

**"POLICE ADMINISTRATION IN INDIA"**

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This is to certify that Mr Krishna Mohan Pandey student of LLM 2<sup>nd</sup> Sem Roll No 1190997030 Babu Banarasi Das University Lucknow has worked on topic Police Administration in India, under my guidance and supervision. To the best of my knowledge the dissertation embodies original work of the candidate himself and findings and dissertation put forth in dissertation are his own, formulated after perusal of primary and secondary resources cited in this dissertation.

I wish him/her success in life.

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**LUCKNOW**

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## LIST OF ABBRIVETION

A.I.R.	:	All India Reporter
SCC	:	Supreme court cases
H.C.C	:	High court cases
HC.	:	High court
SC	:	Supreme court
CAPT.	:	Captain
e.g.	:	Example
I.P.C.	:	Indian Penal Code
Prof.	:	Professor
S.	:	Section
U.S.A.	:	United States of America
V.	:	Versus
i.e,	:	That is
ART	:	Article

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# CHAPTER I

## Introduction

Human beings forming an organisation or living together in a society have to follow certain norms of behaviour. A primitive society can exist under simple systems of societal norms with a simple form of authority or governance. With increase in population and progress, society becomes more complex and so is the structure of government. Under such a complex way of life and the multiple needs of the society and its numerous members, a huge machinery of government is needed. The norms of behaviour in such a society are enforced through a complex system of laws by a large police force entrusted with multifarious duties and responsibilities. Due to changing perceptions and changing circumstances, different societies at different times have had different laws and manner of enforcing those laws. The responsibilities of the law enforcing agencies are not the same in different countries and the pattern of organisations also does not follow similar lines. The controlling authority of police may also be the local authority, an autonomous and independent body or the government - federal or a unit of a federation.

Police forces are governmental organisations charged with the responsibility of maintaining law and order. The word comes from the French, and less directly from the Greek 'polis' through the Latin politia referring to government or administration. The word police was coined in France in the 18th century. The police may also be known as constabulary named after constable derived from the Latin term stabuli which means master of the horse a title given to the master of the horse of the East Roman emperors<sup>1</sup>. The title was inherited by the French and it denoted a military rank. So, in France the rank of constable was given to military officers. It was imported into England by the Normans with its military implications and was generally used to designate certain officers who were appointed by the King as commanders of his castle. Later on, the Normans gave this name to local officers whose duty was not only to detect and apprehend lawbreakers and bad characters, but also to enrol men in the militia. These men were an early manifestation of police officers.

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<sup>1</sup>Rajinder Prasher, Op.Cit., p.9

The major role of the police is to discourage and investigate crimes, with particular emphasis on crime against person or property and maintaining of public order, and if able to apprehend suspected perpetrator(s), to detain them, and inform the appropriate authorities.

Police persons are often used as emergency service and may provide a public safety function at large gatherings, as well as in emergencies, disasters, search and rescue situations. To provide prompt response in emergencies the police often coordinate their operations with fire and emergency medical services. In many countries, there is a common emergency service telephone number that allows the police, firefighters or medical services to be summoned to an emergency.

The police personnel are responsible for reporting minor offences by issuing notes which typically may result in the imposition of fines, particularly for violations of traffic law. Police officials also involve themselves in the maintenance of public order, even where no legal transgressions have occurred.

In many countries, particularly those with federal system of government, there may be several police or police like organisations, each serving different levels of government and enforcing different subsets of the applicable law.

Under Article 246 of the Indian Constitution, police is a state subject. The rules and regulations regarding the police are framed by the State Government. Each State or Union Territory has its separate police force. There is a good deal of similarity among them as the structure and working of the state police are governed by the Police Act of 1861. Common major criminal laws are applicable to all the States and Union Territories. The Indian Police Service forms the bulk of senior officers in the state police. Superintendence over the state police force is exercised by the state government. The Head of the police force in a state is the Director General of Police (D.G.P.) who is responsible for the administration of the State Police and advises the government in police matters.

The role envisaged for the police is to “preserve internal tranquillity in the country under all ordinary circumstances, to keep the peace, to protect life and property, to prevent and detect crime, to furnish guards for public property, for jails, treasuries, and the like, to escort treasure, public stores and prisoners; and to perform a variety of civil duties connected with



the watching of military buildings and military stores and property, both in the station and on the road.<sup>2</sup> Sections 23, 24 and 25 of the Act 1861 lay out in detail the duties of police. Besides, police is empowered to act under various Central and State laws. The Criminal Procedure Code, and various other Acts also lay down the power and procedure according to which police personnel are to exercise their powers. The Police Act of 1861 places the administration of police in a district under the 'general control and direction' of the District Magistrate ensuring executive control.<sup>4</sup> Various Police manuals and rules further elaborate these duties. The State Police is also entrusted with the duty of collecting and disseminating intelligence and providing security to public property and members of the society during natural disasters and other emergencies.

The state police is organized on the pattern of the army, with a rank structure, uniform and badges of rank. It consists of three wings - the District Police, the Armed Police Battalions and the Intelligence Unit called the Special Branch (S.B.). There is also a Criminal Investigation Department (C.I.D.) to investigate important crimes and to keep crime records. There is a Police Radio Organization to maintain communications systems. Police Training Institutions also function at the state level. Each state is divided into administrative units known as police districts. A Superintendent of Police (S.P.) heads the police force in each district. A district is again subdivided into sub-divisions under a Deputy Superintendent of Police (D.S.P.) or an Assistant Superintendent of Police (A.S.P.) and a sub-division into Police Stations under an Inspector of Police or a Sub-Inspector of Police. The Police Station is the basic unit of police operation which operates in a small area. A group of such districts form a police range under a Deputy Inspector General of Police (D.I.G.). Some states have zones comprising two or more ranges, under the charge of an officer of the rank of an Inspector General of Police (I.G.P.).

So far as the situation in Uttar Pradesh is concerned, it may be mentioned that before the advent of the British, the Village Chiefs and the Upas,<sup>3</sup> (advisers to the Chief) wielded absolute power in the matters of law and order. After Independence, police administration was established which suffered a setback during the insurgency period of 1966-86. When

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<sup>2</sup> Shailender Mishra, *Police Brutality - An Analysis of Police Behaviour*, 1986, p.6.

<sup>3</sup> Upa" in Mizo language means 'Elder'; for details see, Sangkima, *A Modern History of Uttar Pradesh*, 2004, p.16.

Uttar Pradesh became a full fledged state in 1987, the police administration began to be revamped and strengthened.

Since statehood, the strength of Uttar Pradesh Police increased gradually. Now the head of the Police is an officer of the rank of Director General of Police as in other states. He is assisted by an Inspector General of Police, Deputy Inspector General of Police (Range), Deputy Inspector General of Police (C.I.D.), Assistant Inspector General of Police (A.I.G.P.) and other officers<sup>4</sup>. Uttar Pradesh Police also includes the State Fire Service and a nucleus of Forensic Science Laboratory. There are three Uttar Pradesh Armed Police Battalions and two Indian Reserve Police Battalions.

### **Scope of Study**

The study covers as a whole, both the unarmed and armed branches of the police organisation in Uttar Pradesh including the intelligence wing to the extent possible, particularly during 1987 and 2005. To get a complete picture of the organisation, the study also briefly covers the police administration during the British and post-Independence period under the state of Assam besides making a probe into the recent developments.

We have looked into the administration of the police organisation at all levels from the Constable to the Head of Department and their inter-relationships. Study of each branch of the police organisation has been done separately. Besides these, the study also covers the PolicePublic Relationship and the perception that the public possess of the police force. The study also includes the effectiveness of the police in their daily functions as well as in emergencies and during natural calamities.

During the course of our study, we have looked into the structure, functions and process of police administration in Uttar Pradesh with a view to getting an in-depth idea about the same. During the course of the study, we have also dealt with the anti-insurgency activities as undertaken by the Uttar Pradesh police as and when that were required.

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<sup>4</sup>Data as available in 2005, Office of the DGP, Uttar Pradesh.

## **Objectives**

The study attempts to probe into the weakness, deficiencies and problems of Uttar Pradesh Police and to find out the genesis of such short coming. The Study attempts at finding possible ways of making the police effective in its performance of duties and responsibilities. The study tries to identify the ways and means which will facilitate efficient performance of its duties. The study has also tried to find out if the services provided by the police come up to the expectation level of the people of Uttar Pradesh.

Some of the major objectives of the study include the following :

a study of the origin, growth and development of police administration in Uttar Pradesh

a study of the problems and challenges faced by the police personnel in discharging their duties and responsibilities, and

a study of the need for better training, facilities and infrastructural support to the police to serve the people more effectively.

## **Methodology**

The study is based on both the primary and secondary data as collected from various sources of the Police Department, Government of Uttar Pradesh. Information have been collected from newspapers, journals, magazines, booklets and other published and unpublished sources. Interviews of the functionaries of the Police Department as well as members of the public have been conducted. Information regarding various Government policies have been compiled for the study . Questionnaires have also been prepared and administered to facilitate data collection during interviews and field visits.

## **HYPOTHESES**

1. Lack of training for police personnel leads to inadequate use of new technologies in Uttar Pradesh Police.
2. With the adoption of new technologies prevention and detection of crime has become easier for the Uttar Pradesh Police.

3. With the use of new technologies, accountability of police personnel and transparency in their working has increased.

4. The usage of new technologies has improved the performance of Uttar Pradesh Police.

## CHAPTER II

### **Review of Literature**

Review of literature is imperative to focus attention on the various aspects of police public interaction, which has already been studied by various research scholars, police personnel, sociologists, criminologists and many others. Review of few books and articles is being made here with.

The early attempts to survey public opinion regarding the police were made in 1950s. Gourley, in 1953 and Houston in 1959 found that no matter how well a police department is organized or how efficient and honest its administrative, it is judged by individual citizens and consequently, by nature of its public contacts with the police are the single most important determinant of the public image of the police.

A systematic empirical study of the police applying sociological role theory was done more than a decade ago by (Jack Preiss and Howard J. Ehrlich, 1966). Their study of the state police organisation testified to the complexity of the question. They found that there is, indeed a great deal of confusion and ambiguity in role perception of police officers themselves. Trial - error learning (occupational socialization) and "playing it by ear" are intrinsic elements of police behaviour. Preiss and Ehrlich agreed that certain dilemmas faced by policemen are part of the police structure of police organisation itself. They found that little consensus in role perceptions among police officers at the same or different levels of the organisation. In turn, there was little consensus in how police officers perceived what other ("Audience Expectation" "Significant others," etc) required of them in role performance. Often this left the police (The actor) choosing from among behavioural roles without adequate guidelines.

Westley (1966) in his study concluded that it was a universal complain of police officers that the public world would not help them and in fact hindered them in duties. Albert Reiss and his several associates at the university of Michigan looked into several aspects of this in their study for 1966 President's crime commission. Reiss indicated there are frequent instances in which citizens is victimized by crime believes it useless or futile.

Goldstein (1968) argued that the police must become more, not less involved in non criminal activities, if they are to be effective in dealing with civic disobedience.

Berkley (1969), points that the Europeans views on police role have undergone significant changes to their work. He points out that the developments in police education, social service activities and the use of civilian in police work that appear to be the reducing the traditional isolation of the public from the community.

Wilson (1972) maintains that the most useful method for "easing of tension is an active partnership between citizens and the police". According to Reese, police stress is universal. It has no geographical boundaries or political affiliation. There are many professional and legal strictures that circumscribe the policing response, which can lead to frustration and this overlaid with job demands caused strain & stress in individual police officers. It has largely been reported in studies in America (i) (Stratton, 1978} and Australia (ii) Survery, (iii) Sovtar and Weaver, 1993)

It has been stated repeatedly by American police psychologists that the police profession may not be that dangerous physically, but perhaps the most "emotionally dangerous" job in the world. A number of studies were conducted by (Westley, 1970; Kelly, 1973; Charlson and Sultan, 1975; Philips, 1976; Friedrich, 1977; Ferdinand, 1980; Regoli Poole and Walls, 1980; Spielberg et al, 1981; Territo and Veter, 1981; White and Marino, 1983 and Felkeness, 1984), with regard to role, function, attitude and behaviour of police along with their job stress. The general implications of these studies reflect correlations between socio - psychological variables and job experiences.

Varwell (1978) in his book "Police and Public," presents certain remedies and explains for the police officer some of the many forces that effect the society in which he works. Equipped with this knowledge, the people recruit should be able to understand more fully his own roles in society and at the same time the expectations and opinions of the public has of his role as public officer.

Police community relations is a subject that has come to the forefront of social concern in the United States during the last two or three decades (Radelt, 1980).

According to Miron and Wasserman (1980) the police should bear in mind that they are not "Military Personnel"; basically, they are "citizens of a community who have chosen to serve that community.

Thomas, Gordon and Lee (1981) opined that during their investigations of police - community relations problems throughout the US opined "there is no single case in this combined experience have we individually or collectively encountered persons who were advocating the destruction or abilities of policing. No matter how hostile or enraged people were in particular situation, the persons and groups with whom they have contact over the years have uniformly and consistently recognized the social imperative of having a police apparatus. This is an important point, for it demonstrates graphically that persons from all walks of life, representing a variety of social and political views, recognize the necessity of policing.

On the basis of the above review of literature it was found that attitude of public towards police, almost everywhere, has been somewhat a mixed one due to several historical, sociological and psychological reasons.

Brown (1981) comments that by sharing values with the community, officers can mitigate the undesirable impact of the separation between the police and the community.

According to Brown (1985), some of the benefit of good public relations are "greater feelings of job satisfaction", "Sensitivity" and "Judgement".

Murphy (1982) states that police corruption "undermines public confidence", "destroy respect for law" and "harms departmental discipline and police morale".

Locke (1982) maintains that "political interference and police corruption" are inextricably connected with the origins of the police in America.

According to MCNCC (1983) the "appropriate measures" of the police efficiency as well as effectiveness is "public satisfaction with the police force".

"Under the new democratic set up the people would like to see new police with possibly London Bobby image. The changed context demands active alert, judicious, service oriented and responsible police force and not a passive indiscriminate and brutal one".

Mishra, K.K. (1987). This is the first monograph on police administration in Ancient India dealing comprehensively with all aspects of police organisation and function in Ancient India.

Giriraj Shah (1990) has given a very good account of the portrait of district police administration. He has also dealt with centre- state police relations, state police organisation and nucleus of police station.

Chatruvedi (1988) discussed in his book "Rural Policing in India" about the ancient medieval and colonial models of rural policing and examines the short comings of the existing system. In the light of the recommendations of different police commissions the author discusses about the appropriateness of the conventional or colonial model for rural policing and suggests that a decentralized and autonomous system with a considerable participation of the people provide an answer to the disintegrated rural security.

Sah (1989) in his book "Indian Police - A Retrospect" has dealt with police in ancient India, medieval India, rural and urban crime. Finally he has drawn certain strategies for the police for the 21st century.

Mathur (1991) in his book "Police in India, Problems and perspectives" examines how police developed in various societies and what role is expected to play in Pluralistic developing society and many such critical issues, which provide perspective to the police.

Nikhil Jaiprakash Gupta (2000) in his article "Improving the Productivity of the Police at the Police Station Level", opined that image of the police in general and the productivity is judged at police station level.

Siddique (1977) in his book "Criminology: Problems and Perspectives", states that the literature on Indian police is full of adverse comments made upon them for their dishonesty, corruption, unscrupulous methods investigations and general lack of efficiency. In the word of O. Chinnappa Reddy, Judge Supreme Court, the police have always been the object of



attack by press and politician, Bench and Bar, Lawyers and Legislators rouge and reformer citizens and criminals.

Sharma (1977) in his book "Indian Police: A Developmental Approach", carried out a survey about the image of the police. It was found out that 61.36% non-police respondent's regard police as corrupt and harassing, while 27.07% consider police image as foul.

Vajpayee (1977) observed " police in India is associated by tradition with high handedness and corruption, fewer people in 1976 than in 1966 expected fair treatment from the police".

Srivastav (1987) in her study of "Public Image of the Police" has reached the following conclusions on the basis of an opinion survey of 150 respondents. It was found that 88.6% agrees that police are a corrupt lot, while 8.6% disagreed and 2.8% did not know.

Singh (1984) in his book "Police Problems and dilemmas in India" opines that the police image in India was never positive, impartial or honest. People dislike police and are not ready to accept the notion that police of free India carries a changed image and personality.

Parmar (1992) in his book "Problems of police Administration", conducted a study on general public image of the police. He found out that 61% of the respondents of police sample have expressed that the image of the police is fair / satisfactory. Only 1% of the police respondents, view the image as not good which is insignificant whereas as 25.4% of the respondents of non police sample have expressed that the police image is not good. 16% of the police respondents have admitted the fact that the image of the police is corrupt and harassing, where as 39.3% which is the highest in the non police sample have admitted this fact.

## CHAPTER III

### **A Theoretical Analysis: Police Administration**

The term 'police' are familiar to everyone and police men are familiar sights in every locality, either urban or rural. Police often finds itself in the limelight whenever there is any serious disturbance to orderly pursuit of day to day activities. Local and national programmes in Television and Radio give public on-the-spot news of high profile police issues at home and around the country. Newspapers also devote a great deal of space to interesting stories about law enforcement. Generally the news items cover commissions like behavior, brutality, or excess use of force and omissions namely, failure to act fairly and in a judicious manner. But these are rarely related to other issues like their achievements, plans and programmes. The image created by these reports may not mirror what is really the personality of a police officer or even what policing truly entails. Unfortunately, what is created is an opinion about the police and policing that is difficult to erase. We have learnt that this opinion is often incomplete and misleading. Our image of the police and our attitudes about them are often based upon these incomplete media portrayals. It is inappropriate to base our views of police and police work on inaccurate or incomplete informations.<sup>5</sup> . Adverse reactions of the media may be justified in some cases and in some others it may be due to lack of awareness of the constraints police faces or even failure to appreciate the nature of basic functions of the police. People at large hardly ever take pains to know the rationale of action by police or even their very existence. The Police touch the very life of the people. As a coercive arm of the executive any action taken by police impinges on the freedom of certain individuals or cause inconvenience to them. This tends to generate a negative attitude towards police. On the other hand, as an arm of the executive or as a part of the machinery dealing with administration of justice the police is often not placed in a position to explain to the public or the media the reasons for their actions. Arvind Verma, writing about Indian Police, observed, "I wonder whether many of us bring a sense of balance while being critical of police. This is because, in spite of its severe image problem, arising from a lack of respect for human rights and a record for not the best standards in integrity, the achievement on the public order front in India have been impressive, notwithstanding some regions in the north-east where disorder

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<sup>5</sup> Radha Kalyani, Police, Crimes and Human Rights, 2003, p.iii.

has been endemic. This is creditable because policing in the country over the years become highly politicized, rendering difficult free action by police solely on the basis of law, especially the Criminal Procedure Code, which is something like the Bible for Police'<sup>6</sup>.

The term 'police' are now used primarily to denote a body of people organized to maintain civil order and public safety, to enforce the law, and to investigate breaches of the law. Enforcement of law necessarily includes preventive action. The Encyclopedia Americana describes police as "the branch of criminal justice system that has the specific responsibility of maintaining law and order and combating crime within the society. The duties almost invariably assigned to police departments in United States and broadly in most democratic nations are protection of life and property, preservation of the peace, prevention of crime, detection and arrest of violators of law, and safeguarding the rights of individuals. In addition police controls vehicular traffic, prevent and suppress vice and perform a variety of other functions". In India and many other countries, intelligence work is also the responsibility of the police.

In this chapter, an attempt is being made to explain the position of the police in society and the imperative need of the presence of police of one kind or another for the stability and continued existence of the society and the integration of the state; that the maintenance of public order is essential for the pursuit of any aspirations of mankind. Throughout the ages and in any type of society, in fact, policing function has always been there regardless of presence or absence of functionaries called police.

Man by nature is a social animal. He has been living in a society since the dawn of history. We are all a part of society when we share in the comprehensive arrangements for living with one another and for managing our environment. Man depends on the society for his protection, comfort, nurture, education and other hosts of services which the society provides. He depends on the society for the contents of his thoughts, his dreams, his aspirations and even many of his maladies of mind and body. His birth into society brings with it the absolute need of the society itself. This is true of the simplest primitive society or the most complex of present day society; and the two extremes are still to be found even

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<sup>6</sup> Arvind Verma, *The Indian Police: A Critical Evaluation*, 2005, p.i.

today. The simplest societies are the primitive bands who even to this day live in jungles and deserts and on isolated mountains and beaches around the globe. On the other hand, the most complex technological societies bind the world's cities as a part of an evolution that, barring a catastrophe is forming a planetary society of mankind<sup>7</sup>.

Society, according to sociologists, does not mean a specific group of people as normally meant in the common parlance. Rather it means the system of interrelationships and the pattern of norms of interaction by which the members of the society maintain themselves. From the functional point of view society is defined as a complex of groups in reciprocal relationship, interacting upon one another, enabling human organisms to carry on their life-activities and helping each person to fulfill his wishes and accomplish his interests in association with his fellows.

From the structural point of view society is the total of social heritage of folkways, mores and institutions; of habits, sentiments and ideals. The latter includes in it different activities of the individuals and their relations with one another. Society has to be interpreted in a wider sense. It is both a structural and functional organization. It consists of the mutual interactions and mutual interrelations of the individuals. But it is also a structure formed by these relations. It is a pattern, a system and not the people. Those who define it as a group of people interpret it in terms of 'A Society' as distinguished from 'Society'.<sup>4</sup> In fact, in popular usage, we probably mean the former than the latter when we speak of 'society'. For our purpose, however, we are concerned with the individuals whose interrelationships constitute the society. Family, the first society is based on the biological interdependence of the two sexes. None of the two sexes is complete by itself and each seeks fulfillment by the aid of the other. In fact family and kinship were the earliest bonds uniting man with man. As population increases it is the kinship that ties them together. A clan is formed and then the tribe. Religion, among others, is another factor that brings people together. The tribal chief, more often than not, is also the chief priest. As a matter of fact, as Gettel observes, "kinship and religion are the two sides of the same coin".<sup>5</sup> Man in due course gave up his wandering habits and settled in villages and cities and took to pastoral and cultural life. Population

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<sup>7</sup>Harold D. Laswell, 'Man the Social Animal', Encyclopedia Britannica, Introduction to Part V, 15th Edition, 1998, p.168.

multiplied, wealth accumulated, and the idea of property took root and the economic life progressed. As society developed, knowledge and skill developed. Technological advances led to development of industrial society. Progress in different aspects of human life took place in course of years, and rapidly so in the latter half of the 20th century. The present interdependent world with its globalization of markets, economy, knowledge and various aspect of human life with easy mobility is a far cry from that of the Industrial Revolution of the 17th century. These rapid changes and development brought about far reaching changes in the pattern of social relationships and institutions that sub-served human beings. Man arrived at such advanced forms of social organizations as the modern Nation State, the concept of which is far different from the tribal community.

