

Police Corruption in India

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Abstract

Police as a Law enforcing agency is an important institution of that social control which existed in some form or the other in all society in all ages. Police is an integral part of the present day society. A society in the present set up cannot live and progress without an effective, sincere and honest police force. The Indian police have its roots in the ancient period and the present day police are the outcome of an evolutionary process. The bad things which it has inherited from the old system include corruption among policemen today. Corruption exists in one form or the other in the police system. Corruption has infected every sphere of modern life. It has vitiated the moral values of the society and the police force cannot be an exception. In fact, corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness. In this paper an attempt has been made to discuss the various aspects of police corruption in India. The author has tried to discuss the various factors responsible for police corruption and suggest some remedies to control the corruption among policemen. The main objective of the paper is to discuss the extent, causes and remedies of police corruption and explain the extent of distrust that create against police due to corruption. The basis of the discussion is from secondary sources like police commission reports, books, magazines, news paper, and other sources.

Introduction

“The frog does not drink up the pond in which it lives”. - American Indian proverb

The Corruption in India is all pervasive; leaving no section of life untouched. Corruption is spread over in the society in several forms. Of these, the major forms are: bribe (money offered in cash or kind or gift as inducement to procure illegal or dishonest action). There are about forty ways of embezzlement; what is realized earlier is entered later on; what is realized later is entered earlier; what ought to be realized is not realized. It is possible to mark the movements of birds flying high up in the sky, but it is not possible to ascertain the secret movements of government servants”. The ancient lineage of corruption in India sanctioned by tradition is evident by these words of Kautilya, the author of ‘Arthashastra’ provide an important clue to the character of a political regime.³ India is no longer considered a soft state as political scientists once used to call it. It has now become a kleptocracy, a consideration state, where everything to be had can be had for a consideration. The police Department is said to be the most corrupt department where bribes are taken by constables upwards to high status officers. What is surprising is that the police take money both from the accused and the complainants. The powers enjoyed by the police are so wide

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³ B.K.Prasad, *Social problems in India*, Anmol Publication Pvt Ltd. New Delhi. Pp.341, 2004. Vol.II.

that they can accuse, arrest, and harass even an honest person. Cases of beating the poor people (e.g., rickshaw-pullers, labourers, shopkeepers, vendors, etc.) on small pretexts and taking away all the money in their pockets, accepting money from truck-drivers, taking 'hafta' (weekly fixed amount), from shopkeepers and the like are very common cases of corruption. In police department, the rate varies for a constable from Rs.10 to Rs.2,000, for a sub-Inspector and inspector from Rs.2,000 to Rs.10,000, and for deputy superintendent and superintendent from Rs. 10,000 to Rs. 20,000 or more.⁴ The corrupt situations involve individuals and groups in singular and or plural, by and large it is a two way system based on 'give and take' principle assuring mutual interest devoid of any social considerations. In wider sense "Corruption refers to not only all sorts of "improp or selfish exercise of power and influence attached to a public office or to the special position one occupies in public life" but also includes bribers' dealing.

"Corruption" is defined according to Webster's dictionary, as inducement by mean of improper consideration to commit a violation of a duty. This inducement is not necessarily mean that it should include money only. This can be price rewards gifts or favour also. The Santhanam Committee Report 1964 defines corruption as "improper or selfish exercise of power and influence attached to a public office or to a special position one occupies in public life". The Santhanam Committee has also referred to this trend and observed "we heard from all sides that corruption in recent years spread even to those levels of administration from which it was conspicuously absent in the past... The general impressions are unfair and exaggerated. But, the very fact that such impressions are there, cause damage to the social fabric".⁵ Corruption in simple terms may be described as "an act of bribery". It has been also described as "the public power for private profits in a way that constitutes a breach of law or a deviation from the norms of society". D. H. Bailey has explained it as "misuse of authority as a result of consideration of personal gain which needs not to be monetary". "Police Corruption is the misuse of police authority for personal gain" The widespread corruption is not the problem of Indian police only. We find that in USA the law enforcement agencies are full of major scandals. The widespread corruption in police dept in USA even reported by Knapp Commission in 1972.⁶ The British police also suffer from this problem. The Royal Commission on police in 1972 found that 42.4 % people a thought that there was some truth in the suggestion that police sometime take bribes. The situation in India also is not too good. The corruption in police has become a byword in India.

