

Police System in India

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Abstract: *This paper provides a detail study about the police system in India. The categories, functions, problems, principles and failure of police in India are described in this paper. Basically, Police is an essential part of society. Police plays a vital role in order to maintain peace and order in the society. Police is the first and important essential element of the criminal justice system. Police is merely considered as a watch-dog agency. Their main primary duty is to prevent crime in the society. Police is also considered as an important link between the government and people. But in today scenario, the police system has been changed and they had to face a lot of problem during their duty and on other hand, the police is also criticized because of their corrupt practices. Thus, this paper has thrown an ample light on the police system in India.*

Keywords: Police, Safety, Principles, Policing, Functions

1. Introduction

Ensuring the safety of society is the primary duty of the state. There can be two sources of threat to the society either it can be internal or external so in both terms, it is the duty of the state to protect the society so for this purpose the state has established different police forces for the suitable areas. Police is an essential part of society. To maintain peace and order in society there is a need for a good police system. Police is a functionary of the criminal justice system in India so it has to play an important role in the maintenance of peace and enforcement of law and order within its territorial jurisdiction. Its primary duty is to safeguard the lives and property of the people and protect them against the violence, intimidation, oppression, and disorder. Basically, the police are a constituted body of persons empowered by the state, to enforce the law, to protect people and property and to prevent crime and civil disorder.¹

The police are considered an essential part of the criminal justice system. Their main duty is to pick the criminal from society for the prosecution and get them punished for their offense. Police are also considered as the important link between the government and people. Police are also as well as connected with prosecution and judiciary under the criminal justice system. As Police being the first essential element of the criminal justice system so it has to perform all the necessary functions such as it has to investigate the crime, arrest the criminals, gather all evidence from the scene of crime, recording of confessions and produce the offender before the magistrate, arrest and search and seizure, etc., these are the basic functions which the police has to perform in their daily working because of the increasing crimes rates. The concept of police was introduced in India by the Britishers. The laws relating to the sphere of police work in the country are not enhanced properly until now. The Indian Police Act, 1861 was enacted in British India which provides the role, functions, duties, and powers of the police. Further, The Criminal Procedure Code, 1973 has been amended from time to time which provides power to

police to make arrest, investigation, search and seizure. Thus, it is evident that the police have to play a crucial role in the administration of criminal justice.²

1.1 The Police Set-Up

The hierarchy of police officials working in the State police force includes Director-General of Police, The Inspector-General of Police, Deputy Inspector of Police, Superintendent of Police, Deputy Superintendent of Police, Circle Inspectors, Sub-Inspectors, Head Constables and Recruit Constables, etc. For the sake of administrative convenience, there may be one or more Additional Superintendent of Police and Deputy Superintendents of Police. The Superintendent of Police is accountable for the whole police force in the region and is responsible to the District Magistrate so far law and order issue is concerned. In any case, in metropolitan cities like Bombay, Calcutta, Madras, Hyderabad, etc, the powers of Superintendent of police and those of District Magistrate joins in one single official called the Commissioner of Police. The Constitution gives exclusive power on the State to control and regulate the functioning of the police as the maintenance of the public order and police, including the railway and village police, are state subjects. Further, The Central Government is concerned only with the administration of the Central Police Reserve Force, The Border Security Force, and The Central Industrial Security Force as also the Central Bureau of Intelligence and Investigation. Though the Constitution of India enumerates police as a State subject in the List, it includes a long list of allied and quasi-police subject in the Union List. For example, prevention detention, arms, ammunition, explosives, extradition, passport, etc are the sole responsibility of the Central Government. The selection and conditions of service of lower ranks are within the power of the state government.³

¹ R.K.Raghavan - *Policing in Democracy - A comparative study of India and USA* p.9 (Manohar Publishers and Distributors, Delhi, 1999).

² N.V.Pranjape - *Criminology, Penology and Victimology* p.402 (CLP, Allahabad 17th edn. 2017).

³Ibid.

1.2 Categories of Police in Modern India

Following are the categories of police in Modern India for policing:-⁴

1) General Police

Article 246 of the Constitution of India provides that 'Police' is 'State subject' (State List-2, Entry 2). It is for the state to maintain their own police force for maintaining peace and security within their respective territorial jurisdictions. General Police is meant for the prevention of crimes and to maintain everyday law and order in the society. It's main connection is with everyday activities of common people. General police generally lives in police lines, police posts and then as. It is used according to the need. In general police, every police official from Inspector General of Police (of state) to a constable are included.

2) Traffic police

Traffic police is meant for traffic control and to prevent road accidents. The main task of traffic police is to enforce traffic rules on the public to get all those who violate the road rules punished.

3) Women Police

Ladies police is meant to search the women criminals and to arrest them. Its main function is preventing crimes in women and protects them from criminals.

4) Home Guard Police

They assist the police in times of flood, famine or other calamities. Their services are utilized in times of emergency for helping the police to restore law and order.

5) Criminal Investigation Branch of Police

Criminal investigation Branches of Police are meant to investigate confidentially about the serious crimes. Their main functions are to investigate about the serious crimes and to submit their reports. These branches are actually for help of general police which proceeds further on receipt of report of confidential investigation about a case.

