

SPECIAL PROBLEMS OF PENAL ADMINISTRATION

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I. INTRODUCTION

Urbanization refers to a process of movement of people from small communities concerned chiefly or solely with agriculture to other communities generally larger whose activities are primarily centred in industry, trade, government and other allied interests. There is a correlation between non-agricultural activities and concentration of population in large cities. "A study of urbanization in all countries and territories of the world for 1950 showed a correlation of 86 with industrialisation."¹ Industrialisation and general economic development during recent years in India have accelerated the process of urbanization. This will be clear from the following table showing population of some of the bigger cities of India.

Population in Lakhs

<i>City</i>	<i>1941</i>	<i>1951</i>	<i>1961</i>
Bombay	14.90	29.94	41.52
Calcutta	24.88	50.68	65.82
Madras	7.77	14.16	17.29
Delhi	5.22	14.37	23.59
Bangalore	4.06	7.86	12.07
Ahmedabad	5.91	8.37	11.50
Hyderabad	7.39	11.15	12.51
Kanpur	4.87	7.05	9.71

Urbanization creates many social and economic problems. The object of this paper is limited to a consideration of special problems of penal administration in urban areas. Penal administration in general parlance, refers to the administration of Penal Institutions like Jails, Prisons, etc. In this paper, however, it will be used in the sense of Criminal Administration which deals with the whole process of administering criminal laws of the country including police administration. The scope of this paper is

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1. J. J. Panakal and A. M. Khalifa, "Second United Nations Congress on Prevention of Crime and Treatment Offenders—General Reports,"

confined mainly to a discussion of special problems which the police administration has to face in urban areas. These problems may be broadly divided into three categories : (i) Crime, (ii) Law and Order and (iii) Traffic. These problems may be considered separately.

II. CRIME

Urbanization is conducive to the growth of many criminogenic factors. These factors, broadly speaking, are loosening of primary social controls, as a result of the migrants leaving closely knit small communities, disorganization of family life, demographic imbalance, overcrowding and slum conditions, lack of recreation and employment opportunities, a cultural lag between the old residents and new-comers and consequent maladjustment. The existence of these criminogenic factors leads to a high incidence of crime in cities. That there is a much heavier incidence of crime in urban areas as compared to rural areas will be clear from the following table showing volume of crime, per unit population of some of the cities in India and that of the states in which they are situated :

Total Crime per 100,000 population*

State/City	1961	1963
Andhra Pradesh	92.3	95.8
Hyderabad	247.1	193.0
Gujarat	148.6	157.63
Ahmedabad	298.8	276.3
Madras	174.7	167.0
Madras	329.6	394.0
Mysore	110.7	109.59
Bangalore	475.6	271.16
Maharashtra	162.2	139.80
Bombay	467.4	431.74
Uttar Pradesh	136.6	179.29
Kanpur	402.0	598.30
West Bengal	183.6	172.10
Calcutta	483.9	700.03

The increase in crime and urbanization appears to be correlated. As urbanization increases, the incidence of crime also rises. Urbanization of Bhilai township with the setting up of the Bhilai Steel Plant led to an increase in the incidence of crime. The following table will show it clearly :

*Figures taken from Crime in India, 1953-63.

Bhilai

<i>Year</i>	<i>Total Crime</i>	<i>Population</i>
1954	148	20,000
1955	157	30,000
1956	219	50,000
1957	437	77,000
1958	853	120,000
1959	2,556	180,000

The special types of crime that occur in urban areas are :—

- (i) White Collar Crime;
- (ii) Social Vices ;
- (iii) Juvenile Delinquency.

White collar crime includes offences relating to mis-appropriation, cheating, fraud, criminal breach of trust and profiteering and black-marketing. Growth of industries and business and cities leads to large scale business transactions and financial dealings. It also necessitates the employment of persons in trust, such as agents, shop assistants, domestic servants etc. This provides opportunities for misappropriation, fraud and some of the clever criminals also float bogus firms, operate chit funds and succeed in cheating the public of large sums of money before the offences are detected. Also there is a mis-application of trust funds such as banks, insurance company, charitable trusts and other concerns fake bankruptcy and shady transactions which are more difficult to detect. Such crimes are on the increase in the cities. In Bombay, the cheating cases rose from 724 in 1963 to 1020 in 1965. Similarly in Kanpur city, the cases of criminal breach of trust increased from 756 in 1963 to 967 in 1965.