The word 'Police' or a policeman is supposed to be derived from the term 'Peelman' who had been appointed in Britain for 1st time by Sir Robert Peel in the 19th century. The entire police system of a police reflects the character of a society in which they are working. The corruption in the police cannot be looked and explained in isolation. We cannot expect that a police officer should be honest when the whole society is depending and employing corrupt means for its upliftment. The Indian Penal Code section 161 defines corruption as illegal gratification and includes in it not only the pecuniary benefits but other types of gratification also.

Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gain, or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest.⁷ Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gain, and/or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. One common form of police corruption is soliciting and/or accepting bribes in exchange for not reporting organized drug or prostitution rings or other illegal activities. Another example is police officers flouting the police code of conduct in order to secure convictions of suspects- for example, through the use of falsified evidence. More rarely, police officers may deliberately and systematically participate in organized crime themselves. In most major cities, there are internal affairs sections to investigate suspected police

⁴ Ram Ahuja, *Social problems in India*. Rawat Publication, Jaipur. Pp.450-452. 2006.

⁵ The Santhanam Report-1962. Govt of India. Available at: www.Google.com. Accessed on 04.11.2012

⁶ Radzinowics and Wolfgang, (Edited), *Crime and Justice*, Pp.162. 1977. Vol.II.

⁷ Available at: http://en.wikipedia.org/wiki/Police_corruption. Accessed on 03.11.2012

corruption or misconduct.⁸ Article 7 of the United Nations Code of Conduct for Law Enforcement Officials says that ‘Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts’. The Value of petty corruption in Police (Crime/Traffic) in the country is estimated at Rs 3899 crores per annum.⁹ The various police Commission reports have also accepted and criticized police for corruption. The police Commission of 1902-03 found a strong evidence of corruption among policemen particularly among the station house officer throughout the country. The report discusses the extent of police corruption as under: ‘The police officer may levy a fee or receive a present for an every duty he performs. The complainant has often to pay a fee for having his complaint recorded. He has to give the investigator officer a present to secure his point and earnest attention to the case.’¹⁰ The various police commissions appointed in the states of Kerala (1960), West Bengal (1960-61) Bihar (1951) Delhi (1967-68) UP (1990-71) Punjab (1961-62) etc had a unanimous opinion that corruption is widespread in police force.¹¹ The UP police Commission 1960-61 is critical of police corruption and observed “The police dept is no better today; there is little doubt that corruption is rampant in the non Gazette rank of the police force. Imitation of corruption against Gazette rank is not wanting but they are not so pervading in their character”. The national police commission 1980 is more critical about the problem of corruption among the police. It has observed that “with more rampant corruption police today with the active connivance of numerous local dadas and unprincipled man in public life. The commission has underlined various situations in which the mal practice is common such as bribe connected with arrest, fabricating false evidence, extortion of periodic payment or hafta. Bribe received for registration of case etc”. Thus, Police Corruption is exists in India.

Corruption: Historical Perspective

Corruption is a global phenomenon. It is found in every society in one or the other form since time immemorial. In ancient times, the judges received bribes in Egyptian, Babylonian and Hebrew societies. In Rome, bribe was a common feature in elections to public offices. In France, judicial offices were sold during the fifteenth century. England was described as a ‘sink-hole’ of corruption in the seventeenth and the eighteenth centuries. In the nineteenth century also, corruption was so rampant in Britain that Gibbon described it as the most infallible symptom of constitutional liberty.¹² Kautilya has referred in his ‘Arthashastra’ to embezzlement by government servants out of the state revenue. He has mentioned about forty ways of embezzlement; what is realized earlier is entered later on; what is realized later is entered earlier; what ought to be realized is not realized. It is possible to mark the movements of birds flying high up in the sky, but it is not possible to ascertain the secret movements of government servants.¹³ During Ashoka’s regime, Corruption prevailed on a lower scale.¹⁴ In medieval society, scope for corruption was minimum because only few authorities existed for the collection of taxes. So long they amassed wealth; they were praised rather than highly-placed British officials too. Clive and Warran Hastings were found corrupt to an extent that they were tried by the parliamentary committee after their return to England. The

⁸ Available at:http://en.wikipedia.org/wiki/Corruption#_Executive_System 28Police Corruption.29.Accessed on 03.11.2012

⁹ India Corruption study 2005.volume 9, corruption in Police Department 2005. Centre for Media Studies.

