

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.  
All rights reserved.**

## ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

## ***PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT***

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

# **POLICE'S FUNCTION IN THE CRIMINAL JUSTICE SYSTEM**

AUTHORED BY - DR. REKHA RANI

Assistant Professor

Department of Law, M.D. University, Rohtak, Haryana

## **Abstract**

An essential component of our criminal justice system is the police. In any state, upholding law and order is the police's major duty. The police's mission in the present period includes not just preventing crime but also carrying out other welfare tasks like crowd management and traffic control. In addition, the police help civilians in times of famine, disease epidemics, floods, and fires. This essay offers a thorough analysis of the Indian police force. It discusses the police system's functions, judicial method, and historical perspective. The police are primarily known as a watchdog agency. They act as a link between the government and the people. The police system has undergone significant changes in recent times. Nowadays, the police face numerous challenges in the performance of their duties, and in some cases, they are criticized for engaging in corrupt practices. This research paper clarifies India's police system.

**Keywords:** Criminal justice system, police, judicial approach etc.

## **Introduction**

The primary duty of the state is to protect its society. Any society faces threats from two sources: external and internal. The State maintains the army and its branches, such as the Air Force and the Navy, to defend us against external threats. It has the State Police Force and its paramilitary to defend us against internal threats. The ultimate objective of these forces is to maintain rule of law in a State. In its territorial jurisdiction Police has to play a crucial role to maintain law and order. The primary duty of a Police is to protect the lives and property of the people. It protects the people from intimidation, violence, oppression and disorder. Numerous organizations, including the police, courts, prisons, and after-care facilities, are involved in the administration of justice. Additionally, probation and parole are institutions that help rehabilitate offenders, especially young and juvenile offenders. It is clear that police must have

a major role in the criminal justice system.

## **Origin of Police System**

Maintaining peace and order as well as the security of people and property is the police's principal duty. Police responsibilities have grown significantly over time. It has grown increasingly diverse. The duties of the police under the contemporary police system include preventing bodily harm, saving lives, managing traffic, and upholding law and order in public areas. The police also have a responsibility to safeguard women from crimes against them and from juvenile misbehaviour. They are also in charge of protecting the most vulnerable members of society. If we examine the history of the police system, we discover that the term "police" was used more broadly to refer to the administration of a nation's internal economy and the implementation of its laws. After a while, the word "police" was used narrowly to refer to a state agency that upheld law and order. Enforcing the criminal procedure law's rules was another responsibility of the police. The Greek word "politeia" is where the term "police" originates. Politeia is Greek acronym for "state" or "administration". Currently, the term "police" refers to a group of civil officers whose key responsibilities include upholding law and order, preventing and detecting criminal activity, and enforcing the law. The police have always been an essential component of the state. The police force only hired individuals with strong skills and in-depth local knowledge. This is because they could effectively address the issue of law enforcement. The scope of police functions has expanded to unprecedented levels as civilization and understanding have advanced.

## **Historical perspective of Police System**

### **In Ancient Time**

If we talk about the existence of the police in India, it has been around since ancient times. Our epics, such as the Mahabharata and the Ramayana, also describe a police system. Manu, the great lawgiver of India, also spoke about the necessity of a police force to uphold the law. He stated that the responsibility of policing should be given to someone who has complete knowledge of the area, as only such a person can protect society from lawbreakers. During the time of the ancient Hindu rulers, there was a well-organized police force. Even during the Gupta dynasty, India had a well-organized police system. In ancient times, the village headman helped maintain law and order in the village. To assist him, he would appoint some watchmen from within the village. These watchmen would report any stranger entering or leaving the

village to the headman.

### **In Mughal Period**

India also had a well-functioning police force throughout the Mughal era. The Faujdar was the name of the official in command of the police force at the period. Policemen were called Sipahis. The detective branch of the police force was known as the Khufia, and its main function was criminal investigation. The Subedar, sometimes known as the Nizam, was a region's chief police administrator. The police administration structure collapses along with the Mughal era. At that time, persecution and extortion were commonplace. The village watchmen, headmen, and zamindars commit crimes. In order to share the loot, they provided refuge to criminals. The top officials engaged in unethical behaviour.

### **In British Period**

During the British period, the Britishers modified the police system to suit their needs. After apprehending criminals, they would turn them over to the district authorities. The police force was reformed to enhance crime detection following the enactment of the Indian Police Act of 1861. This Act included provisions for drunkenness, health risks, traffic regulation, and the prevention of animal abuse. Lord Curzon appointed a commission to suggest measures for reform in police system.

### **In Post-Independence Period**

After India gained independence in 1947, significant changes occurred in Indian society. In response to these evolving societal changes, the police system was also reformed. Indian police use awe, menace, and compulsion as part of their para-militaristic mindset. Policemen are time and again seen as not so friendly but insensitive, inefficient beyond any type of accountability. Police are a state subject, according to the Indian Constitution. States have an obligation to keep up their police forces in order to uphold law and order inside their borders. The identification and investigation of criminal activity are the main concerns of modern police. They are concerned with the protection of society against crimes. They safeguarding the person and property of the people. The transformation of India from a police State to a welfare State has brought out a radical change in the activities of the police.

