

A Study on the Role of Police in Criminal Justice System

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Abstract – The police and their roles are very significant in the area of criminology. Since it is the primary responsibility of the police to apprehend and execute suspects before the end of the crime reduction court. The police are constitutionally allowed to use intimidation & another types of violence to uphold civil and societal security. The simple understanding of crime & criminology is a necessity for the police, so that's why nearly every nation in the world has a police criminology branch. So the officers are qualified professionally with the experience of criminology. This is clear that credible, committed and efficient police department will guarantee a safe and prosperous community. While it is not necessary for the police to eradicate violence entirely from culture, it may be regulated and managed at a sufficient level. Alternatively, difficult, incompetent, unlettered, and fake police services will render the offenders suited to make the lives of the general population unbearable. This study confirms the role of the police in the criminal justice system.

Keywords – Police, Crime, Criminology, Justices

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INTRODUCTION

Police have provided the first line of protection against the inroads of violence since time immemorial. 'Police form' might have been changed at various times, but the purpose of keeping civil stability has still remained the same. The term 'State' was foreign to the middle ages. It was not found in England until the sixteenth century. In reality, it was introduced from France to Scotland in 1714. The police have set up and their position in the government of criminal justice in India is focused on the English framework. Anthashastia of Kautilya provided a comprehensive overview of the police force in ancient India (Modak, 1971). The background of the police in India could also be directly traced to the Vedic period. The government of the criminal justice system in India is in accordance with the Anglo-Saxon-Adversarial pattern. It has four critical departments, including the military, the prosecutors, the courts and the corrections. All elements will function in a harmonious and cohesive way with good collaboration and teamwork which achieve the required outcomes more efficiently, equally and rapidly. Therefore, the performance or loss of the implementation of criminal justice relies on the efficiency of these associated groups.

Nevertheless, it is widespread knowledge that the management of criminal justice in our nation is

declining day by day and that lay citizens are losing confidence in the whole program for understandable reasons. It is also consistently stated that there is an immediate want to reform the whole criminal justice framework, in particular the detection of offences by the police and the court process, as a consequence of which the rate of conviction is falling at an extremely fast pace. This was partly associated with a lack of consistent & efficient coordination among law enforcement authorities, termed the administration, the courts, the judiciary in particular, as well as the police & prosecutor departments in specific. The position of the police is essential to the nation and to the planet. It is a very critical part in society. It's a mirror picture of the beliefs of culture. Job is more successful if modified according to individual attitude, actions and dignity.

The police-man has been recruited from the population, thereby creating an integrated response to the environment. The police are continuously guided by the Court of Justice, the political leader, the Higher Authority, but they still willingly or unwillingly try to move away from the first / prior duty of the police to protect assets and lives, to bring peace to the implementation of the law without bias, to send the victim to prison, to keep up-to-date, to keep an eye on, to ensure proper law against crime and related First Info.

The main duty of the police is to protect the life, liberties and properties of residents. This is for the defense of these freedoms that the Criminal Justice Process has been set up to delegate essential responsibilities to the officers. We have various tasks to undertake, the most relevant of which being the protection of law & order and prosecution of crimes. The police was responsible for securing the sacred civil freedoms of people. If there is an infringement or possibility of an infringement of one's civil rights, it is the police that come to the assistance of the person. Unfortunately, the role of the police under this context is not recognized and instead the aberrations of the police are noted, illustrated and blamed. The aberrations must be resolved and the police must be recognized for the demanding position they have performed, even at the expense of their life, in the course of defending citizens' interests.

ESSENTIALS OF FIR

- It has to be the first point of time.
- It must be details, accountable but not ambiguous, gossip or claim.
- It must connect to the commission of an identifiable offence.
- It must be done to the officer in charge of the police station.
- It shall be in writing or written if it is given orally & read with informant.
- This must be confirmed by the informant.
- This must be entered in the Regular Dairy.

Normally, pure speculation, or gossip may not fall under Section 154 of the Cr. PC, however definitive details when reported at the Police Station is FIR. Initial telegrams often become FIRs since they carry the signature or thumb symbol of the senders. The police officer can, nevertheless, suo motto report a case after receipt of a telegram. A telephone call is not an legal document, so the police officer who receives it can report a case with his own signature as the individual providing the evidence.

