



LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.325>

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ROLE OF POLICE IN CRIME PREVENTION AND CRIMINAL JUSTICE ADMINISTRATION IN INDIA

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I. ABSTRACT

The police constitute a central institution in crime prevention and criminal justice administration in India. Their functions extend beyond maintaining law and order to include prevention of offences, registration of information, investigation of crimes, collection and preservation of evidence, protection of victims and witnesses, and assistance to courts in the administration of justice. The historical development of Indian policing is closely connected with the colonial framework established after the Revolt of 1857 and the Police Act, 1861, the influence of which continues to shape several structural and administrative features of police functioning. This paper examines the role of police in crime prevention and criminal justice administration with reference to the Bharatiya Nagarik Suraksha Sanhita, 2023, constitutional safeguards, and leading judicial precedents. It analyses the preventive and investigative responsibilities of the police, including registration of information relating to cognizable offences, use of electronic means, search and seizure, forensic evidence, and submission of final reports before competent courts. The paper also discusses the duty of police to protect the rights and dignity of accused persons, victims, witnesses, women, children, and other vulnerable groups. The study further evaluates the growing use of technology in modern policing, including artificial intelligence, CCTV footage, digital forensics, online tracking, cryptocurrency investigation, and data analysis. At the same time, it highlights major challenges such as political interference, shortage of personnel, inadequate training, insufficient infrastructure, and low morale. The paper concludes that effective policing requires a careful balance between crime control and constitutional rights. Police reform, specialised training, technological modernisation, judicial oversight, institutional accountability, and a human-rights-oriented approach are essential for building a professional, transparent, and trustworthy police administration in India.

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II. KEYWORDS

Police Administration; Criminal Justice System; Crime Prevention; BNSS, 2023; Police Reforms.

III. INTRODUCTION

The Indian police department is an essential part of the criminal justice system. It is responsible not only for maintaining law and order, but also for preventing crime, investigating offences, collecting evidence, protecting victims, and assisting the administration of justice. In a democratic country like India, the role of the police extends beyond crime control and punishment; it also includes the protection of constitutional rights, human dignity, and the rule of law.

Duties of police administration is to protect right to life and personal liberty, dignity, and the fundamental rights of the people in the country while performing their statutory duties. Indian police administration consists of historical development that has largely traced by colonial period. After the revolt of 1857, the British departments have strengthened and control the administration and established the police commission in year 1860, also contributed to enact the police act, 1861, which has actually provided the organized structure for police administration of India. Earlier the colonial police system was prepared by to maintain the control over administration and for public orders and for their safety, also after the independence few of the structure of police system of colonial period influences the Indian police administration.

In the modern era, of criminal justice system where crime prevention is one of the most important major roles of police officer, there are few measures involved in the prevention of crime is occurrences of crime, also identifying those factors that contribute to the behavior of criminal, reducing the opportunity for crime, and also providing safe society for people. Effectives of crime prevention required cooperation between the police officer, social workers, prosecutors, governmental agencies, and legal professionals; usually attention is necessary for women, children, and vulnerable sections of society.

The police administration has also made reforms in the function of investigation, where after the information received regarding the cognizable offences and registered the first information

report (FIR), the police start the investigation for the collection of electronic and physical evidences, and for their examination from the crime scenes to connect from accused and also to examine and question the witnesses. And at last police officers have to present the charge sheet and crime report against the court if necessary.

The police have started indulging the electronic means and scientific investigation under Bharatiya Nagarik Suraksha Sanhita, 2023, though police administration does not have authority to determine the innocence and guilty minded people; as authority of determination is in the hand of competent of court. The police administration also plays important function in investigation process and after receiving the information of cognizable offences and registered first information record regarding crime, where police department has to conduct the investigation in the crime scene, and also inspect the crime spot, where police have to prepare the charge sheet and present before the court.

As Bharatiya Nagarik Suraksha Sanhita 2023, clearly state that police administration has to incorporate the increasing electronic means and scientific investigation, though police have no power to determine the person guilty or innocent, the ultimate power to determine the person as accused whether guilty or innocent is incorporated by court.

Indian constitution sets the limitations for police power, where few articles are article 14, 19, 20, 21, and 22 provide at most safeguards against arbitrary and unlawful action of state, article 21 particularly provides right to life and personal liberty and requires police action like arresting, detention, interrogation, search, and seizure comply with principles of fairness, and surveillance, reasonableness, legality, and non-arbitrariness. As per the judicial statements and judgment of D.K. Basu, Joginder Kumar, Arnesh Kumar, and Maneka Gandhi have framed the safeguards and has emphasized that police authority where they must strengthen the Indian constitutional framework. The nature of crime is changing rapidly due to technological development.

Cybercrime, online fraud, cyberstalking, cyberbullying, identity theft, online harassment, and other technology-related offences have created new challenges for cybercrime cells and law-enforcement agencies. In today era the modern policing system completely depends on artificial

intelligence, forensic science, and digital data, online tracking, digital analysis, CCTV footage, and technological tools. But similarly, the technology must respect the privacy, fundamental rights, legality, authenticity of their evidences. Also, after the huge development in the cyber cell, Indian police administration still faces challenges such as political interferences, inadequate training, and shortage of personnel, insufficient infrastructure, and low motivation among the personnel. These challenges also affect the independence, and efficiency, also irresponsible of police administration. Therefore, to strengthen the criminal justice system, the participation of women is required at greater number, police reforms, better utilization of resources, improved infrastructure, modern training with equipments are required.

