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COVER STORY: VIGILANTISM: GUEST COLUMN

Respect the Rights of People

Faster police reforms can restore people's confidence in the country's criminal justice system

Pakash Singh

All of a sudden the country is witnessing a spate of violent incidents involving the common man, who has taken the law into his hands. Ten people, suspected to be thieves, were lynched in Vaishali district of Bihar on September 13. Within a week, two more were bludgeoned to death in the Sultanganj area of Patna. Five labourers were killed in Lonavala, Maharashtra, in a dispute over petty cash. In Kerala, a mob assaulted two women, one of them pregnant, for an alleged theft, prompting Prime Minister Manmohan Singh to express concern over repeated incidents of vigilantism at a national meeting of police chiefs.



These incidents show a lack of faith in the criminal justice system of the country. So, what drives people to beat, maim and kill others? It is an inefficient police, a shoddy prosecution, a lethargic judiciary, and prisons which allow dons to carry on their unlawful activities from within the safe confines, that make people lose confidence in the law of the land. The Malimath Committee on judicial reforms had warned us way back in 2004 that the criminal justice system was "virtually collapsing", that it was "slow, inefficient and ineffective", and, therefore, "people are losing confidence in the system". The Committee had made salutary recommendations, which unfortunately were trashed because of a cacophony of protests by vested interests, masquerading as human rights activists and champions of civil liberty. The much-needed reforms were shelved.

The Supreme Court gave specific directions on September 22, 2006, for comprehensive reforms in the functioning of the police. Many states have complied but the bigger ones are either being defiant or just pretending to be compliant. Gujarat has taken the stand that the directions would affect the federal character of the Constitution. Maharashtra has argued that the directions are against statutory provisions. It is a token compliance in Tamil Nadu and Uttar Pradesh while Bihar has passed an Act which is highly regressive. Unfortunately, there is every effort to delay, dilute and, if possible, sabotage the directions given by the apex court.

There is an all-round resistance to reforms. Politicians and bureaucrats want the status quo to continue as it ensures their hegemony over the different wings of the criminal justice administration. On the other hand, human rights activists can't think beyond the rights of criminals and terrorists.



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No wonder, in an environment where society has to depend upon laws which were framed during colonial times and the process of reform is stalled by a myopic bureaucracy and a visionless political leadership, people who seek justice take recourse to desperate measures. The Naxalites have People's Courts, where ready but rough justice is dispensed. They revel in reducing a man's height by nine inches (in other words, beheading him). Similarly, others who have lost faith in the efficacy of the criminal justice administration administer their own sense of justice.

Vigilantism has been defined as "morally sanctimonious behaviour aimed at rectifying or remedying a structural flaw in society". The instances of mob violence which we are witnessing these days are a kind of protest against the structural flaws in our criminal justice system. In any case, vigilante activity is a threat to democracy and the Rule of Law.

It is not that other countries are immune to this phenomenon. In the US, vigilantism was witnessed in the eighteenth century when, in the absence of proper laws, certain voluntary associations got together to flog, torture, or even kill people who were perceived as threats to their communities. The trend reappeared, in what some experts call neo-vigilantism, in the 1920s and pseudo-vigilantism in the '70s. During the '20s when there was widespread disorder in China, the Big Sword Society protected life and property. In Philippines, the Davao Death Squad has been killing the city's alleged notorious criminals. In El Salvador, a group of retired police and military officers have taken upon themselves the duty of cleansing the country of "impure" social elements.

However, this is not to justify vigilantism, or people dispensing speedy justice, of any kind. It was and remains a kind of wild justice bereft of a structured procedure, devoid of codified laws, where the accused hardly get an opportunity to defend themselves. The quantum of punishment is most often decided by a hysterical mob. There should be no place for such barbarian justice in any civilised society, much less in an emerging power, and a democracy, like India. The trend must be arrested or else it could lead to anarchic conditions. Police must perform its mandated role and for that the necessary structural changes must be carried out. A long-term remedy lies in revamping the criminal justice administration and enforcing the Rule of Law—swiftly, within a time-frame and in an inexpensive manner.

The author is former Director General BSF, DGP Assam and DGP Uttar Pradesh

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mobs taking law in their
hands?



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