

Golden Research Thoughts

ABSTRACT:-

Institutions are necessary and are eternal part of any democracy. In India, Institutions can be said to be the saviors of democracy because the role it plays in maintaining a balance between the powerful executive and the common men. Institutions play the role of facilitator which balances, promotes and projects the idea of democracy and equality within the preview of common men. Within the ambit of institutions, police force is of paramount importance. The reason for this is not very complex to understand as maintaining law and order is primary task of any state. Therefore, it must be asserted here that police and its capacity to act as law enforcement agency constitutes the essence of secular and democratic India.

KEYWORDS:

Police Station , Trust of People , Jurisdiction.

INSTITUTION OF POLICE STATION NEEDS TO WIN THE TRUST OF PEOPLE UNDER ITS JURISDICTION

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INTRODUCTION

Establishing and ensuring public safety is among government's fundamental obligation to its citizens. The safety of one's life and one property are widely viewed as basic human rights and are essential for overall quality of life of its citizens. Police station is a place established for the purpose of securing law and order for its citizens residing or locating within its jurisdiction. It operates within the framework of law and order and is bound by the spirit of constitution of India. Police station also constitutes as one of the most essential and fundamental link between government and its citizens. It is also one the most deeply penetrated and easily recognizable institutions of our country. Police station also constitutes as the only place which operates outside the preview of caste, creed, color or ethnicity. It also protects people from exploitation, feudal and semi-feudal tendencies and all kinds of in-egalitarian and oppressive structures which operates within a state as heterogeneous as India. Therefore it becomes a categorical imperative for Indian state to maintain police station as the primary place which is free of corruption, red-tapism and all other kinds of menaces which obstructs the faith of people in Indian Democracy.

Nonetheless, there has been an epistemic gap between police and the people. Corruption, bribery, negligence and other isolated incidents have widened the trust gap between citizens and law enforcing agencies. It has created a trust deficit which will eventually come into the way to police to discharge their duty as law enforcement agents. It will also eventually affect the way in which Indian democracy is supposed to work.

Therefore it is of paramount importance that trust be maintained between police station and people operating under its jurisdiction. Building and maintaining community trust is the cornerstone of successful policing and law enforcement. The building and maintenance of trust takes a great deal and continuous effort. Unfortunately, in India the ethical work of thousands of law enforcement officers is easily undone by actions of a few corrupt officers. Often the indictment of one seems like indictment of all. Once misconduct occurs, the internal affairs function of the law enforcement agency becomes the primary method of reassuring the community that the police can and will aggressively address and resolve unethical behavior. In short the integrity of the police will always manifest with the level of community trust that it possesses with itself.

Public support is also vital if the police and other criminal justice agencies are to function, both effectively and in accordance with the democratic norms. For public support it becomes necessary to gain public trust in the institution of police station because when citizen perceive an institution as trustworthy then only then would comply with the institution demand and regulations. We can also derive it from Tyler's reading that "institutional trust motivates compliance with the law." The more citizens perceive the police to be honest and care about their interest, the more they would comply with the police directives. This leads to citizen's increased trust in the police station and police as an institution with the mandate and capability of protecting them.

If we talk about the theoretical perspective of institution of police station and public trust there are many theories which come to our mind. One of the most important is Motive based Trust Theory which offers the basis for understanding the impact of trust on public-police satisfaction. Institutional trust is the belief about degree to which the police are honest and care for the members of community they police. This type of trust exists when members of the public view the police as being honest and competent authorities who comply their institutional responsibilities for all citizens equally. On the other hand this theory involves inferences about motives and intentions of police and reflects the concept of trust. This theory supports the notion that public trust can be predictor of public satisfaction with police. Another theory is propounded by Coleman and Hardin called the Rational Choice Theory. This theory explains how trust in general is created. From this perspective a person will trust an institution only when that person has adequate reason to believe that the institution of police station will save their interest, will listen to them and will try to understand their problem. When the public consider trusting the police beneficial In terms of what they expect from police they end up giving their trust to the police and vice versa. This theory gained a lot of attention in today's contemporary world. One of the best examples of this theory is the workshop carried out in Pune in November 2012 by Sampathik trust with the help of police officers. This workshop was carried out by the help of journalist, lawyers and police officers (after their morning or evening roll call) in police station and the main issue raised in this workshop was *Rights and Issues of Gays and Transgender*. This dialog helped gay and transgender community to approach police without any type of fear from society and from police itself. This workshop helps to impart a kind of security among these that they have same rights as other to approach police and get their rights.

Now question arises that what are the factors that influence the trust of public in the institution of police station? Several studies have been conducted to examine variables that predict trust in the institution of police station. According to Tyler process based judgments are more influential in determining levels of citizen trust. By definition, Process based judgment is the judgment about the manner in which police interact with the citizens and was developed from the social justice literature which implies that citizens reaction to the authorities are influenced by how fairly authorities make decision and how respectfully they are treated.

Generally trust in the police station is influenced by several factors which can be classified as organization and no organization specific. Organization specific factors include factors that the police have control over and can easily determine the level of public trust in the police station. These include public police encounter, effectiveness and procedural justice. On the other hand non organization factors are those that the police have little to no control but can greatly determine the extent of public trust in the police.