This article has also examined regarding the role of police in criminal justice administration, and crime prevention in India, with the accordance of BNSS it has emphasized the policing prevention, investigation, human protection, victim rights, prevention from cybercrime, modern technology of policing, and challenges faced by police department, constitutional and judicial framework, that governs the police power.

A. Research Objectives

1. To examine the role of police in crime prevention and criminal justice administration in India.
2. To analyse the statutory powers and responsibilities of police under the Bharatiya Nagarik Suraksha Sanhita, 2023, particularly in relation to investigation, arrest, search, seizure, and use of electronic means.
3. To evaluate the constitutional and judicial safeguards that regulate police powers and protect the rights of accused persons, victims, witnesses, women, children, and other vulnerable groups.
4. To identify major challenges in Indian policing and suggest reforms for making police administration more accountable, rights-oriented, technologically competent, and effective.

B. Research Questions

1. What is the role of police in preventing crime and supporting criminal justice administration in India?
2. How does the Bharatiya Nagarik Suraksha Sanhita, 2023 regulate police powers relating to investigation, arrest, search, seizure, and the use of technology?
3. What constitutional, judicial, and institutional safeguards are necessary to ensure that police powers are exercised consistently with human rights, dignity, and the rule of law?

C. Research Methodology

This research adopts a doctrinal and analytical legal research methodology. It is based primarily on the examination of statutory provisions, constitutional safeguards, judicial precedents, and legal principles relating to police powers, crime prevention, investigation, and criminal justice administration in India.

The study relies upon primary sources such as the Constitution of India, the Bharatiya Nagarik Suraksha Sanhita, 2023, and leading decisions of the Supreme Court of India, including *D.K. Basu v. State of West Bengal*, *Joginder Kumar v. State of Uttar Pradesh*, *Arnesh Kumar v. State of Bihar*, *Maneka Gandhi v. Union of India*, *K.S. Puttaswamy v. Union of India*, and *Nilabati Behera v. State of Orissa*. Secondary sources such as legal articles, reports, commentaries, and institutional materials have also been used to support the analysis.

IV. HISTORICAL BACKGROUND OF POLICE ADMINISTRATION

Once the revolt of 1857 ended, the Britishers' came across that they would lose their all the control over Indian system and there administration if they did not maintain their administrative parts. Therefore, they created police commission to prevent the further challenges and for the maintenance of law and order under the British governs. British government in 1860 appointed police commission for the prevention of the detecting crime and for making more effective in India.

As its recommendations are, the police act of 1861 was also introduced by British government; this particular act was not only form for the controlling crime or the criminals but was related

to the interest of Britishers to have control over Indian administration and their authority. Police system existed from Mughal period which influenced the British authorities as well, in earlier time many names were allotted to police like daroga, faujdar, and kotwal.

The police act of 1861, introduced roles and uniforms about police system across the India, which forms the police administration more discipline, organized and professional where they can handle the crime to prevent the difficulties of problems such as poverty, feminine, lack of sufficient personnel, and their poor living conditions. British government again formed second "All India Police Commission" in 1902, where they conducted detailed study regarding police administration and they suggested more improvements in working conditions and for its organization, whereas most of the recommendations were implemented after the independence of India.

After 1920, government examinations were conducted where Indian were allowed to enter in the police and government services. The process of adapting something for Indian culture, which is also known as Indianisation which means police services were very slow. After the independence of India in 1947, the basic structure of police administration under the Police Act, 1861 continued to remain influential, which resulted in the continued impact of the colonial policing framework on Indian police administration.

V. MEANING AND OBJECTIVES OF CRIME PREVENTION

Crime prevention refers to the beginning steps towards any happening of the crime in order to reduce the chances of occurrence of that certain heinous crime, which also has addition of identifying the reasons and situations behind of the crime conducted and actions that could be taken to prevent them. This also aims to make people feel safe not just in their house but on the streets as well and reduce the harmful effects of crime.

This also reduces the number of people where people are being victimized to commit the crime and also addresses the cause root that encourages the individuals to turn themselves to criminal. Crime prevention does help in sustainable development in society like if people feel

safe in the society they can work and study peacefully, which also enhances the economic and social development.

Crime prevention is a part of “United Nation Sustainable Development Goals (SDG)” likewise;

1. SDGs 5: Mainly focuses on removing the violation and discrimination for females.
2. SDGs 11: Mainly focuses on towns, cities, and the communities to be safe, inclusive and flexible.
3. SDGs 16: Mainly aims to reduce the crime in the societies, provide justice and also to inbuilt the strong institution and communities.

