



# ROLE OF POLICE IN SOCIAL DEFENCE: A SOCIO-LEGAL PERSPECTIVE

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**Abstract:** The main purpose of Criminal Justice system is to protect society against criminal and law breakers and the social defence refers to the protection of society against crime and deviance. Thus, the main objective of both the system is to prevent crime, maintain law and social order, rehabilitation of offender etc. Further, both the system implies not only the prevention of crime, but also rehabilitation and treatment of offenders through institutional and non-institutional services. And as an essential part of law enforcement agency, the police have four fundamental responsibilities towards the public and society in general, which are enforcing laws, preventing crime, responding emergencies and providing support system. Further, the police have an important responsibility to investigate crime fairly towards the Criminal Justice System. Again, when it associated with social defence, the police is more responsible to take action, prevention and fair investigations towards the justice to the victim of crime. Thus, in this paper, it has been tried to analyse the major areas of social defence where and how police play a vital role in prevention of crime and rehabilitation of criminal.

**Key words:** Police, Social-Defence, Criminal, Law.

## INTRODUCTION

Police is an important organ of modern state. In theory, our safety and liberty depend upon the law and the Constitution, but in practice the decision of the legislature and the courts would count for very little if the police were not there to enforce them. In every democratic country in the world the duties of the police are almost identical, i.e., preservation of public order, safety and welfare generally prevention and detection of crime, arrest and prosecution of criminals. The purpose of the police is to serve without bias or prejudice, to control without confronting, to regulate without annoying, to chastise without ill-will and correct without malice.<sup>1</sup> Moreover, Social Defence is about proper living and working together in harmony and spending time on the interests of nation and community. Positivist gave a new philosophy of punishment as contrasted with the older notion of the protection of society by way of repressive punishment alone. Positivists emphasized a close

<sup>1</sup> Parmar M.S: *Problems of Police Administration*. Reliance Publishing House New Delhi(India)110008

relationship between criminal law and morality and asserted the concept of social defence endeavour to establish the relevance of a large number of preventive, creative and rehabilitative measures so as to reduce the relapse of offenders to criminal behaviour. In this sense, the concept of social defence involves the systematization of penal or correctional measures of social protection against dangerous offenders.<sup>2</sup> Marc Ancel has enumerated several characteristics of social defence. Such as social defence presupposes the means of dealing with the crime conceiving society as protector of people of the society, intention of the social defence is achieving social protection as a means and measure to ambit societal law, humanization of the criminal law and criminal will merely be the result of humanitarian movement etc.<sup>3</sup> Thus, the term Social Defence include the protection, support and care to certain marginalized population group through a systematically organized Civil Society and Government.

Further, the criminal justice system that Britishers introduced in India in the later- half of the nineteenth century did not accept repression as an important matter of crime prevention and crime control. While drafting the relevant legislations like, The Police Act (1861), The Indian Prison Act (1894), The Indian Prisoner Act (1900), The Reformatory School Act (1876), The Indian Penal Code (1860) and the Code of Criminal Procedure the Britishers were aware of new ideas in the field of Criminal Justice Administration. They did make efforts to reject some of those obsolete, inhuman and uncivilized methods and techniques of crime prevention and crime control which at that time had received wider criticism in their own Country. The functioning of the police, judiciary and prison in Great Britain was so structured as to permit little scope for repression and sadism. In the early years of twentieth century, Britishers made a thorough of the texture of criminal justice administration in India and certain reforms. The report of the Indian Jail Committee (1919-20) furnishes a strong testimony to this fact. Some of the important recommendation of this report goes on to show that social defence era in matters of penal policy seems to have emerged in India in the first half of the Twentieth Century.<sup>4</sup>

Again, though the term social defence has long been used in the Criminological and Penological literature, the modes and modalities of achieving its inherent objective has been shifting with the advancement in Social Sciences and behavioural disciplines. Social defence is presented as a term to be applied to a modern comprehensive perspective on the process for dealing with behaviour of persons which endanger the rational dynamic of society. The modern meaning of Social Defence also evidently discards the primeval procedures for the protection of society decrease punitive scheme, introduces the element of humanity into the administration of criminal justice system and establishes the need to treat crime as a fact and a human act. In the light of this social defence emerges as a new approach to the problem of crime and as a new trend in the decision making, which organizes the means of controlling crime. Hence, social defence refers to the protection of society against crime and deviance. It implies not only the protection of crime, but also the treatment and rehabilitation of offenders though institutional and non-institutional services.<sup>5</sup>