The tribal society, perhaps the earliest stage of state organization contained elements that constitute a state and its agency, the government. In fact, rudiments of government in its simplest form was present in the family or the clan in the shape of family hierarchy. In the tribe, the head of the tribe or few important persons wielded authority and they were obeyed. Coexistence in the society entails compliance to the norms of that society. Marginal deviations from the norms might attract frowns of the elders. Serious disregard to the established form of relationship would attract not only disapproval but punishment to deter others and also to stop further violations. Without conformity to the existing norms or the means of enforcing such norms, society whether a family, a tribe or even the modern society cannot survive. The instinct of survival in the individual human beings would also be played out in the society. Violation of norms of living together threatens survival. It is the basic function of the police along with the courts to ensure conformity to these norms even to the extent of coercion with use of force. War is another danger to the continued existence of the society or the state. When the existence is threatened by a hostile country, it is the armed forces which would be primarily involved. Survival and continued existence is of ultimate importance and of primary concern. Yet mere survival is never satisfactory to the human mind. There must be opportunity of peaceful pursuit of progress and prosperity. Such condition can only exist when there is security of life and property in the community and public order. These are disturbed when there is violation of norms of social living. Here again it is the police which is entrusted to ensure security of life and of property and public order. Unfortunately, the present global society with its complex interrelations, ease of travel,

emphasis on pursuit of self interest, anonymity in thickly populated areas and impersonal relationship with reduced concern for others as compared to a tribal society offers ready opportunities and provides impetus to violation of social norms with impunity. For the same reason the machinery required for governance has become much larger in size and far more complex in structure. The concept of the role of the government is also changing and much more responsibility and functions are entrusted to it as compared to the laissez-faire liberalism of the 19th century. Consequently, the system of governance has become very complex and enforcement of laws requires huge and complex machinery.

With the art of writing being developed the customs and traditions, in most of the cases, became written laws. Tribal centers became small kingdoms and ultimately powerful empires came into existence on the strength of wealth and military power. Big empires were established in the valley of the river Indus and the Ganges in India, in the valley of Hwang Ho and Yangtze-Kiang in China, the Euphrates and Tigris in Mesopotamia and the Nile in Egypt. It is also likely that the earliest states rose on the Plateaus of Mexico and Peru in South America<sup>8</sup>. Greek city states with a highly developed political consciousness came into existence but was replaced by the Roman Empire. The break up of the Roman Empire was followed by feudalism in Europe from which strong monarchies sprang up followed by nation states. Due to growing political consciousness and various other factors democracy in different forms came into existence.

Terms like society, state and government have been used and the term 'society' broadly defined. The concept of the state is comparatively modern and owes its origin to Machiavelli who expressed this idea as the power which has authority over men. However, there is no accepted definition of the state and it has been differently defined by various writers from time to time.<sup>7</sup> The state may be defined "as an association of people inhabiting a territory and living under a sovereign government. Thus conceived, the state is not a community but an agency of the community. It is the means for the welfare of the community. It is a peculiar institution within the community. It has special attributes, special instruments, and special powers".<sup>8</sup> It is a politically organized and geographically limited body of people that possess the right to use force. It is an abstract entity and so must have an instrument through which to

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<sup>8</sup>V.D. Mahajan, Political Theory, 1988, p.270.

operate and function. Community, on the other hand, is a group of people living in a defined geographical area and having a sense of oneness and a belonging, sharing basic conditions of a common life. For our purpose society has been and will be used in the popular sense meaning sometimes the society in general, or the community. Government, on the other hand is the political system by which a nation or community is administered and regulated. It is “an instrument of the state through which it carries out its purposes. A government includes only those officials and persons appointed or elected to determine, interpret and carry out the regulations of the state. It has three main organs, the legislative to determine the laws of the state, the executive to carry out these laws and the judiciary to interpret them. The sole purpose of the government is to act as the instrumentality of the state”.<sup>9</sup> With progress in every aspect of the society and fast paced development in technology, the functions of governments have grown increasingly more complex and extensive. Under the absolute monarchies, which were the dominant form of government in Europe from the 16th to the 18 th century, the task of coordinating the administration of royal decrees was carried out by a growing class of book keepers, letter writers and analysts. The evolution of this class produced the bureaucracy that is central to the orderly functioning of modern governments, be they constitutional or totalitarian. In constitutional systems, power of legislation and enforcement are divided among executive, legislative and judicial components, and the ability of one person to continue to hold power is subject to periodic recourse to an electorate. Legislators are elected in each of the discrete districts which together make up the territory served by the government; the chief executive is chosen either in a direct election throughout the territory, as in the United States or by the legislature as in Great Britain or India.

Totalitarian dictatorship is perhaps the most distinctively modern form of government. Generally, a dictatorship is established when an organized minority seizes power by force or fraud and rapidly assumes complete control over the government. A mass party grows out of this original group and looks to it for the reconstruction of the society; it is the existence of this mass party that distinguishes these governments from historical tyrannies or absolutist states. Opposition to the dictator is stifled by the imposition of state control over all forms of expression, institution of secret police and spying networks; and the suppression of all opposing political parties.

The powers and organization of governments are defined by the basic law called the Constitution. It is a body of doctrines and practices that form the fundamental organizing principle of a political state. The Constitution may be written or in some cases unwritten, in which case it would be “made up largely of customs and judicial decisions the former more or less evanescent and intangible, since in a written form they exist only in the unofficial collections or commentaries of publicists and lawyers<sup>9</sup>. The Constitution is the fundamental law of a state, containing the principles upon which the government is founded and organized. It regulates the exercise of the sovereign powers including to what bodies or persons these powers shall be entrusted and in what manner would such power be exercised. All the other laws or rules laid down by the state should conform to the provisions of the constitution. It defines the legal relationship between the state and the citizens and in accordance with which the powers of the state have to be exercised. It also determines the nature of government that would be in place. Virtually every state claims to have a Constitution, but not every government conducts itself in a constitutional manner.

A Constitution, to be worthy of the name, must contain provisions for certain political attributes: stability, both of form and procedure; yet, on the other hand, adaptability to the social, economic, technological and other changes that are inevitable in the life of a state; accountability to those in power to some other organ of the state, such as an electorate; representation of the governed within the government; openness in the conduct of government; and division of power among distinct branches of government. Constitutional government is, thus, a limited government, and it is the chief function of a constitution to serve as a standard of legitimacy by which government may be judged.

The Constitution is defined above as the basic or the fundamental law. It provides the framework for the creation of law. The term ‘law’ means a body of rules which may be written or sometimes even unwritten but have to be obeyed all the same by the people. Law is external in the sense that it is concerned only with the external action of the individuals. The inner thoughts and feelings of the people which are not expressed in word or deed are outside its purview. Law is universal in the sense that it applies to everybody and serves as a social mediator of relations between people. It applies even to those for whom it is made.

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<sup>9</sup> R.C. Jha, S.K. Gosh and K.M.Rustamji, Encyclopedia of Police in India Volume II Part B, 1994, p.1218.



Law is no respecter of individuals. It applies to all in the same way. Law is imperative in the sense that it has to be obeyed by everybody and those who violate it are punished by the state. The coercive authority of the state enforces the law. Law is not merely a command of the sovereign because customs and usages which are not in the nature of command but incorporated in the law are obeyed by the people. In fact, they form important parts of the law of the land. Law is essential for maintaining peace and order in the country. It is the first condition of social life<sup>10</sup>. The coercive authority of the state alone is not enough to enforce the law in the long run; there must also be a general acceptance of it by the people at large whether it is an outcome of the customs, traditions and accepted values of the society or a forward looking enactment to change and transform the society in an area or areas of living together in a community. Law should also make provisions for the community or communities within the state to grow and improve one or more aspects of social living for the entire people, a particular group or any individual including room for changes so that it evolves with the society.

Laws may largely reflect the morality and values of the people at large, yet law enforcement agencies will still be required due to differences in individual nature and the selfishness of human beings. There will always be people who are prepared to cross the boundaries of the law or laws in the pursuit of self interest or due to other reasons; human nature being such that the reason behind any particular action of an individual can be different in each person. This is true of a tribal group or the most civilized community of the world. The law enforcement agency or agencies may consist of few persons, or a complex organization or organizations depending on the population and other factors. In fact, there are invariably a number of agencies enforcing varieties of laws as the requirements of implementing and enforcing differing laws naturally vary in nature.

Laws can be classified on the basis of various principles depending upon the basis of the area of application. For our present purpose laws may be categorized into two types namely civil and criminal laws. No precise definition of civil law seems possible, but Hazel Kerper tells us that civil law “has to do with such things as contracts, wills, inheritances, marriage,

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10 V.D. Mahajan , Op.Cit., pp.410-411.

divorce, adoption and the like, and with private injuries which are called torts<sup>11</sup>. The term civil law is also used to describe the legal systems of many continental European countries as opposed to common law, the Anglo-American legal system. However, the civil law mentioned here means only the law governing civil offences.

While making a survey of the writings on criminal law, it is found “few writers provide any precise definition of criminal law, but several describe its character and functions. Basically, criminal law is said to be that law which deals with crimes or criminal behavior. But crime is itself difficult to define except by referring back to criminal law. Most writes thus leave us caught in a vicious circle<sup>12</sup>.

There are two sources to help us out however. Black's Law Dictionary states that criminal law deals with "any act done in violation of those duties in which the law has provided that the offender shall make satisfaction to the public" Joseph Goldstein comments as follows, “The criminal law is one of many intertwined mechanisms for the social control of human behavior .

It defines behavior which is deemed intolerably disturbing to our destruction of community values and prescribes sanctions which the state is authorized to impose upon persons convicted or suspected of engaging in prohibited conduct<sup>13</sup>.

There are two essential elements that set criminal law apart from other laws. Firstly, there is reference to threats to or destruction of community values and the individual's obligations to the community at large. Thus, the stress is on the preservation of social order or the society itself as the major purpose or function of criminal law. Secondly, there is an element of sanctions, referred to as “satisfaction to the public” which is imposed on the person by the state. The person convicted “pays his debt to the society”. In other words, society or the community as a whole exacts its satisfaction from the violator. This is in contrast to the civil law's concern with protection of individuals or private parties within the society by requiring the violator to make restitution directly to the party.

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11 N. Gary Holten and Melvin E. Jones, *The System of Criminal Justice*, 1978, p.35.

12 . Ibid.

13 N. Gary Holten and Melvin E. Jones, *Op.Cit.*, p.35.

The precise definition of criminal law may not be possible. But after making a study of the available literature we may mention, So, simply put, criminal law can be defined as that law which has these characteristic: the purpose of protection and preservation of social order and community values, the provision that duly authorized government agencies will initiate the pursuit of legal action (i.e., file cases) against persons accused of violations, and the provision that sanctions will consist of punishment by or restitution to the state or community<sup>14</sup>

Criminal law, in a broad sense, is the body of law that defines criminal offenses, regulates the apprehension, charging, and trial of suspected persons, and fixes penalties and modes of treatment applicable to convicted offenders. Criminal law is only one of the devices by which organized societies protect the security of individual interests and assure the survival of the group. There are, in addition, the standards of conduct instilled by family, school, and religion; the rules of the office and factory; the regulations of civil life enforced by ordinary police powers; and the sanctions available through tort actions. The distinction between criminal law and tort law is difficult to draw with real precision, but in general one may say that a tort is a private injury while a crime is conceived as an offense against the public, although the actual victim may be an individual<sup>15</sup>.

Police is the main agency which enforces criminal laws in any nation state. There may be different systems of policing, a single police unit operating throughout, or a separate police for a defined locality or an area and there can be any number of independent police units. Yet the basic function remains the same. In fact, there can also be a specific police organized for a particular function. In practical terms law enforcement, the primary function of police may translate itself into different kinds of duties. The above paragraphs have shown that enforcement of criminal laws in its widest sense includes maintenance of internal security, law and order and prevention and detection of crimes. Necessary corollary to above functions is collection and dissemination of information's of public importance without which police cannot effectively carry out any of its functions. In fact, the scope of intelligence work has been widened to include anything political and of special interest. The different kinds of

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14 N. Gary Holten and Melvin E. Jones, Op.Cit., p.35.

15 Britannia, Macro. Vol. 16 Criminal Law, p.817.

duties police normally perform under a modern state are elaborated in the following paragraphs.

As mentioned earlier, the primary concern of the society or the state is to ensure its survival and continued existence. The threat to the continued existence and stability to society, in fact to the state, can come from within and without the state. In other words, the security of the state depends on absence of these threats. We use the term 'security' to mean freedom from danger, a sense of safety or a feeling of assurance. It means a state of nonworry. The threat to the security of the state originating from the outside or the external threat is normally dealt by the defense forces. The threat from within itself like disruption of even tempo of life including threat to the life and property of the citizens are normally dealt by the police. Division of threats to the state on such basis is not a water-tight separation. Insurgency, for example, may be fomented by an unfriendly state. The international border is largely guarded, in India mostly by the central police forces namely the Border Security Force (B.S.F.) and the Indo-Tibetan Border Police (I.T.B.P.) and also by the Defence Forces. On the other hand the Indian Army also renders assistance to the state government to restore internal order when required though their primary role is to defend the nation against external aggression. The duties of Police or Defence Forces, as in the case of India, are laid down by the Constitution and other specific laws like the Police Acts and the specific laws for different Armed Forces

The concept of security has been briefly mentioned above as freedom from danger, a sense of safety or a feeling of assurance. Most writers agree that security is a 'contested concept'. There is a consensus that it is a freedom from threat to core values (for both individuals and groups) but there is a major disagreement, about whether the main focus of enquiry should be on 'individual', 'national' or 'international' security. For much of the cold war period most writings on the subject were dominated by the idea of national security, which was largely defined in military terms. The main area of interest for both the academics and statesmen tended to be on the military capabilities that their own states should develop to deal with the threats that faced them. More recently, however, this idea of security has been criticized for being ethnocentric (culturally based) and too narrowly defined. Instead a number of contemporary writers have argued for an expanded conception of security outward from the

limits of parochial national security to include a range of other considerations<sup>16</sup>. They argue that the concept of security includes political, economical, environmental, as well as military aspects, and which is also defined in broader international terms. They take into consideration the contemporary trends in the broad process of globalization which is taking place; that the process brings new risks and dangers associated with such things as international terrorism, a breakdown of global monetary system, global warming and the dangers of nuclear accidents. These threats to security, on a planetary level, are viewed as being largely outside the control of nation-states. Only the development of a global community, they believe, can deal with this adequately. Another aspect of security concern is the new era of violence. We have seen in the aftermath of what has become known as '9/11' in September 2001 in New York, USA. We are living in a world where polarization, both vertical and horizontal, both class and ethnic, has become rampant, and where violence has become more globalized and fragmented at the same time. Security is no longer a simple question of wars between states but also of sub-state conflicts, globally networked and financed in which states have become only one of the actors. For our purpose we are concerned with security at the level of individual, group and a nation state. Yet, as demonstrated conspicuously by the event of 26/11 of 2008 at Mumbai security concern at the transnational level due to extreme polarization in the global society has become the concern of an individual nation-state and of the local police who had to deal with the fallout of such situation.

The primary right of a nation state is its national existence. All other rights of nation state either depend on it or flow from it. This right is known in international law as the right of national security or self-preservation. The national security of a nation state largely depends on internal security, although the importance of external security cannot be deemphasized. As a matter of fact, the security of a nation-state implies both external and internal security. The terms external security and internal security have such communality of characteristics that threat to one portends threat to the other. As far as India is concerned, its history is replete with instances where internal security problems created by centrifugal forces not only aggravate external threats but also paved the way for repeated foreign invasions. Internecine

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16 John Baylis and Steve Smith, *The Globalisation of World Politics: An Introduction to Interational Relations*, 2005, p.300.

rivalry among rulers created chaotic conditions and ambitious foreign invaders lost no time in muscling in on the situation and cashing in on the confusion. There are also instances where threats of aggression had diminished considerably when India was internally strong and free from internal security problems. Therefore, it would be no exaggeration to say that the concept of external security, at times merges into the concept of internal security.

The question that comes up is, “What for do we want external security?” The obvious answer is, we want this for our internal security. Viewed from this angle, one would be justified in making this observation that the Army, the Navy, and the Air Force, though ostensibly providing security by protecting the territory, the territorial waters, and the air space respectively from external threats, are, in essence, promoting internal security<sup>17</sup>. It is, thus, clear that external security and internal security are two sides of the same coin, security of the state. Yet as we are concerned with police it is legitimate for our purpose to separate the two aspects as external security and internal security. Police of a nation-state is concerned with the security of the state, basically in respect of such threats that may surface within its territorial limits, security of individuals and, of properties, private or public.

The term ‘internal security’ though its implications are contested, shall be used to mean the security of the state in relation to the threats arising within its own borders, regardless of the origin of the threat. An insurgency in a particular part of a state may be fomented across the border, yet it is still a matter of police to deal with. This, of course, does not mean that the federal government as in India would not involve itself. The internal security of state, in fact the security as a whole may be affected by various factors like ecological imbalance, global warming, collapse of financial system, economic recession and other factors. These factors are not considered here not because they are not important but because their manifestations do not have any bearing on the works normally entrusted to police.

To understand the implications of the term ‘internal security’ in the Indian context, one is inclined to refer to the Maintenance of Internal Security Act (Act No 26 of 1971) (MISA) repealed in 1978. Unfortunately MISA itself had not defined 'internal security' though the object of the Act was to maintain internal security. In place of the MISA, the National

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17 . R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1221.

Security Act (Act No 65 of 1980) commonly known as NSA was enacted. Section 3 of this Act provides that the Central Government or the State Government could order detention of a person acting in any manner prejudicial to (i) the defence of India, (ii) the relations of India with foreign powers, (iii) the security of India, (iv) the security of the state, (v) the maintenance of public order, or (vi) the maintenance of supplies and services essential to the community. From the provisions of this Act, it can be presumed that any act prejudicial to any of the aforesaid areas is a threat to the national security. If we examine the provisions of the MISA, Section 3 of the Act provided for detention of a person exactly under the same provisions of the NSA. A comparison of Section 3 of the MISA with Section 3 of the NSA reveals that whatever considered as threats to internal security under the MISA have been considered as threats to the national security under the NSA. Hence, one would be justified in equating internal security with national security. It may, however, be pointed out again that the threats to the national security that surfaces within the nation only are of concern here.

There is a difficulty in defining acts prejudicial to the defence of India, to the security of India, and to the relations of India with foreign powers. These are all matters intimately connected with each other. Security of India and security of the states are also closely interrelated. Maintenance of public order and of supplies and services essential to the community are linked to each other, the failure of one, unless promptly and successfully dealt with, would invariably lead to the failure of another.

Aware of such a situation the Supreme Court of India made the following observations in A.K. Roy versus Union of India: "... But the point to note is that there are expressions which inherently comprehend such an infinite variety of situations that definitions, instead of lending them a definite meaning, can only succeed in either robbing them of their intended amplitude or in making it necessary to frame further definitions of the term defined. Acts prejudicial to defence of India, security of the state' and 'relations of India with foreign powers' are concepts of that nature of which are difficult to encase within the strait-jacket of a definition.... An administrator acting on a bona fide or a court faced with the question as to whether certain acts fall within the mischief of the aforesaid expressions used in Section 3, will be able to find an acceptable answer either way. In other words though an expression may appear in cold print to be vague and uncertain, it may not be difficult to apply it to life's

practical realities. This process undoubtedly involves the possibility of error but then, there is hardly any area of adjudicative process which does not involve that possibility... We see that the concept aforesaid, namely, 'defence of India', 'security of India', 'security of the state' and 'relation of India with foreign powers' which are mentioned in Section 3 of the Act, are not of any great certainty or definiteness. But in the very nature of things they are difficult to define<sup>18</sup>.

A nation-state with rare exceptions will have a population which is an aggregate of individuals of both sexes who live together as a community despite the fact that they belong to different races or creeds or colour. In India, which is a Secular State, the people live as citizens of India and their harmonious relationship and the spirit of common brotherhood transcend religious, linguistic, regional or sectional diversities. Any attempt to create discord or disturb the harmony among the people on grounds of race, religion, or language or region or color, etc. must be viewed as a threat to internal security. Any attempt to hurt the ethnocentricity or to disturb the integration of the population in a nation-state must be regarded as a threat to internal security. Viewed from this angle, communalism, regionalism, sectionalism, etc. which disturbs India's "unity in diversity" should therefore be taken to be potent threats to the internal security<sup>19</sup>. In addition threat to the national values are fraught with such far reaching implications that some thinkers have gone to the extent of observing that if there were no threats to the national values and institutions, security of a nation-state would be a matter course. Secularism, federalism, the rule of law and inviolability of fundamental rights are some of the national values enshrined in the Constitution of India. As far as national institutions are concerned, the Indian Constitution provides for Parliament, Judiciary, the Executive, and others. It is incumbent on the Government to take effective steps for the protection of national values and institutions.

Internal security of a state also depends on its economic resources. Economic development is of vital importance to meet the growing needs of a growing population. In fact, exceptional high rate of population itself can create problems of internal security through weakening of the economic resources. Threat to the economic development or hindrances to development

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18 . R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1221.

19 . R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1222.



works like widespread disturbance to law and order and other situations disturbing day-to-day pursuit of living are threats to internal security. Impact of smuggling on the economy cannot be ignored. A large scale smuggling of clothes can adversely affect the textile mills even to the extent of closing them down if such smuggling is not checked. The economic development program can be affected adversely. Smuggling can seriously damage the economy. Traffic in narcotics with its huge profitability is often one of the ways insurgents and terrorists support their operations and are, therefore, a serious threat to internal security.

Maintenance of supplies and services essential to the community, perhaps even more basic than the economic development is another matter closely connected to the internal security. We have already mentioned the provisions of the National Security Act, 1980. Any act prejudicial to it is viewed as a threat to internal security. Supplies and services essential to the community may be two different matters in certain cases but they may also be one and the same thing if viewed from a different perspective. If sweepers strike, services essential to the community will certainly be disrupted and there will be no question of disrupting supplies. Section 36(3) of the Defence of India Rules 1971 defines essential commodity as “food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government”. Light and power are thus commodities; so also food and water. Yet, who will deny that light is a service or drinking water for that matter. The important point is that it must be a thing essential for the existence of the community. Black-marketing in an organized manner is undoubtedly a threat to internal security. In *Rameshwarlal versus State of Bihar*, the Supreme Court observed that, “No doubt black-marketing has at its base a shortening of supplies because black-market flourishes best when the availability of commodities is rendered difficult. It has a definite tendency to disrupt supplies when scarcity exists or scarcity is artificially created by hoarding to attain illegitimate profits. Indulging in blackmarketing is conduct which is prejudicial to the maintenance of supplies<sup>20</sup>. Similarly, hoarding of essential commodities with the object of creating scarcity is also a threat to internal security.

Adulteration of food stuff for sale is another act prejudicial to the maintenance of supplies and services essential to the community. In *Bankatlal versus State of Rajasthan*, the Supreme

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<sup>20</sup> R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1231.

