

# ONE OF DRAWBACKS OF MODERN INDIAN POLITY- THE WHITE COLLAR CRIME

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## **INTRODUCTION**

Independence was declared in India in 1947 by the Britishers and the country became sovereign India. The constitution of India came into existence on **26<sup>th</sup> January 1950**, the states had merged in the Indian Union under one flag.

The constitution gave many rights to the states, one of which was its own police force, to **control of the law and order, under the rule of law.**

The Indian public expected that some changes will come in the activities of the police force which was before 1947 working under the police act of 1861 made by the Britishers to control the Indian public not allowing them to participate in the Indian Independence movement.

## **POLITICIZATION OF THE POLICE FORCE**

The public was now in shelter of the politicians. The political leader became to direct the police to control their political opponents. In its reaction the public anger, criminal attacks by the crowd and Naxalite movement etc. were felt.

The communist party of India which had always criticized the British colonial rule, are now in free India not willing to make proper changes in the old British time police act of 1861 as per free India's modern generation will and the police is continuing the same attacking tactics to suppress the India public as before it had been doing during the colonial rule.

The difference is only felt that now "*Kale Angrej*" have taken over the rule.

## **MANY FOLD POWER OF POLICE**

The police is a state organized body to perform the duties to control land & order, to control the traffic, VIP duties, investigation of crimes, enforcement of laws, prosecution, jail administration, reforms of the offenders, territorial force duties, work during natural disasters, fairs, lost person, properties and help to the poor etc.

## **CRIMINALIZATION OF POLICE**

The police has become a total of politicians. They acquire tactics to help their political leaders to bring situations in their favour and for this their conducts, rules are suppressed under political pressure in most of the cases. The investigations are delayed and evidence is thrashed by the laps of time.

## **PROPOSED REFORMS**

Sorabji committee recommendation of the National Police Commission and the directions by the Supreme Court of India in this matter have said much about the amendment in the police act of 1861 according to the free will of Modern Indian Society but very less action has been taken by the politicians in power in this matter.

## **THE WHITE COLLAR CRIMES**

The police is not able to control the crimes because of the organization of the corrupt politicians and the top police bureaucracy and as much result in the white collar crimes, when the police cannot properly investigate into crimes done by its of own force, under pressure of the politicians in power.

The goondas who work under the political shelter also become political goondas and they freely work for the ruling party helping them with the cooperation of the police force towards winning the elections by illegal means.

Many of the elected member from the political field come from criminal field, handle the black money in purchasing of votes, by distributing illicit liquor, TV, motor cycle, cars among the votes, distribute cash during religious public functions, carry voter in private transport during voting.

The police force under pressure of these politicians become silent on looker, the states make rule of as per their convenience.

The Allahabad High Court passed a remark on such police activities & said the “*Police is a organized group of Criminals*”.

### **NOT GOOD IMPRESSION ON PUBLIC**

The general public is afraid to go to the police station to register the FIR they are not sure that their reports will be registered by the police at the police stations without political influence.

The Police who is a pillar of the society has been misused by the political leaders for their own purposes and so its image has been distorted much in the general public which is unfortunate.

### **DEFECT OF ADMINISTRATION**

The number of police force is also not as per requirement and due to shortage or the police force the law & order is not properly been maintained with ease in thickly populated country like India.

This politicization and criminalization of the police force was pointed out in Rebero committee, Padmanabhiah committee in their reports.

The Supreme Court also directed to constitute National Security Commission, State Security Commission Police establishment board, separate investigation, police complaint authority, ensure merit basis appointments from time to time. Before this, since independence in 1947, the Kerala Police recognition, committee, Gore committee and reforms commission have been formed in this respect.

### **MULTI-PARTY SYSTEM & COALITION GOVERNMENTS ARE MORE RESPONSIBLE FOR THIS**

In modern India, the country chose multi-party system for its democracy. It is among the largest democracies of the world. The multi-party system gave many drawbacks to the system also. The number of representatives became very high and nobody could get the majority. Hence many parties joined hands to form the government.

In such situation, the agenda of a single party did not work. All the parties getting majority have their agenda. So a common minimum programme is formed for handling of the government. There is no evil in forming a coalition government but the side effects are great. There is always a difference between the ideology of the parties and hence they even united to work together but are dragging each other continuously in their direction known as “polygon of forces” in geometry, the same principle applies in case of coalition. No position is stable and equilibrium is not maintained on a different direction where balance of power meet. In this process, the principles as the parties vanish and only workability is in progress giving result to adjustments only.

