



# Indian Police: Public Servant or Servant of the Masters

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## ABSTRACT

Indian Police has been a subject matter of study by various thinkers and researchers in the past. In British India, the then government wanted to keep Indian Police as a puppet in their hands. So the Police served their masters more than the people of India. Police brutalities of those times tell very dejective tails. After attaining independence in 1947 efforts have consistently been made to make Indian police people-friendly and for the service of the people. How much these efforts have been successful shall be discussed in this paper.

**Key Words:** *Indian Police, Police Brutalities, People friendly, dejective tails, British India.*

## INTRODUCTION

The Britishers ruled over India by adopting the policy by divide and rule. They established Indian police with their own vested interests of misusing “Indians against Indians”. The police image in British India was authoritarianism and brutality. The Indian Police Service or IPS replaced the Indian (Imperial) police in 1948. It was one year after attaining independence from British rulers. The Indian imperial policy was part of the Indian Police Services the uniform system of police administration as established in British India by Act- 5 of 1861. [1]

The first police commission was established in India on 17<sup>th</sup> August 1865. It's report contained detailed guidelines for the desired system of police in India and defined the police as a government department to maintain order, enforce the law, and prevent and detect crime. [2] The Indian Police Service is not a force itself but a service providing leaders and commanders to staff the state police and All India Central Armed

Police Forces. It's members are the senior officers of the police. With the passage of time, the Indian Police Service's objectives were updated and redefined, the current rules and functions of an Indian Police Service Officers are as follows:

- To fulfill duties based on border responsibilities, in the areas of maintenance of public peace and order, crime prevention, investigation, and detection, collection of intelligence, VIP security, counter-terrorism, border policing, railway policing, tackling smuggling, drug trafficking, economic offenses, corruption in public life, disaster management, enforcement of socio-economic legislation, bio-diversity and protection of environmental laws, etc.
- Leading and commanding the Indian Intelligence Agencies like Research & Analysis Wing (R&AW), Intelligence Bureau (IB), Central Bureau of Investigations (CBI), National Investigation Agency (NIA), Criminal Investigation Department (CID), etc., Indian Federal Law Enforcement Agencies, Civil and Armed Police Forces in all the states and union territories.
- Leading and commanding the Central Armed Police Forces (CAPFs) which include the Central Police Organizations (CPOs) and Central Paramilitary Forces (CPFs) such as Border Security Force (BSF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), National Security Guard (NSG), Central Industrial Security Force (CISF), Vigilance Organizations, Indian Federal Law Enforcement Agencies.
- Serve as head of the departments in policymaking in the Ministries and Departments of Central and State Governments and public sector undertakings both at the center and states, Government of India.
- To interact and coordinate closely with the members of other All India Services and with the elite Indian Revenue Service and also with the Indian Armed Forces primarily with the Indian Army.
- Last but not the least, to lead and command the force with courage, uprightness, dedication, and a strong sense of service to the police.
- Endeavor to inculcate in the police forces under their command such values and criteria as would help them serve the people better.

The Indian Police continued to be governed by the Police Act of 1861, [3] however, several commissions and committees on police reforms were constituted in India for better upholding the rule of law and for the better onus of responsibility and accountability. Mention may be made of National Police Commission (1977–81), [4] Riberio Committee (1998–99), [5] Padmanabiah Committee (2000), [6] Soli Sorabjee Committee (2005), [7] and the Supreme Court intervention (2006) in response to the PIL of 1996 Parkash Singh V/s Union of India. [8] In October 2012, again the Supreme Court of India in a follow-up action asked the state governments as to why the reforms suggested in the Supreme Court judgment of 2006 were not implemented by then. All these commissions and committees recommended measures for the independence of the police and more responsibility, transparency, accountability, and professionalism.

## PRESENT SCENARIO

It is a matter of great concern that inspite of the best efforts in the past, there is no substantial difference in the police functioning in India. We may look at any aspect of police functioning like crime prevention, crime detection, law enforcement, internal security, police public relations, etc. police in India certainly need to update itself as they are lacking on all these fronts in contemporary India. Not only that, police political polarization has made the situation more grim for the public as it erodes the impartiality and professionalism of police in the public eyes at large.

