

Crime and its Fear

By G.P.Joshi¹

All types of explanations for spurt in crime in the national capital are being given. While some are ascribing it to the influx of criminals from other states, like UP, Bihar, Haryana etc., others are blaming the ills associated with rapid urbanisation for increase in crime. The other favourite explanations ascribe it to the widening of economic disparities between classes, spread of consumerist values, influence of cinema and TV, and, of course, the inefficiency of the police- the all time popular punching bag.

An elementary fact has not been adequately recognised. A large number of persons are turning to the path of crime because they do not encounter any significant threat or risk in traversing this path which offers, in a place like Delhi, enormous opportunities to make easy and quick money. The way the criminal justice system is functioning in this country, it holds no great terror to any one and, therefore, does not deter even those who are on the brink, what to talk of the hardened ones.

Statistics indicate that while crime is increasing, conviction rate is declining and the number of cases pending in courts is becoming alarmingly large. The State is failing not only to prevent crime but also to deal promptly, justly and effectively with those who commit it. When a large number of persons, after committing crimes, are allowed to get away with proceeds of crime and justice is not meted out to victims, it results in eroding the faith and confidence of the public in the effectiveness of the system.

Loss of faith is all the greater and widespread when the rule of law is not enforced equally. The way the system has worked in the country, it has given rise to an impression in the public mind that some persons i.e. those who are rich, influential and politically powerful, commit crimes with impunity and manage to remain above the law of the land and it is only those who belong to the poor and underprivileged sections of society who are put behind the prison walls for committing even minor infractions of law. Committing crime for some is a means of acquiring riches and powers so that they can belong to the former category and enjoy the fruits of crime with impunity.

¹ **Commonwealth Human Rights Initiative**

The citizens expect the State to establish the rule of law and provide them freedom from crime and violence. The State's failure to do so gives rise to public fear of crime and criminals. Fear of crime feeds on itself and always grows at a rate faster than crime. It reduces the quality of life enjoyed by citizens in many ways. They avoid moving out of their homes and known environs, particularly during certain times of the day, feeling paranoid about the dangers lurking elsewhere. They do not feel safe even inside the homes and start searching for alternative ways of protecting themselves and their property, like employing private security guards, using safety and protective devices, organising citizens' patrols, forming vigilante groups etc.

One of the worst consequences of fear of crime has been the tendency on the part of the citizens to take law in their own hands and deliver instant 'lynch justice' to those who are caught while committing crime or even to suspects of crime. Such instances have been reported not only from the countryside but even from the urban areas. According to a press report, lynching claimed 53 casualties in West Bengal between June 1988 and May 1990. Fifty persons were battered to death in that State between October 1994 and March 1995. 75 cases of grisly lynching had occurred there during the year 1996 (till September 10, 1996). Recently, such incidents were reported in the month of May, 1998 from Ghaziabad in UP, Gurgaon in Haryana and Sultanpuri in Delhi. Evidence of vigilantism is seen in other countries too.

Delivering instant private justice to suspects of crime has very serious implications for the functioning of the criminal justice system and good governance in a democratic society. Killing a person without legal or judicial sanction constitutes an offence of murder. However, this is not viewed accordingly by the public when they take law in their own hands and beat suspects of crime to death. It is such public fear and perceptions which sometimes provide a license to the police to ignore the law and deal with crime and criminals by using rough and illegal methods. Blinding of criminals done by Bhagalpur Police way back in early eighties was one example of such license. This has been followed by other incidents. Police deviance is bound to increase whenever the fear of crime whips up the rhetoric of 'war against crime and criminals.'

In fact, even the State may use the opportunity provided by the accelerating fear of crime to arm itself with repressive powers. For instance, the Tamilnadu Government has already brought back TADA on the statute book and Andhra Pradesh government wants to do the same. Fear of crime provides an opportunity to the governments to introduce black laws; enhance powers of the police; overlook use of third degree methods by state agencies and curtail citizens' rights. Instead of rule of law, rule of fear reigns supreme. In the final analysis, it is the democracy which really gets mugged.

The criminal justice administration has been one of the most neglected areas of governance. Price is being paid by citizens, not only in terms of increase in victimisation but also in terms of overall deterioration in the quality of life resulting from overpowering fear of crime. It is time the government devoted greater attention to reforming the criminal justice system than it has done so far. The capability of the system to control crime without violating citizens rights must be enhanced. Instead of crime creating fear in the minds of citizens, criminal justice system must be strengthened to deter people from the path of crime. Opportunities must be reduced, escape routes must be plugged and people should be made to realise that crime really does not pay. This, however, must be done within the boundaries determined by the rule of law.