
THE POLICE'S ROLE IN SOCIETY AND THE STATE

Uddhav Ambre & Amna Mariyam, Symbiosis Law School, Noida

ABSTRACT

The first line of defence in internal security of a nation is police, the police which is civil force as they have to deal with the society which is formed by the people, in order to maintain the law and order and securing peace the police work tirelessly. The police's current role and interaction with the society from which they come and they belong to at the same time the role of state and the relation of state with the police. These interactions and relations give a better perspective about the way in which police organisations functions. The statutory guidelines and initiatives of the police around the nation would also enlighten the gaps amongst the legislation which are being filled, the gaps which are ignored have been highlighted in order to understand the lacking in the current system.

Keywords – Police, The Police Act, 1861, Society, State, Commissionerate, Politics, Discretion, Civil Society, Police station, infrastructure, duty hours, Community policing, Moral Policing

Introduction

The world is made up of numerous continents, which have been separated into nations over centuries and decades of evolution. These nations, which have their own history of origin and progression through millennia, are safeguarded by borders guarded by the respected nation's military forces. Internally, as well as externally, protection of the state and, ultimately, the population is essential. The police, who are the first line of defense in internal cases involving criminal activities, enter the picture. This police system can be seen in operation in a variety of settings. During the pandemic, there were people who kept an eye on the lockdown by allowing people to stay inside while they were getting infected. The police are the authorities to whom people turn when they lose their belongings. Whenever we observe a natural disaster around us, we can see that the police are the ones who, despite the risk to their own lives, help the people who are trapped in those situations.

When a crime is committed anywhere in the country, there is a system in place that has evolved over centuries and is made up of four pillars: the police system, the prosecutor, the courts, and prison administration.¹ The police are the first respondent among these four pillars, and they begin by questioning and investigating the criminal act that has occurred. The Indian police force has been included in the Constitution's 7th Schedule.² "Police" is on the State list, which means that individual states usually legislate and manage this topic. The police play a critical role in maintaining peace and order and safeguarding society against anti-social groups. Various laws provide the state jurisdiction over the police, allowing it to form police and hierarchies within them. An essential service provided to society is the police system, which operates 24 hours per day, seven days per week. On holidays and festivals, they are even more watchful in order to preserve social order and to ensure that the wheels of the economy continue to turn without being hampered by anti-social elements.

India's diversified country has a miniature representation in the metropolis of Mumbai. Mumbai, which has a long list of firsts to its name, has long served as a global hub for businesses and multinational corporations. Metropolitan cities worldwide face similar challenges, including adjusting to the fast-changing world of globalisation, developing distinctive governing structures, and ensuring the safety of their residents. For decades, the city has struggled with corruption, drug trafficking, and human trafficking and continues to strive

¹ R. V. Kelkar, *Criminal Procedure* 200-350, 2018.

² N. V. Pranjpe, *Criminology, Penology, Victimology* 432-545, Allahabad: Central Law Publication, 2016.

to protect its residents from these elements. The city has had its share of underworld activity, communal violence, terrorist assaults in the form of bomb blasts, and natural calamities, but one constant has been the police, the city's first line of defence. They are constantly awake on the field, regardless of the scenario in the never-sleeping city.³

LITERATURE REVIEW

The literature for this research was compiled from a variety of primary sources that detail the establishment of the country's police system, how it is maintained, and the functions outlined in each police department's manual, as well as provisions in the Indian Constitution that provide an overview of the service and system that have evolved in India since British rule. The Police Act of 1861 was one of the first pieces of British legislation, and it has been revised multiple times and remains in force in modern India. The act was historically determined to maintain Indians under British rule, but despite numerous committees and commissions calling for a new act, it never saw the light of day. However, the newly drafted bills serve as a model, and states periodically amend the old 1861 police act to keep the relevancy of the act intact.⁴

The police have distinct tasks to fulfil both on and off the field. They remain police, as their motto states, since they are accountable for their khaki 24 hours a day, seven days a week, but they encounter specific problems that result in frustration and a deterioration of the police image in society. Spot investigation is the earliest stop following an act of crime that involves an element of time. The communication and transit systems are critical components in this activity, followed by the functions that must be performed while the investigation is ongoing in accordance with the Criminal Procedure Code, 1973. Then, there are post-investigation requirements to be completed, which require public support as well as a swift trial in order to condemn the accused. There are rules in place that allow the judiciary to request a new instigation report from scratch. These provisions cast doubt on the police officers' image and integrity. Maintaining case diaries is another laborious chore that becomes tedious as these authorities deal with numerous instances or incidents on a daily basis in their field. Updating them becomes more difficult for officials as it takes more time, which impacts citizens with problems indirectly.⁵

³ C.S. Palit, *Building Resilience in Cities under Stress*, International Peace Institute 24, 24-37 (2016).

⁴ The Police Act, 5, Acts of Parliament, 1861.

⁵ Ramakrishna Sanjeev, *Police Investigation in India: A Critical Appraisal*, Jus Corpus 409, 409 to 420 (2021).