Court had observed that, “.... Engagement in the process of adulteration of foodstuffs meant for sale is an activity highly prejudicial to the maintenance of supplies and services essential to the community more so when it is done in an organized manner and on large scale. In essence we regret to have to repeat that supply means the supply of essential commodity and not its counterfeit and those who are engaged in the process of counterfeiting an essential commodity are certainly acting prejudicially to the maintenance of supply of the essential commodity. This seems to be the correct line of approach, but it does not stop at maintenance of ‘supplies’ only. It extends further to ‘services’ also. One of the primary necessities of life is food; one of the elementary obligations of welfare state is to ensure food to its citizens. The concepts of ‘supplies’ and ‘services’ intermingle in the discharge of that obligation by the State. Maintenance of sale of pure foodstuff too the public, therefore, is both ‘supply’ and ‘service’. A person who sells adulterated food to the people not only evinces a tendency to disrupt the even flow of essential supplies but also interrupts service to the community.

Insurgency is a serious threat to internal security since its object is to rise in an open rebellion against an established government in order to usurp the control of the geo-political system from the de facto government. Beside insurgency, terrorism, extremist violence, the regional movements adopting military postures against the government or indulging in organized violent activities and even espionage are all serious threat to internal security. The Constitution, in India, makes provision for the establishment of a government in each State and Union Territory in a constitutional manner. Any attempt to overthrow unconstitutionally the constitutionally established Government in a State or a Union Territory, has to be viewed as a threat to internal security. Recently, terrorism has been the favoured method by insurgents, religious fundamentalists and other extremist organizations. Espionage is illegitimate since it is tantamount to violation of sovereignty of the state and needs to be countered. In fact, counter-espionage is one of the works of police units charged with intelligence work.

Internal security is of such vital importance that the factors that may cause rise to its threats should not be allowed to obtain roots. Good governance is one way of meeting these

requirements<sup>21</sup>. Conversely, corruption and nepotism on the part of the administrators can give use to violent agitations threatening the internal security. Corruption in the administration shakes the very foundation of the rule of law. It breeds injustice and erodes the credibility of the Government. The students' demonstration in Tiananmen Square in Beijing, China in 1989 in protest against corruption and favoritism at high places is a case in point for quite sometime China was faced with a serious internal security problem. Though the Chinese Government succeeded in quelling this uprising, the movement compelled the Government to take steps for eradication of corruption and nepotism at high places in the administration.

Disturbance to public order is another serious threat to internal security because of its serious consequences. Public order is an expression of wide connotation and signifies that state of tranquility which prevails amongst the members of democratic society as a result of the internal regulations enforced by the Government which has established under the rule of law. Thus, public order is synonymous with peace, safety and tranquility<sup>22</sup>.

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The Supreme Court of India observed in the case of Superintendent, Central Prison, Fategarh and another versus Dr. Ram Manohar Lohia, "Public order is synonymous with public safety and tranquility; it is the absence of disorder involving breaches of local significance in contradistinction to national upheavals, such as revolution, strife, war affecting the security of the state. Thus maintenance of order in the society is one of the basic objectives of the state. For smooth continuation of any state activity and for peaceful living in society, orderliness is the state foremost condition. If there is continuous disorder most of the law abiding citizens would not be able to pursue their daily vocation. Government would find it

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21 See S.K. Chaturvedi, 'Emerging Challenges to Internal Security and Role of Police', Indian Police Journal, 41(2), July-Dec 1994, pp.21-24.

22 . R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.228. - 46

difficult to discharge its normal functions. Such situation may even lead to a chaotic state of affairs which would warrant extra-ordinary steps as calling out the army and pronouncement of emergency. It can be said that maintenance of order is the most important functions of the police<sup>23</sup>. Maintenance of order includes both 'law and order' and 'public order'. However, there is a difference between these two terms which are commonly used to denote orderliness in the society. The Supreme Court has brought out the difference between these two phrases in Pushkar Mukherjee's case wherein it has been held under "The contravention of any law always affects order but before it can be said to affect public order, it must affect the community or the public at large. In this connection a line of demarcation must be drawn between serious and aggravated forms of disorder which directly affect the community or injure public interest and the relatively the minor breaches of peace of purely local significance which is primarily injure specific individuals, and only in a secondary sense of public interest<sup>24</sup>. While reiterating its observation in Pushkar Mukherjee's case, the Supreme Court in another case, has held that when two people quarrel and fight and assault each other inside a house or in a street, it may be said that there is disorder but not public disorder.

We can understand the magnitude of its threat to the internal security if the distinction of 'Public Order' from 'Law and Order' is elaborately clarified. In Magan Gope versus state of West Bengal, the Supreme Court explained the distinction between 'Public Order' and 'Law and Order' by reproducing its own observation in R.R. Chatterjee versus State of West Bengal (Reported in AIR 1975, SC 609), "It may be remembered that qualitatively, the acts which affect 'Law and Order' are not different from the acts which affect 'Public Order'. Indeed a state of peace or orderly tranquility which prevails as a result of the observance of internal laws and regulations by the Government is a feature common to the concepts of 'law and order' and 'public order'. Every kind of disorder or contravention of law affects the orderly tranquility. The distinction between the areas of 'law and order' and 'public order' as pointed out by this Court in Arun Ghosh's case (1970-3 SCR 288) is one of degree and extent of the reach of the act in question on society. It is the potentiality of the act to disturb the even tempo of the life of the community which makes it prejudicial to the maintenance of public order. If the contravention in its effect is confined only to a few individuals, directly

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23 Dalbir Bharti, Police: Role and Responsibilities, 2006, p.19.

24 . Dalbir Bharti, Op.Cit., 2006, p.29.

involved, as distinguished from a wider spectrum of the public, it would raise a problem of law and order only. These concentric concepts of 'law and order' and 'public order' may have a common 'epicenter', 'but it is the length, magnitude and intensity of the terror-wave unleashed by a particular eruption of disorder that helps distinguish it as an act affecting 'public order' from that concerning 'law and order'. Similarly, acts in different situations may give rise to different problems: in one set of circumstances an act may pose only a law and order problem whereas in another it may generate deep and widespread vibrations having serious enough impact on the civilized peace-abiding society so as to affect public order. One has to weigh the degree and sweep of the harm the act in question is capable of in its context. Every case has, therefore, to be considered on its own facts and circumstances<sup>25</sup>.

It is clear that public order embraces more of the community than law and order. It is the even tempo of life of the community taking the country as a whole or even a specified locality. The nature of the act may not be different but depending on the time and place and the person involved, the degree of disturbance and its effect on the community in a locality will be the criteria which will determine whether it is a case of 'Law and Order' or of a 'Public Order'. Take for instance, a man stabs another. People may be shocked and even disturbed, but the life of the community keeps moving at an even tempo, however, much one may dislike the act. Take another case of a town where there is communal tension. A man stabs a member of the other community. This is an act of a very different sort. Its implications are deeper and it affects the even tempo of life and public order is jeopardized because of the repercussions of the act embrace large sections of the community and incite them to make further breaches of the law and order to subvert the public order. An act by itself is not determinant of its own gravity. Similar acts in different contexts thus affect only law and order on the one hand and public order on the other. It is always a question of degree of the harm and its effect upon the community. If the act in question leads to disturbance of the current life of the community it is a case of disturbance to the public order. When it affects an individual leaving the tranquility of the society undisturbed it is a case of disturbance to law and order. In certain cases the nature of the act itself may also make a difference. When the gravity of the act itself is of such nature to endanger public tranquility, it becomes a case

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25 . R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1228.

of public order. Repeated dare devil criminal acts, open shoot-out, throwing of bombs at public places, committing serious offence in public transport, armed persons plundering public properties or terrorizing people and other serious crimes may create a sense of insecurity in the public mind and thus have an impact on public order. Thus, a criminal offence depending upon the nature of the act, the time and place, the person involved and the motive will determine its effect and whether it comes under disturbance to 'Public Order' or 'Law and Order'. There is no formula by which one case can be distinguished from another.

The concept of law and order have been discussed above in connection with public order while dealing with internal security above, and made a fine distinction between the two concepts of disturbance to public order and to law and order in the Indian context following the decisions of the Supreme Court of India. We have seen that the nature of the incidents that disturbed either of them are the same and the difference is based upon the extent of the effects due the existing circumstances and that disturbance to public order is far more serious than disturbance to law and order. Such a distinction is necessary for a theoretical discussion and obviously for judicial decisions; but it is less relevant for practical functioning of police. Practically no distinction is made or can be made between the two terms as far as the measures that have to be taken by the police. An incident which disturbs law and order can degenerate into a disturbance to public order. Thus, public order is also included in the broad term of law and order to which a very high priority is given by police, public and government. The obvious reason is that when order is disturbed due to crimes being committed or certain events taking place normal pursuit of livelihood is adversely affected and may come to a standstill within the affected area, security of life and property is threatened, and reputation of the law enforcement agency, the government and the party in power is adversely affected unless the situation is quickly controlled and normalcy restored.

As already mentioned earlier police is charged with maintenance of law and order, and one of the frequent criticisms faced by the police or the party in power is that they failed to maintain law and order. However, few people are really aware of the essence of law and order. A good law and order does not mean the absence of crime or for that matter, even the nonoccurrence of heinous crime. Even in highly developed countries serious crimes take place but that is sporadic in nature and quick tackling by law and order agencies restores the balance. The

presence of law and order connotes the feeling of safety, the sense of security, the confidence to move around in any corner of the country at any point of time. It is a kind of feeling which, like fragrance of flowers can be felt but not seen. Further the road to civilization is through the existence of proper law and order<sup>26</sup>.

The phrase 'law and order' is commonly used everywhere but it is rarely defined. Maintenance of order, prevention and detection of crime and enforcement of law are among the basic duties of police all over the world. It is easy to assume that maintenance of order presupposes commission of offence. Maintenance of order is needed on a number of occasions when there is no offence being necessarily committed. Whenever there is a large crowd, whether a religious festival or any kind of meeting, order has to be maintained and steps have to be taken to regulate the crowd to ensure orderly conduct in such a manner that every one is able to accomplish the purpose for which he or she comes. Again order has to be maintained in public thoroughfare and other public places so that people can use them without hindrance for such purpose they are intended. In the Indian context the Police Act of 1861 lays down vide Section 23 that "it shall be the duty of every police officer...to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisance; to detect and bring offenders to justice and apprehend all persons whom he is legally authorized to apprehend". Section 30 of the Act places the responsibility of regulating processions and public assemblies while Section 31 gives police the responsibility of keeping order on public roads. Police is thus responsible for maintaining order and to enforce the law. Under Section 31A police may stop any procession for violation of conditions of license granted under Section 30 and order such procession to disperse; and if refused the procession shall be deemed unlawful assembly. The Police Act of 1861 is now replaced in some States by their own Police Act. But the essence of above needs to be maintained in one form or the other. Under Chapter X of the Code of Criminal Procedure which deals with maintenance of public order and tranquility police may order any unlawful assembly or any assembly of five or more persons likely to cause disturbance to public peace to disperse; and may use force to disperse the assembly in case of refusal to obey order to

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26 Ved Bhatnagar, Dynamics of Law and Order Administration, 2002, p.49.

disperse. Under the same Code, Section 151 police may resort to arrest to prevent commission of offence which cannot be prevented otherwise.

The term, maintenance of law and order, is used here to include public order as already indicated above. If not the highest, at least one of the highest priorities is placed by police because breakdown of law and order has far reaching consequences as shown above while dealing with public order. Short of war and rebellion, breakdown of law and order has the highest potential to cause damage to every aspect of life which human beings value. Police has to be on the alert to the possible repercussions of any violation of law, movements and agitations for political or any other cause, communal tension and other situations. For any kind of public gathering like processions, large scale public meetings, important festivals and other such occasions police has to take the required steps and ensure that order is maintained; and, in addition necessary arrangements are required to be made so that preventive measures can be immediately taken in case existing arrangements are found to be inadequate to maintain order. The precautions to be taken will depend upon the prevailing circumstances, and any failure, howsoever slight, will attract frowns from superior officers, government and public. Indeed police are expected to be able to read the future from present circumstances. Police have make arrangements not only for such purpose; they have to have a permanent setup to assess any possibility of disturbance breaking out and have emergency plans to deal with any such eventuality. All areas, towns or cities in a state will not have same situations and the issues that may disrupt the peace in different localities may be totally different. Police have to take all such factors into consideration to enable them to anticipate disturbances and contain them before they spread. In the Indian context extraordinary care has to be taken in respect of disturbances connected to communal or religious issues. Such disturbances are mostly not only viciously violent and damaging; they cause long lasting tension, sense of insecurity mutual hatred against each other within the area concerned.

Every country or a nation state has to make provisions and necessary force with sufficient manpower or depend on the Defence Forces to deal with serious law and order problems as manpower available with Police for normal policing are never sufficient to deal with large scale disturbances. The degree of power vested in them may differ and the organizational structure of the police force entrusted with the task of quelling internal disturbances will not



be the same due to historical and other factors. In India the police are under the government of the federal units, that is, the States. A large chunk of State Police would be involved in dealing with law and order problems and in case of serious internal disturbances, practically the whole police force will have to be utilized. Each State has its Armed Police Battalions, and Federal or Union Government maintains its own armed police forces as reserve forces. Police being a state subject the Union Government would send its forces to assist State Police as and when required. As a last resort, in cases where necessary, military units may also be called to deal with serious disturbances.

One other important aspect of function of police connected with law and order is ensuring of the security of life and property of the citizens including public property. Disturbance to law and order directly affects the security of life and property. During normal times also police has to take preventive measures so that a sense of security prevails amongst public at large. It is a fact that police will never have sufficient manpower to guard each and every home. The local police have to have knowledge of the people and the prevailing situation so that law and order is maintained and specific measures can be taken to meet any threat to individuals or property. Further a sense of peace and security prevails in any locality when police, in the perception of the public, is discharging efficiently its basic function of dealing with crimes and criminals.

Conception of crime may vary so widely from culture to culture and change with time to such extent that it is extremely difficult to name any specific act universally regarded as criminal. Conduct that is lawful in one country may be criminal in another, and activity that amounts to a trivial infraction in one country may constitute a serious crime elsewhere. Changing times and social attitudes may lead to changes in the criminal law, so that behavior that was once criminal becomes lawful; the opposite may also happen that what was lawful earlier may become criminal especial when new laws are introduced. It is, therefore, extremely difficult to name any specific act universally regarded as criminal. Treason or disloyalty to the group or one's own country, especially in times of conflict or war, is perhaps the most universal and among the first acts to be recognized as public wrong. Murder is a recognized crime in all civilized society. The trend generally is to increase the scope of criminal law rather than to reduce it. New technologies give rise to new opportunities for

their abuse, which in turn give rise to legal restrictions; just as the invention of motor vehicle led to the development of a whole body of criminal laws designed to regulate its use, so also the widening use of computers has created the need to legislate against a variety of new abuses and frauds or old frauds committed in a new way. Ultimately crime is whatever conduct the laws of a particular jurisdiction designate as criminal. In most countries the criminal law is contained in a single statute known as the criminal code or penal code. The criminal codes of most English speaking countries are derived from English criminal law, yet England itself has never had a criminal code. English criminal law still consists of collection of statutes of varying age. Series of attempts to reduce the English criminal law to a code has not been successful due to resistance by the judiciary<sup>27</sup>. In India, there are three major criminal codes, namely the Criminal Procedure Code laying down the procedure and powers of the courts and police, the Indian Penal Code defining specific crimes and their punishment, and the Evidence Act laying down the kind of evidences admissible and relevant.

There are other hosts of minor criminal laws dealing with specific subjects like excise laws and rules, the Arms Act, etc., enforcement of which are also the sole responsibility of the police or, in some there is an agency responsible for enforcement but police are also empowered to take action.

Prevention and detection of crime is the term used for describing the police work of dealing with crime and criminals. This apparently simple phrase, in a way, includes every aspect of police work. Any duty performed in order to preserve internal security, maintenance of law and order, and most of other police duties will also involve prevention or detection of crime or both. Duties connected with internal security or law and order problems have to include preventive measures and also to search out perpetrators of violence and to arrest them and to send them to Court for prosecution and trial.

Prevention of crime does not require a definition. It includes any duty performed by the Police to prevent commission of criminal offence or violation of criminal law. Regulatory functions of police are focused on maintenance of order. Maintenance of public order is itself

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<sup>27</sup> The New Encyclopedia Britannica, 'Crime and Punishment', 15th Ed. Vol.16, p.797.

an end, but public order is also a necessary means for prevention of crimes from being committed. Regulation of purely peaceful but huge gathering of people like Kumbh Mela in India by police is absolutely essential as the sheer size of the gathering poses problems and needs to be watched closely to prevent any untoward incident. Any disturbance of the orderly conduct of crowd could lead to serious consequences. Any form of agitation with any agenda can deteriorated into a serious law and order problem. Police presence is a must in such a situation to prevent any resort to violence by the agitationists and to deal with any untoward incident that may develop. Lot many other duties of police may be performed for purposes other than prevention of crimes but the very presence of police itself is a deterrent to criminals. Patrolling on foot or by vehicles, picketing duties, surveillance of suspicious characters, telephone tapping and even preventive arrests come under prevention of crime. Protection duties are also indirectly preventive measures. All these duties can also be performed in a variety of ways depending on the circumstances.

Detection of crime, in most countries, is the responsibility of the police, although special law enforcement agencies may be responsible for the discovery of particular types of crime. Customs department, for instance, may be responsible for the detection of smuggling and related offences. Detection includes investigation and there are series of steps to be taken in course of such investigation of crime depending on the nature of the crime committed. Crime detection falls into three distinguishable phases: the discovery that a crime has been committed, the identification of the suspect, and the collection of sufficient evidence to indict the suspect before the court. A high proportion of crimes are discovered and reported by persons other than the police. The victims themselves or the witnesses normally report commission of crime to the police. There are other types of crimes that may involve the subjects' assent, such as dealing with drugs or prostitution, or those in which there are no particular victim, such as obscenity. These types of crimes are not discovered unless police takes active steps to determine whether these crimes are being committed. This may requires controversial methods, such as surveillance, interception of communication, infiltration of gangs and entrapment. Once the commission of crime has been discovered, the identification of the suspect becomes essential. After identification of the suspect is made, it becomes necessary for the investigating agency gather sufficient legally admissible evidences to convince the court that the suspect is guilty before a conviction can be expected.

The identification of the suspect and gathering of evidences, or investigation, as it is called in police jargon, may be simple and of short duration in few cases. In most of the cases, however, the process of investigation is time consuming and long drawn action involving a number of techniques. Criminal investigator seeks to ascertain the methods, motives, and identities of criminals and the identity of the victims and may also search for and interrogate witnesses.

Identification of a criminal who has left no fingerprints or other conclusive evidence can often be advanced by analysis of the modus operandi; professional criminals tend to stick to a certain technique e.g., forcing entrance, to seek certain types of booty, and to leave a certain trademarks (e.g., the means by which a victim is tied up). Criminal investigation departments compile such data, as well as lists of stolen and lost property, and have ready access to such public records as automobile and firearms registration and such private records as laundry and drycleaners' marks, and second hand-dealers' transactions, and many more.

Information flows in more or less continuously from police informants and undercover agents. Wiretapping and other electronic-surveillance methods have become extremely important, though subject to legal restraints. Interrogation of suspects is one of the most important functions of criminal investigation. In most countries this proceeding is delicate because a confession gained in violation of the suspect's rights can be repudiated in court. The use of the polygraph, or lie detector, is also subject to widespread courtroom limitations.

Of increasing assistance in criminal investigation is the crime laboratory, equipped to deal with a wide range of physical evidence by means of chemical and other analysis. Techniques of identification, especially fingerprinting, and more recently voice printing and even 'DNA fingerprinting' have come to prominence in modern investigation. Photography and photomicrography. Document examination, ballistics, and other scientific techniques are also standard crime-laboratory tools. Forensic medicine can supply analysis of blood and urine and identify traces of chemical substances in bodily organs of homicide victims.

Security of VIPs (Very Important Persons) is another high priority area of police work. A special agency is often established to look after this work because of its sensitivity, and requirement of special skill and training. Whatever agency or force other than police is

entrusted that agency has to coordinate with the local police who would invariably be responsible for related duties or its own police work in the same locality or even in the same location. Whatever measures that may be taken to guard the protected person have to dovetail with the arrangements of their duties made by the local police. Whenever and wherever such VIP is located outside the normal residence the duties performed by the Security Agency and by the Police has to be necessarily coordinated and merged with each other.

Persons who occupy eminent place in public life and who, by virtue of their office, wield authority and power and decide public matter of vital importance to the people and the nation itself are called VIPs. Their security has acquired importance in relation to the position they occupy failure to ensure their security will have serious repercussions even to cause instability to the government and the state itself. Because of their position, power and the decisions they made or their being blamed for certain actions taken by governmental functionaries even at lower level there are people who harbor very strong views of the VIPs even to take recourse to attacking such VIPs with deadly weapons, even with fire arm. Such people remain on the lookout for opportunity. Generally such people have seldom any background calling for surveillance. In the history of the United State of America 9 or 10 attempts to assassinate the Presidents had been made mostly by people with no background or reference in the security file of the Government. Similarly, the boy who killed the Prime Minister of Sri Lanka Bandaranayake and a peon in the South African Parliament who killed the Prime Minister of South Africa, Dr. Verwoerd were such cases<sup>28</sup>. These are also of cases who did get notified to the Security Agents and were kept under strict surveillance and they could hardly find the required opportunity. But some did skip the Security net often due to the lackadaisical ways of the security staff. Examples were William Booth who killed Abraham Lincoln, Beant Singh who killed Indira Gandhi or Godse who killed Mahatma Gandhi.

The dimensions of the protection of VIPs had gone through an ominous change in recent times. Tremendous advance in weapon technology has made available powerful firearms or other means of assassination like timed bombs, explosives and other means. Secondly, terrorist groups publishing 'hit lists' and their targeting VIPs for effect and publicity added

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<sup>28</sup> R.C. Jha, S.K. Gosh and K.M.Rustamji, Op.Cit., p.1292.

another dimensions to the police function of protection of VIPs. Under such circumstance intelligence in general which would take care of the intelligence aspect of VIP security as part of their work is no longer sufficient. Establishing of full fledged unit specifically special designed to collect, collate and disseminate intelligence connected to the security of VIP has become essential. Such a unit will of course, work in close cooperation with the Units charged with intelligence work but concentrate solely with matters connected to VIP security and would be able to concentrate on watching groups and individuals that may pose possible danger to VIPs.

As made clear above the basic functions of police are ensuring of internal security, maintenance of public order and of law and order. The function of collection and dissemination of intelligence is intimately connected to these functions. Without an efficient intelligence system the Police cannot effectively ensure internal security or maintain public order. The security of the nation can be best safeguarded with and efficient intelligence organization. In a world of sovereign nations information is prime element of national power. Intelligence which is best defined as evaluated information that can be given to the national leaders to help them in their decision making. There are three main steps to producing such reports. It must be first decided as to what must be known, then information must be gathered, and finally the information must be evaluated and analyzed. The step of deciding what information to collect presents many possibilities. Political intelligence, the most desired information, is perhaps the least tangible. It includes everything from party organization and ideological rivalries to detailed biography of all key and even subordinate figures. Military and technological information are quantifiable and verifiable. Also of importance is information regarding economics, social and religious movements, agriculture, climate and anything else that may bear on the actions of the country.

