SYNERGY AND COLLISION OF LAW AND MORALITY IN INDIAN POLICE SYSTEM

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ABSTRACT

The research paper titled "Synergy and Collision of Law and Morality in Indian Police System" aims to highlight the complicated relationship between legal authority and moral principles in the context of Indian policing.

Firstly, the paper starts off by establishing a theoretical framework propounded by prominent scholars in relation to law and morality, thereby, offering a conceptual foundation of the research paper. Further, it moves on to examine the colonial origins of the Indian Police system and evaluate the transformative impact of constitutional values and judicial guidelines since independence.

Secondly, the issue of moral policing has been given mention in the succeeding sections of the paper to showcase the collision of law and morality in the Indian police system and analyze the extent to which morality is accepted within the ambit of law.

Thirdly, this research paper aims to emphasize the divide between synergy of law and morality on paper and the ground reality through the case study of custodial violence, thus, underscoring the ongoing efforts in the protection of human rights and individual freedom. In this aspect, various official statistics, findings of institutional statistics and recommendation related to the custodial violence have also been considered.

Lastly, in order to bridge this gap, the study puts forward an ethical framework and recommend practical solutions so that public confidence and accountability is restored in the police system.

Keywords: Synergy, Collision, Law, Morality, Indian Policing, Ethical Policing.

1: INTRODUCTION

Law and morality are two fundamental means of regulating human behaviour in the society. While law comprises of rules and regulations which are officially recognizes by a nation, morality is concerned with implementing those rules and regulation by upholding the principles of justice, fairness and dignity. Although the two concepts are different in nature, they still work in tandem since it is the moral values which influence the interpretation of law. However, it is also worth mentioning that law and morality can also collide in many cases. There might be situations wherein an action is morally justified but legally forbidden or legally justified but morally forbidden. For example, when a police officer uses excessive force in the name of preserving public order or when his actions are guided by biases and his cultural beliefs, a situation of conflict arises. Therefore, it is necessary that the police power is exercised in such a manner that the principles of morality, justice and dignity are upheld so that the goal of synergy of law and morality in the Indian police becomes not just a vision but a ground reality.

This intersection becomes even more important when one considers the Indian police. As this organisation is enshrined with the responsibility of maintaining law and order in the society, it becomes critical to evaluate the Indian police not only in terms of legality but morality embedded in legality.

1.1 STATEMENT OF PROBLEM

Police are expected to exercise their duties taking into account both law and morality. There are many instances in day-to-day life where law and morality work in tandem. Take the case of an officer who registers an FIR without a second thought, responds to a case of domestic violence instantly and de-escalates a tense situation peacefully, rather than reaching for force. However, that is not always the case. Actions like using excessive force during an arrest or encounter killing which in themselves are a form of desensitization has become a normalized practice in the police. The result is nothing but a collision of law and morality. Therefore, this research aims to look at the interface of law and morality in the Indian Police to highlight instances when the two reinforce or clash with one another.

1.2 OBJECTIVES OF RESEARCH

The objectives of this research are as follows:

1. To examine different viewpoints on law and morality as held by influential scholars and to relate them to Indian Police.

2. To look at instances of custodial violence, overreach of duty and other unlawful acts with a view to ascertain the extent at which the legal safeguards are actually observed and enforced in the Indian Police.

3. To highlight the phenomenon of 'moral policing' in India and relate it to the issue of law and morality.

4. To identify the gap between what the law requires and what the reality holds in order to analyze the fundamental deficiencies of the system and the reasons it.

1.3 LITERATURE REVIEW

Theoretical Foundations: Law and Morality

Classical Jurisprudence talks about different perspectives of how morality is embedded within the legal system. Natural Law theorists such as *St. Thomas Aquinas* argue that laws gain legitimacy from universal moral principles.[1] On the other hand, Legal Positivists such as *H.L.A Hart* and *John Austin* emphasize procedural validity and institutional authority independent of ethical content. [2]

Historical and Colonial Origins of Indian Police System

The structure of the Indian Police system in the present day is largely influenced by its colonial origins. The police were established under The Police Act, 1861 by the British colonial government following the Revolt of 1857

The National Police Commission, in its reports submitted between 1979 to 1981 noted that this colonial legacy conditioned the system to prioritize those with power over ordinary citizens, thus, recommending significant changes to brought within this system.[3] Successive bodies like the Ribeiro and Sorabjee Committee recommended structural reforms but implementation

[1] Thomas Aquinas, Treaties on Law (Hackett Classics 2000)
[2] John Austin, The Province of Jurisprudence Determined (John Murray 1832)
[3] National Police Commission, Government of India, First Report (1979); Second Report (1979); Fourth Report (1980); Fifth Report (1980); Sixth Report (1981); Eighth Report (1981)

remained negligible.[4] Further, the Supreme Court issued binding directions in Prakash Singh v Union of India, 2006 to restructure the police systems. [5]

