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POLICE AN INDISPENSIBLE PART OF CRIME PREVENTION IN INDIA

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Abstract

Police force has been in existence in India in one form or another from the very ancient times. There are references to the existences of police system in epics, namely in Ramayana and Mahabharata. The great law giver Manu also emphasized the need of police force for maintenance of law and order. According to this, police functions could be entrusted to only those who were well acquainted with local people and were dedicated to the cause of protection of society against law violators. It also refers to the secrets intelligence practiced in time for the prevention of crime as well as the detection of crime.

Introduction

The ancient India further reveals that there was a well organized police force during the regions of ancient Hindu rulers. The Gupta dynasty in ancient India was particularly known for its excellent law and order situation through a well organized system of police. The chief of the police force is called “Mahadaandadhikari”. He had a number of subordinate officers called “Dandapashik” who were responsible for maintenance of law and order in districts, towns and villages. The judicial officers was called “Mimansaka” whose main function to decide upon the guilt or innocence of the offender and award the appropriate punishment kept the law and order situation well under control. There was a separate branch of detectives working under the police establishment called the “Guptachars”. These were the functions of the police in ancient India.¹

The police are the primary and frontier organ of any criminal justice system. The process of criminal justice begins with initiative of the police. More efficient the working of the police more will be the success of the criminal justice system. The police is an active limb of the criminal justice system which serves both prosecution and the courts. It is an agency which deals the public before any other organ of the criminal justice system. Its public dealing is more direct and impact worthy. It is only the working of the police which can generate trust among the people in the criminal justice system of the State. The role and functioning of the police depends on variety of factors, which includes political, social, economic and legal setups. The concept of modern policing in India was introduced under the British rule, particularly it was the Police Act of 1861 which set the ball rolling for the evolution of a comprehensive police system in India. It was this Act which become the corner stone of the police organization at all India level and various union territories and states in India. This Police Act gives each State Government the power to establish of its own police force. In addition to this Act, other legislations like, Indian Penal Code and Code of Criminal Procedure (Cr.PC) were also made to regulate the police operations. This act remained in force till recently.. The nature of the organizational structure of any police is by and large decided by the public policy of the state, or more particularly the policies of rulers. The main thrust of the rulers in pre-independence India, was to control their subjects. Therefore, the police structure was so built, which was meant to act as, an “efficient instrument for the prevention and detection of crime.” Though, after India got independence, a democratic system was

¹ N. V Paranjappa , *Criminology Penology and Victimology* , Central Law Publication ,2017 ed.

adopted, which was meant to act as an instrument of service to the people, but the Police Act of 1861 continued in practice. In the post independence period various reform committees and commissions were set up to in-tune the police organizational structure according to the needs of the time. These commissions have been constituted to review the functioning of the police, identify the flaws within the existing system of administration, and make recommendations. The National Police Commission, was set in 1977 by the Union Government. It was given wide terms of reference that included the organization, role and functions of the police, police public relations, political interference in the police work, misuse of police powers and police accountability and performance evaluation. The commission produced 8 reports between 1971 and 1981. Lastly, it prepared a draft of a new Police Act to replace that of 1861. Many subsequent committees like Ribeiro Committee, Padmanabhaiah Committee and Police Act Drafting Committee under Soli Sorabjee in September 2005⁴ have largely reiterated the above recommendations. But there has been delay on the part of the Government to introduce these recommended police reforms. In 1996, Mr. Prakash Singh, a retired police officer petitioned the Supreme Court and urged to issue “directions to Government of India to introduce reforms in Police suggested by various commissions in order to ensure that the police is made accountable essentially and primarily to the law of land and the people.”² The Supreme Court referred to the recommendations made by various committees on police reforms and pointed out the requirement of reform to be made regarding:

- (a) State Security Commission at State level;
- (b) Transparent procedure for the appointment of Police Chief and the desirability of giving him a minimum fixed tenure;
- (c) Separation of investigation work from law and order; and
- (d) A new Police Act which should reflect the democratic aspirations of the people.

The Indian Constitution, taking its inspiration from history and the free democracies of the world, envisages a representative legislature, a responsible executive and an independent judiciary, as an integral part of parliamentary system of government. The police organization, essentially constitutes the core administrative bureaucracy, is quite centrally or organically linked with all the three organs of the democratic government. The police administration being responsible to all the three organs of the government has regular contacts with them.³

Duties of Police

“The primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquility, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained.”