In India, social defence is a very broad concept that encompasses everything society adopts to protect individual and society from an escalating crime problem, and the police have a vital role to play in these preventive efforts. Police is an executive civil force of a state to which is entrusted the duty of maintaining public order and enforcing regulation for the prevention and detection of crime. The constant expansion of the functions of the state for development, democracy and welfare of the people, growing complexity of life and social relationship, imposed newer obligations on the police in modern society. Its role has been increasing day by day with the growth of crime and criminals. Today in contemporary society police has to perform variety of services and emergency functions, rather than simply doing crime prevention and detection and maintenance of law and order.

## Objective of the Study

Following are the objectives of the present study

1. To analyze the concept of Social defence.

<sup>2</sup> Kane Dane: Social work intervention with individuals and group. *What is role of National institute of social defence of India?* Retrieved from <http://www.owlgn.in>. As accessed on 2/01/2023

<sup>3</sup> Ancel Marcel: *Social Défense: The future of Panel reform 1987*.

<sup>4</sup> Srivastava S.P: *Public Participation in Social Defence*, B.R Publication Corporation (January 1, 1981)

<sup>5</sup> Ibid

2. To know about the role of police in Social Defence.
3. To analyze the present constitutional and legal framework in India for role of police in social defence.

### **Research Methodology**

The methodology followed for the purpose of the study is doctrinal in nature. This methodology requires extensive use of study of various books, journals and statutes. Secondary sources of data have been collected from various literatures reviewed throughout the study.

### **Social defence under Indian Constitution**

Under the constitution of India, the subjects covered under Social Defence the such as police, the judicial administration and correctional administration are all on the State list, while criminal legislation is a subject on concurrent list and social planning on Union list. Thus, the role of the Union Government is restricted to co-ordination exchange of information among states, with foreign Government and United Nations, collection and compilation of statistics, furnishing model legislation and schemes, training, research etc. At the Union level it is the ministry of Home Affairs which deals with judiciary, police, prisons and criminal legislation while Department of Social welfare deals with the subjects of juvenile delinquency, probation services, suppression of immoral traffic and general welfare services. The Central Bureau of Correctional Services Established in 1961 is the centralised agency under Government of India dealing with the standardising the collection of facts and statistics relating to crime, prisons, and other kinds of correctional work on a notional basis; coordinating the work and developing a uniform policy for prevention of crime and treatment of offenders; disseminate information and stimulate interest by publications on the prevention of crime and treatment of offenders etc. In fulfilment of these functions the Bureau keeps in contact with all the States and Union Territories giving technical advice on all problems. It convenes meeting of correctional experts and administrators to discuss common problem.<sup>6</sup> Moreover, the National Institute of Social Defence (NISD) was set up as the Central Bureau of Correctional Services in 1961, under the recommendation of emerging at various national forums. The Bureau was transferred to the Department of Social Security in 1964. The NISD is the nodal training and research institute in the field of social defence. Though social defence covers the entire gamut of activities and programmes for the protection of society, it is currently focusing on human resource development in the area of drug abuse prevention, welfare of senior citizens and transgender, beggary prevention and other social defence's issues<sup>7</sup>.

### **Role of police in social defence**

As an integral part of law enforcement agency, the police have four basic responsibilities towards the public and society in general, which are enforcing laws, preventing crime, responding to emergencies and providing support system. But the police have an important responsibility to investigate the crime fairly towards the criminal justice system. When it associated with social defence in India, the police are more responsible to take action, prevention and fair investigation towards the justice to the victim of crime. The social defence division of the Department of Social Justice & Empowerment Government of India mainly deals with the requirements of senior citizens, victims of alcoholism and substances abuse, transgender persons and beggars<sup>8</sup>. Moreover, the major areas of social defence where police play a vital role in prevention of crime and rehabilitation of criminal are as follows.