Custodial Violence and Moral Justification of Extra-Legal Forces

To address issues like excessive force and custodial violence by Indian police, the Supreme Court in *Nilabati Bahera v State of Orissa, 1993* reiterated that prisoners and detainees should not be deprived of their Fundamental Rights under Article 21 and only the restriction permitted by law could be imposed on the enjoyment of their Fundamental Rights.[6] Later, this case was used as a precedent in the landmark case of the *D.K Basu v State of West Bengal, 1997* wherein the court ruled that torture in police custody violates the right to life and established 11 guidelines for police to follow during any arrest or detention. [7]

Legal Aspects of Moral Policing in India

Herbert Packer, in his influential work on the limit of criminal law said that criminal law should be used only for acts considered immoral by a large group of people.[8] For example, 'Moral Policing' is a term that is used to describe the actions of vigilante groups. They act to enforce a code of morality in people and act against the activities which are considered 'immoral' according to them. Further, it connects moral policing to *Sections 294 to 296 of Bharatiya Nyaya Sanhita, 2023*. To maintain a balance, the Supreme Court in *CISF & Ors. V. Santosh Kumar Pandey, 2022 (Civil Appeal No. 8671 of 2015)* clarified that CISF/police cannot morally police citizens.[9]

Institutional Reports

The India Justice Report (IJR), 2025, an initiative of Tata Trust represents a pioneering effort to systematically evaluate the performance and capacity of India's Justice delivery institutions.[10] Further, NHRC issued guidelines regarding the procedure to be followed in cases

[4] Legal Accountability of the Police in India, Centre for Law and Policy Research https://clpr.org.in/wp-content/uploads/2018/09/Police-Accountability-CLPR.pdf (Nov. 1 2026)
[5] Prakash Singh v. Union of India, (2006) 8 S.C.C. 1 (India)
[6] Nilabati Behera v. State of Orissa, A.I.R. 1993 S.C. 1960 (India)
[7] D.K Basu v. State of West Bengal A.I.R 1997 S.C. 610 (India)
[8] Robert F Meir, Gilbert Geis, Criminal Justice and Moral Issues (2006)
[9] CISF v. Santosh Kumar Pandey, 2022 INSC 1292 (India)
[10] India Justice Report 2025: Ranking States on the Capacity of Police, Judiciary, Prisons and Legal Aid, Tata Trusts (2025)

of death caused in Police Station in the year 1993 and then revised in 2010 to understand the situation of custodial deaths and actions to be taken by the police.[11]

1.4 RESEARCH GAP

There is substantial information available on legal aspects of Policing systems and criminal law in general along with its relations to constitutionality. Various scholars and research papers have shed light on police brutality, custodial violence, excessive use of force, thereby emphasizing on the legality of the system. When we look further, classical Jurisprudence has also clearly defined law and morality and the relation between them.

However, these two areas are largely studied separately. There is a contextual gap which fails to interlink the concepts of law and morality exclusively to the context of Indian Police system. Therefore, the question of when law and morality support each other or when they come into conflict in the exercise of police power has not been sufficiently explored.

1.5 RESEARCH METHODOLOGY

This research has adopted a doctrinal research methodology. It relies on the analysis of existing definitions given by prominent thinkers on law and morality, existing legal texts, constitutional provisions, statutes and judicial interpretation. Also, academic commentaries, law journal articles and books have been referred to understand the synergy and collision of law and morality in Indian police.

1.6 RESEARCH QUESTIONS

In light of the objectives outlined above and the themes drawn from the literature review, this study seeks to answer the following questions:

1. What is the relationship between law and morality according to different schools of Jurisprudence and how does it relate to the Indian Police System?

2. To what extent are the judgements and guidelines regarding custodial violence effective in preventing immoral and unlawful use of force by the police?

[11] National Human Rights Commission, Government of India, Guidelines Regarding Conducting of Magisterial Enquiry in Cases of Death in Custody or in the Course of Police Action (1993, rev. 2010)

3. When does morality begin to exceed the limits set by law by giving example of 'Moral Policing' in India?

4. What do the reports and guidelines reveal about the actual conditions of custody and detention in India as compared to what the law requires?

5. What is the underlying gap between the conduct of the police and what is stated in the statutes?

1.7 LIMITATIONS OF THE STUDY

The following limitations are present in the research.

1. This study is purely doctrinal in nature as it only relies on existing case laws, reports, statutes etc. it does not contain empirical analysis and evidence.

2. The study examines laws in past and present times. It does not account for any change in legislations or policy after the completion of this research.

3. This study focuses only on landmark case laws rather than attempting an exhaustive survey of all available case laws and literature on the subject.

