020), where two members of a Christian family-Jayaraj and his son Bennicks-were tortured and killed in police custody after allegedly violating COVID-19 lockdown guidelines. The incident sparked nationwide outrage and laid bare the absence of safeguards against routine police brutality ^[21].

Annual reports from the National Human Rights Commission (NHRC) highlight that most complaints against the police come from socioeconomically marginalized groups. In its 2018-19 report, the NHRC noted that many custodial deaths were attributed to ambiguous causes such as “medical complications” or “suicide,” often without independent or forensic scrutiny. The Commission also criticized the non-operational status of Police Complaints Authorities in several states, which hampers access to justice ^[22].

Media analyses reinforce this structural bias. A 2017 investigation by India Spend found that in multiple states, Muslims were overrepresented in undertrial populations by more than twice their share in the general population. Likewise, Dalits-who make up about 16% of the national population-constituted nearly 22% of those charged under the SC/ST (Prevention of Atrocities) Act, not as victims but as accused persons ^[23].

International watchdogs have also raised alarms. In its Broken System report, Human Rights Watch (2009) observed that police frequently bypass legal norms when interacting with Dalits and religious minorities. The report documented numerous instances where violence, threats, and coercive tactics were used to silence dissent or manipulate investigations ^[24].

These findings collectively point to a chronic failure of the policing system to uphold the rights of all citizens equally. Instead of acting as neutral enforcers of the law, police forces often reproduce social hierarchies and prejudices, deepening existing inequities in access to justice.

Bridging the Gap: Towards Inclusive Police Reforms Recommendations for Structural Reforms

Addressing the systemic disconnect between policing and the rights of minority communities requires more than procedural adjustments it demands a transformative restructuring of institutional frameworks. A key priority is the effective and independent functioning of Police Complaints Authorities (PCAs). Although mandated by the Supreme Court, these bodies often lack autonomy, resources, or enforcement capacity. For meaningful impact, PCAs must be empowered with investigative authority, adequate funding, and independence from the police hierarchy, particularly in handling complaints from marginalized groups ^[25].

Likewise, state security commissions should be reconstituted with diverse representation, including civil society members, legal experts, and minority voices, to ensure balanced and transparent oversight of police operations.

Another critical step is the overhaul of outdated police laws. The colonial-era Police Act of 1861 continues to underpin policing in many states. Although some regions, such as Kerala and Maharashtra, have introduced new laws, these often still fall short of contemporary standards for democratic policing ^[26]. Developing a model national police law-centered on accountability, community partnership, and

human rights-could provide a blueprint for consistent reform across states.

Training and Sensitization

Reforming policing culture begins with overhauling education and training programs. Current curricula largely emphasize physical preparedness and enforcement tactics, with minimal focus on constitutional values, ethics, and social justice. Integrating comprehensive modules on human rights, anti-discrimination principles and diversity awareness-covering caste, religion, gender, and LGBTQ+ issues-would help foster more humane and responsive policing.

In addition to academy training, interactive sensitization workshops should be conducted in collaboration with civil society organizations, human rights institutions, and community leaders. Programs that feature testimonies from survivors of custodial abuse or engagement with elders from marginalized groups have shown potential in challenging biases and encouraging reflection ^[27].

Community Engagement Models

Community policing models offer promising avenues for building mutual trust. Kerala’s Janamaithri Suraksha Project has demonstrated success in fostering cooperation between local communities and beat constables through regular meetings and neighborhood-based problem-solving. These initiatives help dismantle fear and promote participatory governance.

In Maharashtra, Mohalla Committees-formed in the aftermath of communal disturbances-created space for dialogue between police personnel and community religious leaders. These platforms served as early intervention mechanisms to de-escalate tensions and prevent violence ^[28]. Scaling up such models across states could institutionalize conflict prevention and promote inclusivity. Enhancing the diversity of the police force is also vital. Targeted recruitment drives and representation quotas for Dalits, Muslims, Adivasis, women, and other marginalized communities can help build a more equitable institution. A force that reflects the demographic diversity of the population is more likely to gain public trust and act in the interests of all citizens.

Technology and Transparency

Technology can play a crucial role in reinforcing accountability and curbing abuse. The adoption of body cameras, dashboard cams, and digital case-tracking systems can offer greater transparency and deter police misconduct. Public access to real-time data on arrests, custodial deaths, and use-of-force-disaggregated by social identity-would further strengthen oversight.

Additionally, making FIR registration and complaint submission accessible online can empower those who are hesitant or fearful of engaging with police stations in person. Importantly, technological tools should not be limited to enforcement or surveillance, but also used to detect systemic bias and discriminatory patterns in policing practices.

Conclusion

Summary of Key Findings

This study explored the pressing issue of how police reforms intersect with the protection of minority

communities in India. Despite constitutional promises of equality and international commitments to human rights, the reality of policing remains inequitable and exclusionary. Marginalized groups-including Dalits, Muslims, Adivasis, and others-continue to be disproportionately subjected to unlawful detention, custodial violence, surveillance, and profiling. These patterns are not anomalies; they are symptoms of a deeper legacy rooted in colonial policing structures, weak institutional safeguards, and entrenched cultures of impunity.

The analysis of the *Prakash Singh v. Union of India* (2006) directives reveals that while comprehensive reform guidelines are in place, their execution across Indian states has been inconsistent and, at times, merely symbolic. Deep-seated challenges such as political interference, inadequate human rights training, and the lack of minority representation in policing continue to limit meaningful change. Data from the NCRB, NHRC, and numerous civil society investigations confirm that the pursuit of justice remains elusive for many vulnerable communities.