Intelligence and covert action denote a wide variety of governmental activities related to national security, defence and foreign policy. While the public sees the intelligence operative as a cloak-and-dagger secret agent in fact the largest amount intelligence work is an undramatic search of public sources including monitoring and analyses of contents of news, written and electronic media and publications of all kinds and shifting of reports from diplomats and other observers. Covert sources of intelligence are aerial and space

reconnaissance, electronic eavesdropping, code breaking, and the secret agent at the classic spy trade. Distinction between internal security and the external foreign intelligence function was made beginning in the late 18th century.

In India, the function of collection and dissemination of intelligence is performed by police but the agency is normally separated from the mainstream policing at the State and even at the District level. The Union Government also has its own Intelligence Bureau (I.B.) which has its offices throughout the length and breadth of the country and coordinates with and sometimes directs the Special Branch which is the apex body of the intelligence organization in the State. This agency operates basically within the country and is regarded as a police organization. As for foreign intelligence there is the Research and Analysis Wing (R.A.W.). Though Indian Police Service Officers are posted to this organization on deputation or being absorbed, and invariably headed by an I.P.S. officer, this agency is not regarded as police organization. In addition, there are other organizations under the Union Government performing intelligence work as a part of their function. Besides, the Armed Forces have their own intelligence units including some of the Central Police Organizations. At the level of the District the Superintendent of Police functions as the head of the intelligence branch called the District Special Branch (D.S.B.) in each District. Even the uniformed police personnel at the level of the Police Stations have to perform intelligence work for their own interest so as to function effectively and for the District police as a whole.

The intelligence work at the State level is entrusted to an organization called the Special Branch (S.B.) which is part of the State Police but practically functioning independent of the mainline policing and reporting directly to the State Government while keeping informed of the Director General of Police, the head of the State Police. At the District level the Superintendent of Police functions as the head of an intelligence unit called the District Special Branch (D.S.B.) which is practically the district unit of the Special Branch and to the extent the Superintendent of Police is an officer of the Special Branch. All the personnel of the Special Branch including that of the D.S.B. are all police officers but they perform their duty in civilian clothes and do not perform normal policing function except under certain contingencies The District Special Branch also comes under it with the District

Superintendent of Police acting as Superintendent of Police of the Special Branch for his District in which capacity he comes under the Special Branch of the State.

Every major nation maintains an elaborate intelligence system. These organizations are somewhat similar in structure the world over but there are three major types: the United States system, the British model and that of the Soviet Union. Foreign intelligence is normally not regarded as policing work. Even internal intelligence agencies are not regarded as police organization. In all cases, however, the counter espionage operations involve policing work whether or not the agency doing the work is called police.

In this chapter, we have made an attempt at analyzing police administration from theoretical perspective. Here, we have also tried to analyze the concepts and notions like police, law, criminal law, security, law and order machinery, crime and intelligence set-up in the context of police administration at a theoretical level. We have highlighted some of the significant writings and analyses of these concepts and notions to understand the theoretical dimensions of police administration.



## CHAPTER V

### Police Administration in India: Historical Prospective

In the second chapter, we have tried to present a theoretical analysis of police administration touching the concepts and notions like police, law, criminal law, security, law and order machinery, crime and intelligence set up in the context of police administration at a theoretical level. The present chapter discusses the origin, growth and features of police administration in India.

The earliest policing in ancient India is known on the basis of what has been delineated through the “Vedas”,<sup>29</sup> “Smiritis”,<sup>30</sup> “Shastras”.<sup>31</sup> Kautilya’s ‘Arthashastra’ and Megasthenes<sup>5</sup> report. The Hindus had a very elaborate system of law enforcement and dispensation of justice. Powers flowed from the King to the other functionaries, who ruled or carried out the command of the law to the length and breadth of the territory. Apart from the contemporary Hindu epics like the Ramayana and Mahabharata the Manu’s law<sup>6</sup> gave an indication of the system governing crime and punishment. The Hindu system has two aspects - religion and temporal. According to the Hindu religion the key concepts of a criminal justice revolve around ‘Dharma’, ‘Karma’, ‘Paap’ and “Punya”. A proper observance of “Dharma” and “Karma” was to earn “Punya” while its non-observance was sinful and punishable. Punishment was inescapable from spiritual authority, the God. In temporal terms,

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<sup>29</sup> The Vedas are a large body of texts originating in ancient India. Composed in Vedic Sanskrit, the texts constitute the oldest layer of Sanskrit literature and the oldest scriptures of Hinduism. The Vedas are the ancient scriptures or revelation (Shruti) of the Hindu teachings. They manifest the Divine Word in human speech. They reflect into human language the language of the Gods, the Divine powers that have created us and which rule over us. See N.N. Bhattacharyya, Ancient Indian History and Civilization: Trends and Perspectives, New Delhi, 1998 and The Ramakrishna Mission Institute Of Culture, The Cultural Heritage of India Volume I, Kolkata, 2004.

<sup>30</sup> Smiriti, literally “that which is remembered,” refers to a specific body of Hindu religious scripture, and is a codified component of Hindu customary law. The literature which comprises the Smriti was composed after the Vedas around 500 B.C. Smriti also denotes tradition in the sense that it portrays the traditions of the rules on dharma, especially those of lawful virtuous persons. These are the ancient sacred law-codes of the Hindus dealing with the Sanatana Varnasrama-Dharma. They supplement and explain the ritualistic injunctions called Vidhis in the Vedas. See N.N. Bhattacharyya, Ibid., and The Ramakrishna Mission Institute Of Culture, Ibid.

<sup>31</sup> Shastra is a Sanskrit term used to denote rules in a general sense. The word is generally used as a suffix in the context of technical or specialized knowledge in a defined area of practice; e.g. Bhautika Shastra (physics), Rasayana Shastra (Chemistry), Jeeva Shastra (Biology), Vaastu Shastra (architectural science), Shilpa Shastra (science of sculpture) and Artha Shastra (Economics), Neeti Shastra (political science). In essence, the shastra is the knowledge which is based on principles that are held to be timeless. Ibid.

the king was responsible for punishing the wrong doers. Each person from the king to the common man it was both a duty and obligatory to live a life according to “Dharma”. Each person had his or her own “Dharma”. The violation or non adherence or even abstinence from doing “Dharma” was a sin and punishable, if not by legal authority, by God. Another source was Manu’s law which provided the guidelines to enforce law.

### **Hindu Period**

During the Hindu Period in India, it appears that there were four elements in the organisation of society against crime - communal responsibility, village watchman, espionage and severe penal provisions<sup>32</sup>. The period of the Mauryas in the 4th century B.C. throws light on this subject. The reports of Magasthenese give an interesting description of the administration of the Mauryas towards the end of the 4th century B.C. The standard of maintenance of law and order was very high during Emperor Chandragupta’s reign, but its effectiveness depended largely on the severity with which malefactors were treated. Mutilation was a common punishment and death penalties were awarded for such crimes as evasion of taxes, injuring a sacred tree or intrusion on a royal procession going to the hunt. Intelligence agents were employed throughout the country and espionage was developed to a fine art.

Another important source of this period is the “Arthasastra” written by Kautilya, who was a minister and trusted Counsellor of Chandragupta. It contains a detailed description of the functions and powers of various functionaries of law enforcement. The system consisted of three basic aspects : (1) an all pervading spy system for detecting and reporting law violation and unearthing illegal activities; (2) uniformed unit for apprehending law violators, maintaining peace and suppressing turmoil; (3) magistracy or judicial authority for awarding punishment. The administrative structure was hierarchical. The Chief Executive Officer of the State, the Collector General was responsible not only for the collection of revenue, and for all other departments of administration. Under him were three Commissioners of Divisions, and under them again were the Nagarikas who were later known as Kotwals - in charge of cities. The Nagarikas was the highest local functionary in a city. He combined the function of a judge, revenue collector, army commander, police chief, sheriff, mayor or a

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32 . Percival Griffiths, To Guard My People: The History of the Indian Police, 1971, p.8.

governor. Masters of the houses were to report the arrival or departure of strangers and to catch hold of people possessing destructive weapons and suspicious persons were to be arrested and examined. Persons throwing dirt into the streets were to be fined. Nagarikas also enforced the elaborate regulations for the prevention of fire.<sup>12</sup> There were other officials who carried out police duties. There was Superintendent in charge of Passports, Superintendent in charge of Liquor and Superintendent in charge of Gambling<sup>33</sup>.

In the villages, organisation for policing was naturally less elaborate and a good deal of responsibility was placed on the village community. There was an administrative organisation in which the Sthaniks corresponding to Commissioners of division or Deputy Commissioners of District in modern times, while a Gopa was in charge of each group of villages. Each village was looked after by a village chief or a village headman known as Gramani or by a village council known as the Panchayat.

Where there was a fort or seat of government, high ranking military officers called Dandapala, Durgapala and Antpala who were respectively responsible for various police functions like internal security of the palace, the security of the fort and the chief punishing authority for violators. Espionage was used as a great instrument of keeping watch on the people, the common criminals and even the King's Ministers and Military Commanders. The system declined when the Hindu kingdom was divided into small principalities and was at the lowest when the Muslim invaders overran these kingdoms, one after the other. The Hindu period of Indian history came to an end sometime between 1000 and 1200 A.D.

### **Mughal Period**

The first Muslim invaders of India were Arabs who entered Sind in the 8th century, but they had little permanent influence and of much greater importance were the invasion of Turks, Persian and Afghans beginning in the 11th century<sup>34</sup>. When the Muslim Sultans took over India they tried to enforce the Mohammedan law imported from Arabia on the conquered

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33 Ibid., p.10.

34 Percival Griffiths, Op.Cit., p.113.

people<sup>35</sup>. They introduced only those changes, which suited their objectives. 18 They made all appointments hereditary.

The provinces were put under the Subadars or Governors appointed by the King. The Subhadar was responsible for maintaining order, to facilitate collection of revenue, and to execute the royal decrees and regulations sent to him. He was responsible for the general supervision, maintenance of law and order, economic prosperity and defence of the province. He also looked after the system of criminal justice and keeping peace and order<sup>36</sup>. He was assisted by Faujdars in discharging executive, military, and law and order functions. The Faujdar was the executive head in charge of a district or Sarkar exercising control over the military police and carried out the Sultans's order within their respective jurisdiction. Roughly each Faujdar had 500 to 1500 Sepoys under his charge, depending the on the size of the district or Sarkar. Apart from his civil and revenue responsibilities, his duties included to dispense or arrest robber gangs, take cognizance of all violent crimes, and make demonstrations of force to overcome opposition to the revenue authorities or the criminal judge or censor. He was vested with executive powers, which enabled him to function as police Magistrate. Faujdar were assisted by Shiqdar who were in charge of a Parganah, a subdivision of a Sarkar. The Shiqdar combined the functions which were performed by the Faujdar and the Kotwal i.e. he was in charge of law and order. As the Faujdar had large areas to supervise, they did not have any effective check or control on the village police or the people living there<sup>37</sup>.

Hence, each area under the charge of a Faujdar was divided into Thanas each looked after by a Thanedar. The Thanedar were men in command of outposts or smaller areas within a Faujdari and were appointed by the Faujdar<sup>38</sup>. A Thanedar was the last managerial link in the chain of command of the executive offices who were responsible for maintaining law and order and control crime. They were in charge of police units stationed at various places for guarding communications and maintaining peace. These officers were part of the rural

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35 M.P. Singh, Op.Cit., p.19.

36 Joginder Singh, Op.Cit., pp.28-29

37 . Joginder Singh, Op.Cit., p.29.

38 . M.P. Singh, Op.Cit., p.19.p.28

system of administration and had large geographical areas under their charge which they could hardly look after.

In big urban centres, the chief of the city police was called Kotwal. The duties of the Kotwal included arrest of thieves and criminals and guarding the life and property of the citizens. He was responsible for policing the cities, towns and their suburbs and also supervised the police functions in these areas. He was responsible for prevention of crimes and social abuses, regulated cemeteries, burials, slaughter houses, jails and took charge of heirless property. He patrolled the city at night and collected intelligence from paid informers. He maintained a register of the addresses and professions of every resident of the town, observed the income and expenditure of various classes of men, preparation and distribution of intoxicants, and the profession of prostitutes were controlled by them. Thus, his functions were preventive, detective and regulatory.

### **British Period**

The Mughal system of justice and police administration declined with the disintegration of the Mughal Empire and the ascendancy by the East India Company after their victory in the Battle of Plassey. The Company took over Orissa, Bihar and Bengal. It established its military and political hegemony over the areas. On receiving the Diwani of Bengal, Bihar and Orissa in 1765 the East India Company did not consider it prudent to vest the management of civil administration on their European servants. They felt that ancient form of government should be preserved and the dignity of the Nizam should be maintained<sup>39</sup>.

In 1765, Robert Clive was appointed the Revenue Minister by the King for Bengal, Bihar and Orissa and that was the beginning of the British ascendancy to power, expansionism, consolidation, and centralisation of administration year after year till the reins of power passed over to the Crown and India became a British Colony except few native rulers maintaining a resemblance of independent Kingdoms. There was a Secretary of State in England responsible to the British Parliament. In India the top executive was called the Viceroy and the Governor-General. The British India was divided into states, each under a Governor who combined the executive and judicial and legislative powers. The states were

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39 B.P. Saha, Op.Cit., p.5.

divided into commissionaires, each under a Commissioner, but the most important unit was the district - a part of the commissionerary. It was headed by a District Magistrate, also called a Collector or a Deputy Commissioner. He was the executive head with judicial, revenue and magisterial powers. The district police Chief known as Superintendent was placed under him for administrative purposes. The districts were further subdivided into divisions called Parganas, each under a Deputy Superintendent of Police. Each subdivision had police stations, each under the charge of the SubInspector known as Thanedar, Daroga or Kotwal<sup>40</sup>.

The policy of Dyarchy, i.e. the rule of two, introduced by Clive, required the Company's servant to pursue a policy of non-intervention in all matters of civil administration and justice. The Revenue administration was entrusted to Naib Divans who were responsible for the collection of land revenue as well as policing and criminal administration. For policing, the Zamindars were expected to maintain the staff including Thanedars for the law and order duties and for maintaining peace in their charge, as well as dealing with crimes and criminals. However, the Zamindars neglected their duties and were often conniving with notorious gangs of dacoits and sharing their booties. This led to chaos and disorder in the country. The British got fed up with the police functionaries and in 1770 the institution of the Faujdhar and Amils were abolished.

Warren Hasting the first Governor-General of the Company realised the need for introducing a suitable police force to suppress violent crime. In this pursuit, he emphasised on indigenous system of policing. In 1772, he established a civil and criminal courts for each district of Bengal and in 1774 he restored the institution of Faujdars. The Zamindars were asked to assist the Faujdars in suppression of dacoits, violence and disorder and at the same time made clear that they would be punished if they failed to meet the just demands of the Faujdars and if their complicity with criminals came to light<sup>41</sup>. In 1775, further change was brought by Hasting in police administration. Faujdar thanas were established in the chief towns of large districts. The Faujdar thanas were assisted by several smaller police stations.

When Lord Cornwallis took over, the criminal administration was in total disarray. He found that archaic practice of entrusting the Zamindars to neutralise the outlaws and maintain law

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40 M.P. Singh, Op.Cit., p.35.

41 . B.P. Saha, Op.Cit., p.6

and order was counter - productive as many of the Zamindars had clandestinely joined hands with the dacoits. Cornwallis preferred Europeans to Indians to undertake control and responsibilities. He brought out the Regulation on 7th December, 1792 for establishing a uniform system of police in the country. The Regulation was later on enacted and amplified in Regulation XXII of 1793. In the opening paragraphs of the Regulation, Cornwallis laid down the principles to be followed as follows-

The police of the country is in the future to be considered under the exclusive charge of the officers of Government, who may be specifically appointed to that trust. The landholders and the farmers of the land, who keep up establishments of Thanadars and police officers for the preservation of peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in the future. Secondly, land holders and farmers of land are not in future to be considered responsible for robberies committed in their respective estates or farms, unless it shall be proved that they connived at the robbery, received any part of the property stolen or plundered, harboured the offenders, aided or refused to give effectual assistance to prevent their escape, or omitted to afford every assistance in their power to the officers of Government for their apprehension, in either of which case they will be compelled to make good the value of the property stolen or plundered.

The Zamindars were completely divested of police responsibility and ordered to disband their local police force. The police administration was directly taken over by the East India Company. Each district was divided into police jurisdictions (thanas). Each thana had a jurisdiction of approximately 400 square mile under a Daroga who functioned under the Magistrate who was the appointing authority. The Darogas were authorised to arrest persons and send them to the Magistrate within twenty four hours of arrest. The Darogas were assisted by Barkandazs. In addition, all watchmen of the villages were subject to his orders who had to keep him informed regularly.

Cornwallis introduced a well defined system of administration, with clear hierarchy and controlling officers. He was the first to introduce full time and reasonably well paid, police

officials in the country. His efforts to tone up police administration has been acknowledged in the preamble to Bengal Regulation XII of 1807<sup>42</sup>.

In 1807, Lord Minto became the Governor General. He realised that the police organisation had been suffering from inadequate organisational control and proper division of labour. He appointed a Superintendent of Police in Bengal to supervise the Police divisions of Bengal in Calcutta, Dacca and Murshidabad. This officer was also a Magistrate. The system was extended to Patna, Banaras and Bareilly. This was the first attempt of the British to introduce a coordinating agency of control in the administration of police.<sup>40</sup> This system brought a spectacular improvement in police functioning and gave opportunity for personal superintendence on police matters. A full-time officer could pay greater attention to police work which succeeded in activating the police considerably. In 1816, the Superintendents of Police were made to submit annual reports on all subsidiary police establishments to the magistrate. Simultaneously, the Magistrates were also directed to exercise proper control on the organisation, maintenance and control of police administration. This enabled the Magistrates to exercise greater control and authority over the internal matters of police administration, such as appointments, transfers and disciplinary control.<sup>41</sup> In 1829, the office of the Superintendent of Police was abolished. Instead office of the Divisional Commissioner of Revenue and Circuit, was created. The powers of the Superintendent of Police were transferred to the Divisional Commissioner and executive charge was left with the Collectors who acquired the functions of the district Magistrate. The District Magistrate became the head of the police<sup>43</sup>.

The abolition of the office of Superintendent of Police produced adverse results. In absence of effective supervision under a recognised hierarchy, engaged for full-time duty, the Darogas got ample opportunities to misuse their powers and positions and indulged in corrupt practices. The Select Committee appointed in 1832 pointed out the malpractices let loose by the Darogas and their subordinates and emphasised on the inefficient and inadequate supervision by the Commissioner who were unable to devote effective supervision to police work due to other heavy commitments. Hence, in 1837 the Bengal Government reintroduced

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42 B.P. Saha, Op.Cit., p.9.

43 Ibid., p.11.



the post of Superintendent of Police to look after the police work and for taking effective measures for introduction of an improved police. In 1843, Sir Charles Napier annexed Sind Province. He introduced the Royal Irish Constabulary model of police force. The system constituted a separate and self contained police organisation under which the officers had no other but police duties to perform. The system was based on two principle that, the police must be completely separated from the military and they must be independent body 'to assist the Collectors in discharging their responsibilities for law and order but under their own officers'.<sup>46</sup> A principle was thus laid down which was to be followed throughout India in due course.

Napier put the whole of the province under a Captain of police who was responsible to the Chief Commissioner. In each district he placed European Lieutenants to look after the police force which consisted of three classes : mounted police, rural police and city police. The responsibilities of the mounted police were partly protective and partly detective<sup>44</sup>. The rural police were responsible for guarding treasuries, goals or headquarters, escort of prisoners and support of other branches where necessary. The city police were given the task of being watchmen, guard and patrols and tracking. In charge of each division of a district was a Thanadar whose duty was to apprehend offenders and collect evidence.

The police system in Madras which was archaic and unsatisfactory was reviewed after the Vellore Mutiny of 1806 by a Committee. As a result the city was placed under the charge of a European Superintendent. In 1806, the post of Superintendent of Police was combined with the Collector of Taxes. The post of Darogas was abolished. In 1816, the Madras Regulation XI was passed which retained the basic ingredients of the indigenous village police system. The powers of a District Magistrate were transferred from the Judge to the Collectors, though the judges on circuit were empowered to look into police matters. The principle of uniting police and revenue functions was followed at all levels. Collectors and Tahsildars became magistrates and heads of police in their respective jurisdictions. Village headmen were once again made responsible for reporting crime and apprehending offenders. This system remained unchanged till late 1850s.

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44 M.P. Singh, Op.Cit., p.39

In August 1855, the Madras government submitted proposals to the Government of India, suggesting separation of the police and revenue function and the district police must be confined to police duties exclusively; and the force thus set apart must be placed under close and undivided European superintendence.

The government of Madras further proposed that as in Bombay a Superintendent of Police be appointed in each district to be in general subordination to the Magistrate but with immediate charge of the district police force and be vested with the special duty for prevention and detection of crime. That a Commissioner of Police for the whole Presidency be appointed and the entire force, including the city police, should be under his control. In June 1857, the proposal was accepted with negligible modifications. Ultimately an Inspector General was appointed for the entire Presidency. The post were designated as Superintendents. The Superintendent of Police was under the orders of local Magistrates. The village police was under a Police Inspector who, in turn, was subject to the control of the District magistrate. Act XXIV of 1859 implementing these decisions was passed by the Legislative Council of India and received the assent of the Governor-General on 6th September 1859. However, it was not applied to Madras city. In Bombay Presidency after various experiments a post of Lieutenant of Police was created in 1879. Subsequently, the designation was changed to Deputy Superintendent of Police and later the post of Superintendent of Police was created. He was vested with magisterial powers and was authorised to inflict punishment for minor offences. He was also burdened with the duties of Surveyor of roads and clerk of the market.

In 1809, a Police Commission was appointed under the Chairmanship of the Chief Secretary to review the subject. The report of the Committee condemned the system and based on its report, Regulation I of 1892 was enacted under which three stipendiary Justices of the Peace were appointed as Police Magistrates. A Head Constable was to be appointed to discharge the duties of the executive head of the Police, who was considered to be the Deputy of the Police. In addition, a Superintendent of Police was to be appointed to exercise control and deliberative powers as distinct from executive authority<sup>45</sup>.

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45 . B.P. Saha, Op.Cit., p.18.

After the Maratha war in 1817, a Mofussil police force was organised on a large scale. It consisted of three elements, the village police, the stipendiary district police and certain irregular corps. The Collector and District Magistrate was the head of the entire police organisation in the district. The village headmen or Patels were the village officers. They were directly responsible to the district police officer and powered to punish offenders in trivial cases of abuse or assault. In each district there was stipendiary police corps, a paramilitary police force, under European officers who worked under the order of the District Magistrate. They performed police duties and provided escorts for treasure and guards for the gaols.