2: RELATIONSHIP BETWEEN LAW AND MORALITY IN THE CONTEXT OF INDIAN POLICING

2.1 THEORETICAL FOUNDATIONS OF LAW AND MORALITY

Classical Jurisprudence has shed light on the different perspectives of how morality is embedded within the legal system.

NATURAL LAW THEORY: MORALITY IS THE SOURCE OF LAW

Natural Law theorists such as Socrates, Aristotle and Plato who belong to the ancient period (5^{th}-6^{th} century BCE) describe law as an insight of human beings[12]. They argue that laws which derive its legitimacy from universal moral principles are just laws.

[12] Sujata Lather, Vanika, Classic Era of Natural Law, 10, International Journal of Law, 99, 99-100 (2024)

Aristotle, an influential figure of the Natural School of Law, stated "Universal and immutable standards, discoverable through reason and man-made laws should conform to these standards"[13]. Therefore, he treated law and morality as interlinked concepts. According to him, laws act as a means to the attainment of virtue and common good and a law which did not achieve this view was a defective law.

While Aristotle laid the foundation of this school, modern-day natural law thinkers like Thomas Aquinas continued down that path. Thomas Aquinas, in his book, Treatise on Law, defined law as an ordinance of reason and stated that human laws must be derived from natural law, either as a consequence or as a determination.

LEGAL POSITIVISM: MORALITY IS DISTINCT FROM LAW

Legal Positivists such as Bentham, Austin and H.L.A Hart emphasize on procedural validity and institutional authority independent of ethical content. Bentham, in his book, A Fragment on Government (1776) distinguished the expositor from censor, thereby, setting the idea that a law contrary to morality is not an unjust law.[14] Further, John Austin, the father of Analytical School, in his book The Province of Jurisprudence Determined, stated "Law is the command of the sovereign backed by sanctions" This implies that law arises from a hierarchical set up and hold the power to inflict punishment in case of non-fulfillment.

2.2 APPLICATION OF LAW AND MORALITY IN INDIAN POLICING

The intersection of law and morality grows even more complicated when a situation arises wherein the police actions although being illegal are seen as legitimate for the purpose of upholding order in the society. The issues relating to violence against detainees, torture, the use of excessive force and discriminatory policing show that the presence of legal protections does not mean that they will actually be followed. Examples include the use of excessive force by the police during public demonstrations, the accusations that the police have failed to act in cases involving vulnerable people, and the practice of targeting certain communities on the basis of subjective ideas about criminality, all of which show that there can be a gap between legal standards and the attitudes or moral beliefs that affect policing. In these cases, the issue is not simply whether the police have the legal power to act, but whether the way in which they

[13] Aristotle, Nicomachean Ethics (Hackett Classics 1906)
[14] Bentham, A Fragment on Government, 1776 (Cambridge University Press 2020)

exercise that power is in line with the principles of justice, dignity, equality and constitutional morality.

3: COLONIAL FOUNDATIONS AND CONSTITUTIONAL TRANSFORMATION OF INDIAN POLICING

The effectiveness of judicial intervention through judgements and guidelines along with government's active role in the effective management of custodial violence to prevent immoral and unlawful use of force by the police can be understood through a comparative analysis of pre-independence and post-independence situations of the Indian Police system.

3.1 COLONIAL ORIGINS OF THE INDIAN POLICE SYSTEM

The structure of the Indian police is largely influenced by the colonial regime under British rule. The police were established under The Police Act, 1861[15] by the British colonial government following the Revolt of 1857 with the intention to suppress resistance and ensure uniform obedience from its citizens.[16] Through this act, the Britishers did not seek for a more efficient crime-fighting institution, rather, they sought a force capable enough to penetrate Indian society and gain control over the subcontinent. While the police forces are expected to maintain order and justice in the society, this act proved to be contrary to the vision it was enshrined with. As a result, to restore morality and justice, a drive for reformation of the Police Act, 1861 became the need of the hour.

With the commencement of the Constitution of India, Fundamental Rights under Article 14, 19, 21 and 22 act as a backbone in the holistic transformation of the country. Today, the government is capable enough to derive its legitimacy from the collective voices of its citizens and not shun them on the ground of 'public disorder'.

3.2 JUDICIAL INTERVENTION FOR THE PROTECTION OF RIGHTS IN CUSTODY

The Judiciary has played a significant role in the dimension, particularly in cases which blatantly involved custodial violence and breach of fundamental rights. In Nilabati Behara v

[15] The Police Act, 5, Acts of Parliament (India)
[16] Yashwant Singh, Colonial Policing in Constitutional Democracy, LiveLaw.in (Oct. 31, 9:23 PM) https://www.livelaw.in/articles/colonial-policing-constitutional-democracy-547705?fromIpLogin=40517.09148759281

State of Orissa, 1993, the Supreme Court of India recognized the constitutional remedy to be provided to the prisoners whose death resulted from custodial violence. This approach was strengthened in the landmark case of D.K Basu v State of West Bengal, 1997, wherein, the SC laid down binding guidelines to safeguard the fundamental rights of the prisoners by preventing unwarranted detention, prevent custodial violence and limit unnecessary use of power by the police officials.