### **Role of police in suppression of immoral traffic**

India is one of the signatories of the international convention on the Suppression of Immoral Traffic in Woman and Girls signed in 1949 at New York. Under the Constitution of India traffic in human beings is prohibited. In pursuance of this solemn policy, the Government of India enacted the Suppression of Immoral Traffic in Women and Girls Act in 1956. Subsequent Amendment not only changed the nomenclature of the Act but even

<sup>6</sup> Social defence in India: *Statement presented before the fourth U.N. Congress on Prevention of Crime & treatment of Offenders.*

<sup>7</sup> National Institute of Social Defence. Ministry of Social Justice & Empowerment Government of India. Retrieved from <http://www.nisd.gov.in> as accessed on 04/01/2023

<sup>8</sup> Social Defence About the Division. Ministry of Social Justice & Empowerment Government of India. Retrieved from <http://www.socialjustice.gov.in> as accessed on 05/01/2023

Preamble to the Immoral Traffic (Prevention) Act, 1956 and act made “for the Prevention of Immoral Traffic” respectively. This legislation aims to stop immoral trafficking and prostitution in India.

The Act provides provision for Special Police Officer (SPO). SPO is a person appointed by the State Government to discharge his police duties for an area who shall be above the rank of a sub-inspector of police. The district magistrate may also appoint a retired police officer or a retired officer of a military above the rank of sub-inspector or a commission officer at the time of retirement and vest them as the same power as that of an SPO. Further the Central Government has been vested with the power to appoint Trafficking Police Officers intended for dealing with offences related to sexual exploitation of persons. They can investigate any offence related to Prevention of Immoral Traffic Act (PITA) or any other law for the time being in force which is committed in more than one state. These officers can discharge functions and exercise power like an SPO all over India. The Act is a complete Code in itself and an officer can arrest any person, provided it is given in writing, without a warrant. An arrest under PITA cannot be made by regular police. Police investigation in immoral trafficking cases would be invalid if the probe is not conducted by police officers specially authorized for dealing with such cases as per Immoral Traffic (Prevention) Act 1956, the Kerala High Court held.<sup>9</sup> However, it is a settled principle of criminal law that a trial shall not be vitiated merely because the investigation is not done by the authorised investigation officer until prejudice is shown. Further, SOP has been given the power to search any premises any premises without a warrant.<sup>10</sup> Such officer must have a reasonable ground to believe that securing warrant from a Magistrate will cause undue delay and lead to the destruction of pieces of evidence. Therefore, only on reasonable grounds a search can be made without a warrant and must not be used arbitrarily. PITA being a special Act its provisions need to be strictly followed and the investigating agencies cannot disregard to the provisions of the Act. While searching, he shall go with no less than two women officers and call two or more reputable resident of the neighbourhood (one shall be a woman) where the search is made under section 15(1). The inhabitants shall witness it and SOP has the authority to take any person found on the premises to an appropriate magistrate. Moreover, a mandatory medical examination of such person shall be done. A woman detained during search will be interrogated by a woman officer or a woman from a recognised welfare organisation. However Supreme Court of India recently uphold sex work as a profession and issued a slew of directions to uphold the dignity of sex workers. The order was not only historic but also necessary because India is no stranger to sex work. It is also a historically prevalent profession, even though under unsafe conditions. Over the course of the year, many debate and dispute arises whether this profession should be legally sanctified or not. To begin with, it must be realised that prostitution itself is not “illegal” in India. The acts that facilitate it are, under the Immoral Traffic (Prevention) Act 1956. These acts may include running a brothel house, living on the earning of prostitution of any other person, pimping, carrying out sex work in or in the vicinity of public places, etc.<sup>11</sup> The Supreme Court instructed the police not to intervene with or take criminal action against consensual sex workers. Also, stated that prostitution is a profession and that sex workers have the right to dignity and equal legal protection. The Court further stated that criminal law must apply equally in all cases based on age and consent. When the sex worker is an adult and is participating with consent, the police must refrain from interfering or taking any criminal action. The court noted that sex workers should not be arrested, punished, harassed, or victimised during brothel searches because voluntary sex work is not criminal and only operation of brothel is illegal.<sup>12</sup>

Thus, as per the Immoral Traffic (Prevention) Act, 1986 sex workers can practice their profession but activities; including pimping and running a brothel are considered a punishable offence. Now the Supreme Court has directed that the police should neither interfere nor take criminal action against adult and consenting sex workers.