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The police system has had its share of challenges, which have been handled through numerous committees established to address specific issues. There were reports from law commissions that addressed the answer or a way out of challenges that police officials experienced on a daily basis as a result of the execution of new laws and revisions to previously enacted laws. The Supreme Court's landmark decision in *Prakash Singh v. Union of India* addressed a variety of issues, including political interference, police accountability, and tenure security, but these guidelines were not followed by the majority of states, despite the fact that they were necessary for the agency's proper functioning. Since we live in an uneven society, police officers will favor those in power.⁷

Research Methodology

Statement of problem

The world we live in today is becoming increasingly reliant on technology and science for everything; criminals and their methods of operation have evolved to cope with this; and, in order to maintain law and order, the police have they been able to evolve from their colonized mindset and, rather than being an authority, have they become courteous towards the society in which they live and their role towards the state.

Objectives of the study

The researcher's objective is to obtain a better understanding of the Indian police system; the

⁶ C.S. Palit, *Building Resilience in Cities under Stress*, International Peace Institute 24, 24-37 (2016).

⁷ Mihir Desai, *Red Herring in Police Reforms*, March EPW, 8-11 (2007).

researcher will identify the role of society and the state in the current police system, as well as offer solutions to remedy the problems. The importance of community policing in the Indian system and how it might be better integrated with the current policing system.

Research question

In today's world, what is the role of the police in relation to society and the state?

What difficulties are confronting India's policing system in terms of society?

What steps may be done from a societal perspective toward police and vice versa in order to create a more functional nation?

Research Design

This is a doctrinal research project in which the researcher attempts to examine the function of the police in relation to society and the state, as embodied in present statutes as well as evolving styles and efforts in policing. As part of this investigation, the researcher will examine current legislation, court decisions, and the entire notion of policing, which has shifted toward community policing and the maintenance of law and order with the assistance of the state and society as a whole in today's globalizing society.

Scope

The goal of this research is to comprehend and recognize the overlap between society and the police system in order to grasp the impact of the state and society on the police force. Observe and understand how the ever-changing society influences and the various aspects of policing that make up today's globalizing state.

Limitation

While conducting this study, the researcher is confronted with constraints. They are related to time restrictions since the study must be finished within a certain amount of time. The researcher also faces a lack of material and geographical constraints for doing comparative studies on policing systems across the global metro cities, which could have given a better view of policing across the globe.

Enforcement status of the Act

Despite the fact that the act was implemented during the British era, it has not been amended since then due to the autonomy granted to the state government by the act. The states have drafted their own legislation to govern their specific police forces, but the skeleton of this legislation can be found in all of those legislations, which grant the state governments a wide range of powers, ranging from dismissal to recruitment, over the director general of police, the state's top law enforcement official. According to the act, certain provisions allow police officers to act as political puppets in the hands of politicians, which was intended by the British during their rule. However, in today's world, where we live in a democratic society, such draconian statutes must be repealed in order to establish a more effective system of law enforcement. This act was the subject of investigations by National Police Commissions and Committees, which looked into what could be done to bring the act up to date. Recently, the Model Police Act was also drafted, but unfortunately, none of the states expressed any interest in adopting it or incorporating certain provisions into their state statutes. As a result of this sorry state of affairs, this act is now merely a skeleton in the closet, as it is no longer used for implementation purposes, but rather for reference purposes only. Several definitions have been replaced by statutes, and the act itself states that other acts that govern similar provisions will be implemented if and when they become effective. This further dilutes the meaning of the act. It has also been difficult for the enforcement agencies to pass certain legislation, update and amend existing laws, and implement new legislation that would be useful in today's globalising world. The law enforcement agency that is responsible for maintaining law and order is unable to keep up with the changing needs and evolution in its operation, which can be easily remedied by amending and enacting legislation to create a better functioning system of policing and to make the system autonomous rather than puppets in the hands of the ruling party.

Judicial interpretation

The act has been in effect since 1861, and there have been numerous judgments in which it has been challenged by not only society, but also individuals who have dedicated their lives to the betterment of this department from being a part of it and have tried to bring about change through the courts, filing public interest litigation. In the case of Prakash Singh and others versus Union of India (The Police Act, 1861), the petitioner was an Indian Politician. Numerous cases have been filed regarding the amendment and repeal of these laws, but the state government has yet to make a firm decision to improve the current system.

The police and society

The primary role of the police in society is to maintain law and order, to prevent and detect crime in the community, and to prosecute offenders in order to achieve the criminal justice system's goals.⁸ This has been consistent, although the methods for achieving these goals have changed throughout time. When issues like corrupt police officials come to light, the society shunts the entire department, but a larger issue that prevails is about the one who agrees or is party to the corruption, even if that person is from the society, who is equally responsible. There are instances where the negative parts of police are celebrated in news channels and publications in order to gain more views, but this affects the morale of police officers since when they do excellent work, the same media does not laud or acknowledge them in the same way.⁹