3.3 INSTITUTIONAL REFORMS AND ACCOUNTABILITY IN POLICING

Alongside the judiciary's contribution to the transformation, institutional reforms also emerged as a prominent component of change. In this view, the government of India in 1977 appointed a National Police Commission (NPC) to comprehensively review the police system post-independence.[17] The commission produced 8 reports which suggested the needed reforms in the system, yet, it failed to be implemented. This led to the emergence of the landmark case of Prakash Singh v UOI 2006, wherein, implementation of the NPC recommendations was demanded. During the pendency of the case, various committees like the Ribeiro and Sorabjee committee were constituted which largely endorsed the recommendations of the NPC. Finally in 2006, the SC issued binding directions to the Union and State governments to restructure policing and reiterated that a legislative change is warranted to give the recommendations enforceability.

3.4 COMPARATIVE ASSESSMENT: FROM COLONIAL POLICING TO CONSTITUTIONAL POLICING

A comparison between colonial and post-independence police system reveals a clear advancement in the legal recognition of individual rights, procedural safeguards and accountability. Arnold in 1986 mentioned that the police were developed in India as a system 'designed to support the British rule' whose role was to serve as 'the eyes and ears' of the colonial ruler.[18] From the shadows of 1861 to the constitutional present, India through its reforms in judgements and committees have undergone a profound transformation. The individuals are no longer perceived as the puppets who can be controlled, rather, they are viewed as the rightful holders of their rights and duties. This transformation reflects a gradual

[17] Dr. Arvind Verma, National Police Commission in India: An Analysis of the Policy Failures, The Police Journals, 226, 226 (1998)
[18] David Arnold, Police Power and Colonial Rule, Oxford University Press (1986)

shift from collision between law and morality under colonial rule to its synergy in a constitutional democracy wherein the police not just hold power but values of justice, dignity and individual rights.

4: MORAL POLICING: THE COLLISION BETWEEN SOCIAL MORALITY AND LEGAL AUTHORITY

In one of the most influential books on the role of criminal law, Herbert Packer (1968, 264) proposed that "criminal sanction should ordinarily be limited to conduct that is viewed, without significant social dissent, as immoral". Packer was aware of the inherently subjective nature of morality which would ultimately lead to disagreement in the society. He did not make a generalized statement that every immoral act should be made a criminal offence because he was aware of the fact that there would be many instances of immorality which are undesirable but not serious enough to be prohibited by law. In this respect, moral policing is of considerable value.

Moral Policing is a term used for the activities of vigilante groups who voluntarily take the responsibility to police the behavior of others in the society based on their own conceptions of morality and the benchmark of right and wrong. Such actions can range from using excessive force, intimidation to public humiliation.[19] The actions of such groups often target interfaith marriages, public displays of affection and personal choices as those exercised by the LGBTQ+ community.

4.1 ETHICAL EXAMINATION OF MORAL POLICING

An ethical analysis of moral policing can be seen in the Bhagavad Gita. Chapter 16, verse 2 speaks of "*ahimsa*" (non-violence), "*daya*" (compassion) and "*akrodha*" (absence of anger) as among the many virtues of morality.[20] These parameters become crucial in assessing the morality of moral policing in itself. If morality is to be the guide to righteousness, then to enforce it through means of coercion, intimidation and violence is a complete antithesis to the very principles upon which the idea of 'moral policing' rests.

[19] Ritkwik Jaiswal, Moral Policing in India: A Critical Analysis, 10, Acclaims. 1, 1-2 (2020)
[20] Holy Bhagwat Gita, https://www.holy-bhagavad-gita.org/chapter/16/verse/1-3/ (Oct. 31)

4.2 THE CONFLICT BETWEEN MORALITY AND LEGAL REGULATION

While these ethical precepts analyze the perils of using disproportionate force and coercion to enforce morality, there also comes a problem where subjective moral judgements collide with the legal system, thus, raising issues about the aptness of the law in distinguishing the imposition of specific moral standards to regulation of public behavior.

Section 294 to 296 of the Bharatiya Nyaya Sanhita, 2023 address offences related to obscenity and its sale to children.[21] The intent behind such provisions is to serve legitimate regulatory purpose, however, questions related to its application and interpretation is still left unanswered. When legal standards are unclear, moral judgements which align with the enforcement's biases influence action, thus, resulting in risking individual rights and innovation. Therefore, it becomes crucial to distinguish legally prohibited conduct from personal choices which do not align with the set standards of the society.