Practically speaking there are number of factors responsible for the distrust of public on the institution of police station. Some of them are such as past experiences, Bollywood, Age and Sex of public and many others. Past experiences remind us that if protector becomes predator civilized society will cease to exist. According to *National Human Rights Commission* 39 cases of custodial rape was reported from 2005 to 2010. One of the most recent cases of custodial rape is reported on May 24, 2013 in Mumbai, in which a woman was brutally raped by two police constables inside the police station; another case is that of *Vasanthi v. Home secretary* in which a married woman was raped in police station. On the other hand custodial torture and custodial death is one of the biggest challenges before police station. Memories of “*Bhagalpur kaand*” and “*Ram chander case*” still haunt us today. If we take a look on recent scenario then case of Viji Parmar of Bhavnagar district of Gujrat, Balister in Nababad police station in Jhansi and Aftab Alam of Bihar are some recent example of custodial death. According to the *National Crime Record Bureau of India* there is almost 41 cases are reported of custodial torture or death.

Bollywood has immense impact on the life of Indian. So the role of bollywood cannot be overlooked in making trust of public. In Bollywood war is always between good and evil, good and bad, villain and hero. So sometimes police is portrayed as hero with lots of action and sometimes it is portrayed as a corrupt institution and villain. This helps making the image of police as hero sometimes and sometimes they are seen as villain.

Research on public trust also provides evidence of the effect of age and sex on trust. This research indicates that younger people tend to have lower levels of trust in police station than other older people. Male member of our society have more faith and trust in police station than female. According to report only 30-35 % of cases of eve teasing is reported in police station. One of the main reasons behind this is female thinks it's better to ignore this type of behavior rather than going to police station and reporting the incidence. In a survey conducted by an NGO, it was reported that 48% of women accepted that they did not feel secure in going to police station and reporting against any kind of sexual harassment. Another study shows that people from upper class tends to have higher level of trust in police station and vice versa.

Another finding worth noting is the significant relationship that was observed between corruption among government institution and trust in police station. *Kaarianen* also agreed with the same that corruption affects the trust and belief of people. The possible explanation to this attitude of public is perhaps due to the fact that citizens consider all government institution as one, and subsequently the behavior of one institution affects the level of another institution.

Now another question arises here that what can be done to win the trust of people? According to me, to win the trust of people we need to start communicating with them. Communication can be done through dialog or workshops and other means. This will help us to make a bridge of trust between us. This trust should be two ways it means they trust us and comply with rule and order and we discharge our duty effectively to win and maintain their trust. Workshop conducted by *Samapathik* Trust is appreciable which tried to bring gays and transgender into main stream. More workshops can be conducted in different parts of the country according to their need. Here it is noteworthy to remind the Neo-Durkheimian model which holds that confidence in police institution is rooted not in fear or risk but more symbolic yet day-to-day concern about citizen and collective efforts.

For gaining trust of people we have to strictly comply with the guidelines given by the Supreme Court. For example guidelines given in the case of *Sheila Barse v. Union of India* which is regarding the role of women police officers in police station. But if we take a look on the percentage of women police officer in India we will find that women constitute only 5.33% of Indian police. Guidelines are given in other cases such as *D.K Basu v. State of West Bengal and Kartar Singh v. State of Punjab* compliance with which help a lot not only to public but police also in winning trust.

Besides police officers need to be provided with the basic knowledge, awareness, and skill to carry out their role in diverse society. This should ensure that, in addition to the provision of basic knowledge and skills about community and problem solving approaches, they are also made aware of the specific vulnerability of people under its jurisdiction to racially motivated violence and racist discrimination. This should also ensure that they are able to treat people under its jurisdiction appropriately and fairly and that they respond sensitively to cultural differences in matters such as issue related with transgender, women and other part of society. Different community have different problem and should be address differently. We cannot train all police officer in a similar way and expect them to solve the problem of South India and north eastern state with same efficacy. For example our North-Eastern state have very lower rate of sexual crime, being a matriarchal society problem of law and order over there is completely different from that of Rajasthan and Haryana where gender based crime is a major problem.

If we take data from *National Crime Record Bureau* and analyze the nature of crime state-wise we will find there is a huge difference between the crime committed in south, north or east. For example highest custodial death is reported in Maharashtra and Andhra Pradesh, so adequate step should be taken in these state to stop this. On the other hand custodial rape is a major issue in a state like Uttar Pradesh and Maharashtra. Similarly states of south India have higher rate of literacy than the north India, so interaction in different manner. It is essential that training address the issue of prejudice and stereotyping of different community in its jurisdiction as potential obstacle to fair and professional treatment. The main emphasis in training and professional development should be on helping police officers in practical way to carry out their everyday role in its jurisdiction in a manner that complies with professional policing standard and international human rights commitments. Furthermore, police officers must be made aware of the benefits from improved relation with the people under its jurisdiction for the effectiveness of their work. When citizens perceives police station as trustworthy, the more likely they would comply with the law and order

which will help in the smooth running of the society.

For winning the trust of people police must be aware about the need of people under its jurisdiction. In order to know the need of people under jurisdiction or of that community and to have their support in crime prevention, the police should establish partnerships based in accountability, mutual respect and communication on equal footing. Therefore both police and the people need to be trained in communication and understanding their role right and duty in partnership approach. Examples of formal and informal interactive forum for communication are Community Advisory Boards, Joint Police Community Workshops, Public Meetings or Open Police Days. In order to elicit a broad range of view and to reach each and every people under its jurisdiction these public segments should be open to all members.

Since some of our community have negative encounter with the police in many parts of country, the police may need to invest special efforts in building relation of trust with the community. For example special attention should be given to schedule tribes and people from lower strata of society so that they can come to main stream of our society and discuss about their problem without any fear.

Last but not the least, people will only develop trust in police if the police demonstrate on a daily basis their willingness and capacity to deliver professional, human rights quality based service, particularly those field of activities with potential with conflict and tension. In these activities the police must demonstrate their commitment and ability to treat each community (caste and religion) fairly, to mediate impartially between the interests of different community. Yet we know little about the forms of social perception that stands prior to public confidence and police legitimacy.