6) Railway Police

Railway Police maintain law and order in Railways. It prevents crimes on the railway stations, trains and any other premises of railway and on railway tracks. It's main function is to stop theft of railway property, assist running railway staff in performance of their duty and to take requisite action against all those criminals found in trains or in Railway premises.

7) Military Police

Military police is meant for keeping control on soldiers. It maintain discipline and order in Military areas and barracks. Military police function independently in Army, Navy and Airforce without interference from one another.

8) Border Security Force

It is posted at borders of the nation. It prevents intrusions from foreigners. It protects the land from occupation by Border States.

9) The Central Reserve Police-

They assist the general police in performing their functions.

10) Central Industrial Security Force-

It was set up from March 10, 1969. It was initially started in Durgapur steel plant and has now been inducted in almost all the major public industries in India.

1.3 Principles of Policing

The police play a very important role in a democratic setup of government. They must win the confidence of the people. The principles underlying policing in a free, permissive and participatory democracy may be summarized as follows:-⁵

- 1) To contribute towards liberty, equality and fraternity in human affairs;
- 2) To help and reconcile freedom with security, and to uphold the rule of law;
- 3) To uphold and protect human rights;
- 4) To contribute towards winning faith of the people;
- 5) To strengthen the security of persons and property;
- 6) To investigate, detect and activate the prosecution of offences;
- 7) To facilitate movements on highways and curb public disorder;
- 8) To deal with major and minor crises and help those who are in distress by holding public grievance redressal meetings periodically every month.

1.5 Significance of Police in Civilized Society

The role of police is very significant in a civilised society especially in the field of administration of criminal justice. Police has been responsible for the enforcement of law and maintenance of order in the society. Police in modern days not only does the task of prevention of crimes and detection of criminals but also welfare works like help in the observance of traffic rules, control of crowds in public meetings and fairs, help the fire brigade and flood rescue parties and help public in settling minor disputes. Thus, police is viewed as a 'Conscience keeper of Society'.

1.6 Functions of Police

Police plays a prominent role in society by performing the following:-⁶

1) Prevention of crime

The main job of police is the prevention of crime. It is the primary duty of police to reach on the spot of occurrence of crime, no sooner the information is given to it and to take necessary steps to prevent its occurrence.

⁴ Dr. S.R. Myneni – "Crime and Criminology" p.173 (Allahabad Law Agency, Faridabad, First Edn, 2017)

⁵ S.M.A. Qadri - *Criminology, Penology and Victimology* p. 322 (Eastern Book Company, Chandigarh, Seventh Edition, 2016).

⁶ Dr. S.R. Myneni – "Penology and Victimology" p.153 (Allahabad Law Agency, Faridabad, First Edn, 2017)

2) Patrolling and surveillance

One of the important functions of police is patrolling as a watch and ward duty especially in urban area under surveillance, dossiers and watch charts are kept in each police station

3) Arrest of offenders

Police can arrest a person without warrant in cognizable offences and with warrant in non-cognizable offences. It is for the help of administration to keep law and order in the society.

4) Investigation and Enquiry into offenders-

Investigation and enquiry are also one of the basic duties of police after recording the FIR. All investigation and enquiry works from part of the job of police whether an offence is committed under IPC or in any other special laws, where police are empowered to undertake such responsibility.

5) Interrogation of Offenders or Suspects-

Police can interrogate all the persons on whom it relies to be connected with the commission of crime in order to find out the fact of the case. They can frisk the suspect. Frisking means checking the pockets and clothing of a suspect as a measure of societal safety and security.

6) Search and Seizure

Search and seizure is a part of the investigation to be carried on by the police. Such search and seizure should not be unreasonable and should be carried on the accordance with law. Search and seizure can be conducted by police with or without a warrant.

1.7 Problems Faced by Police

The following are the problems that police are confronted with:⁷

- 1) Lack of people's cooperation in crime detection and apprehending the offender due to fear of possible harassment at the instance of police officials.
- 2) Lack of sense of social responsibility among people is responsible for the failure of police in controlling the crimes.
- 3) The criminalisation 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.⁸

1.8 Criticism of Police

In view of the tremendous 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 defense 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 properly 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.⁹

1.9 Causes of Failure of Police in India

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.

⁷ N.V.Pranjape - *Criminology, Penology and Victimology* p.415(CLP, Allahabad 17th edn. 2017)

⁸ Problems faced by police available at https://www.academia.edu/6671505/Problems_by_police last visited on February 6, 2019.

⁹ Dr. S.R. Myneni – “*Crime and Criminology*” p.177 (Allahabad Law Agency, Faridabad, First Edn, 2017)

¹⁰ S.M.A. Qadri - *Criminology, Penology and Victimology* p. 329 (Eastern Book Company, Chandigarh, Seventh Edition, 2016).

2. Conclusion

The police system was introduced in India to maintain law and order in the society. Their main purpose is to provide a crime free environment to the public. Police is one of the most important departments in the society. Police have a direct link with the public and government. Police is the first step to criminal justice system. Their primary duties are to investigate the crime, protect the society from the criminals, to catch the offenders and punish them and put them behind the bars. Earlier the police was considered as one of the respectable profession and they also have a good image in the eyes of the society but now in present era, the police has failed in performing their duties due to misuse of their discretionary power, oppressive policy, corruption, shortage of staff etc.

Thus, there is a need of reform in the police system to overcome the failure of police.

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