<sup>9</sup>The Times of India, Immoral Traffic Prevention Act. Retrieved from <https://www.m.timesofindia.com> as accessed on 05/12/2022

<sup>10</sup> Section 15 of Immoral Traffic (Prevention) Act

<sup>11</sup> Information about Social Defence Schemes and Programmes. Retrieved from <https://www.theprint.in> Jain Anubhuti as accessed on 09/12/2022

<sup>12</sup>Dhayalkar Sailee: Immoral Traffic (Prevention) Act: Rescued adult can't be sent to corrective home against wish, says Bombay HC. Retrieved from <http://www.indianexpress.com> updated: July 13, 2019

## Role of police in prison and correction

Prison is a state subject under entry 4 of list II of the seven schedule to the constitution of India. So, administration and management of prison is the responsibility of respective State Governments. However, the Ministry of Home Affairs provides regular guidance and advice to States and UT'S on various issues concerning prisons. Recently, the Government of India, Ministry of Home Affairs provide some guidelines to implementation of Modernisation of prison of all states and all Union Territories. Prison are an important and integral part of the Criminal Justice Administration of country as they not only play the critical role in keeping the offenders in custodial segregation but also help in the process of their reformation and reintegration with the society through various correctional programmes in the Jail. Given the significance of the prison in the Criminal Justice System, the Ministry of Home Affairs attaches high importance to efficient prison management and correctional administration. As part of its ongoing support to State and UT's in various forms, including issue of guidelines and advisories in the matter of prison reforms from time to time. Ministry of Home Affairs has decided to provide grant in aid to the States and Union Territories through the Modernisation of prison project for a period of five years starting from FY 2021-2022, for using modern day security equipment's in prisons for enhancing the security and jail and to facilitate task of reformation of prisoners through correctional administration.

The police and prison are essential component of Criminal Justice System, and these components help to maintain law and order and preserve public peace. The police force is the drive that has the authority and responsibility to protect citizens and detained individual who have broken the law. Sending these individuals to prison and correctional facility can protect society from crime and security. Further the police force that has the authority and liability to protect the community. Every police department is organized and every single individual who makes part of it has own function and area of expertise. The police department are divided in many different units to deal with every possible way of breaking the law. Since every single unit is working on the same purpose there is a system within the police component. Division of labour allows every unit to specialize in their own field and to improve the way they do their job because they will become experts in that area. Once the specialized units apprehended a suspect and they gather necessary evidence to judge him they are required to transfer this suspect into a court room. In the court room a judge will analyse and study all the evidence gathered in the case this is when the relationship between the police and the court created. Both the component exists to make sure justice is enforced in the community; they will share all information necessary in order to guarantee the process has been done correctly from the moment the suspect was arrested until the judge or the jury make a decision on what the sentence should be or if the suspect is found innocent. This is the part of police depends on the courts to fulfil their mission. The courts are the place where justice is made. Depending on the case the judge or the jury will analyse the evidence presented by police and criminal investigators. At the court every possible legal challenge will be analysed as well. Once the case has been properly studied, the courts will send the criminal to a correctional facility where correctional officers will make sure the inmate is rehabilitated. This relationship between the courts and correction is the last step of criminal justice system. The fact that everything started with the police arresting the suspect and ended with the courts and sending the inmate to a correctional for rehabilitation. The main objective of sending citizens who broke the law to a correctional facility is to protect society from crime by safely and securely handling criminal offenders while providing offenders some opportunities for self-improvement and increasing the chance that they will become productive and law-abiding citizens.<sup>13</sup>

## Role of police in prevention of narcotic drug trafficking

In India the national policy on narcotic drugs and various psychotropic substances is formed a directive principle, which are contained in the Indian Constitution under Article 47. The national policy based on Article 47 of the Indian Constitution directs all the states to endeavour to bring the consumption (except for those used for medical purpose) for intoxicating drugs that that can be very injurious to one's health. The broad legislative national policy for narcotic drugs and psychotropic substances is basically contained or formed in three Acts

<sup>13</sup>The relationship between Police, the Courts and Corrections. Published in 24<sup>th</sup> April 2017.

