



**B.A. Part-I (Police Administration)  
(SEMESTER-I)**

**PAPER-I**

**SECTION- A**

**Department of Distance Education  
Punjabi University, Patiala**  
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**Lesson No. :**

**Section-A**

- 1.1 : Concept, Role and Significance of Police
- 1.2 : Origin and Development of Police in Ancient, Medieval and British Period
- 1.3 : Police Reforms in India
- 1.4 : Organisation and Working of Ministry of Home Affairs
- 1.5 : Bureau of Police Research and Development (BPR&D); Central Bureau of Investigation (CBI) and Intelligence Bureau

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**Lesson No. 1.1**

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**CONCEPT, ROLE AND SIGNIFICANCE OF POLICE**

The term police have been derived from the Latin word *politia* which means the condition of a Polis or State. According to Oxford dictionary, the term police means a system of regulation for the preservation of order and enforcement of law; the internal government of State<sup>1</sup>. The term broadly refers to purposeful maintenance of public order and protection of persons and property, from the hazards of public accidents and the commission of unlawful acts. It refers to civil functionaries charged with maintaining public order and safety and enforcing the law including the prevention and detection of crime.<sup>2</sup> India is multi-cultural, multi-ethnic and vast country. It is the second most populated country of the world. Maintaining law and order in world's largest democratic country is an arduous task. The police personnel provide for the security of people and enforcement of laws of the country. It determines the manner in which democratic decisions are implemented in the country. In view of the growing violence, social conflicts and serious threats of terrorist activities, the role of police is becoming even more important. The assurance of equality and dignity to the weaker sections of the society is also dependent upon the performance of the police. Clearly, police has a crucial role in the existence and development of India.<sup>3</sup>

Police and Public Order are state subjects, but this does not minimize the role of Central Government in Police administration. Constitution of India empowers the Central Government to intervene in some situations or perform special function in police matters. For example, Article 355 specifies that it is the duty of the Centre to protect the states against internal disturbances and to ensure

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<sup>1</sup> (Kalia, 1995).

<sup>2</sup> (Ghosh & Rustamji, 1993).

<sup>3</sup> (Verma, 2005).

that the governance of every state is carried on in accordance with the provisions of the Constitution. The constitution itself enumerates a long list of subjects like All India Services, arms, ammunition, passports etc. in the union list. As per List 1 of the 7<sup>th</sup> Schedule, the Parliament of India has exclusive powers to make laws with respect to the armed forces of the Union, the Central Bureau of Intelligence and Investigation, the Union agencies and institutions for training of police officers, promotion of special studies or research, scientific and technical assistance in the investigation or detection of crime, all India Services, extension of the powers and jurisdiction of members of one state police force to another with the consent of that state or to outside railway areas (CHRI, 2005). Thus, Central government under the supervision of Ministry of Home Affairs plays an important role in formulating the policies of the police administration. The Central Government has established a number of police organizations known as Central Police Organizations (CPOs). The CPOs can be broadly divided into two groups, namely armed police organizations or Central Para-Military Forces (CPMFs) and other central government organizations. CPMFs include Assam Rifles, Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP) and National Security Guards (NSG). Second group of central Police Organizations

include Bureau of Police Research and Development (BPR&D), Central Bureau of Investigation (CBI), Directorate of Coordination of Police Wireless (DCPW), Intelligence Bureau (IB), National Crime Records Bureau (NCRB), National Institute of Criminology and Forensic Science (NICFS), and the National Police Academy (NPA).

An important power with Central Government is the appointment of IPS (Indian Police Services) officers. Section 3 of the All India Services Act, 1951 empowers the central government, after consultation with the state governments, to make rules for the regulation of recruitment and the conditions of service of persons appointed to an all India service including IPS. The senior duty posts are called cadres and generally the cadre posts are filled with IPS officers. The central government periodically re-examines the strength and compositions of each cadre in consultation with state government and makes such alteration therein as it deems fit.