Profiteering and black-marketing offences are also more prevalent in cities because of greater scope for making money in view of greater demand and relative scarcity of essential commodities.

Social vices include (a) prostitution and immoral trafficking in women and (b) gambling. Demographic imbalance (excess of males over females) lack of primary social controls, lack of recreational facilities, mechanical, monotonous life, and craving for artificial and extreme form of diversions lead to prostitution and immoral trafficking in women. In Calcutta city, 1386 pimps and 4082 prostitutes were arrested for soliciting in 1965. Madras City Police charged 324 cases under the Suppression of Immoral Traffic Act.

Gambling also thrives in big cities. This is because a larger clientele is interested in such matters because of lack of recreational facilities and also because it affords greater remunerative returns to the organisers of gambling dens. The runners of such dens generally try to win over the subordinate police officers through bribery or such other means. During the year 1960, the Bombay Police charged 18,440 cases of gaming and betting involving 36,668 persons. The Calcutta Police prosecuted 1,776 cases under the Gambling Act in the year 1958.

Juvenile Delinquency: Due to slum conditions, associations of children with anti-social elements at an early age, lack of recreational facilities, lack of adequate parental control, Juvenile Delinquency is much higher in cities than in rural areas. 10,000 cases of Juvenile Delinquency were dealt with in Juvenile Courts of Bombay in 1965-66.

Concentration of large populations in small areas is a striking feature of cities in India. The cities of Calcutta and Howrah have densities of population of 70-80 persons per acre, the Metropolitan Cities 142 persons per acre, and the Calcutta Corporation area 300 persons per acre. Large crowds, therefore, assemble on most occasions.

Crowd Control

Such crowds collect to celebrate festivals, to witness sports or to welcome V.I.Ps. All such crowds require some degree of police control, even though they may be peaceful. All such crowds also possess the potentialities of violence *e.g.* the peaceful football match crowd of Calcutta broke into violence in 1965.

Political Agitations

These agitations are organised by political parties to create public opinion and public following on some issue. The agitation may be organised either for criticising a government policy or for the acceptance of certain political demands. The examples of such agitations are, the language agitation in Madras, Samyukta Maharashtra Agitation, Akali Agitation for Punjabi Suba, etc. These agitations are organised mainly in cities as political activities are concentrated there and the means of mass-communication and propaganda are available to them.

Labour Agitations

Most of the factories, offices and other business houses are situated in urban areas. Therefore, there is a large labour population which is generally organised. Labour agitations like strikes, and Gheraos are organised in urban areas, for better service conditions or other matters.

Student Agitations

Since most of the universities and colleges are located in urban areas, student agitations are also more numerous and more frequent mostly in such areas.

Goondaism

Goondaism flourishes in urban areas. A Goonda may be defined as a person who has no ostensible and legal means of livelihood, but who makes living by intimidation, thefts, black mailing and giving protection to prostitutes, illicit distillers, smugglers, etc. Goondas thrive in urban areas because of the lack of primary social controls, and existence of heterogenic elements. Goondaism is of two types: Goondaism by individuals and goondaism by organised gangs. It is the latter category of goondas which causes serious law and order problems. The organised goondas generally obtain support from some politicians, businessmen and also generally have the yellow press on their side, and engage lawyers for their defence. The goondas manipulate false charges, black-mail females who fall into their traps, promise support to black-marketeers and sometimes even the politicians. In all agitations and disturbances, the goondas always start the trouble and indulge in looting and violence. They, sometimes, even succeeded in winning over the subordinate police officers. They create so much fear and scare in the public that people are not willing to come forward to give evidence against them. There were 1839, 1116 and 631 criminal cases registered against goondas in Bombay, Calcutta and Delhi respectively in 1963.