First in time: the first intelligence documentation is the details provided to the police first in time and not the intelligence that the police will pick to document as the first details. Where two separate accounts of the same incident are submitted by two different people to two specific police officers at the same police department but are located at various places prior to the start of the inquiry, the latter details cannot be omitted from the facts, because it was not a complaint made during the inquiry but an individual FIR (1940 All 291).

FIR by the convicted: A confessional FIR prepared by the accuse party is inadmissible in the case of proof against him, except that he rendered a declaration immediately after the crime, naming him as the source of the article, which is admissible as evidence of the actions of the accused person 8 of the Evidence Act & details received by him, relating to the revelation of a truth which is accepted. However, a non-confessional FIR is permissible towards the convicted as an admission under the 21 Proof Act and is necessary. Information by Police Officer / Su-Motto Report FIR u / s 157 Cr. PC

INQUEST

"Inquest" implies the examination of a suicide, the origin of which is unclear. The term originated from the Coroner's investigation under the English law entitled "Inquisition." & The Coroner Act came into force in 1871 for the regional cities of Calcutta, Mumbai & Chennai, and now exists in Calcutta & Mumbai. The inquiry may be carried over by an Officer-in - Charge of the Police Station or by a specially appointed police officer. Report inquest U / s 174 Cr. PC must contain all the data of reduce at the crime scene The forensic report is an essential record for the intent of establishing the reason of death & conditions under which it occurred. The defendant in doubt at the court is bound to give a true answer to all queries other than those which tend to be the target of a criminal charge or a penalty or revocation. The evidence of the victim recorded at the time of the investigation is within the scope of Section 162 Cr. Um, PC.

Pursuant to Section 176 of the Cr. PC, in the event of death in police custody or in the event of a woman attempting suicide within 7 years of her marriage, the Magistrate's report is mandatory, while it is optional in other cases. Such a request may be made by the District Magistrate or SDM or by any other administrative magistrate directly designated within that area. In all cases where a person dies in police custody or a woman dies within seven years of marriage and commits suicide, the Magistrate shall conduct an investigation suspected of committing a crime. If the case does not fall within the scope of U / S 174(3)(i) or (ii), the Executive Magistrate shall conduct an investigation into the cause of death, either in lieu of the investigation carried out by the Police Officer. The Executive Magistrate investigating the matter shall record the evidence taken by Executive Magistrate in respect of the case in accordance with the Code of Criminal Procedure.

The Inquisition shall notify the parent of the deceased and allow him or her to be present at the enquiry. This shall therefore document the facts it has obtained in some manner, depending on the circumstances of the situation. The inquiry by Magistrate U / S 174 is separate of the prosecution

of the court. (Ghulam Mohammad, AIR 1927 Lah.30, P.31:238 Cr. LJ. 26) Sec. 174 Cr. The PC is not true because the dead body is not present (Ghulam Hassan Vs. president, 9 Cr. LJ. 105, 1908 P.RNo. (Cr.).

TEST IDENTIFICATION PARADE

Test identification parades are conducted with both civil & criminal situations.

1. Men alive or deceased, identified or unidentified
2. Property recovered / articles which include firearms
3. Photos, fingerprint, footsteps, handwriting, voice.

In certain instances, a preliminary recognition parade is conducted in court hearings to confirm or contradict the guilty or innocence of the defendant, whether they are articles in relation to the person. Requirements and conditions for the operation of T.I. Parade Identification parades in felony courts shall be conducted when the proceedings are under review. The target of the T.I. The parade is meant to check the identity and veracity of a victim who wants to recognize the convicted party as one of the suspects in the crime or properties or articles / weapon involved in the case. Such an identification test may be necessary in all kinds of crimes, and in particular in cases of defamation, assembly of persons for riots and other heinous crimes. There is a possibility that suspects, whatever they might be, would be willing to recognise a suspect should they encounter him again. Identification is a mental operation. It is derived from the fact that witness would have a mental perception of the looks of the convicted at the time of the act.

ARREST, BAIL & HABEAS CORPUS

Arrest of a man is usually carried out by law enforcement authorities. After all, under some exceptional cases, civilians increasing be included in the practice of detention. Arrest requires a restraint on the liberty of a citizen for an offence called Arrest. Since ancient times, man has an inviolable right to life & liberty. But this personal rights has undergone change with the passage of time, and the present concept of individual liberty is counterbalancing man's duty to society. Arrest is no evidence of guilt.

REASONS FOR ARREST

The object of the arrest can be either

1. To guarantee the appearance of the convict before a court of law before order to face the criminal proceedings brought against him.