When, Clerk, the Governor of Bombay, visited Sind in 1847, he was highly impressed by Napier's police system and this led him to embark on police reforms in Bombay and submitted a comprehensive proposal. The proposal was finally accepted on 21st May by Act XXVII of 1852. The general control over the police was placed with the Home Department, Government of Bombay. However, no Commissioner of Police was appointed. The executive duties of were handed over to the Superintendent of Police, but made clear that the Superintendent of the Police was to be the deputy of the Magistrate. In the next lower hierarchy a police officer known as the Joint Police Amildar was stationed in the Court office of each Mamlatdar. He was to have his own department under the control of the Superintendent of Police in matters of discipline and the like.<sup>59</sup> At the next level the Patels were given additional powers, with the village establishment under him and obey the orders of the Superintendent of Police.

The Court of Directors showed continuous anxiety about the whole question of police work in India and on 24th September 1856 it directed the Government of India that 'an immediate and through reform of the Police in all the old Provinces of British India is loudly called for' stating that the Police in India had lamentably failed in accomplishing the ends for which it was established. On 17th August 1860, it appointed a Police Commission composed of four members of the Civil Service under the Chairmanship of M.H. Court. Lieutenant Colonel H. Bruce as member Secretary and the other members were R. Temple and S. Wauchope of Bengal Civil Service, W. Robinson of Madras Civil Service and Lieutenant Colonel Phayre, Commissioner of Pegu. The Commission's terms were firstly, to ascertain the numbers and

cost of all Police and quasi-Police of every description at present serving in each province throughout the British Territories in India, who are paid by Government from the general revenue; and secondly, to suggest to Government any measure whereby expenditure may be economised or efficiency increased, in the existing Police forces.

The Commission worked for a period of one year and five months. The Commission submitted their recommendations through a series of reports. The first report was submitted on 8th September 1860<sup>46</sup>. It was an interim report along with a Draft Bill of the Police Act. The Bill was accepted with minor modifications and eventually enacted as the Police Act (Act V) of 1861. The last report was submitted on 27th January 1862 and the Commission was dissolved on 9th April 1862.

The Act of 1861 had two main aims in view: the establishment and administration, under strict magisterial control, of a single unified police force in every province, and to use it to keep the people of the country effectively under control<sup>47</sup>.

The Act provided, under Section 3, that the constitution of the police force, including its strength and pay of the members, would be decided by the provincial government. The Act further provided that the administration of the police was to be assigned to the Inspector General of Police, and Deputy and Assistant Inspector General of Police, and that in a district the Superintendent of Police and Assistant Superintendent of Police, under the control and direction of the District Magistrate. Sections 5 and 6 of the Act provided that all magisterial powers be vested in Deputy Inspectors General, Assistant Inspector General, Superintendents of Police and Assistant Superintendent of Police. The Act also made provisions for awarding of departmental and judicial punishment to police officers<sup>48</sup>. The duties and responsibilities of the subordinate ranks were also properly determined. Simultaneously, hierarchical structure was identified. The Inspector was the highest subordinate rank, having several grades. Next to the Inspector was the Head Constable, who was to be made in charge of the police parties located at the Station Houses. The lowest subordinate rank was to be the constable consisting of three grades.

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46 B.P. Saha, Op.Cit., p.20.

47 Rajinder Prasher, Police Administration: Organisation & Structure, Recruitment & Training, Unionism & Public Relations, 1986, p.19.

48 Rajinder Prasher, Op.Cit., p.19.

The Act required the maintenance of a General Diary in police stations, wherein the officer in charge was to record all complaints and charges preferred, the names of all persons arrested, the name of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise and the names of the witness who shall be examined. The Act was fairly comprehensive and almost half of it dealt with matters such as police powers with regard to public assemblies, punishment for certain kinds of offences on roads, and the definition of important legal terms used in the Act. The Act did not conceive the police force as a service organisation but an instrument of coercion.

Section 15 provides for the stationing of additional punitive police in any part of the province found to be disturbed from the conduct of the inhabitants. More significantly, the Act provided that the costs of such additional police were to be levied from the inhabitants on the basis of assessment by the District Magistrate. Section 17 provided for the appointment of the residents as special police officers to assist the regular police and Section 19 provided powers to punish people refusing to serve as such. Section 30 empowered the police to license the assemblies and processions of people that could be refused on the grounds of threat to law and order. Furthermore, since Indians filled majority of subordinate ranks, provisions were made to keep their loyalty under constant supervision. Section 44 required the maintenance of a General Diary by the Station House Officer that included details of movements of all police officers posted to the station. The senior police officers not only checked the loyalty of their subordinates but also wielded considerable authority over the general people<sup>49</sup>.

The recommendations of the first Commission and the subsequent Police Act of 1861 were deficient in several respects. Therefore, they could not remove the shortcomings of the police force. Inefficiency and corruption in the ranks of the police force were woefully rampant and the personnel recruited in the organisation continued to be untrained and ill-equipped for the job. With a view to improve things and to reform personnel administration, Lord Curzon, Viceroy of India, set up a new Police Commission in 1902 to make a through inquiry into the functioning of the police. H.L. Fraser, Chief Commissioner of the Central province headed the Commission. The four European members included a Judge of the Bombay High court,

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49 Arvind Verma, *The Indian Police: A Critical Evaluation*, 2005, p.16.

the Inspector General of Police of Hyderabad State, a Barrister of Allahabad and a member of the Punjab Lieutenant Governor's Council. There were also two Indian members, namely, Rameshwar Singh, Maharaja of Darbhana, Additional Member of the Governor-General's Council and the Honourable Srinivasa Raghava Aiyangar, Ex-Dewan of Baroda State and Additional Member of the Council of the Governor of Madras. H.A. Stuart, the Inspector General of Police, Madras was the Secretary<sup>50</sup>.

The terms of reference of the Commission practically covered every aspect of policing including organisation, training, pay, institution of a fulfilled Criminal Investigation Department, organisation of Railway Police and other matters relating to police.

The Commission appointed small local committees in each province consisting of a District and Sessions Judge and Superintendent of Police to conduct preliminary investigations and report their findings to the Commission. The Commission visited all provinces of India except Baluchistan. They visited four police training schools at Bhagalpur, Moradabad, Vellore and Phillur where they saw the students at work and heard the lectures delivered there. They also visited a number of Police Stations and offices. They held fifty public sessions for examination of witness. The Commission also orally examined 279 witnesses and received 683 written replies. On conclusion of their enquiries a conference of the Inspector Generals of Police was called at Shimla to consider matters relating to procedure, discipline and statistics and to work out estimates of the financial effect of the changes they had recommended. The Commission worked for seven and a half months and submitted their report on 30th May 1903 and the Secretary of State approved the report.

The recommendations were meant to restructure and reorient the personnel policies of the police to gear it to the mounting challenges posed by the increase in crime and disorder. Finally, examining the pros and cons, a comprehensive Resolution came out on 21st March 1905 declaring the extent to which the recommendations of the Commission was acceptable to the Government and improving the police administration at all levels.

The village chawkidar was placed under the village headman so that the village affairs could be handled without referring petty matters to police officers. The supervision and control of

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50 n Police: A Critical Evaluation, 2005, p.16. 72.

the village headman was the responsibility of the Collector or the Deputy Commissioner and his deputies. The pay scales of the lower ranks of policemen were raised. A certain percentage of the vacant posts of Sub-Inspectors were to be filled up by promotion from among the Head Constables. Similarly, the vacant post of Inspectors were to be filled up through selection out of Sub - Inspectors. The recruitment to the post of Assistant Superintendent was to be made through a competitive examination in England for men between 18 - 20 years of age. The post of Deputy Superintendent of Police was created for the same functions as those of the Assistant Superintendent and educated Indians were to be recruited for this post but not a part of the Indian (Imperial) Police.

In 1947, the colonial rule was replaced by representative democracy. The ushering of a new pattern of life did not automatically mean the elimination of old institutions and heritage, of which the police force was one. The idea of provincial responsibility of law and order was enshrined in the Constitution of the Indian Republic which provides for the Union and the State lists. Maintenance of public order and police, including the railway and village police are state subjects. The constitutional position of the policies, therefore, remained almost the same as it was before independence. The framers of the Constitution obviously thought that the extent of decentralisation of police administration already existing was sufficient to ensure popular control. The Constitution gives the States the exclusive power to control and regulate the functioning of police. The Central Government may be concerned with the administration of police, but with that only of the Central Bureau of Intelligence and Investigation which is authorised by the Constitution to establish and maintain<sup>51</sup>.

### **Post Independence Period**

Independence did not bring any distinguishing change to police administration. It only required the police to accommodate themselves to a new political context; it affected the manner in which they were held accountable and not the way they were organised to accomplish police purpose.

National elections now determine the members of Parliament and of the state legislatures, the law making body. The majority party or coalition of parties select the Prime Minister and

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51 Ibid., p.35.

state Chief Minister, the chief executive of the union and states. They, with the advice of their legislative supporters, choose candidates to be appointed to direct major agencies and departments of the government. Police affairs are handled by the Ministry of Home Affairs, for the state governments by the Home Departments. Below the ministerial level come the ranks of permanent government employees or civil servants. The senior civil post goes to the member of the I.A.S. (Indian Administrative Service). Therefore, the ranking civil servant in police affairs is the Secretary to the Ministry of Home Affairs, or the Secretary of the Home Department. It is Home Department in each state that the Director General of police is responsible.

The Constitution of India has distributed vide Article 245 and 255 the respective legislative power between the Union and the States. Parliament may make laws for the whole or any part of India. The Legislative Assembly of the State may make laws for the whole or any part of the State. The subject matters on which the Union Parliament or the State Legislature can make laws are given in the Seventh Schedule to the Constitution; the Union List under List I and the State List under List II. There is a List III, the Concurrent List enumerating the subject matters in which the Union or the State may make laws.<sup>80</sup> According to the Constitution, police are state subjects. States have exclusive power over their control and regulation<sup>52</sup>. The Central Government according to List of the Seventh Schedule may enter the police field only in connection with establishing and maintaining a “Central Bureau of Intelligence and Investigation<sup>53</sup>. While public order and police comes under List II. Thus, police and maintenance of law and public order come under the State. Each State nor a Union Territory has its own police. The Central Government does, however, exert a special form of direction over one part of these forces, the Indian Police Service (I.P.S.). Their regulation is a central subject. The I.P.S. officers are appointed in the senior positions in the States. The central government determines the selection and conditions of service of I.P.S. officers. The I.P.S. functions under the immediate direction of state authorities, but the latter cannot modify their service conditions or take any drastic disciplinary action, such as dismissal, against them. The States determine the selection and conditions of service for all lower ranks .

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52 David H. Bayley , The Police and Political Development in India, 1969, p.51.

53 Ibid.



The Central Government has also the power to amend some of the basic laws connected with police like the Indian Police Act, 1861; the Indian Penal Code, 1860; the code of Criminal Procedure, 1861; the Code of Civil Procedure 1859 as these and other matters like administration of justice, preventive detention and other allied subjects which impinged upon the daily functioning of the State Police as these come under List III, Concurrent List. Thus, the Constitution creates a flexible situation in which the administration and organisation of police, though they generally come under the jurisdiction of the states, are simultaneously within the purview of the Central Government under special circumstances.

The Union Government possesses the following police forces of its own which are:

The Central Reserve Police Force (C.R.P.F.) is a paramilitary force under the Ministry of Home Affairs, Government of India. It was originally known as the Crown Representative Police (C.R.P.) and came into existence on 27th July, 1939.<sup>83</sup> After independent it became the Central Reserve Police Force (C.R.P.F.) on enactment of the C.R.P.F. Act on 28th December, 1949. It is basically a reserve armed police force with the Government of India for the purpose of assisting the State Police to maintain law and order and to deal with insurgency. Most of the States are short of armed police and there is lot of demand for deployment of C.R.P.F. especially when there is a communal problem for its neutrality as compared to State Police who are constantly being accused of biases in favour of larger community.

It is under the command of a Director General. When deployed to a State it comes under the operational control of the State Police concerned.

The Force was considerably expanded when numbers of State armed police battalions were incorporated to it in the sixties. Since then it continues to expand and the present strength is two hundred battalions.

The C.R.P.F. has within its fold ten battalions of a specialised outfit called Rapid Action Force (R.A.F.). It was formed in October 1992 to deal with communal riots and other related

events<sup>54</sup>. It is trained and equipped to enable quick movement and response with effectiveness. Secondly, there are two battalions exclusively staffed by women, the only such paramilitary units in the world.

Until the creation of the Border Security Force (B.S.F.) in 1965, C.R.P.F. was deployed along international borders. On 21st October, 1959, Deputy Superintendent of Police Karam Singh and his 20 soldiers were attacked by the Chinese Army, at Hot Springs Ladakh, ten were killed and the rest taken prisoners. 21st October is now remembered across the country as POLICE COMMEMORATION DAY<sup>55</sup>.

The broad gamut of duties performed by the C.R.P.F. include Crowd Control, Riot Control, Counter Insurgency operations, Deal with Left Wing Extremism, Overall coordination of large scale security arrangement specially with regard to elections in disturbed areas, Protection of VIPs and vital installations, Checking environmental degradation and protection of Flora and Fauna, Fighting aggression during War time, Participation in UN Peace Keeping Mission, and Rescue and relief operations at the time of Natural Calamities.

The Border Security Force (B.S.F.) is a central paramilitary force operating under the Union Ministry of Home Affairs. Until the Indo-Pak conflict of 1965, prevention of trans-border crimes and security of the borders were the responsibility of the respective Border States. The conflict highlighted the increasing incidence of crime on the borders. At that time the state police, the army units and the C.R.P.F. were all collectively involved in the administration of border security, but had no unified administrative command. The Central Government with the consent of the border states, established a separate and independent Border Security Force, which came to being on 1st December, 1965. The Force is governed by the Border Security Forces Act 1968. The major functions of the B.S.F. are to coordinate the activities of various law and order agencies involved in the detection and prevention of crime in the border areas; to patrol the Indo-Pakistan, Indo-Bangladesh and IndoMyanmar borders and to deal effectively and on the spot with incidents of minor intrusions, illegal infiltrations and trans border smuggling in the border areas. Mandated since inception to guard India's external boundaries, the B.S.F. ironically has found itself burdened with the

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54 . [http://crpf.nic.in/crpf\\_b.htm](http://crpf.nic.in/crpf_b.htm). Accessed on 6/6/07

55 [http://en.wikipedia.org/wiki/Central\\_Reserve\\_Police\\_Force](http://en.wikipedia.org/wiki/Central_Reserve_Police_Force). Accessed on 6/6/07.

additional task of tackling insurgency within the country, along with the Indian army, C.R.P.F. and State Police. Despite the success in a counter insurgency role, many in the government felt that this additional burden has led to a dilution of the B.S.F.'s mandate and degrading the force's ability to perform its primary role. The Indian government has now decided to implement to restrict each security agency to its mandate and thus, B.S.F. is gradually being withdrawn from its counter insurgency role. The B.S.F. has peace as well as war time role. Their task during peace time includes prevention of trans-border crimes, unauthorised entry into or exit from the territory of India, smuggling and related illegal activities, instilling a sense of security amongst the people living in the border areas and to help civil administration in maintenance of public order.

During war time the B.S.F. is to hold ground in less threatened sectors so long as the main attack does not develop in a particular sector and to protect vital installations against enemy commandos and para-troop raids.

The Railway Protection Force (R.P.F.) function is to protect the properties of Indian Railways and to prevent and investigate crimes committed against property of Indian Railways. Its duties are exclusively to guard railway property as well as property entrusted to the railways. The R.P.F. is headed by a Director General of Police in the Railways Board.

The major functions of the force are protection of the railway tracks and railway property to ensure safe travel to the passengers; enforcement of laws and other administrative regulations of the railways to ensure a smooth passenger and cargo traffic all over the country; and initiating and executing of administrative measures conducive to the protection and security of railway property. It is a separate agency financed and directed by the railway administration itself.

Assam Rifles is the oldest Central Para Military Forces. Presently, it is headed by a Director General, who is an officer of the rank of Lieutenant General from the Army. Though the organisation has a cadre of its own officers, most senior positions are filled up by officers on deputation from the Army. The Force functioned under the control of the Ministry of External Affairs till 1965. Its control was then transferred to the Ministry of Home Affairs

and has since been functioning under this Ministry. However, it functions under the operational control of the army.

The Assam Rifles was originally raised as the Cachar Levy for defending the North East Frontiers with a strength of 700 in all ranks. In 1863, the Cachar Levy was replaced by the Frontier Military Police unit commanded by a civil police officer. It was realised that the watch and ward of the frontier was a military task rather than civilian. In 1882 the Frontier Military Police was reorganised and converted into what was really a military organisation, officered mainly from the Army. In 1917 further organisational change took place and the Frontier Military Police became the Assam Rifles<sup>56</sup>.

The Assam Rifles Act 1941, presently governs the Force. Its Charter of functions include maintaining security of the North Eastern sector of the international border; helping states in the North east maintain law and order and other states as and when needed; and taking counter insurgency measures in states of the North East<sup>57</sup>.

The Sashastra Seema Bal (S.S.B.) is a border guarding force under the administrative control of Ministry of Home Affairs. The S.S.B. was set up in early 1963 in the wake of the Indo-China conflict to inculcate feelings of national belonging in the border population and develop their capabilities for resistance through continuous process of motivation, training, development, welfare activities in the then North Eastern Frontier Agency (NEFA), Assam, Bengal, Uttar Pradesh, Himachal Pradesh and Ladakh. The scheme was later extended to other states. Pursuant to the recommendations of the Group of Ministers on reforming National Security, S.S.B. was declared a border guarding force and lead intelligence agency for Nepal border in January 2001. Its role includes promoting sense of security among the people living in the border areas; preventing trans border crimes and unauthorised entries into or exit from the territory of India and to prevent smuggling and other illegal activities.

The Central Industrial Security Force (C.I.S.F.) was created by Parliament by passing of the Central Industrial Security Force Act in 1968 and the Force came into operations on 10th March 1969.<sup>91</sup> The C.I.S.F. was created to maintain the security of the major industrial

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56 . Percival Griffiths, Op.Cit., pp. 389-390

57 J.C. Chaturvedi , Op.Cit., 2006, p.223.

undertakings in the public sector against labour unrest and other kinds of political violence which sabotage and retard productions in these units. Besides these the functions of the force include initiating legal action against those who threaten to disturb industrial peace and provoke situations leading to the destruction and damage of public property; coordination and cooperation between the state police and industrial authorities; posting of security data intelligence to the Ministry of Home Affairs; for formulation of policy; and undertaking of such ancillary duties may be conducive to better protection, safeguarding and special functioning of public enterprise. The C.I.S.F. was made into an armed forces of the Union of India by an Act of Parliament passed on 15th June 1983<sup>58</sup>. It is directly under the Ministry of Home Affairs and its headquarters at New Delhi. The C.I.S.F. now provides security cover to industrial units wholly owned or a joint venture with Government of India located all over India. It also provides consultancy services including security and fire protection to private industries as well as other organisations within the Indian government. The C.I.S.F. is now responsible for security at all commercial airports in India.

The Indo-Tibetan Border Police (I.T.B.P.) was conceived on 24th October, 1962 for security along the Indo-Tibetan Border.<sup>93</sup> The I.T.B.P. was initially raised under the C.R.P.F. Act, however, in 1992 the Parliament enacted the I.T.B.P. Act, and rules thereunder were framed in 1994.<sup>94</sup> It is trained in mountaineering, disaster management and nuclear, biological and chemical disasters and most of the officers and men are professionally trained mountaineers and skiers. Its personnel have been deployed abroad to UN peace keeping mission in Bosnia and elsewhere. Presently battalions of the I.T.B.P. are deployed in on border guarding duties manning border Out Posts at an altitude ranging from 9000 feet to 18500 feet in the western, middle and eastern sector of Indo-China border. The border out post are exposed to high velocity storms, snow blizzards, avalanches and landslides, besides hazards of high altitude and extreme cold, where temperature dips up to minus 40 degree Celsius. I.T.B.P. conducts long range and short range patrols to keep an effective vigil on inaccessible and unmanned areas on the border. To maintain optimum operational efficiency of troops, periodical tactical exercises are conducted independently as well as jointly with Army. Adventure and daredevilry are the required professional skill for I.T.B.P. and therefore, from its ranks come

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58 . [http://en.wikipedia.org/wiki/Central\\_Industrial\\_Force](http://en.wikipedia.org/wiki/Central_Industrial_Force). Accessed on 6/6/07.

world class mountaineers who have scaled more than a hundred Himalayan peaks, including Mount Everest. It has recently taken on disaster management role. Being the first responder for natural disaster in Himalayas, it was the first to establish Regional Response centres in Himachal Pradesh, Uttaranchal and North East and carried out numerous rescue and relief operations in various disaster situations. It has been training its personnel in Disaster management and in Radiological and Chemical/ Biological emergencies. It also established a national Centre for Training in Search, rescue and disaster response at Bhanu, Haryana which is imparting training to its own members and that of other Paramilitary and State Police forces.

Its unit provides security to the Embassy and Consulates of India in Afghanistan. Besides this two companies are providing security in Afghanistan. The main role of this Force is to maintain vigil on the northern borders, detect and prevent border violations, and promotion of sense of security among the local populace; to check illegal immigration, trans border smuggling and crimes; to provide security to sensitive installations, banks protected persons and to restore and preserve order in any area in the event of disturbance<sup>59</sup>.

The National Security Guard (N.S.G.) was created by the Cabinet Secretariat under the National Security Guard Act of 1985 (Act 47 of 1986)<sup>60</sup>. The N.S.G. operates under the oversight of the Ministry of Home Affairs and is headed by a Director General of who is from the Indian Police Service. The N.S.G. are also known as Black Cats because of the black nomex coveralls and the balaclavas or assault helmet they wear. The N.S.G. was established in response to the 1984 Operation Blue Star, the storming of the Golden Temple by the Indian military which caused wide spread damage to the temple and heavy casualties, including civilians. The operation highlighted the need for a special force to conduct counterterrorist operations with greater efficiency.

The N.S.G. is a Federal Contingency Deployment Force to handle anti-hijack operations, rescue operations and to provide touch support to the Central Para Military Forces in dealing with anti-terrorist activities in whatever shape they may take place in different parts of the country. Its task include neutralization of terrorist threat in any specific area, building, vital

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59 J.C. Chaturvedi, Op.Cit., p.226.

60 [http://en.wikipedia.org/wiki/National\\_Security\\_Guard](http://en.wikipedia.org/wiki/National_Security_Guard). Accessed on 6/6/07.

installation, etc.; engaging terrorists in a specific situation in order to neutralize them; handling hijack situation involving piracy in the air or land and water and rescue of hostages in kidnap situations. It is also engaged in providing security of high risk VIPs; anti - sabotage checks of venues of visits/public meeting of VVIPs; data collection on Bomb Explosions; training of State Police personnel in anti-terrorism, VIP security, PSO duties and Bomb Detection and Disposal and Sky Marshal duties in Domestic and International flights

The N.S.G. was modeled on the pattern of the SAS of the United Kingdom and GSG-9 of Germany. It is a task oriented force and has two complementary elements in the form of Special Action Group (S.A.G.) and the Special Ranger Groups (S.R.G.). All the personnel are on deputation. The S.A.G. is the offensive wing drawn from the members of the Indian Army. The S.R.G. consist of members from other paramilitary forces such as B.S.F., I.T.B.P. and C.R.P.F. and State Police forces. There are other specialised units also. The N.S.G. commandos were first used to combat the insurgency movement in the Indian state of Punjab in 1985. The Force has now evolved into a counter-terrorist unit and has been continuing major combat operations in Jammu and Kashmir.

