

The Central Govt & Crime Control

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Crime in India has shown an increasing trend during the last few decades. The total IPC crime in the country, which was only 6.26 lakh in 1961, rose to 16.30 lakh. While the population of the country registered an increase of 101.90 per cent during this period, IPC crime increased by 160.3 per cent. Crime has thus been rising at a rate faster than that of the population growth.

What is more ominous is the trend of violent crime. The incidence of violent crime increased from 55,726 in 1961 to 2,32,554 in 1993, thus rising by 317.3 per cent during this period. The increase in crime has been accompanied by a gradual fall in the conviction rate. While in 1971, 62 per cent of the IPC cases ended in conviction, in 1993, it had fallen to 45.9 per cent.

Another disturbing trend is the increasing pendency of cases under trial. The total number of criminal cases pending in the magistrates and sessions courts in the country had gone up from 45.5 lakh in 1976 to 136.5 lakh in 1992-93. In addition, 3.04 lakh cases were pending in high courts as on December 31, 1993.

The data thus reveals a rising trend in crime, more so in violent crime, a declining rate of convictions and an increasing pendency of cases under trial. This means that more and more people are committing crime and getting away with it. Cases are settled after a long time. Justice is being delayed and denied. Obviously, the criminal justice system has failed in achieving its objectives.

The Central government has not evolved a coherent, well-knit national policy to deal with crime and criminals. The working of the Central Government in these areas has been characterized by a narrow, fragmented and ad hoc approach.

How has the Central Government responded to the problem of controlling crime? Controlling crime is, of course, not the direct responsibility of the Central Government, as the police and other agencies of the criminal justice system, like courts, prisons etc. are placed by Article 246 of the Constitution in the State List. The Central Government has very often taken refuge behind these provisions of the Constitution and tried to wash its hands off the responsibility in such matters.

This, however, is a very narrow and short-sighted approach. There are certain provisions in the Constitution itself, which suggest an important role for the Centre in strengthening and improving the criminal justice system. Some awareness of its role was shown by the Central government in the recent past when it organized a conference of the Chief Ministers on the administration of criminal justice on November 13, 1992. Some important problems relating to the administration of criminal justice at the district level, including that of criminalisation of politics, were discussed. However, like all such conferences, what started with a bang

ended with whimper. The resolution passed by the conference remained unimplemented for the lack of follow-up action.

It is rather interesting to note that the inadequate concern shown by the Central Government towards the problem of controlling crime has not been repeated in the area of maintenance of law and order, even though 'Public Order' is the first item in the State List of the Seventh Schedule of the Constitution. In fact, the brunt of major law and order disturbances, which have occurred in different States, has been borne by the Central paramilitary forces. The heavy dependence of the State governments of the Centre to maintain law and order is responsible for the huge expansion of the Central paramilitary forces. This has naturally led to tremendous increase in the Central expenditure on police. Most of the expenditure by the Central Government is being incurred on the expansion and maintenance of the Central forces which, strictly speaking, are not doing a policing job, particularly insofar as crime control is concerned.

There has been considerable public criticism of the police performance in the country. This is as it should be. It is, however, necessary to remember that the police is only one part of the criminal justice system. The other very important part is constituted by the courts and their performance should be kept equally under constant public watch. The record of the courts in dealing with crime and criminals has not been very bright. The way the courts function is an important reason for the delay in disposal of criminal cases. If there can be a time limit for completion of investigation in law, there is no reason why similar time limit should not be prescribed for completing trial in criminal cases.

Here, the Centre cannot even take shelter behind the provisions of the Constitution for not taking initiatives. Criminal law and criminal procedure are items in the Concurrent List of the Seventh Schedule of the Constitution. This is an area which cries for reforms. The police in this country are still being governed by the Police Act of 1861. In addition, some other major laws are outdated. The three major laws, i.e. the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act were enacted by the British during the second half of the last century. Out of these, the only Act which has been subjected to a thorough major review after Independence is the Code of Criminal Procedure. The other two laws, except for some minor amendments, have remained unchanged.

The Central Government has not evolved a coherent, well knit national policy to deal with crime and criminals. The working of the Central Government in these areas has been characterised by a narrow, fragmented and ad hoc approach. This becomes clear from the administrative set-up in the Centre itself.

The National Police Commission had recommended the establishment on statutory basis of a Criminal Justice Commission at the Centre which should have the authority and the requisite facilities to maintain a constant and comprehensive look at the entire system, to monitor its performance and suggest necessary corrective measures from time to time, keeping in view the overall objective of the system. The need to implement this recommendation of the National Police Commission can hardly be over-emphasised.