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Distressed Khakee: A Critical Analysis Of Policing In Ranchi

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Abstract- Without bridge we are not able to cross the path to achieve our aim. Similarly without proper executive authorities we can't implement the legislations in society for the better future and sustainable development. As we all know that prevention is better than cure. In Society too it is better to prevent the crime instead of only punishing the offender. But the policing system in the present scenario is lacking faith in the society. False FIR, deterrence, and non cooperating nature of the police seems to be impractical in diverse cultural soil India to make the society reformative in nature. There are issues in relation to the police internal system such as corruption and pseudo seniority along with the equipment and workload balance with less human resource is a challenge for the system to work effectively.

Relationship between society and the police system is very important because they are interrelated to each other. The failure of one is totally dependent on the failure of other. So it is the need of the hour to bridging the system to society by the means of cooperation. . Scientific and forensic techniques are the means to do so. The researcher will focus on this issue based on the ideas of justice as fairness in the words of John Rawls. The researcher will try to develop the cooperation in form of suggestive manner to regain trust, execute cooperation and do try to make this society legally as well as ethically good society by providing fair and reasonable justice by going genuine investigation with the help of scientific and forensics techniques. Scientific and forensic techniques are the means to do so.

Keywords: Policing, Scientific, Forensic, Justice, Fairness

1. INTRODUCTION

The Police Act of 1861 defines the term "police" as the people who are enrolled under the very act.¹ This act also refers that anyone who is appointed to the police force is a police officer. In Layman language, the definition of police comes in the scene by the help of their tasks.² Police is an officer or a group of officers who are liable for maintaining public order, enforcing of law, preventing and implementation law, and protecting public. These functions are known as policing. Police are often also linked with different licensing and regulatory activities. There is an important historical, geographic, and organizational diversity in the activities of people who are, or have been, defined as police.³ Police work has developed periodically from what it was centuries ago. As populations grew and casual institutions of socialization and social control—such as the family, schools, and the church—came less in effectiveness, police became increasingly one of the most important institutions in society. Institution means a set pattern of the behaviour which persists over a period of time. However, no uniform worldwide system of policing ever emerged.

Many interdisciplinary factors help to describe the diversity of police conditioning and systems. The variations of crime generally committed in a society and the procedure used by culprits play a serious part in explaining a police force's conditioning. For case, if culprits use arms, the police must be armed to defend, or if culprits use computers to commit crimes, the police may establish a special unit concentrated to control cybercrimes. History also helps to explain this diversity; e.g., former colonies tend to keep the policing system formulated by their pioneers.

2. LITERATURE REVIEW

Mark H Moore, Robert C Trojanowicz and George L Kelling (1988)⁴ talk deals with problem solving oriented approach along with community policing is like a key to rapid response and investigation but this paper describes the ideal policing system and mechanic without attending the local social issues of the people of diverse communities.

Dr. Akhilesh Ranaut and Devpreet Sindhu (2018)⁵ focus on the problems and challenges of police system in India and the urgent need of reforms in the system but seems to be problem oriented not the solution oriented. There is a need of recommendation but how we will achieve it is not clear in this paper.

¹ Sec 1 of The Police Act 1861, (5 of 1861).

² G Shah, "Image Makers: An Attitudinal Study of Indian Police", Abhinav Publications, PP 95-110, ISBN 81-7017-295-0, 1993.

³ Dr. Akhilesh, Devpreet Sindhu, "Police system in India", published in International Journal of Science and Research, ISSN 2319-7064

⁴ Mark H Moore, Robert C Trojanowicz and George L Kelling, "Crime and Policing", published in US Department of Justice and National Institute of Justice, Vol 3, No.2, 1988

⁵ Dr. Akhilesh Ranaut and Devpreet Sindhu, "Police system in India" published in International Journal of Science and Research, ISSN 2319-7064, 2018.

Sumit Nain (2024)⁶ deals with reforms of police system in India for better future framework and flexible implementation. Moreover, there is no something new and unique as regard to the global scenario of policing.

Swati Minz and Pradeep Munda (2016)⁷ focus on societal behaviour towards women police officers to confirm their progress and giving women equal opportunity, respect to their policing career and rights but this paper is generic in nature and the research is based on Jharkhand. There may be lack of solutions based on issues in Jharkhand.