The Special Protection Group (S.P.G.) was raised on 8th April 1985. The S.P.G., with about 3000 personnel, is used for the protection of VVIPs such as the Prime Minister. Recruits include Police and N.S.G. Commandos and they are trained like the US Secret Service. The officer cadre is mainly I.P.S. officers from various states and central cadres. The S.P.G. provides proximate security to VVIPs and the members of their immediate family. The S.P.G., over a period of time, grew both in size as well as specialisation. .

Before 1981 the security of the Prime Minister at his/her residence and office used to be looked after by Special Security District of Delhi Police under the charge of Deputy Commissioner of Police. In 1981 a Special Task Force (S.T.F.) was raised by the Intelligence Bureau (I.B.) to provide ring-round and escort to the Prime Minister during his movements both in New Delhi and outside. After the assassination of Prime Minister Indira Gandhi in October 1984, a review was undertaken by a Committee of Secretaries and it was decided to entrust security of the Prime Minister to a Special Group under unitary and direct control of a designated Officer and the S.T.F. to provide immediate security cover both in New Delhi and outside. These decisions were taken as short term measures. On 18th February 1985, the

Birbal Nath Committee went into the issue in its entirety and submitted its recommendations for raising a Special Protection Unit (S.P.U.)<sup>61</sup>. Accordingly on 30th March 1985, the President of India created 819 posts for the unit under the Cabinet Secretariat. The SPU was then re-christened, Special Protection Group, and the post of I.G.P. was re-designated as Director.

In addition to the above mentioned police forces there are other organisations which are under the overall control of the central government. They are the Central Intelligence Bureau and the Central Bureau of Investigation.

The Intelligence Bureau (I.B.) is a very important police organisation under the Government of India and its working is in the 'top secret' bracket. It was established as Central Special Branch by an order of the Secretary of State of India in London on 23rd December, 1887.<sup>100</sup> The I.B. is reputedly the world's oldest intelligence agency.<sup>101</sup> Following the recommendations of the 1902-03 Indian Police Commission, the organisation was renamed as the Central Criminal Intelligence Department. The word criminal was dropped in 1918 and its present nomenclature (I.B.) was adopted in 1920.<sup>102</sup> The I.B. maintains a very intimate contact with the state intelligence units and by virtue of its widely accepted superiority, maintains an indirect supervision over the state's intelligence machinery. Its advice and directions are invariably accepted by the states in all security matters. It is under the control of the Ministry of Home Affairs (M.H.A.). In practice, however, the Director of the I.B. (D.I.B.) is a member of the Joint Intelligence Committee (J.I.C.) and Steering Committee and has the authority to brief the Prime Minister should the need arise, but intelligence inputs (at least in theory) go through the regular channels in the M.H.A. to the J.I.C. It has branches all over the state capitals and important towns of the country so as to collect information about individuals and organisations.

The collection mechanisms of the I.B. vary depending on the region, but the IB operates both at the state level and the national level. The bulk of the intelligence collection is carried out by 'Grade II' employees of the I.B., i.e. in increasing order of seniority; the Security Assistant (Constable), the Junior Intelligence Officers (Head Constable), the Assistant

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<sup>61</sup>. [http://en.wikipedia.org/wiki/Special\\_Protection\\_Group](http://en.wikipedia.org/wiki/Special_Protection_Group). Accessed on 6/6/07.



(Central) Intelligence Officer (Sub-Inspector), Deputy Central Intelligence Officers (Inspector), and Joint Central Intelligence Officers (Superintendent of Police). The 'Class I' (gazette) officers carry out coordination and higherlevel management of the I.B. These officers are (again in increasing order of seniority) Asst. Director, the Deputy Director, Joint Director, Addl. Director, Special Director or Special Secretary and finally the Director I.B. Grade II officers are in part direct recruitment and officer deputed from State Police forces, but Class I officers are mostly deputed from state services.

At the state level all I.B. officers are part of the State Special Bureau report to a Central Intelligence Officer (the intelligence advisor to the Governor). The I.B. maintains a large number of field units and headquarters (which are under the control of Joint or Deputy Directors). It is through these offices and the intricate process of deputation that a very 'organic' linkage between the State Police agencies and the I.B. is maintained. In addition to these the I.B. has several units at the national level and in some cases Subsidiary Intelligence Bureaus to keep track of issues like terrorism, counter intelligence, VIP security and threat assessment, and sensitive areas like Jammu & Kashmir, North East Region (NER) and any other place which may be regarded as such due to any issue or matter.

The Central Bureau of Investigation (C.B.I) established in 1st April, 1963 evolved from the Delhi Special Police Establishment (S.P.E.) founded in 1941<sup>62</sup>. This Bureau is under the Ministry of Home Affairs, as a central agency, for investigation of cases especially important crimes which have repercussions in more than one state. The Bureau has nine division, namely, the Anti Corruption Division, Economic Offences Division, Special Crimes Division, Legal Division, Coordination Division, Administration Division, Policy and Organisation Division, Technical Division, and Central Forensic Science Laboratory<sup>63</sup>. The C.B.I. initiates its own investigation, and the states can borrow its services for the prevention and detection of crime, as and when required. It maintains a systematic statistics and records relating to crime and criminals on an all-India basis. The state governments and their police departments can seek and make use of the information collected by the C.B.I. The C.B.I. is under the control of a senior Director General of Police. It handles criminal cases which can

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62 Rajinder Prasher, Op.Cit., p.44

63 J.C. Chaturvedi , Op.Cit., p. 228.

be broadly categorised as case of corruption and fraud committed by public servants of all Central Government Departments, Central Public Sector Undertakings and Central Financial Institutions; economic crimes,

including bank frauds, financial frauds, Import Export & Foreign Exchange violations, large-scale smuggling of narcotics, antiques, cultural property and smuggling of other contraband items etc.; special Crimes, such as cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and crimes committed by the mafia/the underworld.

The Union Government, through the Ministry of Home Affairs, play an informal role in police affairs which is of considerable importance. The Ministry of Home Affairs is responsible to the Government of India for Police administration and guides and assists its counterparts in the states in important matters pertaining to criminal administration and special problems of law and order. The centre has the authority to direct the state as to ensure full compliance with laws passed by the Parliament of India. The Home Ministry plays a crucial role in the coordination of police work, it annually convenes a conference of state Director Generals of Police and Inspector Generals of Police. The group has no formal authority but serves as a forum for discussion of mutual problems and setting forth of policy directives for the guidance of State Governments and Police Forces around the country. The Home Ministry has from time to time provided special assistance, in the form of money, equipment or experienced personnel to States with special security problems.

The National Investigation Agency (N.I.A.) is the latest federal agency to be approved by the Indian Government to combat terror in India after the Government realised the need for a central agency to combat terrorism in the aftermath of the Mumbai terror attack in November 2008. The National Investigation Agency Bill 2008 was moved in the Parliament on 16th December 2008 and cleared by Parliament in December 2008. As per the Bill, N.I.A. has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenge to the country's sovereignty and integrity, bomb blast, hijacking of aircraft and ships, and attack on nuclear installations. The agency is empowered to deal with terror related crimes across the states without special permission from the states. The National Investigation Agency Bill and Unlawful Activities (Prevention) Amendment Bill became a law on Tuesday, 30th December, 2008 when the President

Pratibha Patil gave her assent.<sup>106</sup> At present N.I.A. is functioning as the Central Counter Terrorism Law Enforcement Agency in India. The N.I.A. is headed by a Director General assisted by an Additional Director General. The N.I.A. is divided into three divisions. The Investigation Division, headed by Inspector General (Investigation) under who four teams, each headed by an Superintendent of Police. The Superintendent of Police report to Deputy Inspector General (Investigation). The Policy Research and Coordination Division, headed by Inspector General (Operations and Coordination) who is assisted by Deputy Inspector General (Policy Research and Coordination). There are four teams each headed by a Superintendent of Police who looks after Northern, Eastern, Western and Southern parts of the country. They Coordinate with State Police Forces and other Law enforcement agencies in the States. At Headquarters, Deputy Inspector General (Policy Research and Coordination) and Inspector General (Operations and Coordination) looks after the coordination activities in various departments of the Central Government Technology/IT wing also report to Inspector General (Operations and Coordination). The Division collects and collates information and data on terrorism and terrorist activities. Assistant Inspector General (Policy) assists the division in various administrative issues. The Administrative Division looks after the administrative and Accounts of N.I.A. Deputy Superintendent (Headquarters) helps Deputy Inspector General (Policy and Administration) in various administrative works.

The police is a State subject and its organisation and working are governed by rules and regulations framed by the State Governments. These rules and regulations are outlined in the Police Manuals of the State Police, Circular Orders and Standing Orders of the Director General of Police.

The State Government exercises superintendence over the Police Force in the state. The head of police in the state is the Director General of Police (D.G.P.), who is responsible to the State Government for the administration and for all functioning of the State Police and for advising the government on police matters.

States are divided territorially into administrative units known as districts. An officer of the rank of Superintendent of Police (S.P.) heads the District Police Force. A group of districts form a Range, which is looked after by an officer of the rank of Deputy Inspector General of Police. Some states have Zones comprising two or more Ranges, under the charge of an

officer of the rank of an Inspector General of Police (I.G.P.). Every District is divided into Sub-divisions and each Subdivision is under the charge of an officer of the rank of Additional Superintendent of Police (A.S.P.) or Deputy Superintendent of Police (D.S.P.). Each Sub-division is again further divided into a number of Police Stations, the number depending on its area, population and volume of crime<sup>64</sup>.

In some of the states there are Police Circles consisting of a group of Police Stations. Circle headed usually by an Inspector of Police. A Subdivision may have one or more Police Circle. The Police Station is the basic unit of police administration in the district. Under the Criminal Procedure Code, all crime has to be recorded at the Police Station and all preventive investigative and law and order work is done from there.<sup>109</sup> A Police Station is divided into a number of Beats, which are assigned to constables for patrolling, surveillance, collection of intelligence and other police works. In larger Police Stations as in cities and metropolitan areas the officer in charge is an Inspector of Police or even a D.S.P., while in rural areas or smaller police stations the officer in charge is usually of the rank of Sub-Inspector of Police.

The State Police is divided into the Armed and the Unarmed Police.<sup>110</sup> The Unarmed Police or the Civil Constabulary is uniformed but unarmed, although the personnel may carry a short baton. It is the police with which the public comes in contact daily. It investigates crimes, patrol streets, regulates traffic, look for lost children and generally extends police assistance to the people whenever it is called upon to do so. The primary function civil police is to maintain law and order and deal with crime in all aspects like prevention, detection and investigation. Even prosecution was in the hands of the Police earlier in many places but now performed by a separate prosecution staff. The Civil Police include mainly District Police forces, supervisory structures at the Range, Zone and State Police Headquarters and specialised branches to deal with crime, intelligence and training problems. The District Police force also has armed reserves, which are used mainly to meet the requirement of armed guards and escorts. They are occasionally also deployed to meet any emergency situation, before the state armed police arrive to handle it. The armed reserves are treated as part of the district civil police.

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64 J.C. Chaturvedi, Op.Cit, p.200.

The Armed Police is normally organised into battalions more or less similar to the infantry. There may be one or more battalions in the State. They are quartered at various places in the cantonments established at various places in the state and is, thus, concentrated in a few points. It does not have daily contact with the public. It does not respond to calls of assistance from individuals but orders from superior officers, which are issued when a situation involving public interest has arisen. It usually acts as a group and its personnel hardly exercise any individual discretion. The Armed Police battalions are divided into companies. Generally there are six service companies in a battalion. A company is further subdivided into platoons and platoons into sections. Ordinarily, three sections constitute a platoon and three platoons in a company. The rank structure of an Armed Police battalion is different from the Civil Police. The head of a battalion is the rank of a Superintendent of Police called the Commanding Officer or Commandant. He has a second in command, called Deputy Commandant. An officer known as Assistant Commandant, commands a company assisted by an Inspector. In some cases an Inspector may command a company. A Sub-inspector commands a platoon and a section is in charge of a Head Constable<sup>65</sup>.

The Armed Police battalion is the State reserved armed force. When a situation arises within the State to such a scale that the Civil Police cannot control or when it is likely to spread with wide repercussions the State Armed Police is called to deal with the situation under the control of the Civil Police officers. It may also serve as guards for jails, escort of prisoners, important officials and government buildings usually during emergencies. The State VIPs are normally under their protection. They also perform counter-insurgency duties and even hunting down dangerous criminals. In all these operations they are under the control of the S.P. of the district, D.I.G. etc.

There is also the Criminal Investigation Departments (C.I.D.) which are a specialised branches of the police force. They have two main components - the Crime Branch and the Special Branch. The Officer in Charge of the C.I.D. generally supervises the work of both branches. Now all the states have practically separated the two and separate officer in charge of Special Branch. The C.I.D. is the most important investigation agency of the State Police.

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65 J.C. Chaturvedi , Op.Cit., p.208.

It investigates certain specialised crimes like counterfeiting of currency, professional cheating, activities of criminal gangs, crimes with inter-district or inter-state ramifications, and cases which are for one reason or another especially important.

The Special Branch on the other hand, collects, collates and disseminates intelligence in respect of all political matters and other which are of interest to the public or to the state including security matters, subversive activities of persons, parties and organisations and keep all concerned informed. It is the eyes and ears of the Police and the State Government.

The Officer in Charge of the State Special Branch directly reports to the Government with information to the D.G.P. He may directly brief the Home Minister and the Chief Minister. This Branch has, of late become very important in view of increasingly complex political situations in the country. The head of this Branch is responsible for maintaining cooperation with other intelligence agencies operating in the State.

The bulk of police duties are done by the District Police, armed and unarmed, and by the Armed Battalions but there are auxiliary police units also to assist the regular police for specific works or areas. This auxiliary force consist of :

The Railway Police or Government Railway Police (G.R.P.) is a branch of the State Police and is administered by an officer of the rank of Additional Director General of Police or Inspector General of Police or others depending on the size of the force. The aim of this force is to prevent and investigate crime committed on railways or within the railway yards and railway stations. The G.R.P. should not be confused with the Railway Protection Force which is directed and administered by the Railways<sup>66</sup>.

In some States there is rural or village police. It is an auxiliary group of the state police. Its personnel are essentially watchmen, responsible for patrolling the village at night and notifying criminal acts, suspicious activities and public unrest to the nearest police authority. They also have the duty to maintain the register of births and deaths in the village and to help in the collection of revenue. The village watchman is paid a paltry sum as salary by the state government.

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66 Rajinder Prasher, Op.Cit., p.46.

There may also be other auxiliary group of the State Police consisting of various volunteer police organisations. The most important of these are the Home Guards and the Village Volunteer Force which may also known as the Village Defence Party or Village Resistance Group. The Home Guard was originally raised in 1946 in accordance with the Home Guards Act and Rules of States/Union Territories, under the Ministry of Home Affairs. The Home Guard was reorganised in 1962 after the external aggression by China. The Home Guards are members of the public holding permanent or temporary jobs outside the police organisation and are subject to mobilisation by the State Government in times of local emergency. The nature of organisation of the Home guards may differ in States. They are trained to do auxiliary police work and to become nucleus of emergency aid units. The Home Guards get training at the time of recruitment and periodic refresher courses thereafter. They are paid according to the time put in training and on duty; besides they are supplied with free uniforms and are given travelling allowance while on duty. The Village Defence Party or Village Resistance Group is a small body or locally recruited men, who are give elementary instructions in village defence, trained in drill, and encouraged to take upon themselves the responsibility for the security of the area in which they reside.

The Police organisation in every state is manned by officers selected by the Union Public Service Commission as well as State Public Service Commission. The senior supervising officers like the Director General of Police, Inspector General of Police, Deputy Inspector General of Police, Superintendents of Police and Assistant Superintendents of Police belong to the Indian Police Service (I.P.S.). The I.P.S. officers are recruited as Assistant Superintendents of Police and may attain the highest rank of Director General of Police. The other senior supervising officer, the Deputy Superintendent of Police, belongs to the state cadre and is selected by the State Public Service Commission. These days it is common in most States to appoint senior State Police Service officers to the rank of Superintendent of Police and posting them to some of such posts. Individual State Police officers are ultimately promoted to I.P.S. depending on efficiency and seniority.

The recruitment to the Indian Police Service is done through a written and an oral examination along with other All India and Central Service officers. After selection candidates are allotted to different Services. After their recruitment to the Indian Police

Service, the probationers undergo the following training courses : Foundational Course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie; the Civil Defence Course at the National Civil Defence College, Nagpur; and the Indian Police Probationers Course at the Sadar Vallabhai Patel National Academy, Hyderabad. After passing out of the National Police Academy, the probationers are attached to an army unit for a fortnight. Thereafter, they go back to their respective states where they receive one year practical training in the districts and in the state police training institutions. After completing their training, an I.P.S. officer is normally posted in a district as Assistant Superintendent of Police in charge of a sub-division.

Below the I.P.S. officers are the officers of the State Police Service who are directly recruited by the State Civil Service Commission to the rank of D.S.P. and he is the highest ranking officer amongst the non-I.P.S. officers. These officers may be promoted to the ranks of Additional Superintendent of Police or even to that of S.P. and later to I.P.S. Below them are Inspector, Sub-Inspector, Assistant Sub-inspector, Head Constable and Constable. The Inspector is appointed through promotion from amongst the Sub - Inspectors. They may also be promoted as D.S.P. and appointed to the State Police Service.

Sub-Inspectors or Assistant Sub-Inspectors are usually recruited in larger States by a Special Police Committees while in other States Police Headquarters may make the selection. The Head Constable is promoted from amongst the constables. For recruitment to constables, the candidate has to be between certain ages; fulfill certain minimum prescribed physical standards in respect of height and chest measurement. The standard of literacy required is normally matriculation but it may vary from state to state. Constables receive training in police work for a period of six to nine months and are generally posted in their home districts, but never, or very rarely, in their homes Police Circles or Stations.

Thus, the Indian police have a two-tier structure, Some top officers of the state police belong to the I.P.S. and the subordinate officers and men, who form the bulk of the state police, are appointed by the state governments. In addition, the Central Government maintains its own police forces which can be used in the states or on the borders as when emergency arises.



## CHAPTER V

### **POLICE CULTURE, IN THE PROFESSIONAL AND PERSONAL LIVES OF POLICE PERSONNEL**

In this chapter the researcher attempts to study the various factors that are affected by the organizational and occupational culture of the Police Commissionerate of Bhubaneswar and Cuttack which has a significant impact on the lives of the police personnel. Today's, work culture decides the success and survival of the organization. The general observation is that there is a significant difference in the work culture in private sector and public sector organizations. Work culture also differs from country to country as well as in different states of India. Police organization has emerged as a service rendering agency which requires insistent need to reform the police culture. In Bhubaneswar and Cuttack city which is cosmopolitan in nature, professional work culture in police will improve the police image in the eyes of the public. The researcher tries to discover the present work culture in The Police Commissionerate of Bhubaneswar and Cuttack and to identify that, it is suitable or not suitable for the changing environment and the new challenges faced by Police due to increase threat of population, migration, terrorism, increased number of crimes and pressure of work.

Police force has a wide gamut of work. The duties and responsibilities vary from top level to the lower level. Many times it involves multitasking ranging from maintaining law and order in a local area to combating terrorism. Unfortunately work culture in police force has not changed much from that in the British Era. The culture gave rise to criminal nexus, political nexus, and autocratic style of leadership, rigid hierarchy and lack of education among employees. The healthy work culture has a significant importance in the police force, especially at police stations as it reflects their image in public. Often, the police force is criticized for non-work culture, corruption, inhuman treatment, absence of social responsibilities, absence of social skills and rowdiness. Perhaps, there is a fear in the mind of public for the uniform, for those who are illiterate and belong to the lower strata of the society. Delay in writing FIR is a common complaint against the police by the complainant. Effective follow-up is often neglected. Thus, it was observed that in a majority of the cases, they fail to satisfy their clients who are facing some problems and want to resolve it urgently. Complaints registered for loss of property, family members, are to be attended immediately besides the fact that it involves a lot of paper work. Online complaints are being encouraged. However, for these victims, it is still not an alternative. The other group belongs to the higher society. Unless they are in a problem, they are indifferent to the law and order situation in their vicinity.

It is observed by experts, and several research that cop culture is important as it directly affects the police image in the public. Thus, the attitude, values and behavior of police employees decides the perception of public towards police. The work culture of police is influenced by superiors, factors related to job satisfaction and policies like training, grievance

settlement, employee counseling, performance appraisal and other individual factors which has an direct impact on the personal and professional lives of the police personnel. If non work culture becomes a practice among police, it will adversely influence the performance and thereby the reputation of the police .

So, the researcher feels that unless the existing work culture is improved, the public support will not be there and the success of community program also will be in a problem. Another consequence will be increased crimes which will reflect inefficiency of the police specially in the city of Bhubaneswar and Cuttack. Absence of professional skills and inadequate training to lower rank officials who are visible on roads will go against the reputation of Police Commissionerate. Meeting international standards is also a challenge which requires other qualities like communication skills in Hindi and English, public relations and human interaction skills etc. Besides the hard work put up by the Police Commissionerate to handle festivals, they are being criticized as they fail to display the desired attitude and behavior while dealing with public. The researcher strongly advocates the change in present work culture to improve law and order situation in cities like Bhubaneswar and Cuttack region. If the existing work culture continues the objectives and missions of Police Commissionerate Of Bhubaneswar and Cuttack will not be achieved. The attitude which should be developed among police employees, particularly new recruits, is that of treating oneself as a public servant and service provider. Thus, the researcher has studied work culture in Police Stations under the Police Commissionerate Of Bhubaneswar and Cuttack and observed that healthy work culture is a pre- requisite for reputation of Odisha Police.

#### **4.2. DEMOGRAPHIC PROFILE OF THE POLICE PERSONNELS**

Demographic profile such as gender, age, marital status, and dependents in family which was also viewed that in association with police culture and choice of coping strategies among the police officials. The demographic parameters of the respondents in The Police Commissionerate Of Bhubaneswar and Cuttack is briefly discussed in this subsection of the study.

##### **TABLE 4.1. CLASSIFICATIONS ON THE BASIS OF AGE AND GENDER**

AGE GROUP	MALE	FEMALE	TOTAL PERCENTAGE
32-36 YEARS	46	24	70%
37-41 YEARS	3	5	8%
42-46 YEARS	17	1	18%
47-51 YEARS	3	0	3%
52-56 YEARS	1	0	1%
TOTAL	70	30	

SOURCE: COMPILED FROM THE FIELD STUDY

Table 4.1 indicates that out of 100 respondents 30% are female and 70 % are male, it was observed that women police staff in the high level posts are still insignificant in Odisha police force and same with the Police Commissionerate of Bhubaneswar and Cuttack. As compared to ladies police constables, the higher level posts of women police officers have very small number it also reveals that researcher collected data from 100 police officers and found that Seventy were belonged to the age between 32 to 36 years; Eight were between the age group of 37 to 41 years where as eighteen of them belonged to the age group of 42 to 46 years; likewise Three and One of the officials belong to the age group of 47 to 51 and 52 to 56 respectively. Maximum that is 70% are in the range of 32 to 36 years.