## **DUTIES AND RESPONSIBILITIES OF POLICE**

Section 57 and 58 of the Model Police Act, 2006 describes the roles, functions and responsibilities of Indian police personnel. The police is expected to be the most accessible, interactive and dynamic organization of any society. Its roles, functions and duties in the society are natural to be varied, such as multifarious on the one hand; and complicated, knotty and complex on the other. In a broad way, police is expected to play two roles in the society i.e. maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous. In fact, there is something a good patrolman puts into his work that is not found in the books of rules nor taught by police instructors (Vollmer, 1933).

The functions of police encompass preservation of law and order, to safeguard people's life & property. The society expects the cop to play the varied roles with equal élan. He is helper, savoir, friend and referee. On the other hand, as a law enforcer he arrests, encounters or uses force to enforce the rule of law. This rollercoaster ride is difficult to understand functionally and emotionally.<sup>4</sup> Policing makes huge demands on the mental, emotional and physical capabilities of the personnel. These demands are too often so stressful that they begin to destroy the individual.<sup>5</sup>

In all societies, organisations were established to protect the life and liberties of people since the dawn of civilisation. With the passage of time, complexities in the nature of societies have led to the creation of modern police. In the European context the term 'police' refer to a 'force for the city' and the police officer was known as Nagarpal, which means protector of the city and governance based on Dharma and Danda. Dandaneeti was an important ingredient of Statecraft. Manu talked about the prevention and detection of crime and also a system of collecting intelligence during the vedic period. Vedas refer to different kinds of crimes and punishments for the criminals. During the Mauryan and Gupta periods, policing was undertaken systematically. Kautilya's Arthashastra gives a vivid picture of the nature of police organisation and their functions. During Mughal period, law and order administration was under the

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<sup>4</sup> (Bratz, 1979).

<sup>5</sup> (Depue, 1979).

charge of Fauzdars. They were assisted by Thanedars who were in charge of Police Stations. He was also responsible for revenue functions. The office of the Kotwal was fairly important, as he was the chief of city police. His functions included patrolling the city at night, collection of intelligence, prevention of crime and social abuses and regulation of jails. During the British period, the police system that existed under the Mughals was allowed to continue with certain reforms to meet the changing needs. The present Indian police system is based on the Police Act of 1861. Under this act the police was made subordinate to the Executive Government. Later, several changes were brought about in the structure as well as functioning of the police system. But the basic structure and characteristics as enshrined in the police act of 1861 continued to dominate over the police system in the country. By the time India attained independence in 1947; the Police Administration had developed into one of the best systems. After independence, the Government of India felt that the system was capable of facing new challenges and was also well developed to help the new Government to maintain stability.

### **ROLE AND FUNCTIONS OF THE POLICE**

Prevention of crime and maintenance of public order are the major functions of the police. According to 1861 Act, Police functions are to prevent commission of offences and public nuisances; bring offenders to justice; collect information affecting public peace; and keep order in all public places, keeping in view the changing political and social scenario. U.N. Congress prevention of crime, held in 1970 identified urbanisation, industrialisation, population growth, internal migration, social mobility, and technological changes etc. as the criminogenic factors. Communal tension and other social tensions are also the causes of crime due to which public order gets disturbed and violence breaks out. The main task of police is to enforce law and order, protect the citizens and safeguard their property. The police have to play a positive role in the scheme of social defence. It can no longer take a restrictive view of their role. In a democratic society the role of police is linked to social service. It is an important area where police has been assigned a positive role in relation of social. Legislation. These legislations touch upon the lives of the people at countless number of places. This provides various opportunities to serve the people and proves to be a challenge as well. In the changing political context,

the police have to function as officers of law rather than as officers of the Government or Party in power. According to the National Police Commission set up by the Government of India in 1977, the duties and responsibilities of the police are to:

- i) Promote and preserve public order;
- ii) Investigate crime;
- iii) Identify problems and situations that are likely to result commission of crimes;
- iv) Reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures;
- v) Aid and co-operate with other relevant agencies in implementing appropriate measures for prevention of crimes;
- vi) Aid individuals who are in danger of physical harm;
- vii) Create and maintain a feeling of security in the community;
- viii) Facilitate orderly movement of people and vehicles;
- ix) Counsel and resolve conflicts and promote amity;
- x) Provide other appropriate services and afford relief to people in distress situations;
- xi) Collect intelligence relating to matters affecting public peace and crime. Including social and economic offences, and national integrity and security.