Nevertheless, examples from both India and abroad show that inclusive and rights-respecting policing is achievable. Models such as community policing, independent oversight bodies, and diversified recruitment policies offer tangible pathways toward reform. These initiatives stress the importance of accountability, participatory engagement, and continuous training focused on ethics, equity, and justice.

Implications for Policy and Practice

The research findings offer clear directions for policymakers and practitioners seeking to build a fair and democratic policing system. First and foremost, the outdated Police Act of 1861 must be replaced with contemporary, rights-based legislation tailored to each state's socio-political context. Simultaneously, there is a critical need to operationalize independent Police Complaints Authorities and State

Security Commissions in every state, equipped with the autonomy and authority to enforce accountability

In practical terms, training programs for police personnel should be restructured to emphasize constitutional rights, conflict de-escalation, anti-discrimination frameworks, and social diversity. Adopting data-driven policing strategies, incorporating regular feedback from affected communities, and institutionalizing caste- and gender-sensitive practices are essential to improving service delivery.

To ensure inclusivity, affirmative recruitment policies aimed at increasing the participation of Dalits, Muslims, Adivasis, women, and LGBTQ+ individuals must be strengthened. Technology can also play a pivotal role: The deployment of body cameras, public grievance dashboards, and online FIR systems can improve transparency and restore public trust in law enforcement.

Call for a human rights-centered policing model

A just and inclusive democracy demands a policing system that protects the dignity and rights of all individuals, particularly those most at risk of exclusion. A human rights-centered model of policing reimagines law enforcement as a service-oriented institution-one that prioritizes protection over control, empathy over coercion, and inclusion over marginalization.

Achieving this vision will require a paradigm shift-not only in laws and policies but in institutional attitudes, leadership

values, and everyday interactions between police and the public. Reform must go beyond technical adjustments to address deeper cultural and structural biases that prevent equitable justice.

Ultimately, bridging the trust deficit between law enforcement and marginalized communities is essential to preserving the foundational values of India's democracy. The time for action is now-not just to reform an outdated system, but to uphold the ideals of equality, justice, and freedom that form the bedrock of the Constitution.

References

1. Arnold D. *Police power and colonial rule: Madras, 1859-1947*. New Delhi: Oxford University Press; 1986.
2. National Human Rights Commission. *Annual Report 2018-2019*. New Delhi: NHRC; 2019.
3. United Nations. *Code of conduct for law enforcement officials*. Geneva: Office of the High Commissioner for Human Rights; 1979.
4. Ministry of Home Affairs. *Crime in India 2021*. New Delhi: National Crime Records Bureau; 2022.
5. Amnesty International. *Treated with contempt: Human rights violations in India's criminal justice system*. London: Amnesty International; 2018.
6. Bayley DH. *Changing the guard: Developing democratic police abroad*. Oxford: Oxford University Press; 2006.
7. Finstad L. *Policing the police*. Oslo: Institute for Social Research; 2000.
8. Commonwealth Human Rights Initiative. *Eighteen years on: Status of compliance with Supreme Court directives on police reform*. New Delhi: CHRI; 2024.
9. Verma A. Police reforms in India: Current issues and future prospects. *Indian J Public Adm.* 2010;56(1):9-22.
10. Arnold D. *Police power and colonial rule: Madras, 1859-1947*. New Delhi: Oxford University Press; 1986, p. 37.
11. Commonwealth Human Rights Initiative. *Eighteen years on: Status of compliance with Supreme Court directives on police reform*. New Delhi: CHRI; 2024, p. 12.
12. Verma A. Police reforms in India: Current issues and future prospects. *Indian J Public Adm.* 2010;56(1):18.
13. Verma A. Police reforms in India: Current issues and future prospects. *Indian J Public Adm.* 2010;56(1):67.
14. Centre for the Study of Developing Societies (CSDS). *Status of Policing in India Report 2020: Policing in the time of COVID-19*. New Delhi: Lokniti-CSDS; 2020.
15. Commonwealth Human Rights Initiative. *Eighteen years on: Status of compliance with Supreme Court directives on police reform*. New Delhi: CHRI; 2024, p. 25.
16. Ministry of Home Affairs. *Crime in India 2021*. New Delhi: National Crime Records Bureau; 2022, p. 327.
17. Amnesty International. *Treated with contempt: Human rights violations in India's criminal justice system*. London: Amnesty International; 2018, p. 9.
18. Centre for the Study of Developing Societies (CSDS). *Status of Policing in India Report 2020: Policing in the time of COVID-19*. New Delhi: Lokniti-CSDS; 2020, p. 52.
19. The Hindu. *Custodial deaths of Jayaraj and Bennicks: What we know so far*. Chennai: Kasturi & Sons Ltd; 2020 Jun.

20. National Human Rights Commission. Annual Report 2018-2019. New Delhi: NHRC; 2019, p. 87.
21. IndiaSpend. Muslims, Dalits overrepresented in Indian jails, data show [Internet]. 2017 [cited 2025 Aug 6]. Available from: <https://www.indiaspend.com>
22. IndiaSpend. Muslims, Dalits overrepresented in Indian jails, data show [Internet]. 2017 [cited 2025 Aug 6]. Available from: <https://www.indiaspend.com>. p. 54.
23. Commonwealth Human Rights Initiative. Eighteen years on: Status of compliance with Supreme Court directives on police reform. New Delhi: CHRI; 2024, p. 31.
24. Verma A. Police reforms in India: Current issues and future prospects. *Indian J Public Adm.* 2010;56(1).
25. Amnesty International. Treated with contempt: Human rights violations in India's criminal justice system. London: Amnesty International; 2018, p. 25.