The researcher also viewed that young recruits have work culture influenced Adaptation to the new technologies, researchers again has noticed that the majority of the officials i.e. in the age group of 32 to 36 are more active on the field and have a lot of fitness and stamina to work continuously in special circumstances. The middle aged officers are also willing to learn the new work culture but it would be a gradual process. The police officers close to the retirement age have experience which can be percolated in the new generation. However, it was observed by the researcher that the senior officers and especially the higher officials at the police station influence the work culture in the police station to a great extent. Thus, the majority of respondents are middle aged. It is believed by the researcher that the police culture differs from one generation to the other. Young police officers with professional knowledge can certainly bring positive changes in the existing culture.

he attempt was also made to get the response from both male and female employees, which is shown in the following table. Where policing is a tough job and the researcher has viewed the impact of the police culture as the presence of Machismo and Sexism where the female official are generally negatively received by their male peer which was discussed above in the theorization of the police culture. So, it was obvious that fewer women join the force.

However, today the scenario is changing. There is an increase in the policewomen and particularly as police constables as compared to police officers at higher level.

The researcher has also taken into consideration educational qualifications of the police officers which are given in the following table. It is important to know the education level of the respondents as work activities at police station are influenced by the intelligence and emotional quotient of the police officers who are responsible to manage all activities.

ABLE 4.2. EDUCATIONAL QUALIFICATION

N=100				
GENDER	GRADUATION (+3 BA/BBA)	POST GRADUATION	DOCTORATE	OTHERS PROFESSIONAL COURSES (LLB)
MALE	70 %	21 %	0	26%
FEMALE	30 %	16%	0	0
TOTAL	100%	36%	NIL	26%

SOURCE: COMPILED FROM THE FIELD STUDY

The above table 4.2 provides information regarding the educational qualification of the interviewed police officials. As per field study all the 100% officials are graduate as per the basic requirement to be an police official for rank Sub Inspector and above. 56.2 21% male and 16% female total of 36% have a Post graduation Degree and 26 % male have other professional courses i.e. specifically LLB as higher education. None of the interviewed officials have completed Doctoral degree except some of the higher official as the Ex. Commissioner Of Police and The Deputy Commissioner Of Police, HQ of Odisha. Very few as 26% have other qualifications like L.L.B. It is satisfying to observe that today many graduates and employed youths are joining the force. The suggestions by National Police Commission recommended minimum graduation at the entry level, The researcher observed that Police officers should be qualified enough for having a obligation regarding authorizing laws and keeping up peace inside groups. Notwithstanding gaining a secondary school certificate, cops get preparing at a police institute. Some cops finish degree programs in law implementation or criminal equity also, which can be useful for professional success<sup>67</sup>.

### 4.3. JOB PROFILE OF THE POLICE PERSONNELS

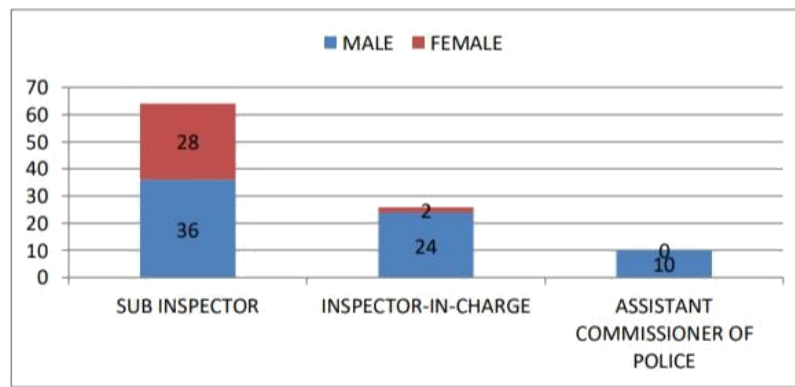
The job profile outlines the details of an employee's job. These are the key components that you hired the employee to accomplish. In a straight-forward, actionable format, the job

67 3 All National Police Commission Report. New Delhi 2015. Available at: <https://ipc498a.files.wordpress.com/2008/09/firstreportnpc.pdf> Visited on 15.07.2015 at 12:23pm.

profile presents a picture of an employee's key job duties. Job profile of the sample police personnel surveyed is discussed in this section of the study.

The table below shows the classification of police officials based on their designation. The designations interviewed are, Assistant Commissioner Of Police (ACP), Inspector in Charge (IIC), Sub Inspectors (SI)

GRAPH 4.2. CLASSIFIATION ON THE BASIS OF DESIGNATION AND GENDER



SOURCE: COMPILED FROM THE FIELD STUDY.

The above Graph 4.2 show the summary of the Job profile of police officers at the police station level. The diagram reflects the primary data. The total sample size was 100 respondents of various designations from 12 zones which includes 40 police stations from which 31 police stations were consulted in Bhubaneswar and Cuttack region as per the availability of the officials. The sample constituted 10 ACP's, 26 IIC's and 64 SI's police inspectors, The bar diagram represents the number of respondents taking into consideration the designation.

It has been cleared that the organization culture by and large covers with work culture were Organizational elements, for example, charge progression, express manage frameworks and complex divisions of specialization may likewise cultivate these demeanors, through advancing a feeling of mission among individuals. Work culture and hierarchical culture are the subsets of an extensive societal culture. The police office too has an extremely solid culture of individuals' propensities, schedules, ceremonies, traditions and the stories in the division <sup>68</sup>. The analyst saw that the basics of legislative issues, progressive system, administration and restraining infrastructure offer ascent to culture of police office. It was

68 8 Choudhary, R. 2009. Policing, Reinvention Strategies in a Marketing Framework, New Delhi: Sage Publications; p 78

important to consider a wide range of cops since they assume a key part in choosing the business related exercises and in this way decide the work culture of the police headquarters.

They are additionally instrumental in the overseeing of police headquarters. They arrange, sort out, facilitate and control the exercises at police headquarters level furthermore spur and lead the police staff on the field. Police writing recommends that culture exists as one of two particular frameworks of inside control inside police associations, the second being the formal military bureaucratic arrangement of resting upon a hierarchal levels of leadership, described by strict inward disciplinary codes, interior investigatory units and high rates of discipline for disciplinary infringement. Under such frameworks, police are relied upon to be respectful, obey requests and meet scholarly and physical requests in an exceedingly organized and trained environment, under states of stress and potential badgering. The vast majority of the respondents have clear formal power structures with express levels of leadership and a chain of command with power over those holding lower positions. Initiates take in the structures and comprehend that teach is required. The police foundation is organized to instruct these lessons, and to adjust affiliation examples and collaborations that may meddle with this formal charge structure and train. The negative parts of these affiliations are counteracted a feeling of having a place with a gathering that backings its own<sup>69</sup>.

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69 Choudhary, R. 2009. Op. Cit.

TABLE 4.6. YEAR OF EXPERIENCE OF THE RESPONDENTS

EXPERIENCE	NO. OF RESPONDENTS	PERCENTAGE
LESS THAN 5 YEARS	17	17%
6-10 YEARS	55	55%
11-15 YEARS	22	22%
16-20 YEARS	5	5%
MORE THAN 20 YEARS	1	1%

SOURCE: COMPILED FROM THE FIELD STUDY.

The table 4.6 depicts that, 55 % respondents have a service experience of 6 to 10 years, 22 % are in the service for 11-15 years. Followed by, 17 % respondents have been just working for less than 5years, 5 % respondents are in service for 16 years to 20 years, and the rest of 1 % of them are have more than 20 years of experience.

It viewed that very organized and controlled associations have a tendency to work through created scripts that are found out through different hierarchical socialization forms, work understanding and totalitarian administration, which can prompt to a type of careless conduct. This is neither positive for the individual or the association and serves just to expand part struggle and uncertainty. People who are liable to less administrative control and more circumspection by the way they execute their work capacities will probably have mentally gainful encounters. They build up a more grounded feeling of proprietorship and distinguishing proof with the results of their work. They experience the ill effects of unfriendly impacts of passionate work since they are permitted to act reliably with their inside held self-definitions and desires for enthusiastic expression. Police officers with less independence and more prominent administrative control are on the other hand, more prone to experience touchy disagreement. encounter their vocations in phases of possibility, speaking to limits at which they can choose to pull back from further duty or continuation in police work. They see their standards get to be discolored with "calluses developing thick and hard over his capacity to feel Given that officers show solid inclination for particular qualities which are traded off or collide with sub-social, authoritative or open requests, it is unavoidable that some level of dissension is experienced. At the selfpersonality level, people may come to perceive that the standardized parts and estimations of socialization into policing society are in struggle with their own emphatically held characters and values. They in this manner encounter, what has been named, "esteem disharmony" (Schaible and Gecas, 2010).570 In addition, at the experiential level, they may be exposed to behaviours and

interactions which compromise their own strongly held beliefs, thereby creating “emotive dissonance” It is commonly believed that if the salary and the perks of a police officer does not reach a certain minimum that provides a decent living or does not extend to cover the basic needs, the police officer may tempt to engage into corruption, especially with the power and authority the opportunities are abundant and they perceive that Dirty work of corruption is widespread and acceptable. However, it is unclear that whether once police officers basic needs are met and salaries are increased will increase their resistance to corruption.

#### **4.4. IMPACT OF POLICE CULTURE IN THE PROFESSIONAL LIVES OF THE POLICE PERSONNEL**

In the early period, no specific and permanent terms and condition for the recruitment was present from 1835 to 1855. The Government chose to differentiate fine official control of the police drive to the lesser military officers who have no certifiable fitness for police work. The recruitment process in the state is presently at three levels. Constable, Sub Inspector (SI) and Deputy / Assistant Superintendent (DSP / ASP). There is also additional level of ASI as the primary level to join the force. In most states, constables and Sub inspectors are recruited by the Director General of Police, who also issues formal orders of appointment.

Training has been depicted as a cognizant push to enhance and increment learning, expertise and bent on a person in a wanted bearing. Preparing rouses worker's ability to boring more prominent obligation. Tragically, be that as it may, however the essential and changing part of preparing in the police association is recognized by the whole gang, there is barely been any significant attempts to grow and enhance the degree and nature of the police preparing. Police preparing has been dismissed over years and preparing game plan, aside from in some focal association are unacceptable subjectively and in addition quantitatively. Absence of tradition about the benefit of preparing with respect to the organization including the higher positions of the police benefit.

The state government prescribes a proper method of selection in to the force starting from the constabulary till DSP. The researcher has made an attempt to collect the data regarding the training in handling crimes. The justification is that the nature of crimes is fast changing over the years. The criminals and gangsters are working at global level and Odisha is also a target. The technology used by criminals is more advanced as compared to police force. Thus, the question regarding training covered the areas like cyber crimes, global terrorism, drug trafficking, human trafficking, crimes relating to wildlife, intellectual property and financial frauds. Though it is commendable that initiative is taken by the Odisha police department to create awareness about such nature of crimes, however according to research, such training facilities are definitely inadequate and lack quality.

##### **(a) Attitude Towards The Job**



Attitudes are reasonably good predictors of behaviors. They indicate officials behavioral intentions or inclinations to act in a certain way. As stated by Newstrom and Davis (2005) positive job attitudes help predict constructive behavior and negative job attitude help predict undesirable behavior<sup>70</sup>. Dissatisfied employees may engage in psychological withdrawal like daydreaming on the job, physical withdrawals like unauthorized absences, early departures, work slowdown etc. A uniform not only reflects personality character but reflects the image of the organization. As stated by B.R. Lall, (2010) the main purpose of the police uniform is to command respect from the public while emphasizing the presence of justice when confronted by potential law breakers. Research has suggested that slight attention will change the perception of people. Traditionally, Khaki was a basic military colour linked with force and aggression. Research has shown that aspects of police dress serve to influence the occupational self concept of the police officer, citizens' attitude towards police and the manner of their interaction.

**(b) Accountability And Transparency In The Professional Life**

Accountability and Transparency goes hand in hand and is at the heart of every government regardless of its precise form or pattern in which it is organized even though what varies is its focus, structure or mode of its articulation. There are two forms of accountability in the administrative system. In the first form of accountability is designed on the terms dictated by the top ruler. On the other hand, accountability inevitably acquires a much larger dimension for the fundamental reason that it derives its legitimacy from the people at large and its basic parameters, too, change.

The researcher have attempted to shows that the cops ought to be independently and in addition all things considered sharpened towards the issue of the responsibility towards residents. Unfortunately, the Odisha Urban Police Act, 2003 has neglected to present open responsibility. In any case, the specialists feel that police ought to be liable to law and law alone. The possibility of practical freedom of police is likewise upheld by Supreme court All cops on obligation are liable. The police association needs organization administration, task of obligation and power and a gathering of related exercises in any division of work. Power and responsibility should be reclassified. Worldwide standards likewise show to those arrangements, exchanges and advancements ought to be taken care of inside the police chain of command and not by legislators. A police constrain free from the political and bureaucratic heading can without much of a stretch deteriorate into an unaccountable compel with the possibility to undermine the establishment of majority rule government. The coercive force of the police can without much of a stretch douse freedom unless it is enticed by capable political heading. In the meantime, the different wings of police ought to

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70 Newstrom, T and Davis, T. 2005 . Organisational Behaviour, Tata McGraw-Hill Publishing Company Ltd Delhi, p.212.

have the power and assets to satisfy their duty. Each such wing ought to have practical and proficient power equivalent with its prerequisites. Be that as it may, such power and self-sufficiency ought to be joined by plainly characterized formal arrangement of responsibility.

### **OPPORTUNITIES FOR CAREER DEVELOPMENT**

The focus of this study was an examination of why police officials chose to walk away from these cultural support systems. They seek out careers in occupations obviously stigmatized by the culture into which they have been socialized; if indeed they ever were accepted as culturally competent by that occupation. There are strong internal pressure to conform, and non-conformists find themselves ostracized with their careers significantly impacted. Formal education makes alternative job possibilities and careers outside the police organizations available, with career advancement no longer being tied to the police or relationships with fellow police, a point that is not lost on police officials, many of whom highlight career aspirations as a major influence for transitioning to their current roles.

### **FACILITY FOR WOMEN**

The attempt to know the status of women police officers in Odisha police. Till today, the position is not encouraging. New police stations have made adequate facilities for women police employees like washrooms, rest rooms and changing rooms compulsory. Other police stations have made temporary arrangements which cause inconvenience to the women police officers. The researcher has provided the brief findings which are shown in above Table 4.16. Out of 100 respondents, 50% were of the opinion that their police station provides special facilities to women employees whereas 50% felt that they are not satisfied with the facilities existing at the police station level.

In blend, these discoveries don't bolster the contention that female cops are inalienably "more moral" in their viewpoint than their male partners. Police sees on moral issues seem, by all accounts, to be molded a great deal more by word related and authoritative variables in addition to specifically, presentation to the police culture in addition to than by sexual orientation essentially. Nonetheless, we found some huge contrasts in the number and sort of protestations made against male and female cops, which might be characteristic of contrasts in policing styles. While female cops may not be naturally more moral than their male partners, the work of female cops has some vital hierarchical favorable circumstances. It is likely that more noteworthy utilization of ladies in operational positions will prompt to less protestations, especially identifying with the utilization of drive. This is a huge potential advantage, as charges of ambush at present involve one of the biggest classifications of protests made against police. All the more for the most part, the late

accentuation on group policing shows the need and importance of the "female" style to policing.

#### **GRIEVANCE SETTLEMENT OF OFFICIAL**

In the opinion of the National Commission of Labour, complaints affecting one or more individual workers with respect to wage payments, overtime, leave, promotion, seniority, work assignment and discharges, constitute grievances. Grievances generally give rise to unhappiness, frustration, discontent, indifference to work, poor morale and they ultimately lead to inefficiency of employees and low productivity. Thus, they should be redressed at the earliest.

Complaints left unresolved by the department for years together will definitely bring dissatisfaction. The observations on the field survey revealed that grievances of police employees at the police station level are generally solved by the immediate superior or the senior inspector of the respective police station. Grievances are found to be more about inadequate working conditions, leaves, long and unplanned working hours and inhuman treatment by superiors. Other common grievances are found to be inadequate equipments to perform the duty, lack of maintenance of vehicles, computers, delay in claimed expenditure, non availability of adequate and standard stationery etc. It was found that some of the superiors take initiative in solving the problems on their own and listen to their subordinates. As shown in Table 4.16, approximately 50 %respondents said that there is a procedure where they can register their complaints and seek redressal. About 50 %opined that such formal procedure does not exist. Most of the time, the grievances are settled by the superiors and generally senior inspectors of the police station. There is also a system to submitting the grievances in writing at the office of police commissioner which are directly addressed to the commissioner.

#### **4.5. IMPACT OF POLICE CULTURE IN FUTURE REFORMS IN THE POLICE ORGANISATION:**

The contributions of closed institutions like the police organization have value organizational secrecy and demonstrate tribal cultural behavior have provided an irresistible challenge for social researchers. A major focus for this interest has been the police reform approach and the idea of controlling unwanted behavior (Chan, 1996; Skogan, 2008)<sup>71</sup>.

This focus has been further fuelled by media painting policing as a morally tainted occupation of simple or dubious virtue, where workers are thought to employ methods that

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71 Chan, J. 1996.' Changing Police Culture'. British Journal of Criminology, Vol. 36(1); pp.109-134.

are deceptive, intrusive confrontational or which defy norms of civility (Ashforth & Kreiner, 1999).

Chan (1996) however, argues that "Canteen Culture" as a concept has been poorly defined and holds little analytical value. She sees police culture as a major obstacle to reform and highlights four major criticisms.

The first is that despite its claims of being non-monolithic, police culture is often described as a single culture, or a "Street Cop" culture.

Her second criticism is that the idea of canteen culture implies that police are impassive learners in the socialization process.

#### **4.5. IMPACT OF POLICE CULTURE IN THE PERSONAL LIVES OF POLICE PERSONNELS**

The impacts of being a cop make themselves felt in another remain of life. The requests of fitting into a specific division's way of life make it hard for officers to adjust work and family responsibilities. Extend periods of time and unpredictable timetables prompt to more prominent social segregation, since officers are most usually around their own particular companions. Managing human hopelessness all the time likewise drives officers to close down feelings, which adversely influences the general visibility's of them.

The impacts of a cop's vocation are customarily felt nearest to home, as indicated by "Police Chief" magazine. Extend periods of time, pivoting shifts and wiped out leaves are unavoidable truths that apply to everyone in police work. Adjusting a law authorization profession's requests with parental obligations strengths officers to miss birthdays, school exercises and other critical points of reference of family life. In any case, an officer may in any case want to apply control at home, putting his significant other and kids under extra anxiety.

The key areas of professional and personal life that the writing survey proposed police culture had an effect upon were recognized as individual personality, social life, family life and living environment. This review planned to solidify those territories with a specific end goal to build up a sound photo of the degree to which police culture affected on officers lives, as this was a range in which a hole in the writing had been recognized. The key discoveries that were drawn from the examination procedure propose that police culture has a critical effect on the social and household lives of officers. In connection to their own character, officers frequently tried to isolate their word related and individual personalities, yet the discoveries proposed that the previous had an impact on the last mentioned. Besides, endeavors to regard these two perspectives as discrete therefore affected on different parts of expert life and individual life. Truth be told, endeavors to isolate their word related and individual lives seemed to urge them to put expanding exertion into keeping up associations

with their family and the overall population. In any case, officers knew about how their social milieu could have an unfavorable effect on their validity as an officer and regularly covered their character in reckoning of a negative response. This finding was likewise apparent in connection to family connections. Nonetheless, the discoveries did not recommend that cops distanced their family thus. Officers did express a feeling of dedication to their family over their occupation regardless of the possibility that this did not generally appear to be the situation in actuality. Proof of the way that officers endeavored to isolate their work related and individual characters was likewise evident in the discoveries identifying with their general living environment. Officers communicated challenges in changing off from work, especially when they were in a range they policed and many looked to maintain a strategic distance from it outside of their work related hours. In general, the discoveries plot in this article have highlighted the broad impact of social connection to the control of policing and the potential effect they can have outside of the work related environment.

## CHAPTER VI

### Conclusion

The relationship between man and state rests on the foundation stone of security, as the feeling of personal safety, togetherness and collective functioning towards the attainment of developmental goals can strive only in peaceful environment. Obviously, it is compulsive on the part of the state system to ensure security to all and sundry. Police is the agency considered to be responsible for the maintenance of internal peace and security whereas the army for territorial integrity. In India the Constitution ensures the citizens right to life, equality and liberty, property and justice. Conversely, the responsibility of providing peace and security falls directly on the shoulder of judiciary and the police force to bring the culprits to book. To make the system workable, right from ancient time administrative areas has been organized on geographical unit. Such unit has remained in existence throughout the history in one form or the other. It is of academic interest to evaluate the functioning of police in democratic set up. It may be of significance to note that the police set-up in independent India has not undergone any basic change from what was in place before. Whatever the structure drafted and functional responsibility laid down under the colonial Police Act 1861 is still the backbone of the police organization in the country. The present study has been taken up for the state of Uttar Pradesh.

Based on normative empirical data a scientific study connotes a systematic, controlled, empirical and critical investigation. In other words, this research is a blueprint containing ideas, methods and techniques for combating the existing social problems and prescribing measures for the same and also an attempt at tracing the history of policing in Uttar Pradesh. In this process conventional literature is explored and analyzed along with the existing one. People's attitude is of great help in understanding the socio-economic, political and administrative problems. In this study, this pattern of investigation has been followed.

The entire research has been designed to contain seven chapters. The first chapter deals with scope of the study. There is very little awareness in Uttar Pradesh about the police, its history, organization and procedures of discharging its duties. The problems of police administration have been generally relegated to the background by most of the academic

institutions which focus their attention to subjects other than the police. Numerous academicians and public men have written about the political and economic problems faced by the country, but very few have felt the need to probe of the police.

Today, police performance is under close review and the demanding public is critical of it in a far greater measure than at any time in the past. Increasing crime, rising population, growing pressure on residential accommodation, demonstrations and agitations, political activities, problems and difficulties of students, etc. have all added new dimensions to police work, and these tend to bring police in confrontation with the public more frequently than ever before. The police functions under constraints and handicaps of an outmoded system, and its performance falls short of public expectations.

The object of this study is to assess the role of police service in Uttar Pradesh. An attempt has been made to examine the historical background of police both in India and Uttar Pradesh and the study deals with the historical background of the police at the Centre and in the States with reference to Uttar Pradesh. It also examines the difficulties and problems faced by the subordinate police officials and recommends improvement in their mode of recruitment, training and economic conditions.