2. To prevent him from continuing his illegal activities in a special case. Apart from the above, unless the accused is a dangerous & violent person, the arrest will have a positive influence on the morals of society. Arrest of the person in time will enhance the image of the prosecution agencies and is considered to be an essential step in the investigation. Since arrest means depriving an people of his or her rights, it must be carried out with the utmost precaution and vigilance. This is just a form of care taken under the legislation to have a citizen come before the legal system to respond to an allegation against him.

SEARCH AND SEIZURE

The term 'search' usually implies searching for a object, and 'seizure' implies gaining hold of the item that is literally checked for. For the intent of the inquiry, quest involves the inspection of a individual or property for the identification of facts and related items designed to connect the victim to a crime perpetrated by him or her. Effective quest would not only rob the criminal of the enjoyment of the land, but will also match him of the offense he has committed. The offender always hides material objects either in a cavity caused by nature or by artificial means. It can also be done by a glaring display of things; the power of search is very critical powers conferred on the I.O. Or an officer in control of the Police Station by statute. Such control is far stronger than the control of arrest, because prosecutions can only be initiated by a private citizen if an obvious and unjustifiable crime is performed in his presence, however a private individual may not have the power to search.

- a) **Search:** Searching for missing suspect and information – requires an investigation of the individual's identity and premises.
- b) **Seizure:** To take possession of the material physically recovered in the search.
- c) **Constitutional and legal provisos:** Through Article 19(1) of the Constitution of India, a individual is assured a constitutional right to the ownership and enjoying of his private property. The provision of the Article guarantees the right to obtain, keep and dispose of land. The power of search and capture as envisaged in Cr. PC shall have an effect on the freedom to keep land. Pursuant to Art. 19(5), the right of a individual to hold property is not an utter right and is subject to a certain 'fair limit.' In M.P.Sharma vs. Satish Chandra (AIR 1954 SC 300), the Supreme Court examine that the right of an

individual to hold property is not an utter right.

In addition to the power to search, the police have power to seize & search. Take objects that they find during the quest into their hands. The police can also take possession of property they believe to have been stolen or stolen. This provides augment to suspicion that an offense may be committed. The Police Force A individual can also be scanned or detained and taken into custody of everything Things other than clothes, which include delivery of the items obtained from the Person, man. The magistrate with jurisdiction must also be notified of the seizure In this case. In the case of an occupant who refuses, the police may enter by force Entry to a warrant search. However, unlawful searches may be stopped and A victim of such a search may seek a constitutional or civil remedy. Courts of Justice It may be addressed to invalidate the warrant and return the goods confiscated.

CONFESSIONS

The word "confession" were precise in the Proof Act. Stephen describes it as follows-"A confession is an acknowledgment rendered at any point by a person charge with a felony, confirming or implying an implication so they attempt the crime. "The Privy Council clarified" a confession "in the following words-"A confession must either agree to the wrongdoing or, at any rate, to the content of all those evidence that constitute an offence. The admission of an incriminating fact, also convincing "incriminating fact, is not, in itself, a confession."

Confession is a very important form of evidence. It decreases the workload of the Trial and decreases the duration of the prosecutions. A conviction can be based on a confession if it is believed to have been made truly and willingly. In view of this, certain safeguards are laid down in the Law against the admissibility of a confession. The Rule on Confession is laid out in Sections 24 to 30 of the Indian Proof Act.

REMAND AND CUSTODY

Remand in common, implies to send back. With reference to civil procedure, the warrant signifies the release of the accused party to the Detention awaiting prosecution or court. This implies allowed detention. Remand typically indicates the termination of the police custody & beginning of the legal custody. Detention means the condition of detention. Custody can entail the arrest of the individual detained on safety grounds, in particular by the police. Custody may also be subject to legal confinement by a court order.

PROVISIONS OF LAW RELATIG TO CASE DIERY

SECT.172(l) ,Cr. P.C. : Diary of the proceeding of the investigation: Each police officer do the investigation pursuant to this Chapter shall enter the enquiry in a diary on a day-to-day basis, specifying the time over which the evidence achieved him, the time from which the investigation began and was closed, the area or areas went to visit by him. And a summary of the circumstances determined by his investigation.

Sec. 172(2) of the Cr. P.C.: Any criminal court could send the police diaries of the case under investigative process or, on a case-by - case basis, to that court and may provide those very diaries, not as evidence in the case, and to assist it in the investigation or trial.