## Categories of Police

### General Police

According to our Constitution of India, policing is a state subject. It is the responsibility of the state to maintain its police force. The police force is responsible for maintaining law and order. The general police's primary duty is to uphold law and order in everyday situations. The general police are stationed at main police lines and police posts. The general police comprise personnel ranging from the Inspector General of Police to constables.

### Traffic Police

Controlling traffic and preventing accidents are the traffic police's primary duties. If someone breaks traffic rules, the traffic police punish them.

### Railway Police

Upholding law and order on the railways are the responsibility of the Railway Police. They prevent and investigate crimes committed at railway stations, on trains, or anywhere on the railway tracks. Their main function is to prevent theft and damage to railway property at stations and on trains. If a person is caught committing a crime on a train or at a railway station, the Railway Police take appropriate action against them.

### Police's Criminal Investigation Division

The Criminal Investigation Division of the police is responsible for investigating serious crimes. These investigations are conducted confidentially. After investigating such crimes, this team submits its report. Primarily, this branch exists to assist the general police force.

### Women Police

Female police officers are used to apprehend female criminals. Their main role is to prevent crimes against women and protect them from any kind of crime.

### Other Police

In addition to these, the following are other categories of police forces:

- Home Guard Police
- Military Police
- Border Security Force

- The Central Reserve Police
- Central Industrial Security Force
- Indo-Tibetan Border Police
- Sashastra Seema Bal
- Cyber Crime Unit
- Disaster Management Forces etc.

## Functions of Police

### Patrolling and Surveillance

The primary duty of police is to patrol in order to prevent crime. Patrolling in rural and urban areas differs in certain ways. The Station House Officer is in charge of upholding law and order in rural police stations. Wireless telecommunication is used for patrolling in metropolitan areas. Surveillance is another crucial role of law enforcement. Anti-crime work is its foundation. Every police agency has a list of offenders that need to be closely monitored.

### Arrest and Custody

The police have also been assigned another task to prevent crime: arresting those who violate the law and then placing them in custody. Sections 73 and 75 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) outline the police's preventive powers. The police are normally accused of using unnecessary physical force while they arrest suspected person. Most of time they use abusive language or threaten to use force. Some time they even beat them. The Indian Constitution also has provisions that protect against the executive branch's arbitrary use of preventive powers. The Supreme Court noted that “handcuffing is prima facie inhuman and therefore unreasonable and at the first blush arbitrary” in the *Prem Shankar Shukla v. Delhi Administration case*.

### First Information Report

The first step that is done by police towards starting investigation of an offence is registering the FIR in cognizable offences. It reflects the actual incidence of crime. It is recorded in four copies. The original sheet remains with the police station. It is a permanent record. One copy is handed over to the complainant free of cost. Another one copy of each is given to the concerned SP or DSP and to the Magistrate. It is also necessary that all copies bear the seal of the Police Station. In FIR the contents disclose the incidence of crime about when, where and

how the crime was committed, who committed and against whom.

### **Release of Accused on Bond**

The police may release an accused person on bond with or without sureties in accordance with Section 190 of the BNSS. It occurs when there isn't enough suspicion to warrant sending the accused to a magistrate. The BNSS's Section 480 deals with granting the accused anticipatory bail. Even for crimes that are not subject to bail, the arrested individual may nonetheless request bail.

### **Interrogation of Offenders**

Next another function of police is to interrogate the criminals or suspects. If someone is accused of committing a non-cognizable offense, the police have the authority to question them. Modern techniques of interrogation are Polygraph test, Narco-analysis, Brain-mapping etc.

### **Investigation by Police**

The goal of police investigations is to gather evidence and capture criminals. Everyone has an obligation to support others in their profession. Anyone who is thought to be familiar with the case's facts may be questioned by the police. Any such individual is required to respond to all inquiries. The witness's oral response may be recorded by the police.

### **Maintain Inquest Register**

It is the duty of police to record information in the Inquest Register. When someone passes away under strange or questionable circumstances, this register is utilized. Section 194 of the BNSS contains this information. The Magistrates are the only ones with the authority to conduct an inquest and determine whether the death was accidental, suicide, or homicidal. A court investigation to ascertain the cause of death is known as an inquest. The inquest report is prepared when the inquiry is over. Both the investigator and the attesting witnesses have duly signed it. The District or Sub-divisional Magistrate receives it after that.

### **Control of Juvenile Delinquency**

Police are also controlling juvenile delinquency in its area. The police are administering it on three stages i.e. preventive, trial and rehabilitation stage. For this function voluntary organisation, juvenile courts and social welfare homes etc. also assist the police.

### **General Welfare**

As part of its general welfare duties, the police assist the public in locating missing persons. In times of famine, sickness, fire, flood, etc., they also assist people.