As crime cannot be only handled by police so in that case other special officers and professionals have to work together in result to get rid of crime. The police officers are responsible for the investigation and crime prevention, social workers have to proceed with vulnerable individuals and deal with the victims, and prosecutors are responsible for taking action against the offenders. Legal rights of accused persons are defended by defense lawyer, also the government agencies work for education, poverty, employment and reduction of other social problems. Traditionally, once the crime has been committed in the society or community the offenders are punished under criminal justice system.

Modern crime prevention provide more importance to preventing crime usually at first place, but that is not considered as unnecessary punishment rather it is considered that punishment should be supported by evidence prevention measure based. As example suggests that only punishing the person for their committed violation can also identify the factors like substance abuse, family conflicting, and lack of education or even social problems that may contributes to criminal behavior and provide aureate intervention.

Crime prevention mostly important for women, children, and vulnerable groups that protects them, measures can be taken such as programs for awareness, safe public place, and quick access to the justice system, implemented policies, and also supportive system can prevent the victim from risk of committing crime in the communities. The United Nation Office on Drugs and Crime (UNODC) improves many countries in the prevention of crime system, it also supports

the governments and agencies help to improve the necessary skills, knowledge and system that prevent the crime effectively in respect of human rights.

VI. PREVENTIVE ROLE OF THE POLICE

Criminal law is not concerned only with punishing offenders after the commission of an offence; it also recognises preventive measures to stop cognizable offences before they occur. For this purpose, Section 168 of the Bharatiya Nagarik Suraksha Sanhita, 2023 empowers every police officer to intervene for preventing, and to the best of his ability prevent, the commission of any cognizable offence. This provision corresponds to Section 149 of the erstwhile Code of Criminal Procedure, 1973.

The police administration is also required to remain alert when information is received regarding a proposed or impending cognizable offence. Under Section 169 of the Bharatiya Nagarik Suraksha Sanhita, 2023, every police officer who receives information of a design to commit any cognizable offence must communicate such information to the officer to whom he is subordinate and to any other officer whose duty is to prevent or take cognizance of such offence. This provision corresponds to Section 150 of the erstwhile Code of Criminal Procedure, 1973.

Where the circumstances indicate a real likelihood of a cognizable offence being committed, the police may take preventive action in accordance with the procedure prescribed under the BNSS. However, such preventive action must be based on lawful authority, reasonable grounds, and constitutional safeguards, and it must not be treated as a substitute for judicial determination of guilt. The objective of these provisions is not to punish a person before the commission of an offence, but to enable lawful preventive intervention where a cognizable offence is likely to occur. Therefore, the preventive role of the police forms an important part of criminal justice administration, as it focuses on preventing offences, maintaining public order, and ensuring safety and security within society.

VII. POLICE AND CRIMINAL JUSTICE ADMINISTRATION

The police officers are appointed for the duty of investigation with the responsibility to collect different types of evidences they also have to examine the place where the crime has occurred and have to question the witness and record their statements, and as they receive the information regarding the occurrence of the crime in a state and if the first information report (FIR) has be registered in the police station.

As after the completion of the investigation if police find several evidence connections the particular person who has committed the crime, then the police prepare the charge sheet and submit before the court. Though, police does not have authority to decide that whether the accused is guilty or innocent, there duty is to investigate and present the matter and evidences before the magistrate of court, where after hearing both the parties and after the observation of evidences court decides that whether the accused is innocent or at guilty phase.

During the entire process of the police role including; arrest, detention, questioning, and investigation, police officers must remember the safety rules and law that has been led down by the hon'ble Supreme Court of India to protect the dignity and ensure rights of the accused.

A. Role of Police under Bharatiya Nagarik Suraksha Sanhita, 2023

The police officers are responsible for starting the criminal investigation and also for the collecting and recording the information. Section 173 of BNSS, states that information regarding cognizable offence may be given orally or through electronic means as per the requirement of the subject and as per the instruction of laws. After the first information report has been registered, police officers are supposed to conduct the investigation; this includes visiting crime place, recording and collecting the evidences, examining the witnesses by their statements which are recorded, identifying the accused with help of connecting the evidences.

The police officers are responsible for collecting the physical, electronic, document, and other necessary evidences. The BNSS also treat forensic evidences as important as required before the court while investigating them through scientific mode. Role of police officers are to perform preventive functions; they can also take lawful steps towards the prevention of commission for

the certain offences and for maintaining law and order for public. During the session of investigation police have authority to examine the person who has knowledge of facts of the cases and record the statements of persons.

The police must start the search and seized the operation for the relevancy of facts when they are legally authorized. The BNSS also support the uses of technology and electronic means for search and seizures operation, including audio video recording as per the situations prescribed by law and orders, as police officers does not have the authority to keep the person under arrest or in the custody without evidences.

As soon as the investigation is over the police officer has to prepare a final report and the particular charge sheet has to be presented before the magistrate of the court, the police administration is not responsible for the final decision, the court has final authority to recheck the evidences, connecting evidences with the accused and after hearing both side police will recognize whether the person is accused or guilty. While police officers are on their duty they must remember the constitutional value, dignity, and the rights of the accused, witnesses, and victims as well, also detention, investigation, arrest, and interrogation must be performed under the surveillances judicial system and there safeguards.

