

Police Brutality in Perspective

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The Times of India-27/02/1981

When the prevailing system of criminal justice fails to give a feeling of security to the people, they seek alternative ways of protecting themselves against crime and criminals. In such an environment; the police may resort to extra-legal methods in the belief that these have been tacitly approved by the public.

This is what may have happened in Bhagalpur. The Bhagalpur incidents reflect the failure of the system of criminal justice and of the loss of faith on the part of the public in its effectiveness. When law ceases to have any deterrent effect, when bail and not jail becomes the rule rather than the exception even in cases of hardened criminals, when well-connected criminals can commit the most heinous crimes with impunity, when courts remain clogged with cases and even murder and dacoity cases remain “pending trial” for many years, the possibility of the public extending support to the police when the latter uses extra-legal methods or of its taking the law in its own hands is all too manifest.

Threat Of Vigilantism

What is reported to have happened in Bhagalpur and in some parts of West Bengal recently has thus very frightening implications. In the avalanche of criticism, directed mainly against the police, adequate attention has not been drawn towards the danger of vigilantism becoming gradually popular and widespread in the country, putting the clock back by a few centuries.

Vigilantism had become quite a powerful force in the 19th century America. There is a record of as many as 726 vigilante movement having emerged in that country between 1767 and 1910. They are said to have accounted for the death of as many as 326 people, all victims of “lynch justice” by the public.

Ours is a much more heterogeneous society than the American. Stratified as it is on the basis of caste and community, it is very vulnerable to the danger of vigilantism. Once it is rampant, it can only produce chaos, anarchy and injustice. It is, therefore, necessary to see the writing on the wall and devise suitable and effective methods to ensure that people do not take the law into their own hands.

All this apart, violent reaction by the police can also be expected in the face of apprehended or actual danger. Any assault on a policeman for instance, is viewed very seriously and the offender in such circumstances is likely to be roughed up by all the policemen present. The police shows an unusually high degree of occupational solidarity.

In fact, not only physical violence but even a tough aggressive posture of verbal abuse by any member of the public may provoke the police to use brutal force. A policeman is a fairly sensitive creature. Every hostile act, or even a gesture of defiance reinforces his feeling of insecurity and is likely to occasion a violent response.

Policemen are also apt to use third degree methods during the investigation. To deny this would be hypocritical. Such practices can be ascribed to various factors. Firstly, the strength

of investigating officers in most police stations in the country is much less than what is required in the face of counting crime. They have to handle far greater number of cases every year than the prescribed norm or what is humanly possible. Besides, they are required to perform any number of other jobs. There is, therefore, always a tremendous pressure on the investigating officer to conclude his labours without delay. Since third degree methods do prove useful in many cases, he resorts to them whenever necessary.

Secondly, nowhere else is the law of the land so biased against the police as it is in this country. Since the case on hand has not only to be “solved” but also made legally foolproof to stand scrutiny in a court of law, the investigating officer is tempted to take recourse to extra-legal methods. This actually creates a vicious circle. The police officer uses illegal methods in some cases because of inadequacies in the law. And, the law is not reformed on the ground that the behaviour of policemen does not justify reposing trust in them.

Lastly, resort to third degree methods during investigation may also be in some cases due to either the non-availability of scientific facilities at the police stations or the inability or unwillingness on the part of the investigating officer to use them.

This bird’s-eye view of the circumstances in which policemen use brutal force brings us to the important question: What to do about it? One obvious answer is to tighten the recruitment procedures and standards so that the sadists and emotionally unbalanced persons are not allowed to join the service. This may be supplemented by a system of regular screening to weed out those who have been corrupted or brutalised in the course of their career in the department.

Improving the standards of training is also called for. This in fact, is often advocated. It is, however, important to remember that training cannot be a panacea for all the ills that ail the police.

The police being a disciplined and hierarchical organisation, strict supervision over the work of the lower ranks is the answer. It must, however, be ensured that such supervision does not result in curbing initiative.

To discourage the use of brutal practices by the police, it is essential that the complaints received from the public are enquired into thoroughly and impartially and, if found valid, exemplary punishment is meted out to guilty officers. There is a feeling in the mind of the public that its complaints are generally ignored by the police department. This feeling should be removed by setting up, if necessary, a proper mechanism which can examine public complaints dispassionately and ensure remedial action.

Close Look Needed

The incidents of police brutality reported in the press also point to the need for a close look at the working of the entire system of criminal justice and at the role and responsibilities of the police.

More than administrative measures and legislative reform, an iron will and honesty of purpose is required to control crime. It is a task in which everyone will have to participate. As the task force set up by the President’s Commission on Law Enforcement and Administration of Justice in the USA has put it: The police is only one part of the criminal

justice system. The criminal justice system is only one part of the government. And the government is only one part of society. In so far as crime is a social phenomenon, crime prevention is the responsibility of every part of society.”