<sup>13</sup> Narcotics control Bureau. Retrieved from <https://www.ukessay.com> as accessed on 15/02/20232

present in the Indian Constitution, via the Drugs and Cosmetics Act 1940, The Narcotic Drugs and Psychotropic Substance (NDPS) Act 1985 and the prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988. The responsibility of drug abuse control, which is a central function is carried out through several Ministries, Department and Organisations. These include the Ministry of Finance, Department of Revenue which has the nodal coordination role as administrator of the Narcotic Drugs and Psychotropic Substances Act 1985 and the Prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substance Act 1988.

The Narcotic Drugs and Psychotropic Substance Act came into effect from the year 1985 and from then it made an express provision in the constitution to constituting an authority under Central Government that will serve several purposes. The main purpose of this constituted authority is to be exercising the functions and powers of the Indian Government under the respective Act. With the presence of the NDPS Act 1985 and its provisions, the Government of India constituted a bureau for Narcotic control in the Country and named it as Narcotic Control Bureau on 17 March of 1986.

The Narcotics Control Bureau (NCB) is an Indian Central Law Enforcement and intelligence agency under the Ministry of Home Affairs, Government of India. The agency is task with combating drug trafficking and the use of illegal substances under the provisions of Narcotic Drugs and psychotropic substance Act. NCB was established in 1986, it is responsible for coordination with the Indian states Governments and other Central Departments, implementation of India's international obligation regarding drug trafficking and assisting international and foreign drug law enforcement agencies. The Bureau, subject to the Supervisions and control of the Central Government is to coordinate various offices, State Governments, and other authorities under NDPS Act, Custom Act, Drug and Cosmetics ACT and any other law time being in force in connection with the enforcement provisions of the NDPS Act, 1985. Also implement the obligation in respect of counter measures against illicit traffic under the various international conventions and protocols that are in force at present, or which may be ratified or acceded to by India in future. Further, the Bureau assist to concerned authorities in foreign countries and concerned international organisations to facilitate coordination and universal action for prevention and suppression of illicit traffic in these drugs and substances. Moreover, the Bureau coordinates the actions taken by the other concerned Ministries, Departments and Organisations in respect of matters relating to drug abuse.

Thus, the Narcotics Control Bureau is the apex coordinating Agency. It also functions as an enforcement agency through its zones and sub-zones. The zones and sub-zones collect and analyse data related to seizures of narcotic drugs and psychotropic substance, study trend, modus operandi, collect and disseminate intelligence and work in close cooperation with the customs, State Police, and other law enforcement agencies.<sup>14</sup>

### **Role of police in protection of senior citizen**

The Maintenance and Welfare of parents and Senior Citizens Act 2007 is an important legal measure to ensure welfare and maintenance of senior citizens and protect them from the abuse and neglect. This was landmark legislation initiated by the Ministry of Social Justice and Empowerment. It consists of 7 chapters and 32 sections. The Act addresses issues related to the maintenance of parents and senior citizens, establishment of old age homes for indigent senior citizens, and measures to protect their lives and property.

In exercise of power conferred under section 32 of the Maintenance and Welfare of parents and Senior Citizens Act, 2007, the Governor of most of the states makes some rules for the protection and maintenance of senior citizens. For example the Governor of Assam makes the Assam State Maintenance and Welfare of Parents Rules, 2012. Rule 20 of the said Rules provided an action plan for the implementation of this provision by defining the role of the police.

