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Good Policing

Why in news?

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The person acquitted after 14 years because there was no evidence against him in the Lajpat Nagar blast case brings out the importance of the findings of the People's Tribunal on Acquitted Innocents in terrorism cases.

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What are the findings?

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- The tribunal, led by former Delhi High Court Chief Justice AP Shah, has talked about the “special nature of wrongfulness in terror prosecutions” and has suggested the government make erring police persons “criminally liable for the malicious acts done by them in their official capacity”.

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- The tribunal went on to say that in testimony after testimony, it heard of illegal and wrongful detention, torture in police custody, forced confessions extracted under duress, long incarceration, repeated denial of bail, to be acquitted finally years after their arrest.

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- This, in a nutshell, reveals the face of our criminal justice system.

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- Repeated lapses in the delivery of criminal justice in matters of terrorism charges are not to be seen in isolation because they have prejudices and social conflicts built into them.

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- It is not surprising that the Muslims form a large proportion of undertrials in India, according to the data of the National Crimes Record Bureau.

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- The Scheduled Castes and Tribes do not fall far behind them.

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- All the data in existence show that it is some communities' constant neglect and marginalisation which lead to prejudices being formed against them, an undertaking in which the moral majority plays no small part and co-opts the police in the exercise.

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What should be done?

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- The question of good policing is relevant mostly to the way it deals with ordinary crime in urban areas, or it affords protection to women and the elderly.

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- But things such as detention without trial, extra-judicial murders, custodial killings, arrests without evidence, etc have much more to do with matters other than policing.

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- In those cases the police are compelled to act because of social pressures; orders, sometimes illegal, from the government; class, caste or community divisions in society; plain party politics, etc.

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- In those cases a police officer, even of high levels, is virtually powerless though he might be conscientious.

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- Hence improvement in criminal justice means much more than uplifting the police system and the magistracy.

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- It means a gamut of changes that lead to empowerment and a redistribution of assets and social power.

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Source: hindustantimes

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