## SOME COMMON EXPERIENCES

1. Police receive information well in advance that communal tension prevails in a particular city. They make no efforts to mitigate tension or crime. Police remain a mute spectator till the communal riots are at the peak and a lot of loss of lives and property has taken place. They come to action at a very belated stage. Later on, there were allegations against the police that there was a political polarisation of police against a particular community at the directions of the political bosses.
2. It is a matter of common observations in every state of the country today that some police officers have stamping of one political party or the other. When 'X' political party comes to power, the police officers aligned to it are posted at key or important positions, and the police officers aligned to party 'Y' are posted at unimportant police posts. The process reverses itself when the 'X' party is out of power and the 'Y' party comes to power after the election/change of Government. The politically polarised police officers carry out all illegal orders of the political bosses knowing fully that there is no legal sanctity in their actions, but still, they act upon in the way just to appease their political bosses.
3. There have been a large number of instances in all states of the country during the last four decades when the police officers of particular political affiliations were posted to ex-cadre posts in the corporations, indulged in corruption and unethical practices. Later on, cases were registered against them when the bigoted properties over and above their known sources of income. They lost their jobs and were punished by the courts of law in such cases.
4. It has also been a common experience in the past that politically polarised police officers registered false cases against the politicians of the party out of power. For lack of evidence, the cases did not prove in the court of law and ended in acquittals. Such officers were sometimes punished by the courts or became victims of the political vendetta when the opposition party again won the election and came to power.

5. The political polarisation of police takes place when the police officers indulge in wrong practices just for personal political gains. They subsequently get exposed in due course of time and lose their public image of impartiality.

6. The politically affiliated police officers have been found to indulge in land scams, NDPS trade, and smuggling and sometimes they register false cases of rapes and murders to tarnish the image of the politicians of other than the ruling parties. In this way, they not only commit crimes themselves but also bring bad names to the police organization as a whole. This way, the image of the police gets damaged to such an extent that not only the public but even the judiciary loses faith in the police investigations and suspects police findings even in the cases investigated by the diligent police officers in an impartial way.

### **SOME VIEWS ON POLARISATION AND POLICE**

1. On 07/10/2011 an article was published in "The Express Tribune-with the International New York Times titled" ethnic polarisation: Supreme Court suggests altering police station boundaries". [9] The Supreme Court of Pakistan in our neighbouring country, while deciding a bunch of cases on ethnic polarisation recommended to avoid political polarisation and the boundaries of police station should be drawn according to administrative needs and not on the basis of political vested interests so that the different ethnic groups could live peacefully in that territory and police is unable to divide the people ethnically.

2. Marias, E. (1993) Stated, "Much depends on the approval and cooperation of the public and these have always been determined by the degree of the esteem and respect in which the police are held. Therefore, every member of the police force must remember that it is his duty to protect and help members of the public, no less than to bring offenders to justice. Consequently, while prompt to prevent and arrest criminals, he must look on himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their race, colour, or social position, with unfailing patience and courtesy. Neither politicians nor pressure groups nor anyone else may tell the police what decisions to take or what methods to employ, whether to enforce the law or not in a particular offence. [10] The exercise of police judgment has to be as independent as the exercise of professional judgment by a doctor or a lawyer. If, it is not the way is open to manipulation and abuse of the law whether for political or private ends. The favour and approval of the public must be sought at all times, not by pandering to public opinion, but by enforcing the laws with constant and absolute impartiality, giving prompt individual and friendly service to all members of the society regardless of status, social position or national affiliation, being courteous and friendly at all times and being ready to make personal sacrifices in order to save lives." Thus, police public relations always remain better if the police is not politically polarised. [11] Pandu R. (2014) suggested that political polarisation hampers the national development. [12]

3. There has been unprecedented stress for Indian Police as they have been deeply involved in partition politics and now participate individually and collectively in the same. This politicization is generally recognized by the public as a decline in the rule of the law. Police are unable to detect crimes rather they are more involved in controlling public rights due to political reasons. The decline in capacity and discipline on the Indian Police Re-enforced the sense of insecurity among the people the citizen are suffering as the decisions and investigations are not impartial and the morale of the police is suffering. [13] The power of the superintendence police lies with the state government. The police performance should be strictly in accordance with the law. In other words, the police function to establish rule of law and not the rule of politics. [14]

## RESULTS AND DISCUSSION

Political polarisation is taking place all over the world on the basis of caste, creed, religion, and race in all the Government Departments. Not only police, but even the judiciary also has not escaped from political polarisation of varying degrees. It is a common experience and opinion all over the globe that polarisation creates hatred and a lack of trust. It makes an organization like police partial, leading to strained police public relations. It brings disrespect and mistrust to the organizations established by law. It has led the social and political thinkers to find out its causes and effects and its mitigation. However, it is the duty of the individual or organization which is affected, to carry out appropriate reforms in time so that the spreading virus of political polarisation could be prevented from making the individuals and organizations ill. Thus, the need of the hour is police reforms to bring independence in police functioning and attains reputation of public service than the servant of the political masters.

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