4.3 CONSTITUTIONAL FRAMEWORKS

Further, moral policing has equally important constitutional ramifications. Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression, subject to constitutionally permitted limitation,[22] while Article 21 protects right to life and personal liberty, which encompass aspects of privacy and autonomy.[23] These rights acknowledge that even though personal decision is unpopular to the accepted norms, they still have a place in society. As a result, state authorities and vigilante groups are not permitted to use force and overreach of power to subdue their voices.

4.4 JUDICIAL INTERVENTION

In CISF v Santosh Kumar Pandey, 2022, the SC's judgement offers a pertinent point of reference to analyze the interference in the lives of consenting adults by state authorities. The Supreme Court upheld the dismissal of a CISF personnel member who was found harassing a couple at night in the name of 'Moral Policing', thereby, condemning the justification of exercising unnecessary power under the guise of morality.

[21] Bharatiya Nyaya Sanhita, 2023, Sections 294-296, 45, Acts of Parliament, 2023 (India)
[22] INDIA CONST. art 19, cl. 1.
[23] INDIA CONST. art 21

5: SYNERGY BETWEEN LAW AND MORALITY IN THE LEGAL FRAMEWORK AGAINST CUSTODIAL VIOLENCE: AN EXAMINATION OF GROUND REALITIES

The Indian Police lies at the junction of law, morality and public expectations. Although the law defines powers, duties and limits of police officers, morality demands that they act fairly, with integrity, impartiality and respect for human dignity. Ideally, legal responsibilities and moral principles should support one another so that the police not only apply the law but also maintain the values of justice and humanity. Yet, we come across several instances wherein the police authority functions highlight the discrepancy between these legal expectations and the reality of their behavior, thereby, exposing the divide between law and morality. To understand this divide further, a case study of custodial violence has been taken into consideration.

5.1 CUSTODIAL VIOLENCE: A MANIFESTATION OF COLLISION BETWEEN LAW AND MORALITY

Custodial Violence is a testament to the collision of law and morality in Indian Policing. While the police are expected to act on the basis of humanity and respect, instances of torture and abuse violate these principles.

It refers to the inhuman acts and violence exercised on an individual or a group by police officials in their custody.[24] According to Law Commission of India 'crime by a public servant against the arrested or a detained person who is in custody amounts to the custodial violence'.[25] Even though there is absence of an explicit definition of custodial violence in Indian statutes, an exhaustive list amounting to custodial violence includes wrong arrests, humiliation of suspects, arrest without warrant, extortion of information by use of force or sexual exploitation.

5.2 LEGAL AND INSTITUTIONAL FRAMEWORKS: AN EXPRESSION OF SYNERGY

5.2.1 INTERNATIONAL FRAMEWORK

To curb instances of custodial violence and abuse of power, India has ratified the International

[24] Suresh Chandra Sagar, Uday Veer Singh, Legislative reforms in India and custodial violence: A legal upgradation in present scenario, International Journal of Criminal, Common and Statutory Law, 4(2), 214, 214 (2024)
[25] Ayush Kumar Sinha, Custodial Violence- Adversary or Companion of Justice? IJRA, 2, 1, 5 (2024)

Covenant on Civil and Political Rights (ICCPR) treaty in 1979 which guarantees fundamental civil and political rights in the global context.[26] By ratifying this treaty, India aims to protect essential human rights, including freedom from torture and arbitrary detention. To check the progress and cultivate a human rights culture, the NHRC is actively working towards fostering collaboration among various stakeholders and foster public awareness.[27]

5.2.2 DOMESTIC FRAMEWORK

Constitution of India: Article 20 of the Indian Constitution provides protection against self-incrimination, double jeopardy and retrospective punishment.[28] It provides three important safeguards against arbitrary criminal proceedings. Article 20(1) prohibits retrospective criminalization and imposition of penalties greater than that prescribed. Article 20(2) protects individuals from being prosecuted and punished for the same offence once i.e double jeopardy and Article 20(3) protects an accused person from being compelled to become a witness against themselves, thus, acting as a protective measure to safeguard from custodial violence and deaths caused from it.

5.2.3 JUDICIAL INTERVENTION

The judiciary has stepped in to address the issue of custodial violence. In S Nambi Narayanan v. Siby Mathews & Other, 2018, the SC held that wrong prosecution and unlawful deprivation of liberty is violative of Article 21.[29] Nambi Narayanan, a former ISRO scientist was wrongfully implicated is an espionage case resulting in his wrongful arrest, illegal detention and serious psychological damage. Therefore, the SC awarded compensation for the massive humiliation and harassment, acknowledging the unscrupulous use of force by the police

Further, in Paramvir Singh Saini v. Baljit Singh, 2020, the SC directed the centre to install CCTV cameras and recording systems in all police stations to deter custodial torture.[30] The court reasoned that these safeguards were essential in the protection of fundamental right to a dignified life.

