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**ROLE OF POLICE IN ADMINISTRATION OF JUSTICE.
A STUDY IN RESPECT PREVAILING ISSUES IN INDIA.**

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ABSTRACT

For the safety of person, property and maintaining the peace and order in society the state was created and the king as a Head established law enforcing agency. Known in present terminology police. Policing in any country under any system of governance and during any period of time has always been a responsibility of the ruler. The police which we see today has its roots in the very foundation of the state and passing very faces of history it has evolved to its present status. From the Vedic period, the changing pattern of government's despite the protection of life and protection of the people has cardinal function of the state. The administration of criminal justice and the structure of the internal security system have been inextricably linked with the broad system of religion, ethics and political institution.

INTRODUCTION:

The police governed by INDIAN PENAL CODE, CODE OF CIVIL PROCEDURE and INDIAN EVIDENCE ACT but the basic instrument, THE POLICE 1861 in functioning of INDIAN POLICE. before going into the context of police administration and the procedure regarding arrest and investigation it is necessary to know what term police means? If go black's law dictionary, we see that police is termed as the branch of a government's administrative machinery which is enacted for the preservation of public order and tranquility and for the for the promotion of public health and safety and moral and the prevention' detection and punishment for crime.

HISTORY OF POLICE IN INDIA:

Throughout all of Indian history, even into the present time, one can discern two distinct police system; a rural village based system and a system emanating from the dominant section of the society closer to power at the moment. In fact, Indian police history can be written largely in term of attempt to create an

imperial system linking the indigenous fragmented system to an organized one for efficiency and responsiveness. In fact, Indian police system is the village. Responsibility of policing rested with the headman who was usually assisted by a watchman and sometimes by a special police helper. For giving a chronological account of police in India the period can be divided for convenience sake into four periods.

Ancient Period.

Medieval Period.

British Period.

Post-Independence.

Ancient period.

Manu is one of the most ancient works that has come down to us through ages. He is founder of the social relations. The state was entrusted with two main duties of preservation of peace at home and freedom from outside control the crowd to avoid stampede and there is a graphical description of Dandayavadha Dharakas parading in the streets of kingdom of Ravana. The great epic of Ramayana and Mahabharata adequately mention the protection of the subject as most important and basic duty of the king. The concept of danda was the most important political idea put forward by Indian thinkers. The Primary meaning of danda is rod or staff. Traditionally the staff has been an emblem of command or authority. In a broader sense, it was an abstract idea symbolizing cosmic force and was given a concrete form. Danda the symbol of the right to Punish is Dharma itself for a king in his function as a dispenser of justice and was considered his most righteous duty and an unavoidable obligation toward his subject.

MEDIEVAL PERIOD

Coming to the Muslim rule about eight Century in Sind, the early police organization is not mentioned anywhere. May be this period was more of conquest and military occupation without any serious attempt to consolidate and run civil administration. It is more important to realize that the Muslim conquerors tried to implant the police system, keeping in mind the concept prevailing in their homeland. They tried to fit in with the Indian social setting however this system of administering justice, Punishment and policing was primarily Islamic and was based on holy Quran. After 1206 A D with the commencement of the rule of slave Dynasty and thereafter with the Khalji Dynasty 1290-1321 the Tuglaq Dynasty 1321-1413 the lodhi dynasty 1451-1526 the Sur Dynasty 1539-1555 and the civil administration and policing were attended to slowly, along with territorial expansion. During this period, the Hindu population was associated to interpret the Hindu population was subjected to a different law and the pandits were associated to interpret the Hindu law and to give their opinions on it.

The British Period.

Experimentation by the British can be taken into consideration right from 1672 onward. At Bombay in 1672, a body was formed comprising watchmen to work during nights against crime relating to property, and in 1771 this force was called "Bhandari Militia". In 1779, a rank called "Lieutenant of Police" was created and the chief of the police came to be known by this rank. The British Period can be intensively studied in two portions. The first period covers 1757 to 1860. The other period covers 1860 to 1947. With the British period victory of Plassey in June 1757 the treaty with the Nawab Siraj Ud Daulah and Mir Jafar the British who had come to India as traders also became the rulers while still caring on the trades.