### **INVISIBLE SYSTEM OF WHITE COLLAR CRIME**

The police becomes a tool to support the political leaders. They use it in their own manner to serve their own purpose not being of a standard procedure but an adjustable procedure of any how to work out their problems. This gives birth to corruption. The police becomes a tool to the politicians. It is not a police force but it becomes a “political force”. The political leaders also have lost their principles and due to corrupt practices in winning of election they use the police as their tool. This gives birth to criminalisation and the relation between the corrupt politicians and the bureaucrats of the police force drags them towards “*White Collar Crimes*”. This is called white collar crime because the police cannot investigate the political police force’s crimes. Even the top brass is also **underground as a “glacier”**. The visible portion is the low quality ground workers who give task to the crimes on the fore front and in the background are the high powered police officers and their political bosses who are not visible but are with them like “**glaciers**”. Even the police can arrest only the small sheeps and produce them before the law but the “**Black Sheep**” are out of the reach of the police.

### **SOME PROPOSAL TO IMPROVE**

1. The political pressure to be reduced because it cannot be totally removed. We see it in 2G Ghotala, coal ghotala where the fish are under water & out of the reach of the investigators.
2. Independent investigators.
3. Separate police body.

4. Compulsory entry of FIR.
5. Accountability of each staff.
6. Duties reestablished.
7. Reforms of offenders.
8. Handing over extra duties to other organization such as duties of VIP, traffic, public duties of fairs, help of poor & unwell natural disasters, lost person, animals community welfare etc.
9. Hitech procedure.
10. Corrupt practices by the investigating agencies must be pointed out & eradicated by supervisory higher agency & spotting of wrong person.
11. Raising the service conditions.
12. Fresh code of conduct.
13. Recruitment & transfer policies.
14. Fixed tenures given.
15. Police complaint authority to be set up.
16. National & State securities commission already under proposal must be brought to task under an effective procedure.
17. Eight hour shift in police force.
18. FIR against corrupt policemen.
19. Homogeneous police procedures for the whole country.
20. Forensic labs increased.
21. Control on medical reports.
22. Timely investigation. Time limit must be fixed on each investigation at the beginning could be extended by a court order only.
23. Increase transparency in police functioning.
24. Trained Cyber Crime experts.

### **IN THE LAPSE OF TIME**

The police has not advanced satisfactorily in their job since the independence. Most important is that the police itself is not able to control the white collar crimes because police is involved in these crimes and that too with a political pressure. Nearly 40% of the elected political representatives come from criminal background and are supporter of the crimes with politically

powered field, after they come into power. The police openly helps the criminals under their pressure. The policemen are found involved in heinous crimes like rape, murder, custodial deaths corruption, domestic violence, dowry death etc.

It is a general tendency of the corrupt & criminal police officers that they increase contacts with rich, corrupt and politically strong people. The crimes in kasbas are very spread up in every field. Station house officers are dictators and many states are understood to have been working without any control over law & order.

### **ABOVE POSITION MUST CHANGE**

The change in the working of the police system can be easily done by adopting the latest techniques of work & high-tech police stations working with the help of software, working with the help of software engineers and strict supervision by a newly established high-ranking police agency trained in this respect and free from political disturbances.

### **CAN IMPROVE THEIR WORKING ABILITY BEHAVIOR**

People complain about the rude behavior of the police & they are criticized for their capacity to proper work. 70% of the policemen do not get weekly leave. Mostly they work for more than 8 hours. If the duties of the policemen be arranged in a proper manner under “**an eight-hour shift policy,**” with distribution of work, responsibility fixed according to work, responsibility fixed according to work, making available the holidays, can improve their working abilities and behavior.

In the existing system, mostly the system lets remain the dirt under the carpet. If a citizen complains about the police, the senior officers must decide the seriousness by the complaint and take proper action. If not satisfied “**the non-statutory district police complains authority**” headed by DM senior ADJ and senior DSP, with eminent citizen nominated by DM can look into the matter to expedite in a proper manner having an independent investigation. No public accountability system can be successful if it fails to win the public’s confidence.

The trend of all over the world is to set up complaint mechanism under law & investigate themselves under fair & independent procedure in case of complaints against the police. In USA, civilian complaint. Review boards have been widely set up. These an independent

civilian agency empowered to receive investigate hear make findings and recommend action on complaints against the police officers.

In UK, Macpherson committee set up, recommended that serous complaint against the police officer should be independently investigated. The same has been accepted by the government.

**In Northern Ireland**, Palton commission set up recommends that appointment of Ombudsmen to ensure fair impartial, independent investigation for citizens complaints against the police.

The civic oversight of policing is increasingly been accepted as most essential requirement of democratic policy all over the world.

Against the present trend against the investigation of white collar crimes in India, the definite need to regulate control police powers by establishing accountability, quick effective working and impartiality, can win the public credibility.