[26] International Covenant on Civil and Political Rights, Dec 16 (1967)
[27] National Human Rights Commission, India, https://nhrc.nic.in/international-covenant-on-civil-and-political-rights-%28iccpr%29 (Oct. 31)
[28] INDIA CONST. art. 20
[29] S. Nambi Narayanan v. Siby Mathews and Others, (2018) 10 SCC 804
[30] Paramvir Singh Saini v. Baljit Singh, (2020) 7 SCC 397

5.3 INSTITUTIONAL AND LEGISLATIVE MEASURES TOWARDS STRENGTHENING SYNERGY

Prevention of Custodial Torture Bill, 2024

This bill was introduced in the Rajya Sabha on 7th February, 2025 by Shri Manoj Kumar Jha. The objective of this bill is to establish a legal framework which will specifically prevent custodial torture by public servants, provide for the punishment of those who commit such acts and strive towards compensation of victims.[31]

It was introduced as custodial violence directly violates Article 21 (Right to Life and personal liberty), human dignity. It is based on D.K Basu v. State of West Bengal (1997) which upheld the validity of Article 21. As existing Indian laws do not adequately address the issue, this bill can prove to bridge this very gap.

Thus, we came across a number of frameworks and progressive cases which demonstrate the continuing efforts on the part of the Indian government to mitigate such malicious practices and reinforce law and morality in the system. However, the reality on the ground is very different from the perceived vision. There is a significant gap in implementation of these frameworks.

5.4 THE GAP BETWEEN LEGAL FRAMEWORKS AND GROUND REALITY: THE FAILURE TO TRANSLATE SYNERGY INTO PRACTICE

Despite continuous effort to eradicate such malpractice, custodial violence and deaths are still occurring at a steady rate. The NHRC reports regarding deaths in police custody are as follows: 176 deaths in the financial year 2021-22, 163 deaths in 2022-23, 157 deaths in 2023-24, 140 in 2024-25 and 170 in 2025-26. At the state level, a considerable variation is evident: in 2025-26, Bihar had the highest figure at 19, whereas Rajasthan's figure increased from 9 to 18. Overall, the data highlights that a continuous downward trend has still not been achieved.

Consequently, analyzing the data released by NCRB, from 1999 to 2023, approximately 2253 people died in police custody, which works out to an average of 90 per year. Further, 1888 cases of custodial deaths were reported over 20-year period from 2001 to 2020, out of which,

[31] Prevention of Custodial Violence Bill, 2024, No. LVIII (2024)

893 cases registered against police personnel, 358 personnel were charge-sheeted and only 26 were convicted.[32] A separate analysis of the NCRB data on police offences involving human rights violation over a period of 25 years were released which shows that 2373 cases were registered but a very few convictions were obtained.

Therefore, the statistics shed light on the divide between what is provided in law and what is actually happening in reality. This reality is further exposed through the finding of India Justice Report, 2026

5.5 UNCOVERING THE IMPLEMENTATIONAL GAPS: FINDINGS FROM THE INDIA JUSTICE REPORT, 2025

5.5.1 Police Station Infrastructure and CCTV Surveillance

In 2020, every police station was required to install CCTV and audio-visual night vision cameras, equipped with 12-18 months' storage capacity. However, as of January 2023, nationally, 83% or 14,865 of 17, 849 police stations reported having at least one CCTV, thereby only making a 10% progress from 2022. Telangana, which had earlier reported full coverage in 2022 declined to 89% in 2023. Manipur's coverage was limited to just 4% whereas Lakshadweep and Puducherry had no CCTV coverage in their police stations.

5.5.2 Underrepresentation of Women Police Officials

The Ministry of Home Affairs have in multiple instances recommended three women Sub-Inspectors (SI) and 10 women constables in each police station. Although, it has not resulted in change. In 2022, except Delhi, no other state/Union territory met this benchmark. As of January 2023, Karnataka stands out as the sole state to have achieved its targets across all three reserved groups, both at the officer and the constabulary levels.

5.5.3 Prison Infrastructure and Conditions of Incarceration

Further, when we look at the landscape of Indian prisons, we come across many growing concerns and challenges. Despite several states having adopted the 2016 Model Prison Manual, the reality is still marred by overcrowding, dilapidated infrastructure, financial shortfalls and

[32] Sai Krishna Muthyanolla, Deaths in Custody Persist, Convictions Remain Rare (Oct. 31, 10:23 PM) https://insights.dataful.in/articles/custodial-deaths-in-india-a-system-without-consequences

mindsets unchanged through new orientations.