B. Police and Protection of Human Rights

The role of police officer is to maintain the law and order along with the protection human rights of the people and preventing the happening of the crime in the nation. Since police officers have been assigned with the duty of arresting detaining, search, seizure, and investigation process, should perform their duty with fairness, reasonableness and according to law. Every person or accused in the society or community have basic rights including right to life and liberty under article 21 of Indian Constitutions², protection against arbitrary arrest and detention, and right to be treated with dignity.

² Article 21 Right to Life and liberty; Indian Constitution (Book)

The police must not apply external force, torture, violence while accused in custody, and also illegal detention. While person is being arrested they must be informed regarding the grounds of arrest and must be provided safeguards which are provided by law. The police administration must respect the rights of victims, witnesses, women, children, and also vulnerable persons, during the process of investigation in the police station. The Supreme Court lead down the safety guide lines regarding arresting people, detention, and mentioned in particular cases like *D.K. Basu V. State of West Bengal*³ and *Joginder Kumar V. State of Uttar Pradesh*⁴.

Therefore it's been clearly stated that police authority is not only responsible for merely controlling crimes but also to ensure the law enforcement itself that it does not violate human dignity and fundamental rights. And at last phase; policing effects and human rights which are protected by constitution of India must work together, where police can be both protectors for the safety purpose of public and guardians of the rule of law under Indian constitution.

C. Police and Victim Protection

Police department play important role under criminal justice system with the responsibility to protect the victims, the victim is individual of the society who suffers from physical, emotional, mental or the financial harms due to the crime. The role of police is not restricted till the investigation but also for the protection of dignity, safety, and rights of the victims to enhance their life. The first priority police are to protect the victim from the harm, if there is danger or threat from accused or any other person then its prior duty of police to save the life of victim, and provide protective measures, also step up for necessary protection.

Police should fairly register the first information report and if the case is about cognizable offense. The victims should not unnecessary be discouraged or be abetted to delay the registration of report, because proper registration from the complaint side is the first step towards justice and if any threat or danger is found the police authority should provide the protection to victim and their family members.

³ *D.K. Basu, Ashok K. Johri vs. State of West Bengal, State of U.P.* 18 December 1996, AIR. 1997

⁴ *Joginder Kumar vs. State of Uttar Pradesh* 25 April 1994, AIR. 1349

Usually victims like women, children, elder people, and the victim suffered from sexual offences must be emotional and sensitively vulnerable, due to these reasons police department should investigate respectfully; also they should avoid unnecessary humiliation, insensitive behavior, and questions as well. The police should take appropriate actions towards interference like threats, intimidation, pressure, and harassment through which accused has suffered, this process is important if the victim is the witness of the criminal cases.

There should be proper medical examination and treatment should be provide to victim in case they have seriously suffered from physical injuries and sexual offences, medical evidence and reports are important for investigation and for the prosecution of the cases. The privacy of victim should not be infringed will investigation process specially cases involving children in the crime or even if the case is related to sexual offences.

The police officer should maintain the personal information rather than circulating in the public or in media. As victim is an important witness of criminal cases they must be updated with development of investigation, the victim should be made aware regarding legal remedies, compensations schemes, and medical assistance along with other supportive systems. There is protection provided to certain victim like children, victim suffered from sexual violation, trafficking victims, where police should adopt and approach the crime dealing center for the victims suffered from violation and dealing with special criminal cases.

Police authority alone cannot manage or provide protection to the victims, so in that matter police administration has to coordinate with courts, hospital, child protection authority, social workers, NGOs, and legal service authority to provide the comprehensive assistance to the victims.

D. Role of Police in Cybercrime Prevention

Cybercrime refers to crime committed through electronic means including computers, mobile phones, and internet and through modern technologies, cybercrime includes examples like, online hacking, fraud, cyber staking, cyber bulling, and identity theft. Where police plays important role in the prevention of cyber-crime and also protecting people in the society from

digital threat, their role are not only limited till the investigating the crime after it has been occurred, they also work for the protection of victim, prevention of crime, and make people aware schools, colleges, workplace, and communities that are being conducted through various schemes.

People are aware about common digital technology and their threats like online scams, fake websites, and phishing and police also advise them not share the one-time password (OTP), passwords, pins, and banking details with unknown persons. People who have been caught in cyber-crime they do file the complaint regarding those frauds and the police helps those people by taking necessary legal action and recover from those online scams.

There has to be quick reporting regarding the online financial frauds to restrict and prevent the further transfer of money and also can be taken legal actions immediately. The police investigate and collect digital evidence such as emails, messaging, chats, call records, IP address, data of mobile, computer, CCTV footage, and records of transaction records. These evidences help in recognizing offenders and can also be recalled the way committing crime.

Cyber-crime offences required specialist for the knowledge of identifying the technical crime, whereas forensic experts can study and examine, the data of computer, mobile phones, storage device and also several digital systems to recover and to analysis the evidences. These processes help police administration to rectify when crime was happened, how was it committed and who can be responsible for the particular crime.