3. THEORITICAL ORIENTATION

JUSTICE AS FAIRNESS- JOHN RAWLS

ABOUT RAWLS

In 1921, John Rawls was born in Baltimore, Maryland. His father, supported President Franklin Roosevelt, was a , a commercial counsel. His mother was a women's rights activist. Rawls attended consistently private seminaries before entering Princeton in 1939. He was confused about a career option but ended up majoring in gospel. This showed an interest in religion, and he considered tutoring for the ministry. After graduating with a degree in 1943, he enlisted in the Army and served in the South Pacific for two times in the intelligence unit of the army. After his discharge from the Army following the war, he backed to Princeton and pursued one more degree under the GI Bill of Rights.⁸ He entitled his PhD in 1948. In 1950, Princeton hired Rawls as an lecturer in the Gospel department. But he also continued his own education, especially in economics. Rawls got a Fulbright fellowship to Oxford where he first developed the idea for what latterly came his notorious "study trial." After returning to the US, he joined the Gospel faculty at Cornell, also at the Massachusetts Institute of Technology, and eventually at Harvard. He continued his professorship of Gospel at Harvard from 1962 until he retired in 1991.⁹ Rawls was generally an academic man, involved in abstract thinking and recording. During the Vietnam War, still, he led an trouble at Harvard that questioned the fairness of pupil military draft detainments. Why, he asked, should council scholars, numerous with social and profitable advantages, avoid the draft while others without these advantages had to go to war? He preferred a lottery system, which the United States ultimately espoused late in the Vietnam War. During 1960s, he substantially concentrated on writing A proposition of Justice, published in 1971. This complex work tried to develop norms or principles of social justice that could apply to real societies.

⁶ Sumit Nain, "Role of Police in Criminal Justice System- A study in Indian perspective" published International Journal of Research Thoughts, Volume 12., 2024.

⁷ Swati Minz and Pradeep Munda, "Career oriented woman and their work life balance - A case study of women police in Jharkhand", published in IJBAER, Volume 14, No.12, 2016

⁸ L Wenar. "John Rawls" published in Edward N. Zalta (ed.), The Stanford Encyclopedia of Philosophy (Summer 2021 Edition)

⁹ L Wenar. "John Rawls" published in Edward N. Zalta (ed.), The Stanford Encyclopedia of Philosophy (Summer 2021 Edition).

JUSTICE AS FAIRNESS

Rawls argues the concept justice as fairness around specific interpretations of the ideas that citizens are free and equal, and that society should be fair. He looks at it as resolving the conflict between the ideas of freedom and equality, which have been mentioned by both the socialist critique of liberal democracy and by the conservative critique of the modern welfare state.¹⁰ Rawls also argues that justice as fairness is higher to the set tradition in modern political thought: utilitarianism.¹¹ Legitimacy is only the minimal standard of moral acceptability, a political order can be legitimate without being just. Justice sets the maximal standard and the set pattern of social institutions that is morally best.

Justice as fairness aims to explain a just arrangement of the major political and social institutions of a liberal society, the political constitution, the legal system, the economy, the family, and so on.¹² Rawls calls the arrangement of these institutions a society's basic structure. The basic structure is the gravitation of justice because these institutions distribute the main benefits and burdens of social life that will receive social recognition, who will have basic rights, who will have opportunities to get what kind of work, what the distribution of income and wealth will be and so on.

The distinctive interpretation of negative thesis of Rawls initiates with the idea that citizens do not deserve to be born into a rich or a poor family, to be born naturally more or less gifted than others, to be born female or male, to be born a member of a particular racial group, and so on. Since these features of persons are morally unpredictable in this sense, citizens are not entitled to more of the benefits of social cooperation simply because of them.¹³ Let take an example, the fact that a citizen was born rich, white, and male provides no reason in itself for this citizen to be benefited by social institutions.

This negative thesis does not say how social goods should be distributed; it merely clears the decks. The positive distributive thesis of Rawls is equality-based reciprocity. All social goods are to be distributed in a similar manner, unless an unequal distribution would be to advantage of everyone. The governing idea is that since citizens are fundamentally equal, reasoning about justice should begin from a assumption that cooperatively-produced goods should be equally distributed.¹⁴ Justice then needs that any inequalities must benefit all citizens, and specially more benefit to those who will have the least. Equality sets the baseline; from there any inequalities must modify situation of everyone, and especially the situation of the worst-off. These strong essentials of equality and reciprocal advantage are benchmarks

¹⁰ Gilbert Merritt. "Justice as Fairness: A Commentary on Rawls's New Theory of Justice" published in Vanderbilt Law Review, Volume 26 Issue 3 Issue 3 1973.

