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# **Threats of Police Forces to Democracy in Indian Context: An Explanatory Study**

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## **ABSTRACT**

The most visible part of any democratic country including India, is the police force and their role in sustaining democracy is crucial as they are entrusted with the responsibility to maintenance of law, order, peace and tranquillity in the society. To smoothly discharge their responsibilities, the Indian government has given them powers. However, there many instances of misusing these powers by police forces and acting threat to a democratic regime. Hence this paper analyses the relationship between democracy and the police force in the context of India from three perspectives: One, status of police force in democracy; two, demands of democratic policing and three, threat of police force to democracy. The research is a non-doctrinal study and relies on only secondary data. The study is analytical and explanatory in nature. It concludes that, sagacious usage of power by police forces as well as sound political leadership are essential to prevent the undemocratic behaviour of the police forces.

*Key Words: Indian Police, Police Forces, Police Administration, and Democracy*

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## **1.1 Introduction**

Democracy means a rule by the people or the majority's rule. In a democratic country, people possess the supreme power; and the majority or most of the people are in a position to make decisions or influence decisions in favour of their common interest, thereby ensuring their collective well-being and welfare. It also means that a particular person, family or a group of people cannot rule the people; rather people rule themselves through collective efforts. India has adopted the indirect democracy or representative democracy or parliamentary democracy in which the elected representatives like Member of Parliament (MP), Member of Legislative Assembly (MLA) and Member of Legislative Council (MLC) rule the nation on behalf of the people because the people collectively delegate their supreme power to these representatives through periodic elections for a fixed term.

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## **1.2 Status of Police in Democracy**

The important pillars of democracy are the legislature, executive, judiciary, and media; and the police forces act as a backbone of these pillars. It is because of the functions of police forces, such as maintenance of law, order, peace and tranquillity, enforcement of the law, and providing support services, etc., The legislature can convert the needs and aspirations of the people into acts; the executive implements such acts, the judiciary interprets these acts and the media reach out the public about these acts. In India, enforcing the laws duly enacted by the elected governments is not only a core function of police, but they also implement the orders of the courts and executives. Police do facilitate the implementation of other laws, rules, acts, policies, programs, functions, and schemes of the government, which might not be directly related to policing, but without the support of police, it would be hard for them to achieve success. Hence, without a sound police system, it is next to impossible for any democratic nation or any state to function successfully.

The police forces in India are created based on the merit system (all eligible candidates have the right to join the police force without any discrimination but only based on their merit and competency), permanency (policemen serve the police organization till his retirement), and impartiality (not biased to anyone or any group). Hence, the police organizations provide stability, continuity, order, and peace for the democracy in the nation, irrespective of the political, social, and economic situations.

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## **1.3 Demands of Democratic Policing**

Democratic style of policing demands people's active participation in policing, encouraging them in the decision-making process through group discussion; establishing free and easy communication between the people and the police; transparency in police administration; equal treatment of all

people irrespective of their background and status; social responsibility of police forces; friendly, compassionate, empathetic and respectful behaviour of police with the people; neutral and impartial policing; police not annoying or not harassing the people; respecting, promoting and protecting fundamental rights, freedom, and privacy of the people. As a key instrument of democracy, the police forces also contribute to attain welfare goals, provide rescue and relief operations during natural calamities; control violence and disorder in the society; facilitate amicable adjudication of minor issues between the people; create deterrence for criminals; ensure a sense of safety among the public; serve the needy with empathy and compassion and to the development of the nation.

The police forces are subjected to a democratic regime in India, in which they are subjected to the rule of law. Hence, they cannot act as per the whims and fancy of their own or under any specific powerful person or group. The police forces can use their powers to intervene in the life of citizens only under limited and carefully controlled circumstances. They have specific responsibility and accountability under the democratic regime. Since India has opted for a parliamentary democracy, the executive (council of ministers) is accountable or responsible to the legislature or parliament. Thus, police forces are accountable to the elected political leadership or ministers; however not to the elected political party. Acts and omissions of the police officers shall be questioned and controlled by the parliament and the ministers. In India, police forces are not controlled by a particular individual, family, or group of people but the people as a whole. The people are the ultimate bosses of the police forces; political control and hierarchy of police are only for administrative convenience. This is because of the presence of popular control or the control of the people over police forces in India. A neutral police force is responsible and accountable not just to the present government, but also to the Indian Constitution, to which they have sworn allegiance.