In the above situations the following guidelines are issued for the proper enforcement of the Act and Rules there under:<sup>15</sup>

<sup>14</sup> Narcotics control Bureau. Ministry of Home Affairs Government of India. Retrieved from <http://www.Narcoticsindia.nic.in> as accessed on 17/03/2023

<sup>15</sup> Rule 20 of Assam State Maintenance and Welfare of Parents and Senior Citizens Rules, 2012

1. The District Superintendent of Police of Police, and in case of cities having police commissioner, such Police Commissioner shall take all necessary action for the protection of life and property of Senior Citizen.
2. This rule has also mandated the need for each police station to maintain the list of senior citizens living in that jurisdiction with a specific emphasis on those living alone.
3. It has also mandated regular interaction with senior citizens through social workers or volunteers to enable timely assistance if required.
4. It has also instructed that each police station to maintain a separate register containing all important particulars relating to offences committed against Senior Citizens.
5. Complaints of senior citizens shall be promptly attended to by the police.
6. One or more Volunteers Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior Citizens, especially those living by themselves, on the one hand and the Police and the District Administration on the other.
7. The Commissioner of Police or the Superintendent of Police of Districts, as the case may be, shall publish widely in the media and through the police station at regular intervals the steps been taken for the protection of life and property of senior citizens.
8. Each Police Station shall send a monthly report of such crime to the District Superintendent of Police/ Commissioner of Police by the 10<sup>th</sup> of every month.
9. Antecedent of domestic servants and others working for Senior Citizens shall be promptly verified, on the request of such citizens.
10. Community Policing for the security of senior citizens will be undertaken in conjunction with citizens living in neighbourhood, Residents welfare Association, Youth Volunteers, Non-Government Organisation, etc.
11. The District Superintendent of Police shall submit to the Director General of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by 20<sup>th</sup> of every month, about the status of crime against senior citizens during previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month.
12. The Director General of Police shall cause the reports submitted by Superintendent of Police to be compiled, once a quarter, and shall submit them to the State Government every quarter as well as every year for, inter ellis, being placed before the State Council of Senior Citizens constituted by the State Government.

Thus, Government of India has promulgated the Maintenance and Welfare of Parents and Senior Citizens Act 2007 to ensure the Safety of senior citizens.

Recently, in Delhi High Justice Tushar Rao Gedela observed that the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted to ensure that senior citizens and parents of vulnerable age are not unnecessarily deprived of their shelter. It casts an obligation upon the appellate tribunal to pronounce its order in writing within one month of the receipt of an appeal.<sup>16</sup>

### **Role of police in prevention of Juvenile Delinquency**

To provide for the care, protection, treatment, development and rehabilitation of the neglected and delinquent juveniles the Juvenile Justice Act, 1986 was enacted by parliament. Several provisions of the Constitution of India including article 15(3), clauses (e) and (f) of article 39, articles 45 and 47 also impose on the state a primary responsibility of ensuring all the needs of children. Article 24 prohibits the employment of children in factories. Article 45 makes provision for early childhood care and education to children below the age of six years.

According to section 2(K) of the Juvenile Justice (Care and Protection of Children) Act, (JJA) 2000 defines “Juvenile” or “child” as a person who has not completed 18 years of age. A Juvenile is a young person who has not met specific ages prescribes by law of a country and does not abide resemblance as a matured person who can be made legally liable for his criminal activities. Juvenile Delinquency refers to participation of minor in

<sup>16</sup> <https://www.thehindu.com/news/cities/Delhi/delhi-hc-orders-police-protection-for-senior-citizen-couple/article33380287.ece/amp/.accessed on 17/03/23>

illegal crimes. When a person deviates from the normal course of his social life his behaviour is termed as “delinquent”. The act of delinquency may include running away from home, use of inappropriate or vulgar languages, committing sexual offences etc.<sup>17</sup>