¹¹ Gilbert Merritt. "Justice as Fairness: A Commentary on Rawls's New Theory of Justice" published in Vanderbilt Law Review, Volume 26 Issue 3 Issue 3 1973.

¹² Gilbert Merritt. "Justice as Fairness: A Commentary on Rawls's New Theory of Justice" published in Vanderbilt Law Review, Volume 26 Issue 3 Issue 3 1973.

¹³ Gilbert Merritt. "Justice as Fairness: A Commentary on Rawls's New Theory of Justice" published in Vanderbilt Law Review, Volume 26 Issue 3 Issue 3 1973.

¹⁴ Gilbert Merritt. "Justice as Fairness: A Commentary on Rawls's New Theory of Justice" published in Vanderbilt Law Review, Volume 26 Issue 3 Issue 3 1973.

of Rawls's theory of justice that Rawls gives to these concepts can be seen as gathering a negative and a positive thesis.

THE TWO PRINCIPLES OF JUSTICE AS FAIRNESS

These guiding ideas of justice as fairness are given institutional form by its two principles of justice¹⁵-

First Principle- Every person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.

Second Principle- Social and economic inequalities are to satisfy two conditions-

- They are to be attached to offices and positions open to all under conditions of fair equality of opportunity.
- They are to be to the greatest benefit of the least-advantaged members of society.

The conceptions of Rawls in context citizens and society are still quite abstract, and some might think harmless. The original position tries to move from these abstract ideas to determinate principles of social justice.¹⁶ It does so by transforming the question that what are fair terms of social cooperation for free and equal citizens into the question and what are the terms of cooperation would free and equal to citizens to agree under fair conditions. The move to agreement among citizens is what places justice as fairness in the words within the social contract tradition of Locke, Rousseau, and Kant.¹⁷

The original position abstracts from all such irrelevant factors.¹⁸ The position which is real is a fair situation in which every citizen is represented as only a free and equal citizen and each representative wants only what free and equal citizens want, and everyone tries to agree to principles for the basic structure while situated fairly with respect to the other representatives. The design of the original position thus models the ideas of freedom, equality, and fairness. For example, fairness and equality are included in the original position by the symmetrical situation of the parties, and no representative of citizen is able to threaten any other citizen's representative, or to hold out longer for more deals.

4. ISSUES

1. Whether police personals are cooperative or not?
2. Whether there is lack of awareness among people?
3. Insufficient human force is a reason or not?
4. Whether staffs are facing extra burden or not?
5. Does the work of this institution follow principle of justice as fairness?

¹⁵ John Edor. "John Rawls's Concept of Justice as Fairness" published in PINISI Discretion Review 4(1):179, 2020.

¹⁶ John Edor. "John Rawls's Concept of Justice as Fairness" published in PINISI Discretion Review 4(1):179, 2020

¹⁷ John Edor. "John Rawls's Concept of Justice as Fairness" published in PINISI Discretion Review 4(1):179, 2020

¹⁸ John Edor. "John Rawls's Concept of Justice as Fairness" published in PINISI Discretion Review 4(1):179, 2020

5. POLICE SYSTEM

THE CURRENT STRUCTURE OF THE POLICE SYSTEM IN INDIA

After 1860 reclamation of elderly police officers was done in two ways- first, by the appointment of officers from the British Army, and second, by nomination from amongst youngish sons of landed gentry in the UK. Both of these ways were abolished in 1893.¹⁹ Now reclamation of officers was done through an integrated competitive test held in London which only Europeans could take. Later, it was opened for Indians too and the moment reclamation made through Combined Civil Services Examination is conducted annually by the Union Public Service Commission. According to the Constitution, the police force comes under the ambit of state subject. States make rules, regulations and guidelines for the police in the State police system. The association structure of police forces in India is fairly invariant in all the countries throughout the country. The head of the police force in a state is called the DGP. A state is further divided into different zones, ranges, and sections. The quarter force is headed by an officer of the rank of supervisor of Police (SP). Group of sections forms a range which is headed by an officer of the rank Deputy Inspector General of Police (DIG). Zones are composed of two or further ranges headed by an officer of the rank Inspector General of Police (IG). Sections are further sub divided into sub-divisions like circles and police stations which are headed by officers of different species.²⁰ The quarter police are also divided into two branches — the civil police and the secured police, where the former primarily controls crime, and the ultimate deals with law and order situations and is also the reserved police of the quarter kept to meet an exigency situation.

