

POLICE AND LAW ENFORCEMENT (2nd ed. 1988). By R. Deb. S.C. Sarkar & Sons (P) Ltd., Calcutta. pp. 32+310. Price Rs. 100.

THIS IS a 'revised and enlarged' second edition of a book, first published in 1982, and reprinted as a paper-back in 1984. The present book¹ is well organised with an attractive and appropriate cover. Its socio-legal content has been well handled, analytically and incisively, by the author whose legal acumen and practical experience have enabled him to do an excellent job of it. In the present edition the author has been able to present relevant, updated and meaningful view, on many individual, professional and social problems faced by the police, because of his life long involvement in the teaching and practising of criminal law at a high level.

"Good Government is Government by Law", said Aristotle centuries ago, which obviously is the epitome of the concept of rule of law, so ably propounded later by Dicey, as involving equality before the law and equal protection of law, which people in India cherish as constitutional rights. The author appropriately commences his discourse on 'Police and Law Enforcement', with a chapter on rule of law, leading naturally to the all important postulate that 'no person or group is above the Law, not even the Government and its enforcing arm, the Police'. The police should set an example for law observance and their connected practices should be patterned according to the dictates of the rule of law. Developing on this naturally, the author propounds, in subsequent chapters, the duty of the police to be fair, civil and polite, and to uphold individual liberty and human rights at all times.

Chapter seven deals with the rights of the offender. This is as it should be, but the reviewer would have loved to see a balancing chapter on the rights of victims, emphasising the duty of the police to treat them with compassion and understanding. He expects that such a chapter will be included in the third edition. After all, even the United Nations took 30 years to move on from the Declaration of the Rights of the Offender in 1955, to the Declaration of the Rights of the Victims in 1985.

In the subsequent chapters, the author presents the circumstances under which many flaws in the investigation creep in at different stages, and offers suggestions for adoption in order to overcome these difficulties. Starting with burking and minimisation of offences, at various points of investigation and prosecution process, problems do arise and very often distortions do take place, because of the intervention of political influence affecting police discretion, not to speak of the impact of money power. In the context, the author does put forward the right kind of approach to be adopted by the police under these difficult conditions. He also treats in detail the question of police attitude to unlawful orders, and to third degree methods during investigation, and outlines his ideas for correct police behaviour.

1. R. Deb, *Police and Law Enforcement* (1988).

The reviewer is glad that in chapter 15, the author has dealt clearly with the handicaps that the police suffer, during investigation, with special reference to the legal distrust contained in sections 25 and 27 of the Indian Evidence Act. The court is entitled to have before it, the totality of the evidence as it unfolded, without a part of it being shut out. The existing procedure, apart from the implied insult to the veracity of the police as a group, reflects also on the ability of the courts to sift truth from falsehood. After all, what is asked for is only 'admissibility' and not 'acceptability'. Once admitted, the evidence may be tested, based on the nature and circumstances surrounding the confession of the accused, as well as the support it gets from other acceptable evidence. The value to be given to this evidence may be decided by the law-makers and the courts; perhaps this may be on the basis of Justice Vivian Bose's suggestion quoted by the author.²

Only in one respect the views of the reviewer are different from those of the author. When it is a question of trust and admissibility, there should be no selectivity according to rank. It is the investigating officer, whatever rank he is, who should be trusted, and if he is proved to have failed in the trust, the law and the departmental discipline may come down heavily on him.

A specially good feature of the volume is the classified citation of cases in their appropriate context. The author is well known for his ability to strengthen his arguments with the right decisions of the various courts whenever needed. But in this book, he has improved matters by quoting the appropriate cases, as foot note references, which makes it much easier to follow.

The new chapter on Police Communal Disturbances and the Law is a very useful addition to the volume, in the situation prevailing in India today. In the process, the author has done well in discussing and suggesting ways and means of dealing with many specific problems and issues that arise in the context. True, each communal disturbance arises as the cumulative outcome of a series of causes, and the steps to be taken, both short-term and long-term, will be different in different cases, but there is no doubt that the ideas discussed by the author in the many projected situations, will definitely help in arriving at a decision, in fresh contexts even as they arise.

Finally, the reviewer would like to record that this book will be extremely useful for a detailed study not only by police officers, but also by students of criminal law and legal practitioners in the field, because it aims at a co-ordinated approach by the criminal justice system as a whole without any partisanship. Under the circumstances the reviewer hopes that all police training institutions, law colleges, and institutions interested in the criminal justice system will ensure that this book is kept in their libraries and also prescribed as a volume for detailed study by their students.

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2. *Id.* at 225.

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