Cyber criminals hide their identity by using several other phone numbers, different accounts holding at once, VPNs or by using other technologies, but police take help of technical experts to trace accused and also to know the digital activity of the offenders. In cases of online financial fraud, the police may coordinate with banks and also to financial institution to recover the illegal transferred money. They can also work through online platforms or with service provider where legal information of investigation is required.

The police monitors and investigation common forms of online frauds required the phishing scam, fake jobs, and online shopping scams, investment scams, banking fraud, identity frauds

and social media scams as well, where public awareness is required and also police quick investigation is required to reduced such fraud impact on society. Where every day women and children are being stuck in the cyber staking, cyber bullying, online harassment, and impersonation, police must respond respectfully and with sensitively to such victims or complaints, they should take appropriate legal action to protect complaints, and investigate regarding offenders.

Cyber-crime can be committed across the borders and through the national boundaries; therefore, the police have to coordinate with other nation's police administration, specialized team of cyber-crime experts, central agency, and international authorities wherever they are necessary. The cyber-crimes are constantly changing as per the changes of technologies as per rapid conversion; therefore, police authority required training in digital evidences, cyber forensic science, online financial fraud, social investigation, the data protection and their privacy, and emerging cyber threat.

The cyber-crime cells and experts police station deals with complex digital offences and the cases. Digital evidences can be easily destroyed, deleted, and can be changed; therefore, the police authority must collect, preserve the electronic evidences for the storage of their authenticity and integrity that could be established before court. If people are aware about technologies and trust the police administration, they are encouraged by their will to register the reports in the police station to get the justice.

VIII. USE OF TECHNOLOGY IN MODERN POLICING

In today's era the investigation done by police have been modernized according to technology, in earlier time the police investigation was dependent on physical evidences, witnesses' statement, documents and traditional methods. Now, in modern era crimes are committed through social media, mobile phones, computers, online banking and other technologies; therefore, the police have to modernize the technological tools for detecting and investigating the evidences.

Technology provides police authorities with several tools for identifying suspects, locating evidence, understanding criminal activity, and solving cases more accurately. However, such technology must be used carefully and lawfully, with due regard to privacy, legality, evidentiary integrity, and constitutional safeguards. The use of technology in policing must therefore be examined not only under Article 21 and the privacy principles recognised in *K.S. Puttaswamy v. Union of India*, but also in light of India's statutory data-protection framework under the Digital Personal Data Protection Act, 2023 and the Digital Personal Data Protection Rules, 2025.

1. **Artificial Intelligence (AI):** Artificial intelligence can assist police authorities in analysing large volumes of information within a short period. It may be used to analyse CCTV footage, identify objects or persons in video material, detect unusual activity, and recognise patterns that may connect suspects with a crime scene. However, AI-based policing must be used with human supervision, lawful authority, and safeguards against bias, excessive surveillance, and misuse of personal data.
2. **Digital Forensic:** Digital forensic usually refer to collecting, preserving, recovering, analyzing information of electronic evidences through various devices like; mobile phones, computer or laptop, hard drive, memory cards, emails, messaging, browser history, images, videos, information of location, and other digital records. Now in modern era even if people delete the important evidence or files that can be recovered by specialized experts.
3. **Tracking Online Activities:** Online tracking help police administration to investigate the crime scenes through electronic technologies by examining IP address, account activities, their digital conferences, communication, transactional records, and legal obtainable data to find the offender of the crime committed. Online tracking could be done of hacking, cyber fraud, and online harassment, fake social media account, cyber staking, identity theft, and online financial team.
4. **Crypto Currency and Block Chain Investigation:** Crypto currency is used by criminals to hide their transfer of money which are illegal, though crypto currency does not completely reveal the identity of the person and the transaction of illegal

money is being recorded on block chain. The specialized experts can analyse the transfer of money which is recorded on block chain and also traces the movement of crypto currency and also link the wallet and transactions for the applicability of law and for available information. This technology of crypto currency is useful for the investigators to investigate the cyber fraud, ransom ware, and money laundering.

5. **Verification of Digital Document:** Modern investigation involves electronic documents like PDFs, emails, digital document, scanned document, photographs and electronic records are the technologies that help in examining the metadata, alteration of texts or images, source from where the document is obtained, creation and modification of the data, for the verification of digital signature, and the properties of files to recognized whether the document is created, altered, or manipulated.
6. **Facial Recognition and Image Analysis:** Facial recognition and image-analysis tools may assist investigators in comparing images or video footage with available records, including CCTV material from a crime scene. However, facial-recognition results should not be treated as conclusive proof of guilt. Such technology carries risks of misidentification, profiling, and excessive collection of biometric data. Therefore, its use should be supported by lawful authority, human verification, proper documentation, limited retention of data, and compliance with privacy safeguards under Article 21, *Puttaswamy*, and the DPDP framework.
7. **CCTV and Video Analysis:** CCTV footage is an important form of evidence in modern policing. It may help identify suspects, trace movement of persons and vehicles, verify number plates, and establish the time, place, and sequence of events. At the same time, CCTV footage contains personal data and may reveal sensitive details about individuals. Therefore, police authorities should ensure lawful collection, secure storage, limited access, proper chain of custody, and justified retention of such footage, particularly where it is used with AI-based video analytics or facial-recognition systems.
8. **Data Analysis:** Police authorities deal with large volumes of information, and data analysis may help investigators identify patterns that are not immediately visible from

isolated pieces of evidence. It may assist in detecting repeated offences in particular areas, links between suspects, financial transaction patterns, connections between accounts and phone numbers, and possible relationships between different criminal cases. However, data analysis must be conducted for a specific lawful purpose and should not become a basis for indiscriminate profiling, indefinite data retention, or suspicion without supporting evidence.