Part 172(3) of the Code of Practice. It's P.C. : neither the accused nor his associates shall have the freedom to ask for these diaries, nor shall they be permitted to see them exclusively on the ground which referred to by the Court; or whether they are requested by the police officer who set them up to pick up his mind, or whether the Court demands them to comply with the provisions of section 161 or section 145 on the grounds that they refute any police officer;

CONTRIBUTION OF POLICE IN THE CRIMINAL JUSTICE SYSTEM

1. Police provide a number of roles in the criminal justice system. A developed world cannot conceive about the functioning of the justice system without a strong police force and its duties.
2. Police arrests suspected criminals and lawbreakers. In order to avoid the misdeeds of the corrupt officers, they are placed into arrest and put to the trial court. The police are trying to put a bar on criminal activities through this process.
3. Another essential role of the police is to prosecute illegal activities. Police can exercise powers under sections 154 to 176 of the Code of Criminal Procedure to investigate a criminal case. After the investigation has been completed, the police shall submit an indictment for prosecution or a final report for release of the accused.
4. A police officer can examine verbally some person who is aware of the facts & circumstances of the case. Sections 61 and 167 of the Code of Criminal Procedure provide for the police to be interrogated. A individual who is detained without a

warrant should be investigated within 24 hours under section 61 or, if not, within 15 days under section 167. It is also a very necessary task of the police to figure out the facts behind the conduct of the crime.

5. Stop and seize are very critical roles of the police. Sections 96 to 105 of the Code of Criminal Procedure deal with the mode and procedure of search and seizure. The police should follow fair and reasonable policies to perform searches and seizures. The police can perform this function with or without a warrant.
6. A police officer fulfills his obligation to disclose an incident to a person who has committed suicide or who has died without reasonable suspicion or who has been murdered by another person or who has died unnaturally. In the article, a police officer describes the actual states of the body, whether or by what arm or device it may be used to conduct the offence.
7. Sometimes a police officer has a vital role to play as a lawyer. In the event of a criminal offence, it is the responsibility of the State to put the person before the judge. Then the police investigate and figure out who the actual perpetrator is and the public prosecutor handles the trial on behalf of the state. The violence can be successfully reduced in coordination with the police and the public prosecutor. Therefore, it can be said from the above debate that the police play a vital role in the criminal justice system in the elimination and prevention of crime.

PRESENT CRIMINAL JUSTICE SYSTEM OF INDIA

Criminal justice system relates to the organization, activities and decision-making mechanisms of entities concerned with the detection, inquiry, conviction, deterrence and rehabilitation of crime. Some feel that it is not completely correct to talk about a criminal justice system. The structure, they claim, is an integrated, interlinked, interrelated collection of elements that perform similar roles that build up a complex whole. The judicial system is a loose coalition of institutions with well-defined procedural framework is the foundation on which the whole structure of the criminal justice system is centered. This is the responsibility of the legislature to reinforce the system by making criminal law sound throughout all aspects. After taking control of Bihar, Bengal and Orissa in 1765, the East India Company made some attempts to reform existing criminal legislation. However, it was only after the British Crown assumed charge of Indian affairs from the East India Corporation in 1858 that the cycle of

reforming criminal law gathered traction. The British realized that without sound and effective criminal law, a vast country like India, where people of diverse cultures, religions, castes and classes lived, could not be controlled. Since the reformation and codification of criminal law is time-consuming, the British have taken on the task on a priority basis. The IPC 1860; the Police Act, 1861; the Legal Procedure Code, 1861; the Indian Proof Act, 1872; and also the Indian High Courts Act, 1861 are the most important developments in the history of Indian criminal law. Many of the legislation passed by the British are also in effect in India as implemented according to Article 372 of the Constitution. The Constitution of India, the IPC, the Code of Penal Practice and the Proof Act are the major statutory codes many widely used for the criminal justice process in India. In addition to these main criminal laws, several Central and State Penal Laws are in effect in India.

ROLE OF POLICE SPECIAL REFERENCE TO WEST BENGAL

This is a matter of considerable concern that the police force is always dominated by the governing state government. For eg, political hegemony and communal police forces in West Bengal have helped to increase the presence of land mafias in Kolkata and its surrounding areas. The political-criminal axis operating in many locations in Bengal has been exposed in the Rajarhat Land Fiasko. Despite possessing a detailed awareness of the actions of the unscrupulous proponents of the Vedic Community, the local police did not take any action against them, rather they did not do so.