This was the primary object of an efficient police by Richard Maine who laid down this ethos on the founding of metropolitan police of modern England and Wales in 1829. Though the dynamics of functioning of the police system has changed the objective of the police system remains unchanged even after a century. Historically the police was under the command of the sovereign and in the modern times they are under the control of the government. The prevention of crimes and punishment still remains the main duties of the police however the most important change is in the arbitrariness in the enforcement of the punishment. In today’s modern world consciousness about the arbitrariness of police punishments which included torture and sometime even death has risen to such a level that most of the powers of the police have been clipped by the government and stringent humanitarian law. The police being the subject of the state in India makes the

² Prakash Singh v. Union of India, 2006 (8) SCC 1

³ Daniel Woods, Police Reforms Debate In India- Selected Recommendations, Commonwealth Human Rights Initiative, New Delhi, 2014

government invariably liable for the crimes committed by the police as held in the landmark case of *Nilabati Behera*⁴ in which the government had to pay compensation to the kith and kin of the victim of the custodial death. Though there has been a transcendental change in the police system all over the globe the basic objectives have remained the same which includes

- Maintaining a tranquil society

Essentially there are three tasks under this heading: keeping the peace, preventing crimes and most importantly reducing the fear of crime. In a multifarious country like India which houses all the major religions in the world and people from different ethnical backgrounds cohabit together, the threat of a riot or an issue which perturbs the public tranquility is imminent it is essential that police should be alert and efficient in suppressing such incidents. Reducing the fear of crime can only be a result of efficient prevention of crime, arrest of wrongdoers and the punishment should serve deterrence to offenders. It is very important because in a crime ridden society it is easy for the people to lose faith in the criminal justice system. If the citizens lose the faith in the police which ranks first in the criminal justice system it will only aggravate the incidence of crime in the society. Therefore it is imperative that police should maintain the public tranquility efficiently.

- Investigation of crime

Crimes can be categorized into the following categories which includes⁵

- Major crimes(e.g. Murder)
- Specialist crime(e.g. Sophisticated frauds)
- Priority crime (e.g. Burglary)
- Volume crime(e.g. Minor theft)

There are a plethora of crimes in the society some of them involves state of the art technologies and different modus operandi to execute the crime. The primary duty of police which involves investigation of those crimes within reasonable period of time and the process of investigation should be carried out diligently so that there is restoration of justice to the victim of the crime. For the effective investigation of crime the police should constantly update their knowledge of modern technology, should analyze and dissect previous crimes to get an insight into the criminals thinking and finally should be abreast criminals by keeping regular check on habitual offenders and use their wide contacts to get information about any such possible commission of crime.

- Other duties

The third function of the police is owing to the growth of certain problems of contemporary period involving the enforcement of wide variety of regulations which are not directly concerned with the criminals like direction of traffic, enforcement of sanitation, licensing regulations, control of crowds, action against obscene literature and films, civilian defence and disaster management duty.⁶

The elaborate list of functions and duties of police emphasizes their importance in the criminal justice system. The word synonymous with police is force and they are rightly addressed together as police force because they truly are a force to be reckoned with. An India cannot be imagined without its efficient police system but contrary to progress the recent police trends are showing deterioration in the efficiency of the system owing to various reasons.

Problems contributing to the inefficiency of the police in India

In the globalized and fast paced world that is today where time is money, things which have slowly started taking a backseat includes morality, ethics and integrity towards oneself and others. The police force has also not been spared from the shenanigans of the modern world. A recent survey conducted by the centre for media studies which covered 3000 participants from rural and urban voted the

⁴ *Nilabati Behera v. State of Orissa*, A I R 1993 SC 1960

⁵ Phil Hardy, *Blackstones's Preparing for Police Duty*, Oxford University Press, 2010

⁶ Ahmad Siddique, *Criminology Penology and Victimology*, Eastern Book Company, 7th ed., p.440

police as the most corrupt public service in India⁷. The stereotype of a corrupt police system continues to hold true. The survey which covered 20 states found that more than a third of the Indian households who interacted with the police had to pay bribe to them. The ongoing phenomenon of corruption and other anti public attitude taken by some police officials have contributed to the public losing its faith in the police system and often tends to seek the help of police only as a last resort.