INDEPENDENCE ERA.

The Indian police system and structure as presently organized are essentially based on an act 131 years old. The police act of 1861, the working of the police has been analyzed twice at the all India level within a period of 90 years. Firstly, it was the Indian E commission of 1902, during British region and the later in 1977 by the national police commission. They found police far from efficient defective in training, organization lacking in public relation welfare measures machinery for redress of grievance etc., and one which was generally regarded as corrupt and oppressive. Independence brought revolutionary changes in political structure of government. It brought none of the consequence to the structure of police administration.

POWER OF POLICE IN ADMINISTRATION OF CRIMINAL JUSTICE IN INDIA

Powers and Limitations:

The police in India possess certain powers to carry out their duties effectively. These powers include the authority to arrest, search premises, and use force when necessary. However, these powers are not absolute, and there are legal limitations to ensure the protection of citizens' rights. The police must operate within the framework of the law and exercise their powers responsibly and impartially.

Challenges.

The police in India face several challenges in fulfilling their role in the administration of criminal justice. Some of the key challenges include:

Lack of Resources: The police often face resource constraints in terms of manpower, equipment, and training. This hampers their ability to effectively prevent and investigate crimes.

Corruption: Instances of corruption within the police force have been a longstanding issue in India.

Overburdened System: The police often face a heavy workload due to the high

crime rate and inadequate personnel.

Lack of Trust: Public trust in the police can be low due to concerns about bias, abuse of power, and lack of accountability.

LEGAL PROVISIONS RELATING TO THE ADMINISTRATION OF POLICE.

Police Powers and Authority: Legal provisions define the powers and authority granted to police officers.

Code of Conduct and Ethics: Police departments often have a code of conduct or an ethical framework that outlines the expected behavior and professional standards for police officers.

Training and Certification: Legal provisions may require police officers to undergo training programs to ensure they have the necessary knowledge and skills to perform their duties effectively and lawfully.

Use of Force: Laws typically outline the circumstances and limitations under which police officers may use force.

Accountability and Oversight: Legal provisions often establish mechanisms for accountability and oversight of police activities.

Data Protection and Privacy: With the increased use of technology in policing, legal provisions may address issues related to the collection, storage, and use of personal data by law enforcement agencies.

Criminal Procedure: Police administration is closely linked to criminal procedure laws. Legal provisions establish the rules and procedures that police officers must follow during investigations, arrests, detention, and interrogation.

Supreme Court Guidelines

Constitution Interpretation: Supreme Courts often provide guidelines on the interpretation and application of constitutional provisions.

Precedent: Supreme Courts often follow the doctrine of stare decisis, which means they respect and follow their own previous decisions and the decisions of higher courts.

Fair Trial: Supreme Courts typically issue guidelines to ensure fair trial rights.

Judicial Review: Supreme Courts may establish guidelines on the scope and limits of judicial review, which is the power of the courts to review the actions of the executive and legislative branches of government for their constitutionality.

Public Interest Litigation: In some jurisdictions, Supreme Courts have developed guidelines for public interest litigation, allowing individuals or organizations to approach the court to seek redress for violations of public rights or to enforce public duties.

Court Procedures: Supreme Courts often establish guidelines for court procedures, including rules on filing cases, timelines for submitting documents, and conducting oral arguments.

Police reform in India

The police system in India is governed primarily by the Indian Police Act of 1861, which was enacted during British colonial rule. However, in recent times, there have been efforts to bring about significant reforms to make the police more accountable, efficient, and citizen-friendly. Here are some key aspects of police reforms in India:

Police Accountability: One of the major focuses of police reform is enhancing accountability.

Police Training and Capacity Building: There is a need to improve the training and capacity building of police personnel to enhance their professional skills and sensitivity towards human rights.

Use of Technology: The use of technology in policing is being emphasized to improve efficiency, transparency, and accountability. Initiatives such as the implementation of crime mapping systems, digitization of records, online reporting of crimes, and the use of CCTV cameras for surveillance have been undertaken to enhance the capabilities of the police.