Silence, sir. In the incidents of Singur, Nandigram and Rajarhat land, the weakness and inefficiency of the police department led the ruling government in the midst of great trouble. Such cases have proven that the police force itself is in breach of civil rights.

Human rights organizations have accused the Bengal Police of human rights violations. Amnesty International, the West Bengal Human Rights Commission (WBHRC), the National Human Rights Commission (NRC) and several other human rights groups such as APDR have frequently filed cases against the Calcutta and West Bengal police over violence and ill-treatment of people in police custody. Amnesty International has released a vast number of reports of torture, abuse and arbitrary detention by the West Bengal Police. This claimed in its analysis that West Bengal has the largest number of police custody deaths in India. Amnesty International has claimed that

The accused has been wrongly held for many days in police detention in breach of Article 167 of the Code of Criminal Practice (Cr. P.C.), which allows all inmates to be taken before a judge within 24 hours and thus contradicts Article 9(3) of the

Universal Agreement on Civil & Political Rights (ICCPR). Police detention and torture incidents in West Bengal have decreased marginally in recent years. Most referred to the event of human rights abuses in which Bhikari Paswan was removed from his home by the police on the night of 13 October 1993 at about 12-30 a.m. His locations has not been recognized. According to human rights groups, Bhikari, a jute mill officer, was abducted by then-additional police superintendent of Hoogly District Police Harman Preet Singh and his other policemen. He was allegedly brought to a police station in Telinipara, Hoogly, where he was tortured to death. Yet his corpse hasn't been identified yet. The loss of Bhikari Paswan is still a mystery.

ROLE OF PROSECUTION

Today, reverence for the law and fear of law enforcement in India are evaporating from the minds of the offender, and the condition is worsening to a low point on a daily basis. That is attributed to the poor number of prosecutions and the inability of the prosecutors to assert claims beyond reasonable doubt. Trial of our criminal justice system results of defeat due to lack of participation on the part of the complainant, shortage of evidence, shortage of collaboration with the investigating agencies, extensive inquiry processes and widespread collusion at all rates, efficiency in investigation and prosecution, intervention by officials, goondas and the wealthiest in society.

CONCLUSION

The police are working by follow the British rulers. We have a ready-made police department, so the government has retained the same as the previous police system. The entire government apparatus is fully informed of the brutality, arbitrary detention, abuse, bribery and some other mistreatment of the police. Given the reality that they're dealing for a deviated police department. Police operations are conducted unfairly toward minority party people, but as they come to power they protect the same police department and utilize it for specific party purposes. Finally, it should be assumed that government, municipal councils, charitable organisations, private residents and the police will also play an vital part in building a democratic society where there will be little violence and where ordinary people should not be exposed to inhuman abuse.

REFERENCES

A Human Rights perspective of the Criminal Justice Process in India.— Dr. K. I. Vibhute.

Alexandrowicz, Charles Henry, Constitutional Development in India, Oxford University Press, Bombay, 1957.

Are the Indian Police a Law unto Themselves A Rights-Based Assessment- K.S. Subramanian

Austin, Granville, The Indian Constitution Cornerstone of A Nation, Oxford University Press, Delhi, 1996, 2000.

Chaturvedi, S.K., Role of Police in Criminal Justice System, B.R. Publishing Corporation, Delhi, 1996.

Chaturvedi, S.K., Rural Policing In India, B.R. Publishing Corporation, Delhi, 1988.

Crime and Criminal Justice System in India

Criminal Law (Amendment) Act, 1913

Deb, R., Principles of Criminology, Criminal Law and Investigation, S.C. Sarkar and Sons, Calcutta, 1958.

Role of Police in Criminal Justice System. - S.K. Chaturvedi

R. Deb, Criminal Justice, [1st Edition, 1998], the Law Book Company Pvt. Limited, Allahabad, P. 13 5.

S.P. Srinivasan (1987). "Criminal Justice Administration in India; Issue and Perspective," International Journal of Criminology, Vol. 15, P. 99.

Torture, Rape & Death in Custody, Amnesty International India, 1992, Amnesty International Publications, [1st Edition], Easton Street London. P. 76.

<http://www.groundreport.com/Business/Human-Right-organisations-often-accusedBengal-police>, visited on 4-7-2010. 190.2004-2005 Annual Report of NHRC.

www.en.wikipedia.org/wiki/criminal_justice

www.google.com

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