Thus, the dynamic of juvenile offenders is completely different from that of other offenders. The role of police in the juvenile justice system is noteworthy and the police who arrests the juvenile and produces him before Juvenile Justice Board. Police play a major role in juvenile Justice System be it the child in need of care and protection and the child in conflict with law. In all the cases the police are usually the first point of contact with the child. A non-public party or voluntary organization producing a juvenile before the Juvenile Justice Board to preferably inform the police regarding such production. The JJ Act and the modal rules lays specific duty for the Police especially special juvenile police unit (SJPU) with regard to children such as to upgrade the police treatment of all juveniles and the children, to coordinate and function as a watch dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child or juvenile, to take serious cognizance of adult perpetrators of crimes against children and to see to it that they are without delay apprehended and booked under the appropriate provision of law, identifying child in conflict with law and child in need of care and protection in association with civil society. The SJPU or juvenile welfare officer should inform the parent or guardian or any other person of juvenile’s choice regarding the juvenile’s apprehension. It is the police who investigates a juvenile case, and submits the charge-sheet before the competent authority and also on completion of inquiry, accompany the juvenile to the Special Home, or to his place of residence when below eighteen years of age. The specific role of police in how to address the situation when a child victim comes within their jurisdiction is laid down in CrPC as well as JJ Act. Whether it’s a case of physical, emotional or sexual abuse of the child, whether the child has been exploited for his work, whether the child is a street child with nowhere to go, a beggar, whether this child who is in need of care and protection of law comes within the purview of law requires a sensitive citizen who is ready to intervene as well as well as a sensitive police force which is duty bound to take such children within its cudgels so that the JJ system becomes operational. Further, the JJ act gives lot of discretion to police while dealing with children. Under the Act there are three categories of juvenile offenders, firstly those involved in petty offences where in the police officer has been given the discretion to sort the matter at the Police Station itself without resorting to any procedural requirements. The second category is of juveniles involved in non-serious offences i.e., those entailing punishment of less than 7 years under the IPC. In this category the police officer can apprehend the juvenile only when it is in his best interest and also can state that the child is treated as child in need of care and protection rather than the one in conflict with law. In serious offences wherein the punishment is more than 7 years, the police officer again has discretion on how he wants to treat the child.<sup>18</sup>

At present there are not enough institutions and programs to help the delinquents to re-integrate in society lead the life without crime. In 2017, Delhi Police has taken up initiative and have started a program “yuva connect” in this regard. The Delhi Police has launched YUVA- a skill development programme under Pradhan Mantri Kaushal Vikas Yojana (PMKVY). The “PMKVY” initiative aims to connect with youth by upgrading their skill as per their competencies. It will help youths to get gainful employment under PMKVY. It will also play important role in building up confidence and faith of youths in police organization.

## Conclusion

Mr. Buta Singh<sup>19</sup>, the then Union Home Minister in his inaugural address of third workshop on police-community relationship at Vigyan Bhavan at Delhi has stated that police force should make conscious efforts to cultivate a positive image and draw people closer to it rather than driving them away. He has further stated that police-public interface, based on trust and understanding on a continuing basis, was vital to secure the desired level of public response, enhancing the professional competence of the police and making police work meaningful and acceptable different segment of society. Vast majority of the community have no direct dealing with the police in their normal course of business, but they are no less conscious of police presence and have

<sup>17</sup>Legal Service India E-Journal. Juvenile delinquency and crime prevention. Retrieved from <https://www.legalserviceindia.com> as accessed on 18/03/23

<sup>18</sup> Mishra Akshita: Juvenile Justice and The Role of Police. Retrieve from <http://www.lawctopus.com> as accessed on 20/03/2023

<sup>19</sup> Buta Singh was an Indian politician. He was a senior leader of the Indian National Congress. He was the Union Home Minister of India, Governor of Bihar from 2004 to 2006 and was chairman of the National Commission for Scheduled Castes from 2007 to 2010.



their own perception of policing of the society in which they live. People do feel secure in their homes, on the road, and in pursuit of their daily avocations because they believe police to be around on its law keeping job. The relationship is invisible but vital and all pervasive. Therefore, police should show their utmost courtesy while rendering its duties towards people's welfare to keep alive the trust of people in them and to maintain cordial relations.

Moreover, the civil societies mainly depend on the help and support of the police when they confronted unforeseen circumstances. People of a state need the assistance and protection from the police force when implementing various policies and development plans. Though, the basic responsibilities of police to preventing and solving crimes and maintaining law and order yet the police have been given many additional tasks to maintain law and order in society. Further, the objectives of social defence also include the protection, support and care to certain marginalized population group and combat crime by promoting action to be taken both before and after the occurrence of offences, so as to both protect society against criminals and prevent citizens from being tempted into criminal. And that marginalized group of population such as children and women especially need police to protect their rights and prevent brutality against them.

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