National occupancy rates have spiked from 112% to 131%, total number of people incarcerated has gone up to 3.8 lakh to 5.7 lakh and undertrials who up 66% are now 76%. These trends highlight that even though efforts are seen on paper, ground reality fails to be a reflection of it.

5.6 CONDITIONS AND STATUS OF UNDERTRIAL PRISONERS

5.6.1 Mental Healthcare of Prisoners

Mental stress is concomitant of incarceration which gets exacerbated through poor conditions. The Mental Health Act, 2017, requires mandatory training of all prison medical officers to provide basic and emergency mental healthcare.[33] However, in 2022 the sanctioned strength of psychologists and psychiatrists across India's 1330 prisons was just 69. In reality, the data records the presence of only 25, or one for every 22, 929 prisoners. Meanwhile, the recorded number of prisoners with mental illness has jumped from 4,470 in 2012 to 6,552 in 2017 and to 9,084 in 2022.

5.6.2 Provision of Video Conferencing

It was introduced in 2008, although in the wake of the pandemic, the use of video conferencing gained momentum. Coverage by video conferencing has grown from 808 prisons in 2019 to 1150 prisons in 2022. While 14 states/UTs report 100% coverage of their facilities, seven show a coverage below 70%. Andhra Pradesh records 70% of its 106 prisons have video coverage while only 40% of Nagaland, Mizoram and Manipur's prisons have that capacity, thereby, highlighting the inconsistent uniform application of this provision.

By analyzing the discussions presented above, it becomes evident that the rights of prisoners protected goes beyond having legal and institutional safeguards. The continued shortcomings in prison facilities, mental health care and poor access to judicial procedures shows that there is necessity to incorporate greater ethical responsibility and accountability in the Indian police. It requires that these safeguards are properly put into practice. Thus, to address the issue of professional conduct and police ethics, provisions like ethical frameworks become paramount

[33] The Mental Health Act, 2017, No. 10, Acts of Parliament, 2017 (India)

in mitigating this issue.

6: TOWARDS AN ETHICAL FRAMEWORK FOR INDIAN POLICING: RECONCILING LAW, MORALITY AND PROFESSIONAL LIABILITY

6.1 ETHICAL POLICING

Ethical policing refers to the moral benchmarks in the form of principles which govern the behavior of law enforcement officers in their professional capacity.[34] These ethics are paramount in shaping public trust and accountability of the police officials. In recent times, high profile incidents of police brutality have surfaced, thus, these ethical standards are important to restore the synergy of law and morality in the Indian Police. Key pillars of ethical policing are as follows:

6.1.1 Integrity: Police officials must be truthful and honest in their day-to-day workings. Misuse of authority in the form of corruption, bribery or even favoritism leads to loss of public trust.

In the case of State of Lokayuktha Police v. Sri K. Rangayya & Anr. (2026).[35] The SC held that a public servant is liable under Section 7 of the Prevention of Corruption Act, 1988[36] even if he/she did not personally demand or receive a bribe as "veiled demand" is enough evidence to hold him guilty of such a malpractice.

6.1.2 Respect for Human Rights and Dignity: Human dignity is an inherent right of every individual. In order to uphold ethics and morality in the system, police must respect and protect the fundamental rights of every individual. This can be achieved by restraining torture, custodial violence, fake encounters and unlawful detention.

To protect individual's respect, National Human Rights Commission (NHRC), a non-constitutional body was established in the year 1993 under the Protection of Human Right Act.[37] This body continuously monitors and suggests changes in the police system to avoid unnecessary and indiscriminate arrests. Further, it issues guidelines to check the misuse of police power of arrest and recommends improvement in many areas like infrastructure, prison

[34] Jayanto N Choudhury, Does the Indian police need an ethical framework? Academy Journal, 3, 10-13 (2004)
[35] State of Lokayukhta Police v. K. Rangayya 2026 INSC 574
[36] The Prevention of Corruption Act,1988, 7, No. 49, Acts of Parliament, 1988 (India)
[37] The Protection of Human Right Act, 1993, No. 10, Acts of Parliament, 1993 (India)

management etc.

6.1.3 Compassion, Empathy and Sensitivity: Ethical policing requires a degree of empathy and sensitivity towards victims, women, elderly degree of empathy and sensitivity towards victims, women, elderly and children. Police should address their issues with patience and compassion so as to create a safe and comfortable environment. This in turn will help in the increase of the number of cases which actually get reported.

In order to achieve this objective, various police sensitization programmes and training workshops are carried out. One such being the concerted efforts made by the SVPNPA, Hyderabad[38] to incorporate modules on gender sensitivity into the police station operations and awareness about the POSH Act[39].