POLICING IN RANCHI

Ranchi being the state capital, Ranchi poses serious challenges for the police. This is supported by the numbers that appear on the Jharkhand police website-- Ranchi leads all 24 sections, including 18 Left-sect unreasonableness- affected sections, in terms of felonious conditioning. Ironically, it's home to the policymakers, the directors and the political pundits.²¹

Ranchi SSP Saket Kumar Singh speaks to Alok KN Mishra about his plans to turn Ranchi into a safe place for its residents.

¹⁹ G Shah, "Image Makers: An Attitudinal Study of Indian Police", published by Abhinav Publications, PP 95-110, ISBN 81-7017-295-0, 1993.

²⁰ Sumit Nain. "Role of Police in Criminal Justice System- A study in Indian perspective", International Journal of Research Thoughts, Volume 12, 2024.

²¹ Shiv Pandey, "Need to plug loopholes in security: Cops" published in The Times of India, 29th Jun 2016.

Following are extracts from the interview-²²

- Ranchi being the state capital, and geographically, it's largest (after west Singhbhum) in size and has a huge population. How numerous cases a quarter reports is not important. What matters is how numerous cases have been delayed and disposed of. At least, 600 cases are disposed of every month. But the crime graph of Ranchi is the worst as compared to other sections.
- Agitation by opposition parties generally beget law and order problems. similar agitations take place nearly everyday in Ranchi. People from across the state meet then to share in demonstrations. It's a challenge and we handle it well. In the once many months, several culprits have been arrested. The situation of law and order is not in control.
- In detention of the examinations, he stated Bobbies who have been promoted as assistant sub inspector(ASI) are not trained. There are about 100 new ASIs who warrant proper training. Some sub inspectors too warrant training.
- Community Policing will be re-launched soon. It was not stopped. It lost its track. I have asked police officers to be conservative while opting Police Mitra. At times, people use the cover of Police Mitra to carry out felonious conditioning.
- Ranchi has an acute deficit of force against the sanctioned strength. The capital city needs two business DSPs. Sadar, Khelari, Dhurwa and Control Room do n't have DSPs. presently, we've only 4000 staffs and around 300 of them are always out for training. A significant number of these staffs are into personality security. We need 400 constables, 200 head constables and 200 officers. A communication was made in this regard to police headquarters (provision) and many movables are going on.

Policing in rural parts of Ranchi is considered a tougher job. Various groups of the left wing extremists are active in the rural area including police stations like Pithoria, Burmu, Khalari, Mcluskiganj, Chanhoo, Lapung, Bero, Itaki, Nagari. Apart from several criminal groups, these area are affected by the activities of PLFI, CPI (Maoist), TPC, Jharkhand Liberation Army, Jharkhand Tiger among other groups of left wing extremists.²³

²² Suresh Singh, " A little care can do what a cop can't", published in The Times of India, 16th Nov 2012.

²³ KN Pandey. "Policing in Rural parts of Ranchi is considered a tough job" published in The Times of India, 30th Aug 2013.

6. PROBLEMS FACED BY POLICE

The following are the problems that police are confronted with:

- 1) Lack of cooperation of people in detection of crime and apprehending the offender due to fear of possible harassment from the side police officials.
- 2) Lack of sense of social responsibility among people is responsible for the failure of police in controlling the crimes.
- 3) The corruption of politicians provides undesirable protection to professional offenders and a lot of pressure on police to drop the proceedings against the criminals.
- 4) Even the courts look with suspicion at the evidence put forth by the police.
- 5) Higher police officers use the services of lower cadre police for their personal and household works.

The police in India cannot tackle the problems of developing the society effectively with their multifarious activities. The mounting problems of law and order and increasing incidence of violence have badly shattered the efficiency of the Police Administration.

7. CRITICISM OF POLICE

In view of the difficult engaging work due to the variety of functions such as trapping of criminals, investigation of the crimes, control of traffic, action against obscene literature or films, assisting civil defence as well as fire-services, to protect national as well as private property, person of individual etc. imposed upon it and the harassing attitude of police officials, with public, has incited a lot of criticism against police and about its working process. Some of the main criticism against police in India is as follows:-

- 1) The investigation work in criminal cases is not done accordingly by the police. The investigation of the criminal cases is widely handicapped and provides abuse in the absence of massive use of scientific instruments.
- 2) The wide discretionary powers are vested in the police
- 3) The police sometimes resort to extra-legal methods during the course of investigation of crimes.
- 4) The prevention measures taken by the police to prevent crimes become very harassing sometimes.
- 5) The delay by police in reaching the spot of the occurrence disorients the situation.
- 6) The image of police among general public is so ugly that common man does not come forward to render any cooperation with it.