Community Policing: The concept of community policing, which involves closer interaction and cooperation between the police and the local community, is being promoted.

Police Reorganization: There have been discussions on the need for police reorganization to reduce bureaucratic interference, improve specialization, and enhance efficiency.

Politicization and Criminalization of the Police

Politicization of the Police:

The politicization of the police refers to the influence of political interests, affiliations, or ideologies on law enforcement agencies and their operations. This can occur in various ways.

Political interference: Politicians may seek to exert influence over police operations, investigations, or appointments, potentially compromising the independence and impartiality of the police force.

Partisanship: Political parties or interest groups may attempt to align the police force with their own ideologies or use them as a tool to target political opponents, resulting in biased or selective law enforcement.

Policy enforcement: Governments may use the police to enforce specific policies or agendas, even if those policies are controversial or lack public support.

Funding and resource allocation: Politicians can influence the allocation of resources to the police force.

The politicization of the police can undermine public trust, compromise the rule of law, and hinder the ability of law enforcement agencies to operate impartially and effectively.

Why India Needs Urgent Police Reforms

Accountability: There have been numerous cases of police misconduct, including extrajudicial killings, custodial torture, and corruption.

Human Rights: Police brutality and violation of human rights are significant concerns in India. The police often use excessive force, particularly against marginalized communities, protesters, and minorities.

Modernization: India's police force is often criticized for its outdated infrastructure and technology. Many police stations lack basic amenities and equipment, hindering effective law enforcement.

Community Policing: There is a need to shift the focus from a predominantly reactive approach to a proactive community-oriented policing model.

Training and Professionalism: Police officers often lack adequate training in areas such as human rights, community policing, and dealing with modern crimes like cybercrime and terrorism.

Gender Sensitivity: Cases of violence against women in India highlight the need for police reforms with a particular focus on gender sensitivity.

Overall, urgent police reforms in India are necessary to address issues of accountability, human rights violations, modernization, community engagement, professionalism, gender sensitivity, and institutional independence. These reforms are crucial for creating a police force that can effectively maintain law and order, protect citizens' rights, and regain public trust.

JUDICIAL RESPONSES.

Consent Decrees: In some cases, when there are widespread allegations of police misconduct or systemic issues within a police department, a judge may approve a consent decree.

Civil Lawsuits: Victims of police misconduct or their families may file civil lawsuits against law enforcement agencies or individual officers.

Use of Exclusionary Rule: In some cases, where evidence is obtained illegally by law enforcement officers, the judge may apply the exclusionary rule, which prohibits the use of illegally obtained evidence in court.

Judicial Review of Police Practices: Courts can review specific police practices or policies to ensure they are constitutional and do not infringe upon individuals' rights.

Injunctions and Court Orders: Courts may issue injunctions or court orders to require specific changes or practices within a police department.

Judicial Oversight of Reform Efforts: Courts may play a role in overseeing the implementation of police reforms.

It is important to note that the specific judicial responses to police reform will vary depending on the legal framework, jurisdiction, and the nature of the issues being addressed. Judicial responses can work in conjunction with legislative and executive actions to bring about comprehensive and lasting police reform.

SUGGESTION.

Police Reforms: Prioritize comprehensive police reforms to strengthen the

institutional framework, enhance professionalism, and ensure accountability. This includes updating recruitment and training processes, improving infrastructure and resources, and establishing independent oversight mechanisms.

Anti-Corruption Measures: Implement strict measures to address police misconduct and corruption.

Training and Capacity Building: Invest in continuous training and capacity building programs for police officers.

Technology Integration: Embrace modern technologies to improve police efficiency and effectiveness.

Community Engagement: Foster strong relationships between the police and the community through community-oriented policing approaches.

Victim Support Services: Strengthen victim support services within the police department to provide timely assistance, counseling, and legal aid to victims of crimes.

Collaboration and Coordination: Enhance coordination and collaboration between the police, judiciary, and other stakeholders in the justice system.

By implementing these suggestions, it is possible to improve the role of the police in the administration of justice in India. This will contribute to a more efficient and fair justice system, instill public confidence, and uphold the principles of democracy and the rule of law.

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