People who approach the police with complaints expect immediate justice; however, due to a lack of understanding of our criminal justice system, they believe the police are purposefully dragging them and their time without justification; however, it is the system and red tape that consume the majority of people's time.¹⁰ There are times when police officers face difficulties due to a lack of cooperation from members of the public, who may have witnessed a particular act or have information about a crime. Many times, even panchas, who are required by law to be present, are not easily located or are hesitant to come forward. The civil society tends to actively participate in helping the police when they are in need. However, the civil society must play a few active roles in order to make people aware of their rights and to raise awareness about the hardships of the police, which may sensitise people towards the police system. There are certain responsibilities that citizens must fulfil that ultimately benefit the police system, such as assisting a magistrate or police officer in preventing a crime, or arresting someone if they are caught in the act of committing a non-bailable and cognizable offence, but these provisions can only be implemented in spirit if the general public is adequately educated on the law.¹¹

When police officers perform an extraordinary act of bravery, it is believed to be the job that they are meant to be doing, but if a bad component is brought to the attention of the public, it

⁸ *Id.* at 2.

⁹ V.K.Saraf, *On Police and Policing*, Pune: Centre for Police Research, 2020.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 1.

is slammed and condemned, which damages their confidence and esteem while on duty.¹² Thus, in today's globalising world, society and the police must each take a step toward one another for better functioning. This will benefit both of them: the police will be less stressed on duty, and people will be more vigilant in their neighbourhoods, which will ultimately help the criminal justice system.

The Police and State

The Indian police establishment was designed to benefit the British; they were the authorities in charge of keeping the British supremacy in our country in check, and if anyone dared to challenge it, there were provisions in the laws to punish them. When we gained independence, the situation changed, but the legislation remained the same, and higher officials maintained the mentality that they were the rulers, and society was the one who was ruled over although this attitude and ethos has shifted over time, but society continues to believe that the police are not friends, but rather a biased government authority.¹³

Previously, India had only one system, but now, in order to maintain law and order in rural areas, one of the earliest structures where the administrative head is the District magistrate and the police has a superintendent of police for that district, the police head has to seek permission from the administrative head in some matters, which slows the process of taking action, whereas the Commissionerate system has a single person who has the power of a police official as well as the power of a commissioner.¹⁴ The purpose of this system is to allow for faster and better decision-making in cities with large populations, where maintaining law and order is directly proportional to the ability to make quick decisions while in the Commissionerate system, the commissioner does not report to the DM.¹⁵ He reports directly to the government's authorities. It creates a centralized command structure. When something goes wrong, it contributes to the Commissioner's accountability and eliminates the blame game between civil administration and police. The Commissioner of Police (CP) leads a unified police command structure, reports to the state government, and is in charge of the city's police force. The office also has magisterial powers, which include regulation, oversight, and licensing.

¹² R. Sharma, Prevention of crime and community policing in India : An empirical evaluation of strategies and practices of Delhi police, Indian Police Journal, 43-76(2006).

¹³ *Id.* at 4.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 3.

Lacunae can be found in this law, which gives a lot of discretionary power to the state when it comes to the police department. The law gives police officers duties that are inclusive in nature; there is no exhaustive list that burdens these working officials with numerous acts, and the functions of police officers are also inclusive in nature; even after all these years, the government has not been able to enact a new law that would give police officers an exhaustive list of duties.¹⁶ Police officers are constantly under fire because they are transferred from one location to another if they do not follow the advice of state executives. There have been commissions and judgments that have raised the issue of secured tenure for a specific period of time, but many states have yet to implement it. The statute does not address the issue of personal life or family time, and it also states that these officials must be on duty at all times unless and until they are suspended or removed.¹⁷

Conclusion

The role of the police in society is critical for the state's long-term success; however, in order to achieve this, policing attitudes must be adaptable, and the laws that establish these policing hierarchies must be amended from time to time to better serve society. There must be delegation of power until the last constable, and provisions must be put in place so that the beat constable takes an active role in maintaining law and order and is not just a bystander in the community. Citizens must be included in the policing process; new roles for interested citizens can be created where they can actively assist in crime detection and resolution. State-delegated police officers must have a secure tenure, which will aid them in making timely and unbiased decisions for a better and more peaceful society. Because police officers are the first responders to crime, the state has broad and discretionary powers in the police system, diluting their effectiveness and ultimately leading to a failing criminal justice system. Providing autonomy to the police system would go a long way in ensuring a better future for society.

Suggestion

The role of the police in today's globalising world is evolving, and they will be required to multitask. As a result, courses for updating them on a regular basis, be it on policing ethos, new crime and its modus operandi, will keep them up to date with the world. There must be a clear distinction between police officers who are responsible for maintaining peace and interacting

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 4.

with society on a daily basis and officers who are solely responsible for the detection of crimes; this will allow them to grow and develop expertise in their respective fields. The state should take a back seat in complex departmental decisions, giving higher officials the autonomy to make decisions for which they are compensated and to apply their experience and expertise to introducing new age concepts and ideologies to the police system. The police must instil and employ pro-active members of society who are willing to assist and protect the police in order to bring the community together with their assistance. The police are accountable to members of society, and the state, which has discretionary powers, is also made up of members of society. This interconnectedness of people for people must be better understood, and reforms that will benefit society in the long run must be implemented, which should be funded and facilitated by the state for a better tomorrow.

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