III. TRAFFIC

The number of motor vehicles, cycles and other vehicles is much more in urban areas than in rural areas. The magnitude of the traffic problem was revealed by a recent survey. The survey indicated that in the four leading cities in India, Bombay Calcutta, Delhi and Madras the total number of vehicles was 3.36 lakhs and the number of fatal accidents was 1164 which comes to 1 fatality for every 288 vehicles as compared to 1 fatality for 2,000 vehicles in the U.S.A. Apart from the loss of human life, traffic accidents also result into maiming, seriously injuring, and permanently incapacitating many people. Traffic problems also lead to a lot of waste of time and tend to defeat the very purpose of having motor vehicles if traffic situation is very bad. A traffic survey carried out in Calcutta revealed that the average speed on the major roads of Calcutta is only 5 to 10 miles per hour.

The special problems of crime, law and order and traffic have been briefly discussed. These problems are quite vast and complex. These are made more difficult by special features of city life. The special features are excessive individualism and consequent lack of social awareness and social

obligations and more critical attitude to the police. "The city is a place where people live in physical proximity but social distance. It is characteristic of city that all sorts of people meet and mingle without the least understanding of one another.....a place of excessive individualism where neighbourhood feeling is almost absent."² Contacts in the city are impersonal—"secondary rather than primary."³ The random probability sample survey of the Indian Institute of Public Opinion has disclosed that the city dweller is much more critical in his opinion about the police in any field of their activities.....whether in discharge of their duties or of their behaviour towards the public or of the corruptibility of the police.

IV. SUGGESTIONS

A few suggestions for enabling the police to deal with the problems of urban areas relating to crime, law and order and traffic may now be offered. These suggestions are given below :

- (i) A strong and centralised police organisation having complete responsibility and adequate legal power is essential for dealing with special problems of crime, law and order, and traffic in urban areas. This principle was recognised long ago and the three big cities of India, Calcutta, Madras and Bombay, have had a Commissioner of Police, who is completely responsible for dealing with such problems. However, in many cities of India like Delhi and Kanpur and many others the responsibility for dealing with crime law and order, and traffic is divided between the District Superintendent of Police and the District Magistrate by virtue of Section 4 of the Police Act. Section 4 of the Police Act provides that the Police administration in a district shall be vested in a District Superintendent of Police subject to the "general control and direction" of the District Magistrate. Police regulations and executive instructions of various states require the District Superintendent of Police to consult and seek approval of the District Magistrate in law and order situations. This duality of responsibility and control weakens the sense of responsibility of the Superintendent of Police dampens his initiative and enthusiasm and blunts his drive and involves delay in the handling of problems. Particularly the law and order situations in cities, move with such speed that any action taken as a result of protracted consultations may always be found too late and may sometimes be attended with disastrous results."⁴

2. Encyclopaedia of Social Sciences, Vols. III & IV, 1959 Edition.

3. Panakal, J. J. and Khalifa, A. M., *op. cit.*

4. Bihar Police Commission Report 1961.

Late Prime Minister Shri Lal Bahadur Sastri, while addressing the conference of the Inspectors-General of Police in 1962, (as the then Home Minister), said "I think we have to pay greater attention to the cities because the number of crimes is much larger in these areas. The appointment of a Police Commissioner in big cities has done much good and it has been found very useful. If that is so, we should try to extend that system. I do not know about the views of the Magistrates in these areas—the District Magistrates and the Deputy Commissioners. Just possible they might not welcome it very much because some of the powers they wield are perhaps delegated to the Commissioner of Police. Anyhow, that is not so important. The important point is that in these bigger cities there should be at least one person who should be able to tackle the crimes effectively and he should have the necessary powers to perform his duties. So we should think over the matter and, if necessary, as I said, we might extend it to other cities."

The extension of the system of Police Commissionariate should be done urgently to all cities in India having a population of 3 lakhs and above.

