

Course – LL.B (sem-4)
Penology (unit – 3)
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The Police System

1. The Institution of Police: Meaning, Definition

The term 'Police' is derived from the Greek word 'Politeia'. It is equivalent to Latin word 'Politia', which stands for the 'State' or 'administration'. The word 'Police' connotes a body of civil servants, whose primary duty is preservation of law and order, detection and prevention of crime and enforcement of laws of the land.

2. Origin and Development

The origin and development of the institution/organisation of police may be explained with reference to its historical background.

The police system has been in existence in one form or other in all the civilized societies since the times immemorial. The institution of police can be traced back to the ancient times of Kautilya and Yajnavalka. Manu, the great Law-giver of India and an exponent in statecraft, also advocated the dire need of 'police stations even for villages'. Kautilya mentioned eighteen Tirthas in the Arthashastra. They were officers of the State. Some of them were responsible for police and military functions. The Danvarika was the warden of police. He was responsible for keeping strict vigilance on the management of the royal palace. The Ayuktas were a kind of village police and they were responsible to Rajukas and Pradesikas. The 1'rative dakas were responsible for collection of intelligence regarding the affairs of the State and those of people.

4. Functions of the Police

Following are the functions of the Police -

- i) Detection and investigation of crime.
- ii) Prevention of crime.
- iii) Enforcement of laws and
- iv) Establishment of law and order.

Detection and Investigation of Crime: The traditional function of the police, which remains the most important even today, is to deal with the criminal in action. This function requires detection and investigation of crime, arrest of the offenders and the collection of evidence against those who are prosecuted in courts of law.

Prevention of Crime: Another purpose of the police force is to effect prevention, of crime. Traditionally this function involves patrolling by the police and preventive action against potential wrongdoers under the vagrancy laws. In a more modern contest, the prevention of crime by the police includes the detection of juvenile delinquency and the reference of suitable cases to the juvenile courts and other correctional agencies.

iii) **Enforcement of Laws:** The third function of the police is owing to the growth of certain problems of the contemporary period involving the enforcement of a wide variety of regulations which are not concerned directly with the criminal; direction of automobile traffic, enforcement of sanitation and licensing regulations, control of crowds, action against obscene literature and films, civilian defence and disaster management duty.

5. The Role of Police

The Police has a very important role to play in a democratic set up of government. They must win the confidence of the people. The principles underlying policing in a free, permissive and participatory democracy, may be summarised as follows:

- i) to contribute towards liberty, equality and fraternity in human affairs;
- ii) to help and reconcile freedom with security, and to uphold the rule of law;
- iii) to uphold and protect human rights;
- iv) to contribute towards winning faith of the people;
- v) to strengthen the security of persons and property;
- vi) to investigate, detect and activate the prosecution of offences;
- vii) to facilitate movements on highways and curb public disorder;
- viii) to deal with major and minor crises and help those who are in distress.

6. Duties of Police

The duties of the police may be explained with reference to the following heads -

- i) Investigation.
- ii) Law and order.
- iii) Patrolling and surveillance.
- iv) Interrogation of offenders and suspects
- v) Search and seizure
- vi) Duty to assist the Public prosecutor.

Investigation: Section 2(h) of the Code of Criminal Procedure, 1973 deals with investigation by the Police. Investigation is always conducted by a Police Officer. It includes all the proceedings under the Code for the collection of evidence. In other words, the Police Officer conducts investigation and collects evidence for the purpose of inquiry and trial by, the Court.

ii) **Law and Order:** Maintenance of Law and Order is the primary function of the police. In this connection, they move here and there within their jurisdiction to pick out culprits and take all necessary steps to prevent crimes, riots and violence. The police take precautionary steps and resort to preventive measures and security proceedings particularly during festivals and elections of candidates to the Lok Sabha, Assembly and Local authorities.

iii) **Patrolling and Surveillance:** Patrolling is the visible police function for the purpose of general watch and ward. In all the rural police stations, the S.H.O (Station House Officer) is held responsible for maintenance of law and order and deployment of policemen for patrolling. In urban areas mobile patrols with wireless telecommunication are arranged.

iv) **Interrogation of Offenders and Suspects:** Another important duty of the police is to 'frisk' and interrogate the criminals and suspects. Frisk means to search the pockets and clothing of the criminal/suspect. Whereas search is a legal process, by which evidence is collected against the offender. Sections 52 and 156 of the Code of Criminal Procedure, 1973 deal with Frisk and interrogation respectively.

v) **Search and Seizure:** Another important duty of the police is search and seizure. The search and seizure should not be unreasonable. The legal provisions relating to search and seizure are so framed as to maintain a balance between the security of persons on the one hand and the protection to police in discharging their duty properly on the other. "A search warrant" is a written authority given to a Police Officer or other person by a competent magistrate or Court for the search of any place either generally or for specified things or documents (or for persons wrongfully detained). It is a coercive method, which involves invasion of the sanctity and privacy of a citizen's home or premises.

i) **Duty to assist the Public Prosecutor:** Public Prosecutor is an officer of the Court appointed by the Government, He acts on behalf of the Government to prove the guilt of the accused and to punish him. In simple, he tries his best to convict the accused. It is the duty of the police to assist the Public Prosecutor to conduct prosecution of the criminal cases.

Thank you !!!