The second chapter covers the theoretical implications of police and police administration, security, law and order and internal security. Human beings by nature are social animals and live together in groups with mutual needs of each other. Such existence in groups is possible only when the members follow patterns of behaviour appropriate and in keeping with the norms of living together established by that society through customs, traditions and cultural developments in course of time. This is true of a primitive society living in deep jungles or the most developed and progressive society. However, each individual human being is different from the other with different likes and dislikes from the other. Secondly, selfishness and the instinct of self preservation are inborn in man. Hence, there is always a tendency of some throughout history of mankind to break such norms of society in pursuit of one's own perceived interest. Such behaviour has to be curbed and the defaulters even punished. Social norms have to be safeguarded and enforced so that society and consequently man can survive. Such enforcement or policing as called in modern parlance has always been there. A simple way of enforcement in a primitive society becomes more and more complex as family

grows in to a tribe, a tribe into a nation. Acquisition of wealth and technological growth has added to complexity of policing needs. The police itself have to have different branches with different kinds of skill, training, and expertise with sophisticated equipments. Police has grown into a complex organisation, the pattern of which is different in different modern nation - states. Rules of living together and preservation of the society translates into different laws become complex and differ in different states. Fundamentally any modern state would safeguard the fundamental rights of its citizens keeping in mind the interest of the continued existence of the state as its top priority.

Law is the written body of rules which may be written or sometimes unwritten but have to be obeyed all the same by the people. Law is concerned only with the external actions of the individuals. Criminal law is the law that deals with crime or criminal behaviour. Police is the main agency which enforces criminal laws in any nation state. Security is the freedom from danger, a sense of safety or a feeling of assurance. Internal security means the security of the state in relation to the threats arising within a nation's borders, regardless of the origin of the threat. Maintenance of law and order implies firm dealing with occurrences of theft, violence, and disturbance of peace, and rapid enforcement of penalties imposed under criminal law. The maintenance of law and order of any nation rest with the police. Intelligence mechanism denotes a wide variety of governmental activities related to the national security, defence and foreign policy. In India the collection and dissemination of intelligence is performed by the police.

In the third chapter, the police organization has been traced through the ancient, medieval, and colonial and post Independence literature. The origin of police in India can be traced to the earlier Vedic period of Indian history. The two Vedas, the Rig Veda and the Atharva Veda, mention certain kinds of crimes and punishments known to Vedic India. Manu, the law giver, talks about the art of secret intelligence practiced for the prevention and detection of crime. The Kings in ancient India had their own network of intelligence to keep themselves informed of crimes and awarded punishments to the criminals. There exist detailed accounts of police organization and activities during the Mauryan and Gupta periods. The indigenous system of police was organized on the basis of land tenure and collective responsibility the of the village community. The Zamindar was responsible to maintain public peace. The law and



order in the village was maintained through the village headman who was assisted by one or more village watchmen. When the Mughals ruled over India, they followed their own concept of police administration and superimposed the Arabic-cumfeudalistic institutions of Faujdar and Kotwal on the existing structure of policing in the village. The Faujdar represented the executive authority of the government within the limits of a rural district. He was principally a military officer but also functioned as the chief police officer for the area under his command. The district was divided each under a Shiqdar. The Faujdar and his subordinate officers were assisted by Zamindars, who appropriated the police functions of the village headmen. In large towns, the police administration was under the Kotwal who maintained a large body of persons to maintain law and order. This police system made a substantial contribution towards successful governance.

The British came to India in 1609, but more than a century and a half passed before the East India Company began to play any part in the process of local government. The Battle of Plessey, 1757 marked the beginning of a new phase in the activities of the Company. During the first one hundred year of its rule, the Company made several experiments in police organization. To combat crime and unrest the Company took police administration out of the hands of the Zamindars in 1792 and established in their place a police force responsible to the agents of the Company. Districts were divided into parts, and a police official known as Daroga, was appointed in each to maintain law and order. The Daroga raised a force of men armed with guns and supervised the works of the village headmen. But this system did not yield the desired results. In 1816, a uniform pattern of police was established. The office of the Superintendent of Police was elevated to that of the Inspector General of Police. This too did not yield any improvement. The solution was found by Sir Charles Napier in 1843 in Sind when he set up a totally new administrative system. He followed the Royal Irish Constabulary model for police in Sind, totally directed by its own officers. The organization of police in Sind influenced the police organizations in other territories and was followed as a framework by the Presidencies. The mutiny of 1857, made the British realize the need for a better police administration and hence an All India Police Commission was appointed in 1860 to look into the problems of police administration, suggest ways and means for an increase in police efficiency, and suggest ways to reduce the expenditure of police force. The recommendations of the Commission were accepted by the government and passed as the

India Police Act, 1861. In 1920 the Indian (Imperial) Police was opened to the Indians. Between 1903 and 1947, the Indian police was one of status quo, had not undergone any structural change.

With Independence in 1947 and India becoming a democratic republic on 26th January, 1950, the idea of provincial responsibility for law and order was enshrined in the India Constitution which provides for the Union and State Lists. Maintenance of public order and police, including railway and village police, are State subjects. The Central government may be concerned with the administration of police, but only with that of the Central Bureau of Investigation which it is authorized by the Constitution to establish and maintain. The importance of the role of the Central government lies in imparting a uniform pattern to the police administration of police in the States. In the interest of national unity, the Indian Constitution provides for a certain amount of centralization of police administration in the country. Though the Constitution of India enumerates police as a subject in the State List, it simultaneously includes a long list of allied and quasi police subjects in the Union List. Besides, the control of the Central government over state police administration becomes clearer when one goes through the Concurrent List. The Central government alone has power to amend some of the basic criminal laws acts like the Indian Police Act, 1861; the Indian Penal Code, 1860; the Code of Criminal Procedure, 1861; the Evidence Act, 1872; the Code of Civil Procedure, 1859; and the Hindu and Islamic Laws. The Indian Police Service, whose personnel are appointed in senior positions in the State, is a Central Subject. The Centre has the authority to direct the State government so as to ensure full compliance with the laws passed by the Parliament. The Central government party looks after the supply and provisions of arms, ammunition, wireless equipment and vehicles for police use at the State level. The Central government also maintains specialized agencies and has its own police organizations like the Central Reserve Police Force (C.R.P.F.), the Border Security Force (B.S.F.), the Railway Protection Force (R.P.F.), the Assam Rifles and the Central Industrial Security Force (C.I.S.F.). In addition to the mentioned forces there are other police organizations which are under its overall control. There are the Central Intelligence Bureau (I.B.) and the Central Bureau of Investigation (C.B.I.) and now the National Investigation Agency (N.I.A.). The State Police forces are divided into the armed and the unarmed police. The unarmed police are the one which has the day to day contact with the public. It is

responsible for the general functioning of day to day policing. The armed police on the other hand live in cantonments and do not have daily contact with the people. It does not respond to call of assistance from individuals but to orders from superior officers, which is issued when a situation arises involving public interest. The armed police are a reserve striking force that can be deployed when the unarmed police alone are or likely to be unable to control of a situation or finds itself overwhelmed. In addition there are plain clothes police personnel of Criminal Investigation Department (C.I.D.) and the Special Branch (S.B.) and the latter is the intelligence organization of the State. At the top of the State police hierarchy is the Director General of Police. To assist him there are Inspector Generals of Police, Deputy Inspector Generals of Police and Assistant Inspector Generals of Police. For the purpose of police administration, the whole state is divided into ranges consisting of certain member of administrative districts on the basis of geographical and functional criteria. Each range is looked after by a Deputy Inspector General of Police and each district is under a Superintendent of Police. Every district is subdivided into sub-divisions supervised by an Assistant Superintendent of Police or a Deputy Superintendent of Police designated as Sub-Divisional Police Officer. The sub-divisions are further divided into police circles, each circles consisting of a group of contiguous police stations. A police circle is usually under an Inspector. Police stations are under the supervision of an Inspector or Sub-Inspector. A sub-division may also constitute a police circle. In the State of Uttar Pradesh the system of police circles have been dispensed with.

The fourth chapter highlights the universe of study Uttar Pradesh. Uttar Pradesh the universe of study lies between 20°19' and 24°19'N and longitude 94° 16' and 93°26' and is spread in an area of 21,087 square kilometers. It has a population of 1,091,014 according to the 2011 census. The density of population stands at 52 persons per square kilometers. The population has registered a growth rate of 28.8 percent in the last decade. The sex ratio is 938 women per thousand men in the last decade.

The fifth chapter is devoted to tracing the history of policing in Uttar Pradesh from the days of the Mizo Chief, the British Period, and the Assam Period and Post Independence Period. In early days in Uttar Pradesh the Mizo Chiefs called 'Lal' used to rule over the people. Each Chief would rule a village with one or more satellite villages and was assisted by a council of

elders, village officials appointed by him in his day to day functioning. Their rule lasted till the end of the second half of the 19th century. By this time the British had annexed most of the north east India. The British initially left the Lushai people alone. However, the frequent raids made by the Lushais into their territory had an impact as the issue not only involved the problem of law and order but also the security of the British frontier. As a result the British decided to send several punitive expeditions in order to dissuade the Lushais from further raids. These expeditions managed to dissuade the Chiefs from raiding British areas to a certain extent but still the raids continued. Finally, the British decided to make the Lushai Hills a part of the British Empire so that law and order could be maintained and started a fully fledged expedition to bring the Lushais under their control. By 1890 the supremacy of the British over the Lushai Hills was achieved.

The Lushai Hills was initially divided into the North Lushai Hills and South Lushai Hills each under the charge of a Superintendent. The Superintendent not only had judicial powers but also police powers. The Military Police in the Lushai Hills was switched to a Civil Police in 1898-99. In 1930's the police was stationed at Aijal, Lungleh, Kolosib, Sairang and Demagiri. All the Lushais were under the control of the Superintendent located at Aijal (now Aizawl). The Chiefs retained their position with a limited authority. There was a Sub-Divisional Officer at Lungleh in charge of the Southern are but under the Superintendent of Police in Lushai Hills.

As Lushai Hills was a part of Assam and the administration of police was carried on as far as possible in accordance with Assam Police Manuals, and a special Police Clerk was employed. The Lushais were recruited into civil police. The Superintendent exercised the power of a Superintendent of Police and the Sub Divisional Officer, Lungleh and Assistants to the Superintendent at Aijal exercised the powers of Assistant Superintendent of Police.

After India became independent there was not much change in the police administration. From 1949 onwards the Deputy Commissioner took charge of the Police organization. The strength of the Police was considerably strengthened within a few years. The Assam Government sanctioned six Police Station at Aijal, Lungleh, Saiha, Kolasib, Champhai and Tlabung. The Police Station was under the charge of Sub-Inspector assisted by two or more Assistant Sub-Inspectors. In 1959, there were two Deputy Superintendent of Police, two

Inspectors, fourteen Sub-Inspectors, forty seven Assistant Sub-Inspectors and Head Constables and 337 constables. The District Armed Police Branch comprised of three Platoons. The Superintendent was later designated as Deputy Commissioner and the name of the district was also subsequently changed to Mizo District but the Deputy Commissioner continued to be over all in charge of Police. Later he was assisted by one Deputy Superintendent of Police (D.S.P). The D.S.P Office with a small CID Cell was established at the present location of the building of S.P., Aizawl. The first Superintendent of Police was posted to Aizawl in the year 1960.

In 1966, insurgency broke out and as a result manpower available in police was concentrated in quelling the insurgency. In 1972 when Uttar Pradesh became a Union Territory the first Inspector General of Police was posted. During the period of Insurgency from 1966 to 1986 the efforts of Uttar Pradesh Police was totally concentrated to fighting insurgency and normal policing work, including record keeping was neglected. Investigation of cases not related to insurgency occupied a very low priority. The paramount importance of counter insurgency and the orientation of police function in the direction for 20 years and shaped the attitude of Uttar Pradesh Police personnel in a manner not conducive to promotion of people friendly policing. Various works were done in order to upgrade the police organization and functioning in 1986 and, with the attainment of statehood the police was elevated to a State Police Force.

Organizationally Uttar Pradesh is under the control of the Director General of Police assisted by an Inspector General of Police and four Deputy Inspector Generals of Police. The whole state is divided into eight districts each headed by a Superintendent of Police. Each district is divided into sub-divisions under a Sub Divisional Police officer the rank of a Deputy Superintendent of Police rank and then to Police Stations and Out Posts. Besides the Civil Police, there are the Armed Battalions consisting of the Uttar Pradesh Armed Police and the Indian Reserve Police Battalions who provide the armed police reserve to the Civil Police. There are other branches like the Radio Organization, Criminal Investigation Department, the Special Branch, the Anti Corruption Branch and the Fire and Emergency Service.

In the sixth chapter, people's view about the existing security system and the police officials perception of about the different impediments and pressures which the organization faces

while discharging the allotted duties, have been considered. In this chapter, the general perception of the common man towards police administration was looked into and what their general feeling of the police. In this chapter, we also presented the response of the police personnel with regard to police administration and their relations with the common man. Peoples' perception of the police in general is good, however, some people considered the police force as an inefficient and dishonest lot out to involve innocent people in false cases and extract illegal money from the aggrieved. Police officials are of the opinion that their service conditions and administration of the organisation to be adequate, however, the police officials also feel that large area of surveillance, inadequate man and material power, peoples apathy towards them, inadequate rate of compensation, non availability of housing and other facilities, intensive political pressure, shatter their morale and a force with low morale cannot function effectively.

During the course of the present study, we tried to find out the replies to our research questions. The first question was, "Is less of crime dependent upon the efficiency of Uttar Pradesh Police ?", we found that the crime rate in Uttar Pradesh for the period 1987 to 2005 was in the increasing order.<sup>1</sup> The crime rate shows a gradual increase in the incidence of the crime. Considering the population increase over the period of our research it may be pointed out that while there is increase in the number of reported crimes, there may not be proportionate increase in the crime rate as in terms of percentage increase. Incidence of crimes recorded in 1987 in Uttar Pradesh was 1579; in 1997 it was 3239; and in 2005 it was 3756. The population of Uttar Pradesh in 1987 was 493,757; in 1997 it was 689756; and in 2005 it was 1,091,014 according to the respective census reports.<sup>2</sup> Considering incidence of crime from 1987 to 1997, the percentage increase was 105.1 percent; and from 1997 to 2005 it was 15.9 percent only . However, if we take into consideration the population which is one of the important factors in determining incidences of crime, the ratio of population to crime in 1987 was 3.1 per 1000 persons; in 1997 it was 4.7 per thousand persons; and in 2005 it was 3.4 per thousand persons. Thus, it is found that there was an increase of 51.6 percent in the incidence of crimes, if we take into consideration the population increase from 1987 to 1997 and a decrease of 27.6 percent from 1997 to 2005. So, we find that even though in absolute terms, there is an increase in the number of crimes, there is no real increase in crime rates in relation to the decadal growth of population.

However, as a response to our second research question, “Does the Police-Public relation in Uttar Pradesh determine the effectiveness of the police?”, we have found out that there is lack of institutional arrangement for police-public interactions like the formal structure of Police-Citizens Coordination Council or Community Police mechanism in Uttar Pradesh.

Moreover, there is less number of contact between the police and the public since the police are mainly confined to their daily performance of routine duties of maintenance of law and order. There has hardly been any police-public relations exercise undertaken by the police in the state. So, our research question is relevant and the state of Uttar Pradesh requires an effective mechanism for police-public interactions.

While going through the question of modernization of police administration, we found that the money sanctioned for this purpose has been utilized for the activities like procurement of vehicles, weapons, communication equipment, Forensic Laboratory equipment and materials for Offices, Police Stations, Outposts and Border Outposts. These activities largely pertain to the routine functions of maintenance of police machinery. It is also felt that actual work of modernization could not be done mostly because of the fact that the police administration needed the basic infrastructure and facilities in the first place to carry out its day to day functioning. So during the study, we found that if adequate funds and resources are provided, then actual, proper and upto date modernization can be possible for police administration in Uttar Pradesh. So our research question is vindicated and Uttar Pradesh police still requires major inputs to meet the problems and challenges of modernization.

Maintenance of discipline is one of the most important factors of police service. Discipline is the pre-requisite of the efficient functioning of police. The police personnel have to work under the laid down rules and regulations and as such a number of rules have been framed by the State Governments under the Police Act.<sup>3</sup> The police have to work under continued stress and strain but they are expected to continue to adhere to the code of conduct. The police personnel in Uttar Pradesh are generally found to be disciplined and no major cases of indiscipline are found to be reported. From our personal interviews with senior police officers, it is found out that they were satisfied with the discipline level of their subordinates. Officers have mentioned that they have not found any of their subordinates to be involved in criminal acts like rape, molestation, robbery etc. The general perception of the people also

seems to agree with this finding. During the field, study we have received no such information from the citizens and the NGOs to substantiate the negative elements being present among the police.

So far as the last research question is concerned we tried to know whether the Police Personnel in Uttar Pradesh need to be sensitized to basic human rights issues. During our study, we found out that the human rights issues need to be addressed by the existing Human Rights Cell attached to the Police Headquarters in Aizawl. The state of Uttar Pradesh does not have a State Human Rights Commission as of now. So human rights violation and such other issues involving the police personnel in Uttar Pradesh generally go unreported. However, our field study suggested that both police officials and the citizens are of the view that human rights violations should not be tolerated.

After discussing the responses to the research questions, we present some of the major research findings and discussions that originated from the present study.

First, we may point out that there is a general feeling among the people that the police presence is minimal in the state of Uttar Pradesh. The prevalent view is that the police may conduct patrol yet the frequency of their visit is limited and hence the local anti-social elements are not deterred from committing nuisance in their areas. When they come on patrol, the police also have very little contact with the public. The people are of the opinion that the behavior of the police in general is good and cordial; even though their behavior towards the suspects in criminal cases is known at times to be harsh and rude. The public in general seem to be happy towards the response time of the police because in most of the cases the police turn up between half an hour to an hour after the report of commissioning of crime. As a result, they feel that the police personnel are doing a good job in apprehending criminals. Many are also aware that even when the criminals are apprehended by the police they are again released for lack of proof or let off by courts due to weak evidences. This situation has emboldened the criminals and it also affects the masses negatively. During investigation of criminal cases according to the respondents, some of the suspects at times tend to be shielded by powerful people and therefore, the police drag cold feet. Even then people are willing to cooperate with the police in investigation of crime out of social obligation. However, the respondents are of the view that people in general are reluctant to



go to the police station to report a crime or to give information as they find it to be troublesome and they are apprehensive of possible harassing questions by the police. One factor which is responsible for such a situation seems to be that senior officials hardly visit Police Stations and places of occurrence of crimes. Such a situation, in the views of the respondents, can be the reason why incidence of crime has gone up considerably in recent past. People have often complained about the behavior of lowerranking police to their superior officers. But actions seem to have been taken only in a few cases. The police-public relation in general seems to be good but still the people they feel that it could be better if the police performed their duty more effectively and behave more sympathetically while dealing with the public. In their opinion police is a force which under the influence of different pressures and thus takes recourse to questionable decisions and activities. Even the officers who are responsible for control and superintendence of the police force fall prey to such pressures.

From our interactions with the respondents, we could gather that most of the police personnel surprisingly are satisfied with their conditions of service. But a few of them who are not satisfied with their service conditions have attributed to the factors like inadequate promotional avenues, low salary and inconvenient duty hours. Many of them have admitted that political interference and population growth are the two most significant variables which adversely affect effective functioning of the police. Acquittal of suspects or criminals due to political interference also has the same consequences. Some of the respondents admit that image of the police deteriorate as a result of such incidents. They feel that if the guilty were punished; political interference is checked; and position of police is improved by enhancing social respectability, then the efficiency and effectiveness of the police would be better. In their opinion, as the dimensions of police activities have increased considerably; it cannot just remain a traditional force for the maintenance of law and order only. But it may be treated as a catalyst of socio-economic change. Apart from these reasons, they are of the view that the superior police officers may be sympathetically disposed towards the juniors. These factors affect their overall attitude; contribute to their morale and their zeal for working. They are of the view that if adequate personnel and materials are provided; promotion, transfer and compensation policies made favorable; means of communication improved and better transport facilities provided, and the state government is more

understanding towards their problems, there will be positive development in the police organisation and the faith of the people in police and their respectability in the eyes of the people would increase. The views of the junior level officials have been corroborated by some of the senior police officials also. They feel that factors like political interference, paucity of manpower and material provisions and inadequate vehicular and communicational facilities tell on the functioning of the police. Further, with the changing pace of socio-economic life, technology and rising trend of application of scientific techniques and equipment by the criminals, the police officials should be given adequate training to combat modern day crimes and at the same time they should also be provided with the latest communication equipment.

**Reports by the National Police Commission during 1979 - 1981 referred to the following major recommendations:**

1. Arrangement for inquiry into complaints against police must be fair and just. The Commission, therefore, suggested arrangements, which would include inquiries conducted by departmental authorities and those conducted by an independent authority outside the police. The Commission felt that a large number of complaints against police should be looked into and disposed off by the supervisory ranks in the police hierarchy. The Commission however recommended that a judicial inquiry should be made mandatory in the following categories of complaints against the police like alleged rape of a woman in police custody; death or grievous hurt caused while in police custody; and death of two or more persons resulting from police firing in the dispersal of unlawful assemblies.
2. The police cannot achieve complete success in their work unless all wings of the criminal justice system operate with simultaneous efficiency. It is, therefore, necessary to set up a body, which would comprehensively monitor the performance of all agencies and apply corrective measures from time to time. The existing Law Commission may be enlarged to function as a Criminal Justice Commission on a statutory basis. Such arrangements at the centre should be supported by similar arrangements at the state level.
3. It has recommended the establishment of special investigation cell in the police department at State level to monitor the progress of investigation of cases under the Protection of Civil

Rights Act or other atrocities against Scheduled Castes and Tribes. A composite cell may be constituted at the district level under the Sub-Divisional Officer to inquire into complaints emanating from scheduled Castes/Tribes, particularly those relating to lapses in administrative measures meant for their relief.

4. Victims of crimes are sometimes turned away from a police station on the mere ground that the reported crime has occurred in the jurisdiction of some other police station and it is for the victim to go there and make his complaint. This works to the disadvantage of ignorant people and weaker sections in society. It has recommended an important amendment to Section 154 Cr.P.C. which would make it incumbent on a police station to register an FIR whether or not the crime has taken place in its jurisdiction and then transfer.

It is well said that police presence is enough to ward off the criminals. But it is practically impossible to place a policeman in every nook and corner. A Police Station has a large area of surveillance under its jurisdiction. It is not, therefore, possible to ensure police presence in every place under the jurisdiction of the police station. Therefore, crimes will continue to be committed. It is desired that more police outposts are set up especially in rural areas in order to ensure police presence. Police presence can also be increased by an intensified and effective patrolling. The patrolling may be foot or mobile and fixed pickets can be placed in sensitive areas if and when required. Such increased presence of police will ultimately require increase in manpower at various levels. There has been an increase in the strength of Uttar Pradesh Police. Unfortunately the increase in the strength has to be found in the armed police whereas the acute need for increase in strength lies in the case of the unarmed police who are doing the actual policing. There has to be a corrective action to this imbalance in the growth of police man power.

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