Such problems are not only contributed by the police officials alone. It also a result of severe political influences and manipulation in the force. An interview of selected IAS officers both retired and working revealed certain reasons for declining professional in police in our country, revealed numerous reasons which includes the following⁸.

- For quick promotions and good postings, policemen have contacts with politicians and other influential persons. These contacts may lead to dysfunctional work patterns.
- Political support to delinquent police officers.
- Politicized transfers in the department.
- Declines in values and moral fiber of average policeman because of socio-political and economic reasons.
- Lack of downward communication in the department affecting proper supervision and conduct of subordinates.
- Training is far away from reality in field.
- Nexus among criminals, politicians and police.
- Multiplicity of police functions because of changing socio- economic and political developments.
- Trade union tendencies in police force.
- Yellow journalism and inadequate support from media.
- Inadequate application of science and modern technology in police work.⁹

The perusal of the above reasons gives a significant hindsight into the problem of the police force and the main problem is decline of morality and ethics of policemen due to various reasons.

- Inadequate salary

An average police officer in the sub constable rank only gets a monthly salary below Rs 10,000/-¹⁰ which is grossly inadequate to the work they do. The police force is a hierarchical profession with most of the work done by lowest of officers. The strenuous nature of their job which warrants them to be on their toes most of the time, being underpaid adds to their woes which are why they resort to other sources of money making like bribery.

- Political Appointments and interventions

The political interventions are a big factor contributing to the inefficiency of the police. Many officers are appointed, transferred and promoted to higher posts on the basis of their political affiliations and connections. These are encouraged by the political parties to further their own agendas. When a police officer seeks the helps politicians and successful in receiving the desired help, he is not only under obligation to serve the interests of the politicians but also eternally bound to close his eyes to the problems and ruckus created by the party members. When the primary organ of the criminal justice system fails to act on a wrong then what is more bigger failure than this.

- Police corruption :

Herman Goldstein defined police corruption as

⁷ <https://www.oneindia.com/india/police-the-most-corrupt-public-service-india-reveals-survey-2420532.html>

⁸ Anil K. Saxena , *Professionalism in Indian Police*, APH Publishing Corporation, New Delhi , 1997, p. 85

⁹ *Supra* n 8

¹⁰ <https://www.7thpaycommissioninfo.in/constable-pay-scale-salary-allowance-matrix/>

“An act involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself.”

The corruption in the police system is a perennial problem not only in India but all over the world. It will be highly unfair to the dedicated and committed officers of the police force to label the whole system as corrupt but still the problem of corruption is rampant in the system. Samuel Walker, an expert in the civil liberties, policing and criminal justice, divided corruption into four classes

- i. Taking gratuities
- ii. Taking bribes
- iii. Being involved in theft or burglary
- iv. Being involved in internal corruption.

The corruption in the police system also has two forms which are formal, regular, periodic payments to overlook a continuing activity and the onetime payment to avoid arrest. To impossible to eradicate corruption from the system however measures like strict monitoring of the conduct of the officer and stringent punishment, to systematically reduce the occurrence of corruption.

- Orders of the superiors

As mentioned earlier, police is hierarchical profession which follows strict superior subordinate relation. The violations of the order of the superior may result in actions and punishments like suspension, transfer and even dismissal. Sometimes the subordinate officer may not be corrupt however he might be forced to maintain silence about the activities of his superior due to fear of any extreme consequences.

Apart from the breach of ethics and morality in the police system the other important factor which affects the efficiency of the police is psychological factors.

Jerome H. Skolnick a renowned author on criminology noted that a Police officer's work is unpredictable and is sometimes violent and is some time carried out in deadly environment. All this takes a compounding effect and toll on the physical and mental well being of the police officers. The problems include

- Police stress and burnout

Burnout refers to a state of extreme psychological exhaustions that is work related. A police officers work often demands to do extreme grueling work which involves working in untimely hours, no proper food breaks in between, standing for a long time and mostly involves in situations where there is violence and blood shed. All these are negative factors which affect the health of the police officers¹¹

Stress researcher kroes grouped police stress into following categories

- i. Internal stress which is caused by organizational practices and characteristics. Internal stress is generally caused due to poor supervision, lack of support by administrators, no recognition for tasks performed, insufficient training, lack of adequate career ladders and excessive paper works.
- ii. External stress is caused by the perception of lack of general public support for police officers. It includes social stress caused by dissimilarity between the officers socioeconomic status.
- iii. Operational stress results from tragedies of life on the street, daily confrontations with life and death situations, and dealing with drug pushers, murders and other anti social elements on daily basis.