Transparency International India. New Delhi. Available at:

http://en.wikipedia.org/wiki/Corruption#Executive_System.28Police Corruption.29.Accessed on 03.11.2012

¹⁰ Bailey D H, *Police and Political development in India* Princeton University Press. New Jersey: 1969.

¹¹ Quadri M A, “*Police and Law: A Socio-Legal Analysis*”. Gulshan Publishers, Srinagar. (J&K), 1986.

¹² Seminar, No.421, Looking back: a sampling of vintage. Paper. Sept. 1994

¹³ Samasastry R, *Kautilya's:Arthashastra*, Mysore Printing and Publishing House, Mysore., Pp.15-17, 1967.

¹⁴ (1960) Manjumdar, *Public Finance in Ancient India*, Motilal Banarsidass, Delhi. Available at: books.google.co.in/books?isbn=8170170729. Accessed on 16.11.2012

expansion of the economic activities during the first and second world wars opened new vistas of corruption in the country. The Bofors, HDW Submarine deal, Airbus deal, ABB Loco deal, Jain Hawala Racket, Sugar scam, Security scam, Urea scam, Fodder scam in Bihar and Tehelka tapes, etc., are a few instances. These scams, which surfaced were only the tip of the iceberg. Majority of these scams related to “public expenditure” by the Central and State governments. Equally alarming are the cases of corruption in the collection of public revenue and arrears thereof. The corrupt practices in the realization of direct and indirect taxes, non-recovery of loans from industrialists, money-laundering in the banking sector, etc., have resulted in the loss of thousands of crores to the national exchequer. Over the years, the corruption has spread to other areas of police as well. This was largely due to the steady expansion of the role of police in view of the enactment of a number of social and other legislations that are to be enforced by the police. “The success of any social legislation depends on the effectiveness of its enforcement and police have a protective as well as promotional role to perform in this sphere”.¹⁵ Corruption is a complex problem having its roots and ramifications in society as a whole. Hence, police corruption exists in India to the present day and continuing its menace affecting the rural and urban poor at large.

The sort of corrupt acts that have been committed by police officers have been classified by Tim Newburn¹⁶ are as follows:

- ❖ Corruption of authority: police officers receiving free drinks, meals, and other gratuities.
- ❖ Kickbacks: receiving payment from referring people to other businesses. This can include, for instance, contractors and tow truck¹ operators.
- ❖ Opportunistic theft from arrestees and crime victims or their corpses.
- ❖ Shakedowns: accepting bribes for not pursuing a criminal violation.
- ❖ Protection of illegal activity: being "on the take", accepting payment from the operators of illegal establishments such as brothels, casinos, or drug dealers to protect them from law enforcement and keep them in operation
- ❖ "Fixing": undermining criminal prosecutions by withholding evidence or failing to appear at judicial hearings, for bribery or as a personal favor.
- ❖ Direct criminal activities of law enforcement officers themselves.
- ❖ Internal payoffs: prerogatives and perquisites of law enforcement organizations, such as shifts and holidays, being bought and sold.
- ❖ The "frame-up": the planting or adding to evidence, especially in drug cases.
- ❖ Police hazing² within law enforcement.
- ❖ Ticket fixing: police officers cancelling traffic tickets as a favor to the friends and family of other police officers.

¹⁵ Aparna Sreevastava, *Role of Police in a changing society*, APH Publication, New Delhi. 1999.

¹⁶ Tim Newburn, " Understanding and preventing police corruption: lessons from the literature", Police Research Series, Paper 110, 1999. [http://en.wikipedia.org/wiki/ Police_corruption](http://en.wikipedia.org/wiki/Police_corruption). Accessed on 03.11.2012.