A. Challenges Faced by the Indian Police

1. **Political Interference:** Police officers may face pressure from political authorities in matters relating to transfers, postings, and investigation of cases. Such interference can affect the independence, impartiality, and efficiency of police administration.
2. **Shortage of Police Personnel:** In comparison to the size of the population, the number of police personnel remains inadequate. This results in long working hours, excessive workload, and difficulty in handling a large number of cases effectively.
3. **Poor Training:** Police training has not always kept pace with contemporary requirements, particularly in areas such as financial fraud, organised crime, cybercrime, digital evidence, and forensic investigation.
4. **Lack of Modern Facilities:** There is still large number of police station where they face shortage of vehicles, computer communications, weapons, and equipments used for forensic examination.
5. **Low Motivation:** In police force there is specific position called constable, who work constantly but have limited opportunities for the promotion, this lead to reduce motivation towards their work.

B. Measures to Improve Police Department

1. **Police Reforms:** The reform of police administration in India must be examined in light of the binding directions issued by the Supreme Court in *Prakash Singh v. Union of India*, (2006) 8 SCC 1. In that case, the Court recognised the urgent need to insulate the police from unwarranted political interference and to strengthen accountability, professionalism, and operational independence. The Court issued seven core

directives: establishment of State Security Commissions; merit-based selection and minimum tenure for the Director General of Police; minimum tenure for other key police officers; separation of investigation from law-and-order functions; creation of Police Establishment Boards for transfers, postings, promotions, and service-related matters; establishment of Police Complaints Authorities at the State and district levels; and creation of a National Security Commission for Central Police Organisations. These directions remain central to police reform and should not be treated as merely optional administrative suggestions. Accordingly, investigation duties should be institutionally separated from routine law-and-order responsibilities so that criminal investigation may become more specialised, impartial, and efficient. Police Establishment Boards should also function effectively to ensure transparent and fair decisions regarding transfers, postings, promotions, and other service matters. The continued partial implementation of the *Prakash Singh* directives across several States shows that police reform requires not only legal recognition but also consistent institutional compliance, adequate resources, independent oversight, and political will.

2. **Better Utilisation of Funds:** Government funding should be directed towards police-station infrastructure, forensic laboratories, digital record systems, communication facilities, vehicles, and investigation-related equipment. Financial allocation should support the reform objectives recognised in *Prakash Singh*, especially professional investigation, accountability mechanisms, and improved institutional capacity.
3. **Modern Technology and Training:** Police personnel should receive regular training in cybercrime investigation, digital forensics, artificial intelligence, electronic evidence, financial fraud, data protection, and human-rights-compliant investigation practices. Such training is necessary to make investigation more specialised and to support the separation of investigative functions from general law-and-order duties.
4. **Greater Participation of Women Police Officers:** The representation of women in the police force should be increased through effective recruitment, reservation policies,

and gender-sensitive institutional reforms. Greater participation of women police officers can improve access to justice for women, children, and vulnerable victims, particularly in cases involving sexual offences, domestic violence, trafficking, and online harassment.

5. **Improved Police Stations and Institutional Capacity:** Police stations should be equipped with adequate communication systems, trained staff, vehicles, forensic support, victim-assistance mechanisms, and technology-enabled record management systems. Institutional improvement at the police-station level is essential for implementing the reform objectives recognised by the Supreme Court.

IX. CONSTITUTIONAL AND LEGAL SAFEGUARDS ON POLICE POWERS

Police department has been assigned with powers to investigate crime, prevent offences, arresting accused, search and seizure operation and to maintain public order, but these powers are limited. The constitution and law together restrict the action of police for the protection of life, liberty, dignity, and rights of individuals.

1. **Article 14: Equality Before Law:** Article 14 ensures equality to every individual of the society and equal protection of law. Police authority is not allowed to discriminate between persons arbitrarily; police actions must be lawful and reasonable for arresting accused and for the investigations of cases, and court has authority to challenge and ask the questions selective and discriminatory treatments.
2. **Article 19: Protection of Fundamental Freedom:** Article 19 protects the fundamental freedoms such as speech, expression, peaceful assembly, movement, and occupation, as subjective to restriction. Police departments have been authorized for the public purpose to regulate the activities of public orders, security of the state and constitutional grounds, but restriction cannot be arbitrary.
3. **Article 20: Protection in Criminal Proceeding:** Under article 20 accused can take safeguard for them; first is “no ex-post-facto punishment” which means a person cannot be punished for those offences which was not considered as offence when it

was committed. Second is “no double jeopardy” which means a person cannot be punished and prosecuted again for the same offences, third is “protection against self-incrimination” which means a person cannot force or compelled to be the witness before the court, these are the few limits imposed on police administration.