¹¹ Michael L Birzer & Cliff Roberson, *Policing Today and Tomorrow*, Pearson, 2006, p. 343

- **Police Alcoholism**
Exposure to violence, suffering and death is an inherent part of the law enforcement profession. To escape such painful realities the some officers often seek refuge in alcohol even during their which also severely affects their health physically and emotionally.
- **Police Brutality**
The arbitrary method of punishment like torture, corporal punishment by the police is also due to the affinity to their work condition. Though third degree measures of punishment used by the police cannot be excused on the basis of work condition, sometimes the object of venting their frustration with work would be on the meekest scapegoat available which is the offenders. The incidence of police brutality has significantly reduced due to the relentless human rights activism and welfare oriented laws.
- **Lack of Recognitions**
Most of the time policing is a reward less job. This in turn is the biggest frustration police officers have. A police officer invests heavily his or her time and energy in investigating a case. However when such laborious works gets unappreciated or stalled due to political or superior interventions it turns a big dampener for the police and prevents them from continuing such efforts in the future. Most of the times they don't get due credit for their work as it gets unnoticed or the credits get passed on to their superiors.

These are few of the reasons which contribute to a wrong perception about the police system in the minds of the citizens.

Reforms to be implemented

- **Revision of pay scale**
Adequate wages should be provided to the police officers and the existing pay scales should be revised. A uniform remuneration should be established all over India .
- **Recruitment**
Reforms should be brought in the procedures for recruitment of better personnel in police. Political appointments should be cut down and candidates should be chosen on the basis of his her merits.
- **A body to redress police injustices should be made**
Delay in filing of First Information report, tampering of evidence, unlawful detention , taking bribery are all obstacles which hinders the course of justice. The only recourse an ordinary citizen has is legal recourse which is time consuming and expensive. A police injustice redressal board should be established for citizens to redress any grievances against the venalities of the police officers. This ensures the incidence of corruption and other unlawful behavior in the police system to be removed and making the system more transparent. It also would make the system transparent by weeding out the bad officers and helps in imposing the faith of people on the criminal justice system.
- **Effective training and modern machinery**
By improving and modernizing the training of police personnel. Professionally oriented in-service training courses should be conducted. Modern machinery should be added to the police force and also adequate training to handle them should also be provided. It is reality that anti social elements, criminals , terrorist all posses state of the art machinery while our police men have to stand against them with only withered batons and archaic old weapons. The valuable lives of our police men are lost due to lack of modern machinery.

- Basic infrastructures
Another sad plight of the police force in India is lack of basic infrastructure including fully functioning vehicles. Police station should possess basic necessities like a proper building with adequate ventilation and toilets, proper furniture, computer and internet facilities or other facilities for proper networking.
- Compensation to the family
Reforms should be made to give adequate compensation to a police officer's family on his or her death. It should be ensured that there is no undue delay in the process of compensation to the family.
- Student police
A successful model to integrate the upcoming generation interest in prevention of crime is to start student police in schools wherein student police board who are guided by the police officers can be instrumental in eradicating issues like inflow drugs in schools which the members of student police can give awareness classes to their fellow students and also help the police in locating the source of drug supply in school. It also helps in educating the students about the criminal justice system.
- Counselling centers for Police
A qualified counselling expert or mental health doctors should be appointed in each districts to help the police officers to deal with their work stress and prevent them taking extreme steps like suicide and depression.

CONCLUSION

Police system is an integral and indispensable part of crime prevention in India. It is due to their ability to wade the path of a crime with an instinct that is parallel to a criminal. Unlike other organs of the criminal justice system, the police system is flexible because of their presence from the grassroot level to the top echelons of the society. An effective police system is itself deterrence to a potential wrongdoer. The police system in India has all the potential to be effective crime prevention machinery, however a immediate reform is mandatory to change the efficiency and perception about the system. It is high time that our police system wakes from its long slumber and utilize its full potential and to achieve this full cooperation of the citizens is also required.