Reasons for Police Corruption

In fact, corruption in one form or other had always existed in the country. Corruption has infected every sphere of modern life. It has vitiated the moral values of the society and the police force cannot be an exception. In fact, corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness. There cannot be a single cause/factor responsible for police corruption in India. The historical analysis of police working has shown that corruption among the policemen in British India was wide spread. The reasons may be different. In India, the recruitment policy of the government is defective. The first rate person did not like to join in the initial stage of its development. The salary structures, nature and hours of duty, accommodation problem and certain administrative and organizational problem are the other factors responsible for the police corruption. It is also due to growing influence of unscrupulous public men and politicians.¹⁷ According to a report, “the strength and the quality of the policemen have not kept pace with the demands of a rapidly expanding economy and administration. This has resulted in supervision becoming low and ineffective and in enlarging the scope of corruption proportionately”.¹⁸ Police have many limitations on the effective enforcement of legislations. The ambiguities in many of these legislations coupled with the police discretion “to act or not to act” in respect of certain offences under them give ample opportunities to the personnel to resort to corrupt practices during the enforcement of such acts. For example, police discretion would prevail upon all other factors when a question is to be decided whether the provisions of the ‘Prevention of Sati Act – 1987’ can be attracted against the relatives of a widow who committed Sati at her own will. Same is the case with a number of other offences like child labour, untouchability, immoral traffic on woman, indecent representation of women, etc., which are brought under the ambit of a plethora of social legislations. An equally disturbing trend is the mounting incidence of corruption in police while dealing with gender issues like dowry deaths, exploitation of women, etc. Hundreds of unnatural deaths, which fall under the above categories, are closed without proper investigation.¹⁹ For instance, out of 714 unnatural deaths of married women below the age of 40 reported in Bangalore in 1997, 455 were death by burning. These cases were routinely classified as ‘stove burst’ or ‘kitchen accidents’ and subsequently closed as accidents without investigations.²⁰

The major source of corruption in the police is the vast power vested in a police officer in a day to day working. Today police corruption is common feature in all situations where they have discretion and where they are in a position to use that discretion. One such example is the enforcement of prohibition laws.²¹ As the popular adage goes that “Power corrupts and absolute power absolutely” two cognitive features of police viz. power and discretion give ample scope for the police personnel to indulge in corruption. They enjoy wide powers while discharging the core functions of police viz. maintenance of peace and order and prevention and detection of crime and criminal activities. Similarly, police discretion is a double-edged sword that can be used or misused by the personnel on the mosaic of law and order situation. Though the personnel are bound to exercise these unique features strictly in accordance with the procedures that lay down processes and formalities, those intoxicated with tremendous powers and dominated by selfish motives can misuse them with a view to attaining private gains. Such “deviant behavior” of the personnel appears in different forms in many areas of policing. Payments of bribes for postings and promotions are a well-known phenomenon in Police department. As a result, the Policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a

¹⁷ Afzal Qadri S M, “*Police Corruption: An Analysis*”, Indian Journal of Criminology, Vol.22 (1). Pp.5-8, 1994.

¹⁸ National Commission Report, 1980

¹⁹ (2004) Thomas, “*Corruption in Indian Police*”. Available at: <http://www.svpnpa.gov.in/htmlpublications.OldJournalsuploadJournals2004janjun.pdf>. Accessed on 01.11.2012.

²⁰ Deccan Herald – July 9, 1999

²¹ Rajan V N, *Administration of Law and Order*, Indian Institute of Public Administration, Jaipur. 1979.

tool for getting better return on “investment”.²² A study conducted by National Council of Applied Research (NCAER) about living and working conditions of constabulary in Delhi and Uttar Pradesh reveals that 53% and 43% of constables in Uttar Pradesh and Delhi respectively were transferred from one District to another or from one place to another in less than a year. Corruption seems to have become a way of life in the country. Though the quantum of corruption in police is not as high as that in several other departments, its extent is quite wide spread and the consequences are more serious. The cancer of corruption in police very often jeopardizes constitutional governance and acts as catalyst in the violation of Civil and Human rights of the citizens. The fact that bribe giver is often in distress and the capacity of the personnel to use or misuse their powers and discretion to extort bribes leads to wide spread propagation of the image of police as the most corrupt wing of the State. The lack of consonance between the empirical existential reality of police and its cognitive perceptions in the public mind also contributes to the crystallization of such an image, which to a great extent is the product of hearsay and media built stories. A police force whose image is corrupt and partisan is bound to evoke negative feelings among the public and cannot effectively enforce the role of the law in a democratic set up.