### **Judiciary's Approach towards Police**

Generally, the judiciary has made adverse comment about the working of police. They blamed police for corruption, inefficiency, dishonesty etc. Justice A.N. Mulla defined police as the largest single lawless group. Most people believe that police are repressive and crooked. It was unable to gain people's trust and cooperation.

### **Problems Faced by the Police**

The police face many problems while performing their duties. Nowadays, people hesitate to help the police. The main reason for this is that if someone helps the police, the police officers harass them excessively afterward. Therefore, no one comes forward to help the police. The police are also unable to control crime because there is a growing lack of social responsibility among people. People think that if a crime is happening somewhere, it's not their responsibility to report it; the police will handle it themselves. Some criminals are even protected by politicians, making it impossible for the police to apprehend them in many cases. Another problem faced by the police is that even when they provide evidence, the courts view it with suspicion. In today's scenario, the workload of the police has increased significantly, but we don't have enough police personnel available. This is another reason why the police face many difficulties while performing their duties.

### **Reasons for Police Failure**

The police in India have failed to achieve their objectives. The main reason for this is that the police are misusing their discretionary powers, such as arresting people without a warrant, searching houses or premises without any order, etc. The police's attitude towards the public is not good. They display a negative attitude in their work. They torture people and prisoners without any reason. Sometimes they even fire on mob. If someone goes to the police to file an FIR, the police harass them unnecessarily. Corruption is also rampant in the police force. People are also unwilling to cooperate with the police because they fear them. The police's attitude towards the public is generally poor.

## Conclusion

Maintaining law and order in our society was the primary motivation for the establishment of the Indian police system. Providing a crime-free environment for all citizens is the main goal of the police system. Because they serve as a conduit between the people and the government, the police are an essential component of society. An essential part of the criminal justice system is the police. Their primary responsibilities are to look into crimes, keep society safe from criminals, capture criminals, and make sure they are punished. If an offender is found guilty, they are sent to jail. Looking at the historical perspective of the police system, we find that the police profession was once highly respected, and the police had a very positive image in the eyes of the public. However, with the increasing workload on the police today, they are failing to fulfil their duties effectively. The main reason for this is that the police do not use their discretionary powers properly and often resort to abusing their authority. They also engage in corrupt practices. In today's welfare state, the workload on the police has increased significantly, but recruitment has not kept pace, resulting in a severe staff shortage. We can only overcome these failures of the police system through comprehensive reforms.

## Recommendations

In today's scenario, the police are unable to maintain law and order. Therefore, it is essential that the police understand that their role is to help people, not to harass them. The police should use their force only when absolutely necessary, so that people feel encouraged to cooperate with them. People will cooperate with the police only if they are impartial and do not work under any political pressure. Police officers of all ranks should be given proper training from time to time. They should be informed about the latest techniques in crime detection and investigation. The police force should also be adequately staffed and provided with modern weapons to face today's new challenges. There is a need to repeal the Police Act of 1861 and introduce a new police act that is relevant to our present-day society. It is also important that senior police officers conduct surprise visits to police stations. This will help them identify instances of police misconduct or ill-treatment. It is crucial that the police do not torture victims in any way. Victims require maximum medical treatment and rehabilitation. If any police officer is found torturing or committing atrocities against a victim, the strictest possible action should be taken against them. Judicial investigations against police are required in cases of rape while in custody, injuries, deaths from police firing, etc. The required steps must be taken to increase the police's sensitivity to the grievances of society's underrepresented groups. The

police have to be given directions about how to reduce third-degree methods using by them.

### References

- Dr. N.V. Paranjape, *Criminology & Penology (including Victimology)* (Central Law Publications, 9<sup>th</sup> Ed.,2023).
- Dr. S.R. Myneni, *Crime and Criminology* (Allahabad Law Agency, Faridabad, 1<sup>st</sup> Ed., 2017).
- S.M.A. Quadri, *Criminology, Penology and Victimology* (Eastern Book Company, Chandigarh, 7<sup>th</sup> Ed., 2016).
- R.K. Raghavan, *Policing in Democracy-A comparative study of India and USA*, P.9 (Manohar Publishers and Distributors, Delhi, 1999).
- M.S. Begum, “*District Police Administration*”, p.2 (Anmol Publication Pvt. Ltd., New Delhi, 1996).

### Websites

- <https://www.scribd.com/document/574919376>
- [https://www.commoncause.in/wotadmin/upload/SPIR\\_2025.pdf](https://www.commoncause.in/wotadmin/upload/SPIR_2025.pdf)
- [https://www.researchgate.net/publication/363536033\\_POLICING\\_SYSTEM\\_IN\\_IN\\_DIA\\_AND\\_LAW\\_ENFORCEMENT](https://www.researchgate.net/publication/363536033_POLICING_SYSTEM_IN_IN_DIA_AND_LAW_ENFORCEMENT)
- [https://haryanapolice.gov.in/policejournal/pdf/police\\_reform.pdf](https://haryanapolice.gov.in/policejournal/pdf/police_reform.pdf)
- <https://ijlmh.com/wp-content/uploads/The-Police-System.pdf>