4. **Article 21: Right to Life and Liberty:** Article 21 is most important safeguard against the misuse of police powers; this article provide that no person shall be deprived of life and personal liberty except the procedure established by law. Also, the actions taken by police are arrest, detention, interrogation, search, and surveillance, should satisfy the requirements of fairness, reasonableness, non-arbitrariness, and legality. The hon’ble Supreme Court has interpreted broadly under article 21 by including human dignity, privacy, and protection against arbitrary state actions.
5. **Article 22: Safeguards Against Arrest and Detention:** Article 22 protect accused from being arrest, before arresting accused they should be informed the grounds of arresting them, accused have a right to choose the practitioner for defending them, and the accused has to be produced within 24 hours before the nearest magistrate which also includes the travelling journey. The accused cannot be detained beyond the duration as suggested by magistrate as authorized; exception could be subject to constitution.
6. **Article 39A: Free Legal Aid:** The article 39A of Indian constitution promotes equal access to justice and free legal aid services, if the accused cannot afford the legal representative, the state must provide the legal representation or assistance in several circumstances. This article ensures that poverty does not prevent the accused person from defending themselves from the actions of prosecution and police authority.
7. **Judicial Control Over Arrest:** Police have unrestricted power to arrest but under the procedure of criminal framework, arresting accused must be performed on the basis of fairgrounds and necessity, police department has been instructed to follow the statutory requirements, and constitutional safeguards. In the case of “D.K. Basu v.

State of West Bengal”⁵ supreme court has provide important safeguards with the consideration of arrest and detention with several requirements like, documentation should be prepared before arresting the accused, person before arrested has right to inform the family members, relatives or friends, there should be medical examination should be performed if required as evidence, police department have to maintain a file records, and should ensure the accountability of police officers.

8. **Protection Against Custodial Torture:** The police authority cannot torture or cruel the accused person to obtain the information while investigating. Article 21 right to life and personal liberty of Indian constitution places limitation on police interrogation, court has emphasized that accuse persons does not losses their fundamental rights while they in police custody.
9. **Safeguards Regarding Search and Seizure:** Police has to permitted or has authority by law for the search and seizure operation, but those powers have to limit and used in prescribed procedure, the law required the attention to the matters including proper authority for searching, preparation for search records, presence of witnesses as per the ld be requirement, properly seized data should documented, and preservation of integrity of evidences. Article 21 also includes right to privacy, where arbitrary searches are prohibited because it violates the constitutional rights of individuals. “K.S. Puttaswamy v. Union of India” case where Supreme Court recognized right to privacy under article 21 as fundamental right, therefore the police surveillance, collection of personal information and search must have legal basis, legitimate state objective, and rational connection with those objective, appropriate safeguards against abuse. These contexts are important for digital device, CCTV, mobile phones, electronic evidences, and internet activity.
10. **Legal Safeguards under BNSS, 2023:** The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), regulates important aspects of police power, such as arrest, investigation,

⁵ D.K. Basu, Ashok k. Jhori v. State of West Bengal, State of U.P. 18 December 1996, AIR. 1997

search and seizures, recording of statement, accused produced before court, medical examination as per requirement, and investigation of offences, due to the reasons the police should exercise their power as per the prescribed law under BNSS.

11. Magistrate and Judicial Oversight: There are various stages for police investigation which is subject to judicial supervision, like arrested person must be produced before the court to the nearest magistrate as per the prescribed duration. Court can examine the detention of legality as per the constitution; court also has authority to grant the bail, and court has authority to take legal action where police fail to determine and perform their duty.

12. Write Remedies: If the fundamental rights are being violated due to the action of police authority, in that case people can approach constitutional court under article 32 where Supreme Court has authority to enforce fundamental right, and article 226 where high court have wider jurisdiction over writ. Court has legal privilege to issue habeas corpus, mandamus and appropriate directions against unlawful action of police department.

13. Compensation for Violation of Fundamental Rights: In case of violation of fundamental rights by any state authority or police officers, court can award the compensation in appropriate cases this also provide remedies to the victim in illegal detention, custodial violence, custodial death and serious violation of liberty and dignity of the accused person.

X. CASE LAWS

A. Joginder Kumar v. State of Uttar Pradesh

The Supreme Court held important guidelines to prevent the arbitrary and unnecessary arrest, which states that police department, should not arrest the any person if complaint or case has been filed against them, there should be fair reasons and necessity for arresting accused, arrest should be on the basis of legality. Also, if the person is being arrested, police have to inform

them why they are being arrested what are the reasonable grounds, so that the individuals can recognized and use fundamental rights.⁶

B. Arnesh Kumar v. State of Bihar & Anr

This case is a landmark judgment, where Supreme Court stated that arrests are not automatic crime which should be punished with 7 years of imprisonment; police should record necessary evidence to arrest, whereas magistrate independently have authority to ensure the legality to arresting the accused and for detention.⁷

