

Crime and Governance

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Dostoevsky wrote his monumental work "Crime and Punishment" in the context of Tsarist Russia. In the context of modern day India more relevant would be crime and governance. The United States of America, in the years succeeding the First World War and introduction of prohibition became one of the most lawless countries in the world, when criminal gangs led by people such as Al Capone ruled the streets of Chicago and New York. Bootlegging, blackmail, extortion, kidnapping for ransom, sexual crime, murder, armed robbery and open gang warfare became the order of the day. Local politicians who either did not care or were partners in crime, coupled with an incompetent and corrupt police force were responsible for a breakdown of government and a dominance of the criminal elements. A new federal investigating agency called the Federal Bureau of Investigation was created and given wide ranging powers to investigate and prosecute all offences which could be deemed to invite federal jurisdiction. Though initially constituted as the Bureau of Investigation in 1908 it became the U.S. Bureau of Investigation in 1932 and formally was renamed as Federal Bureau of Investigation in 1935. Many offences hitherto treated as being against State laws were brought under the purview of FBI, if, for example, telecommunications, the postal or transportation system crossing State boundaries was used in any way for committing an offence. FBI through sheer professionalism broke the back of the criminal gangs. This was a very pragmatic approach to governance and it established FBI as one of the leading criminal investigating agencies and internal security intelligence agencies in the world. Something similar was done by Mayor Giuliani of New York, who ordered the police to adopt a zero tolerance policy towards crime. The concentrated policing which took place as a consequence of this policy quickly established control over crime and today New York is one of the safest cities in the world. Just as FBI very quickly controlled organised crime in American and the New York police drove criminals off the streets, there is a direct co-relationship between firm government and the maintenance of public peace and order.

When I was a young District Magistrate the philosophy of government was that the Magistracy and the police had to keep firm control over law and order and the prevention, detection and investigation of offences, coupled with their early prosecution. The police was held in some awe by the people and criminals were certainly afraid of the administration. Political or other interference in matters relating to law and order and the investigation of offences was heavily discouraged. It was expected that the police would intervene quickly in any developing law and order situation and the officer incharge of police station would be held responsible for keeping crime under control. This, in turn, created an environment in which people were afraid to take the law into their hands and there was general support for the authorities when they took action against criminals. This is all a part of a good government because ultimately unless there is an environment of security and peace people cannot go about their business in a normal manner, nor can developmental programmes be implemented. A road can be built in Betul District because there is peace, but it cannot be built in Dantewada District because there is Naxalite terrorism. The case for a peaceful environment is so obvious that it needs no embellishment.

Under what circumstances would women be safe? The first and foremost of course is the social environment in which from childhood people are taught respect for women. Under our old social order the place of the woman was in the house and she was safe. Gradually more women

were educated, took jobs and had a public presence. In a civilised society, in a society of laws, it is irrelevant whether the woman would be confined to the house or is in evidence in public places. Under both circumstances she is entitled to dignity, security and a freedom from any form of molestation or misbehavior. In Western society the presence of women in public places is taken for granted and a code of behavior towards them has evolved. In India we have an odd combination of women trying to modernise and the much larger emergence of the lumpen, partly through migration, who are still not used to the social mores of a modern and liberal society. One is offering no justification for this leading to any form of sexual violence, but rather is a bland statement of a fact which feminists too often ignore. On the one hand we have liberated women and on the other we have a lumpenised class of people whom one can only describe as louts. Such people need firm policing, apart from social education, to give women the dignity that they deserve. I am afraid social education is still far from reality, new value systems have not evolved while old social inhibitions have disappeared with the breakdown of the joint family and rapid urbanisation without urbanity and there is ambivalence about the status of women.

Molestation of a woman is a horrible crime apart from being a most shameful expose of our own social shortcomings. However, this is only one part of what is happening to India, in which respect for law has sharply declined. We do not obey traffic laws, we build without permission or contrary to permission, we flout civic norms and we bribe our way to personal advantage. When there is growing disrespect for law because of poor law enforcement, we cannot really expect respect for women. Crime against women is a sure sign of breakdown of government in which law enforcement has taken a back seat.

Some draconian measures can certainly put the situation right in very short order. For example, if in the Badaun rape and murder case the whole village had been collectively fined, if in the case of Khap Panchayats where death has occurred every member of the Khap Panchayat is sentenced to death, if in a town locality in which a rape has taken place all illegal structures are demolished, the lesson would get home fast. Failing this let us adopt the New York City Police formula of zero tolerance policing. Let every minor act be booked. If a person spits in the street let him be booked under section 34 of the Police Act for creating a nuisance. If every violation of law brings retribution the incidence of crime against women will drop. The answer to rape is not the death penalty, it is consistent, unrelenting policing which results in a respect for law being instilled till it becomes instinctive. In such a society of laws incidence of molestation of women will drop drastically and women will be safe. If social pressure achieves this, let it be the fear of khakhi.