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#### **1.4 Police as a Threat to Democracy**

Police forces are both a big supporter and a serious threat to a democratic society, which is ironic. When police operate under the rule of law they may protect democracy by their example of respect for the law and by suppressing crime, and by police playing the role as moral and legal agents. However, some of the undemocratic acts of the police are detachment from the public, increased corruption, lack of transparency and accountability, resistance to change, excessive or unreasonable use of force, covert surveillance, leaking personal information of the public, engaging in summary punishment, to stop, search, detention and arrest citizens illegally, violating the fundamental rights of people, working against the democratically elected government and interest of the people, developing an explicitly political fashion, serving the partisan interests of the ruling party or the party they want to see in power, compromising the integrity and security of the nation by police, taking law unto themselves, overriding the power and jurisdiction of other authorized bodies, etc. Such ill-acts of police can convert even a democratic regime into a dictatorial regime. For instance, Germany under National Socialism and the former Soviet Union under Communism represented by 'police state' were the opposite of a democratic state. During that period, the police were subservient to a single party, not to the public, legislature, or judiciary. The crime and politics were merged, and political dissent was treated as a crime; police forces were used to suppress political dissent. For example, the Holocaust, that is, the genocide of around six million European Jews, under Nazi Germany, was executed by the police forces between 1941 to 1945. When non-democratic regimes were overthrown, the abolition of police violence was always a top priority. For example, the Egyptian revolution in 2011 (Case Study 1). Even democratic states experience a threat to democracy due to police abuse, for example, the murder of George Floyd in the USA (Case Study 2).

##### **Case Study 1: Police Brutality and the Egyptian Revolution- 2011**

Hosni Mubarak was a military and political leader of Egypt. He served as the president of Egypt from 1981 to 2011. He kept Egypt under Emergency for 31 years and during this period, police abuse, and torture at jails and police stations of Egypt had become systematic. In 2010, Khaled Mohamed Saeed, a 28-year-old boy died because he was beaten to death by the Egyptian police. As the images of his disfigured corpse's spread through social media highlighting the police brutality, an outrage was started in Egypt against the Mubarak presidency. The outraged people called for 'Day of Rage' on 25<sup>th</sup> January 2011, coinciding with the 'National Police Day' in Egypt, which led to the Egyptian Revolution in 2011. Over 90 police stations were set ablaze by protestors across Egypt. The revolution resulted in the toppling of the Hosni Mubarak government and the establishment of a democratic government in Egypt. Similar incidents happened in Tunisia (The Tunisian Revolution or the Jasmine Revolution) in 2011 due to excessive police brutality against the common man.

**Case Study 2: Murder of George Floyd by USA Police-2020**

*Picture 1: A Minneapolis Police Officer Arresting George Floyd (Source: Wikipedia)*

On May 25, 2020, George Floyd, a 46-year-old black man, was murdered in Minneapolis, Minnesota, USA, while being apprehended on suspicion of using a counterfeit \$20 banknote in a store. During the arrest of George Floyd, Derek Chauvin, a white police officer, handcuffed George Floyd, faced his head to the floor, and knelt on George's neck for about ten minutes, which took the life of George. Derek violated all police norms while handling George; despite being pleaded by George, Derek did not pay any heed. The video footage of this brutal incident sparked outrage among the black community people in the USA and led to a worldwide protest against police racism, police brutality, and lack of police accountability. Most of the protests were peaceful, but some were found to be violent, like street skirmishes, vandalism and burning of stores, rioting, destruction of property, and significant police brutality. Thousands of demonstrators marched towards the White House, and the mob violence was uncontrollable. Even President Donald Trump faced insecurity and took shelter in an underground bunker, which was designed for use in emergencies such as terrorist attacks. It was the most unprecedented, out of control and widespread protest against police brutality in the USA.

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**Conclusion**

Therefore, democracy has given special powers to the police to serve the people; the police (along with the military) is a much greater potential threat to democratic regimes. The special power has the quality to tempt the police officers to use it against the people and for the vested interest. One of the most fundamental tasks of a democratic society is to protect citizens against police brutality and undemocratic behaviour. It is the wisdom, maturity, ethical standards, responsibility, and accountability of police officers which hinder such a strong temptation of police forces and make them work as per democratic values. It is also the responsibility of elected officials to monitor the undemocratic behaviour of the police force for the success of the democracy.