C. Maneka Gandhi v. Union of India

This is a landmark constitutional case, where Supreme Court expanded the scope of article 21 right life and personal liberty of Indian constitution and established the procedure where people are deprived of their life or personal liberty, that should be just, fair, and reasonable. The court has also accomplished the relation between article 14 (equality before law), article 19 (freedom of certain fundamental rights), and article 21 (right to life and personal liberty) for strengthening protection against arbitrary state action and misuses of government's power.⁸

D. Smt. Nilabati Behera Alias Lalit Behera... v. State of Orissa and Ors

In this case Supreme Court held that state was responsible for the death of Suman Lal Behera, as they could not protect the right to life and personal liberty of the person under the custody mentioned under article 2, the court observed the torture and serious custodial death which is violation of human rights. The Supreme Court awarded state to compensate to Nilabati Behera with rupees 1, 50,000 and 10, 000 to the Supreme Court for the legal aid committee. The compensation was granted for constitutional remedies of violation of fundamental rights, and judgment passed the Supreme Court was; families are eligible for the compensation as there was serious violation of fundamental rights and for custodial death.⁹

⁶ Joginder Kumar v. State of Uttar Pradesh, 25 April 1994, AIR. 1349 SCC (4) 260

⁷ Arnesh Kumar v. State of Bihar & Anr, 2 July 2014 (AIR. 2014) SCC 273

⁸ Maneka Gandhi v. Union of India, 25 January 1978, AIR. 597 SCR (2) 621

⁹ Smt. Nilabati Brhera Alias Lalit Behera... v. State of Orissa And Ors, 24 March 1993, AIR. 1960 SCR (2) 581

XI. SUGGESTIONS AND RECOMMENDATIONS

1. **Police Reforms:** Investigation duties should be institutionally strengthened and, wherever practicable, separated from routine law-and-order functions so that investigations may be conducted with greater specialization, independence, and efficiency. Police Establishment Boards should also be effectively used to ensure fair and transparent decisions relating to transfers, postings, and service administration.
2. **Better Utilisation of Funds:** Adequate financial resources should be allocated and properly utilised for police-station infrastructure, forensic facilities, communication systems, digital tools, vehicles, and other operational requirements.
3. **Modern Technology and Training:** Police personnel should receive continuous training in cybercrime investigation, digital forensics, artificial intelligence, electronic evidence, financial fraud, data protection, and human-rights-compliant investigation practices.
4. **Greater Participation of Women Police Officers:** The representation of women in the police force should be increased, including through effective implementation of reservation policies and gender-sensitive recruitment measures. Greater participation of women can improve access to justice for women, children, and vulnerable victims.
5. **Improved Police Stations and Institutional Capacity:** Police stations should be equipped with proper communication facilities, trained staff, vehicles, forensic support, victim-assistance mechanisms, and technology-enabled record management systems.
6. **Accountable and Rights-Oriented Policing:** The concept of “SMART police” – strict and sensitive, modern and mobile, alert and accountable, reliable and responsive, techno-savvy and trained – should guide future reforms. Police administration must combine effective crime control with constitutional discipline, accountability, transparency, and respect for human dignity.

XII. CONCLUSION

Police administration is one of the important pillars of crime prevention and criminal justice administration in India. The responsibility of police department does extent from maintaining public orders, prevention of offences and investigating crime scene, persevering and collecting the evidences, protecting victims, assisting court, and also ensures effectiveness of enforcement of law. The study of effective police system cannot be measured by numbers of crime detected and offenders arrested. A democratic police system must ensure the protection of fundamental rights, constitutional values, and human dignity. Police power is related to arresting detention, interrogating, surveillances, search, seizures, and investigation which are subject to legal and constitutional limitations.

As per the article 14, 19, 20, 21, and 22 of Indian constitution with their judicial decision of the case like D.K. Basu, Joginder Kumar, Arnesh Kumar, Maneka Gandhi, K.S. Puttaswamy, Nilabati Behera has established the safeguards against the arbitrary action of state and also against the power of police. The BNSS, 2023 has regulated the modern criminal investigation and function of police authority, also inquire of increasingly electronic means and forensic evidences for recognition. For the cyber-crime investigation there has to be a preservation of digital evidences, maintaining integrity, there has to be coordination with technical evidences and other agencies are necessary at the particular time,

At the similar point, police administration has to face some of the serious challenges like political interference, inadequate of police strength, insufficient of training, lack of modern infrastructure, issues of funding, and these problems do require proper addressing such as police reforms, adequate funding, proper and modern equipment specialized technological training sessions, better working condition, and also increasing the number women participation and stronger institution accountability. The concept of smart police states one that is strict but sensitive, modern and mobile, alert and accountability, reliable and responsive and technologically trained, which has provided an appropriate direction for future policing authority.

The objective of the police department is not limited to crime control. It must also contribute to a society governed by discipline, law, and constitutional values, where people feel safe, victims receive protection and support, and accused persons are treated in accordance with due process. The Constitution of India places clear limits on police powers. There has to be effective balance between crime prevention, protection for human rights, accountability, and technological advancement, and efficient balance of strengthening and contributing to professionals, transparent, and the people who are oriented with criminal justice administration in India.

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