Suggestions for Controlling Corruption

The Corruption in Police can be controlled through the following ways:

Local policing – More Responsive and Accountable Enforcement

There are several policing functions that concern the day-to-day life of common citizen and are very local by nature e.g. patrolling, traffic regulations, prosecution for offences like public nuisance or eve teasing. The enforcement of law for these cases could be entrusted to a local force accountable to panchayat or citizen committees. This local force will have a small area under its jurisdiction, resulting in better interaction and involvement with citizen.

Making Transfers and Promotions Transparent

Payments of bribes for postings and promotions are a well-known phenomenon in Police department. As a result the Policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a tool for getting better return on “investment”. Also transfers are also commonly used as a retribution tool against officers as a pressure tactic. However, if a system could be designed where postings are automatically generated by software after a given time interval for each employee, a big chunk of corruption can be eliminated. Similarly objective criterion for promotions could be articulated and publicized so that individual judgment plays a limited part in promotions. This will reduce the need for bribes in order to get promotion

Use of Information Technology

Non-registration of complaints is the most common grievance of citizens interacting with Police department. Since the registration of complaint or FIR is the first step in justice delivery, citizen is forced to pay bribe. Use of technology for reporting and handling of cases can play an important role in arresting corruption. Filing of cases could be done through Internet and if required detailed information can be given later on. Case status could be made available online to bring in more transparency and make the

²² (CMS Study 2005). India Corruption Study 2005. VOL. 9, ‘Corruption in Police Department’. July 28, 2005. Centre for Media Studies. Transparency International India. New Delhi

Police force more accountable. FIR could be registered/ receipt issued through check posts or mobile vans.

Performance Monitoring

Establishing a system for monitoring the performance of Police can substantially increase the accountability of the force. Objective performance and efficiency indicators can be chosen and tracked to monitor the performance of the Police force. This will lead to having clear improvement goals for the force on objective and measurable parameters.

Minimizing Political Interference - Greater Functional Independence

As advocated by National Police Commission a Chief of Police of a State should be given a fixed tenure of office so as to encourage functional independence. It has been commonplace in India for transfers and postings of officers to be used as a kind of reward and punishment, as a result of which, many chiefs of police have had allegiances to political parties. Also the selection of Police Chief could be entrusted to an expert committee (may be headed by UPSC chairperson). The committee may be given a pre-specified number of candidates, decided on the basis of seniority, to choose from.

Introducing greater accountability

In today's scenario, there is very little accountability of Police to the citizen with regard to satisfactory delivery of services e.g. if a Police officer refuses to register a complaint. Unlike in other services like electricity or telecom, where if a citizen is not satisfied with the complaint redressal by the department, it has the option of going to the independent regulator, there exist no such mechanism in case of Police. It is very essential that accountability of officials at different levels be defined and a degree of immediate proximity to the people and third party intervention introduced. Public hearings could be an effective tool for this purpose, as shown in experiments with other services. A system could be introduced where; a few complaints against police are picked up every month (or some pre-decided time interval) for public hearing. The public hearings could be conducted by a panel of retired judges and prominent citizens.

Conclusion

Unlike the other executive wings of the government, the police, which has maximum visibility in the society, their omissions and commissions rapidly attract public attention and spread like a wild fire through gossip and hearsay. As the police wear a mantle of defensiveness and many of their functions are shrouded in secrecy, there is a tendency to mythicise or sensationalize such lapses like corruption. The image of police so created in the minds of people always remains poor and sullied. No doubt, public awareness of policing has risen tremendously, but issues like corruption are such hidden areas where facts, fiction, myth, perception and reality are very intricately interwoven. The defaulting policeman becomes a symbol of the entire organization and his misconduct would be used as a powerful weapon to tarnish the image of the force. Thus the major task of the police in the new millennium is to refurbish its image for which reforms at and personnel levels are imperative. Ronald Segal aptly said that "Corruption like sacrifice, starts at the top & percolating down, colours the whole society". Hence, nationwide determination to combat corruption and a strategy of well designed action and follow-up is needed to control the menace of police corruption in India.