- (ii) *Functional specialisation* : The police working in big cities has to be specialised on a functional basis. There should be separate branches for crime prevention, crime detection and investigation, law and order, specialised squads for dealing with white collar crime, social vices, like prostitution and gambling, and traffic. These branches should be headed by senior police officers. Even at the police station level the staff dealing with crime and law and order should be separated.
- (iii) Greater mobility and facilities of quicker communication must be imported to the police forces of the cities by the provision of patrol cars, radio telephone, walkie-talkie sets etc. Every Police Station and out post be fitted with telephone and wireless. Arrangements for simultaneous broadcasting to all police stations and out posts and sitting up of a central control room are also necessary.
- (iv) *Use of Scientific and Technological Devices* : Greater facilities of Forensic Laboratories, Movie Cameras, Tape Recorders, etc., should be provided. A research organisation may be set-up of engineers and other scientists to evolve and develop police equipment and technological devices. It may give special attention to developing more effective, but less deadly weapons of controlling mobs and crowds which is being done in foreign countries. It may also develop protective clothing, cover and vehicles for the police for their riot control operations.

- (v) *Better Police Public Relations* : In a democratic set-up the confidence, co-operation and active support of the public are essential for success in dealing with crime and law and order and traffic problems. For this purpose a gazetted officer may be appointed as Public Relation Officer and he should keep in close touch with the press and the leaders of public opinion. Senior Police Officers should develop good relations with the press, leaders of public opinion like politicians, lawyers, educationist, students leaders, trade union leaders, etc. Proper arrangements for the reception of people visiting Police Stations should also be made. Development of non-punitive and non-regulatory contacts with institutions, groups and members of public will go long way in improving police-public relations. In the ultimate analysis however, greater integrity, impartiality, honesty, efficiency and courtesy on the part of all police officers at all levels can be the only foundation of good police-public relations.
- (vi) Study and research into special problems of police administration of big cities should be undertaken on a regular and continuous basis. These studies can be undertaken by the universities and other independent bodies. Inter-disciplinary teams consisting of Sociologists, Lawyers, Economists, Police Officers and Social Psychologists should go into these problems and suggest ways and means of dealing with them. Such studies and research can locate the deeper sociological, economic and other factors underlying the special problems of police administration in big cities.
- (vii) *Legal Measures* : There are certain legal handicaps from which the police suffer at present. For example, offences relating to Extortion (Sections 384 to 387, I.P.C.), Criminal Intimidation (Sections 506, 506-B, I.P.C.) and uttering obscene words or gestures to women (509 I.P.C.) are now cognizable for the police. Most of the goondas and anti-social elements indulge in these offences and, therefore, these should be made cognizable. In fact, the distinction between cognizable and non-cognizable offences is most illogical and should be done away with.
- (viii) Some of the provisions of Suppression of Immoral Traffic Act are not consonant with existing social conditions and realities. Female witnesses are now required for the search of brothels and only the officers of the rank of Deputy Superintendent of Police can investigate the cases under this Act. Females are not prepared to come forward as witnesses for such searches. When a male police officer can conduct the search, there is no reason why the male witnesses cannot be allowed to witness the search.

Inspectors and Sub-Inspectors should be permitted to investigate cases falling under the Suppression of Immoral Traffic Act.

- (ix) The process of urbanization and industrialisation should be planned so as to avoid the conditions that give rise to criminogenic factors. This planning should keep in view the future needs of such cities also. This planning must also take into account the needs of police services in these areas as increase in population and other conditions connected with urbanization generally lead to greater crime and law and order problems.

V. CONCLUSION

The problems of crime, law and order and traffic in urban areas are more numerous, complex and difficult. Efficient handling of these problems demands the development of a strong centralised police organisation, well equipped with transport, communications and other scientific devices manned by competent and well-trained officers. Greater integrity, courtesy, impartiality and ability at all levels in the police organisation is of paramount importance. However, no amount of police efficiency alone will succeed in dealing with these problems effectively unless supplemented by wider social, economic and other measures undertaken by the Government and other appropriate social agencies and institutions.