Also, the Ministry of Home Affairs has conceptualized 'Women Help Desk (WHD) scheme with the primary objective of supplementing the efforts of the state/UT in terms of strengthening the measures to encourage safety of women in the country.[40]

Thus, ethical policing is a vital component in the strengthening of constitutional values, the rule of law and public confidence in the institution. While legal provisions provide frameworks for police functioning, ethical principles ensure that these functions are carried out by taking into consideration aspects of morality, fairness, compassion and institutional accountability.

7: SUGGESTIONS AND RECOMMENDATIONS FOR RECONCILIATION OF LAW AND MORALITY IN INDIAN POLICING

7.1 SUGGESTIONS AND RECOMMENDATIONS

The analysis provided in preceding chapters highlight that the clash between law and ethics in the Indian policing system is not simply due to poor legal provisions but the result of institutional weaknesses, political interference, lack of adequate resources and infrastructure and the failure to establish effective accountability mechanisms. Even though

[38] Press Information Bureau, https://www.pib.gov.in/PressReleasePage.aspx?PRID=2003496&reg=48&lang=2 (Oct. 31, 2026)
[39] Prevention of Sexual Harassment of Women at Workplace Act, 2013, No. 14, Acts of Parliament, 2013 (India)
[40] Ministry of Home Affairs, https://origin1504-mha.nic.in/index.php/women-help-desks-scheme (Oct. 31, 2026)

the constitution lays down safeguards, judicial rulings and existing statutes aim to make sure that police power is exercised in line with the principles of justice, dignity and fairness. Ultimately, the effectiveness lies in implementation. Police reforms should seek not only to improve administrative efficiency but to create an organization that is both ethical and accountable. Some of the suggestions are listed below which could help close the divide between legal duties and moral obligations.

7.1.1 Training of employees, their sensitization and professional development

The training of police officers is not just limited to the technical aspects of applying the statutes of criminal law, rather, it should also involve awareness and education in the domains of human rights, constitutional values and individual dignity. Although such initiatives are taking pace, it is still not consistent and mainstream. A National Curriculum Framework (NCF) for police education and training can prove to be an efficient endeavor in offering a systematic and consistent methods of delivering justice.[41]

7.1.2 Enhancing women representation in police force

It is necessary to have greater representation of women to create a diverse, responsive and inclusive police services. Despite some progress, women still remain significantly underrepresented in police forces at approximately 11.75% of the total strength as of 2022 collected by Bureau of Police Research and Training.[42] Therefore, the goal of optimum representation can be achieved through measures like reserving seats for women in recruitment processes and by setting up more police stations that are solely women-run.

7.1.3 Prioritization of mental health and wellbeing of police officers

The intensity of police work with long hours and frequent exposure to stressful situations can create a negative impact on the mental health of the staff. To mitigate this downside, regular communication among all levels and establishment of counselling cells should be promoted. It is important to support the mental health of police personnel for their own sake as well as in the quest of encouraging more humane, balanced and responsible

[41] Prof. Ph.D. Sudhakar Venukapalli, Police Training to Police Education: A Paradigm Shift in Police Curriculum, ResearchGate, 71, 77-79 (2021)
[42] Press Bureau of India, https://www.pib.gov.in/PressReleasePage.aspx?PRID=2042133&reg=48&lang=2 (Oct. 31, 2026)

policing.

7.1.4 Specialization of police officials

The police force needs to have its responsibilities more clearly defined, especially in relation to crime investigation, maintenance of law and order and local policing units. With clearer functional separation, officers will be capable enough to build their expertise in their particular fields, thereby, reducing the strain caused by overlapping of duties and resources. Moreover, nascent areas like crimes arising out of the digital world, cyber security, anti-terrorism operation and VIP security can be strengthened. This will be achieved by providing police officials with specialized training and necessary infrastructure, thus, improving the quality and effectiveness of policing.

7.2 CONCLUSION

The research on the synergy and collision of law and morality in Indian Police system reveals the special position where legal authority, constitutional responsibilities and social expectations meet. Although law offers formal frameworks for the powers and duties of the police, morality ensures that those very powers and duties are exercised within the scope of fairness, compassion and respect for human dignity.

The central argument of this research is that law and morality are not distinct concepts but two sides of the same coin. A police institution which is legally empowered but morally and ethically unrestrained risks becoming a tool of coercion as evident in the case of custodial violence, whereas, moral beliefs alone, without legal backing can also result in arbitrariness as in the case of moral policing. The aim, therefore, is to create a police system in which adherence to the law is based on ethical responsibilities embedded in moral behavior which stays within the limits set by the Constitution. It is only by achieving this right balance that Indian policing can become more accountable, humane, fair and deserving of public trust.