



**FACULTY OF JURIDICAL SCIENCES**

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## Lecture-19



## Judiciary's Attitude towards Police in India

Like public image of police, the judiciary also does not hold police in high esteem. The judiciary has quite often made adverse comments about the working of the Indian Police and blamed it for corruption, dishonesty, inefficiency and its oppressive methods of investigation.

Justice A.N. Mulla of the Allahabad High Court who later became a Member of Parliament, characterised police force as the 'largest single lawless group' and held that crimes in India could be reduced to half if the police was disbanded! Mr. Justice O. Chinnappa Reddy; former Judge of the Supreme Court attributed poor image and people's indifference towards police to a variety of factors, the more important among them being its occasional high handed behaviour, acts of perjury and misuse of power and authority.

Earlier, the Police Commission also commented adversely against the Police and observed that the police is far from efficient, it is defective in training and organisation, it is inadequately supervised and generally regarded as corrupt and oppressive hence utterly failed to win the confidence and co-operation of the people. Instances of brutality, violence and even rape committed by police with persons under their custody are frequently reported by the media as a result of which public and people begin to think police as a foe rather than a friend.

It is therefore, necessary that the police should try to improve its image in public so that it commands respect and sympathy of the people. In the background of custodial torture cases coming before the courts, the judiciary has made the following suggestions for improvement of police image:—

1. Policemen should be made to understand that they are basically to help the public and not harass them.
2. The use of force should be minimised to the barest necessity so that public voluntarily extends a helping hand to the police.
3. In order to win public co-operation and support, the police must demonstrate absolute impartiality in its work without being influenced by the pressure from political high ups.
4. Proper training should be imparted to policemen of all ranks and they should be apprised of the latest techniques of crime detection and investigation.

5. The police force should be adequately staffed and equipped with latest weapons to meet new challenges.
6. The Police Act of 1861 needs to be repealed and the new Police Act 2006, brought into effect forthwith.
7. The police machinery should be insulated from political interference as recommended by Dharam Vira Commission Report.
8. Surprise visits to police stations and similar units of senior officers should be intensified. This would help in early detection of persons held up in unauthorised custody and subjected-to ill-treatment.
9. Above all, torture victims should be dealt with sympathetically and should be adequately compensated and also provided necessary medical treatment and rehabilitation. At the same time, those found guilty of torture and atrocities, should be sternly punished.

As rightly pointed out by the National Police Commission in their report of April 1983, there is need to re-structuring the police force and redefine its functions. While there is no reason to ban the police unions, their activities should not be prejudicial to the interests of the community.

In the modern welfare State the police should play the role of a friend and a guide to the common man, and members of the community on their part, should also realise that policemen are after all a part of the society and therefore, they are to be trusted and taken into confidence. Then only the police can perform its functions efficiently.

The reasons usually cited for growing crime and violence are population explosion, unemployment, erosion of traditional values, political patronage of anti-social elements, terrorism and so on. This is indeed true, but a distinct improvement in the law and order situation is still possible if policemen act with greater vigour, efficiency and honesty. And this calls for a firm and unambiguous direction from the highest administrative and political authorities.