8. CAUSES OF FAILURE OF POLICE

In India, police has failed to achieve its objective fully. The causes of failure of police are:10

- 1) Misuse of discretionary power by police during their duty such as arrest without warrant, search of a house or place without any order etc.
- 2) Oppressive attitude is another cause of failure of police system in India. The attitude shown to the public during their duty such as torturing the prisoners, firing on the mob, attitude shown by the police while filling the FIR are some of the example of oppressive attitude of police.
- 3) Corruption is also a major reason for failure of police system as tendency of earning money illegally or accepting gratification is on peak in the police department.
- 4) Lack of Cooperation by Public is another major reason for the failure of police system. The reason behind is that the relationship the police and the public is somewhat stained and the people are ordinarily scared of police. They always prefer to avoid the connection with the police.
- 5) Human Weakness is also considered as a reason for the failure of police because police are also human beings. They too suffer from human weaknesses. They too have bias and favouritism. They too are greedy and work for money.

9. EFFECT OF THIS PRINCIPLE ON POLICING SYSTEM

In current time, we can easily see this principle of justice as fairness is not up to mark in the police system. Police system as an institution is not fulfilling all the duties and responsibilities in that manner that results in flexible justice regulation in society.

Fairness and liberty are missing in the procedure used by police institutions in handling the matter. We can easily see that no one find himself or herself liberal and free in front of police. The behaviour of personals can morally as well as legally incorrect many a times.

The crime prevention seems to be more retributive rather reformative in nature. The implementation phase of laws in current time is not structured in real manner to make this society legally strong and morally comfortable. Right now we find minimal effect of this principle on policing system.

Now definitely there are causes of the failure of police system that led to the non compliance of this principle in real nature. Now we will see the causes for flexible understanding.

10. FINDINGS

1. Police personals are not cooperative specially in the cases of low educational status society or in tribal communities specially in Rnchi.
2. People are less aware about their rights and also laws.
3. There is less number of police staffs and it results in irregulation, so scientific techniques provide more authenticity i investigation and genuine results with the help of forensic means.
4. Extra burden and extra duty hours are also responsible for corruption and ill working.
5. The institution specifically police institution is not following the compulsory forensics nd scientific measures while doing investigation.

11. CONCLUSION

The theory of justice as fairness in the words of John Rawls describes a society of free citizens with equal basic rights who work together cooperatively in a democratic economic system. Through it is liberal political conception of justice, his theory provides a framework for the legal use of political power. However, legitimacy is only the minimum standard of moral acceptance that a political order can therefore be legitimate without being just per se. On the other hand, Justice sets the maximum standard and the arrangement of social institutions that is morally good. Rawls constructs justice as fairness in the context of specific interpretations of the ideas that citizens are free and equal and that society itself should be genuine. Social cooperation in some form is necessary for citizens to live a decent life. However, they are not indifferent to how the benefits and burdens of cooperation are distributed among them. Rawls's principles of justice as fairness express the central liberal ideas that cooperation should be fair to all citizens who are considered free and equal. The system of police system is also quite morally wrong in the work special in the context of people in villages and mainly in tribal areas. Moral acceptance of this institution is only possible when the institution shows cooperation with the individuals in preventing crime. But there are suggestive reforms which can be implemented in the police institution to implement justice as fairness principle in society.

12. REFORMS AS SUGGESTIVE MEASURES

- 1) There must be an Autonomous Police Organisation which would be out of Political & Bureaucratic interference.
- 2) There must be Separation of law and police for order.
- 3) Panchayati police for villages can be helpful.
- 4) Renovation of armed police is very necessary as one of the reforms in the police system.
- 5) Constabulary must be well educated with scientific and forensics techniques.
- 6) There must be parity in all India services.
- 7) A package of liberal service conditions must be given to the police.
- 8) Better trained personnel and modern training is inevitable as one of the reforms.
- 9) Better Infrastructure is also one of the needs which can lessen the burden of the police.
- 10) There must be improvement in the Information Technology infrastructure which would help the investigating department to tackle the crimes in a much simpler and easier manner. The creation of IT infrastructure will help in tracking cases to tackle delays which lead to mounting pendency. Investment in management techniques, building criminal databases would help reduce the crime rate at a very fast pace.

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