As civilisation advances, and democracy takes roots, the laws of the land also change. Instead of individual fancies, the people or their chosen representatives base law making on participation. Personalised laws are replaced by public laws. It's inter-dependence with other wings of criminal justice system such as judiciary and prosecution, and its interface with various sections and groups in the society have far reaching implication for its functionary.

### **Review Exercise**

Q.1 Define Police Administration. Discuss Significance of Police Administration

Ans. ....  
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Q.2. Describe the role of Police Administration in Indian System.

Ans. ....  
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**Suggested Readings:**

1. P.D. Sharma, Indian Police; A Development Approach, Research Publications, New Delhi, 1977.
  2. Dr. Balbir Bharti, Police & People, APH Publishing Corporation, New Delhi, 2006
  3. Dr. Balbir Bharti, Police & People: Role and Responsibilities, APH Publishing Corporation, New Delhi, 2002
  4. Giriaj Shah, The Indian Police- A retrospect Himalaya Publishing House, Bombay, 1992.
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**Lesson No. 1.2**

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**ORIGIN AND DEVELOPMENT OF POLICE IN ANCIENT, MEDIEVAL  
AND BRITISH PERIOD**

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>6</sup>, “Smritis”, “Shastras”. 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,<sup>7</sup>. Smriti, 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,<sup>8</sup>. Sastra 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

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<sup>6</sup> Vedas

<sup>7</sup> New Delhi, 1998 and The Ramakrishna Mission Institute Of Culture, The Cultural Heritage of India Volume I , Kolkata, 2004

<sup>8</sup> Ibid.



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.

Kautilya's "Arthashastra"<sup>9</sup> and Megasthenes 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 6 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"<sup>7</sup>, "Karma"<sup>8</sup>, "Paap"<sup>9</sup> and "Punya"<sup>10</sup>. 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, the 4. The Arthashastra is an ancient Indian Hindu treatise on statecraft, economic policy and military strategy which identifies its author by the names Kautilya who was a scholar at Takshashila and later the prime minister of the Maurya Empire. See N.N. Bhattacharyya, Op.Cit. and The Ramakrishna Mission Institute Of Culture, Op.Cit. 5. Megasthenese<sup>10</sup> was the Greek Ambassador to the Court of Emperor Chandragupta.<sup>11</sup> Manus provides the guidelines to enforce the law<sup>12</sup>. Dharma is a multivalent term of great importance in Indian philosophy and religions. In a Hindu context, it means one's righteous duty, and a Hindu's dharma is affected by a person's age, class, occupation, and gender. In modern Indian languages it can be equivalent simply to religion, depending on context. The word dharma translates as that which upholds or supports, and is generally translated into English as law.<sup>13</sup> Karma in Indian religions is the concept of "action" or "deed", understood as that which causes the entire cycle of cause and effect originating in ancient India and treated in Hindu, Jain, Buddhist and Sikh philosophies.<sup>14</sup> The word stands for one of the basic concepts of the Indian religious tradition. This concept relates to what is

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<sup>9</sup> "Arthashastra"

<sup>10</sup> . Megasthenese

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

considered religiously and morally evil, an act of body, mind, or speech opposed to what is considered religiously and morally good.<sup>15</sup> includes all forms of doing good, from the simplest helpful deed to a lifetime of conscientious beneficence. Each act of punya carries its karmic consequence, karmaphala, “fruit of action” - the positive reward of actions, words and deeds that are in keeping with dharma. Ibid. 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.

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>11</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.<sup>16</sup> 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

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<sup>15</sup> Ibid.

<sup>16</sup> . Percival Griffiths, To Guard My People: The History of the Indian Police, 1971, p.8.

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 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>17 18</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.<sup>19</sup> 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.<sup>20</sup> 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.

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<sup>17</sup> Percival Griffiths, Op.Cit., p.9.

<sup>18</sup> Ibid., p.10.

<sup>19</sup> Percival Griffiths, Op.Cit., p.10.

<sup>20</sup> M.P. Singh, Police Problems and Dilemmas in India, 1989, p.18.

**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>21</sup> When the Muslim Sultans took over India they tried to enforce the Mohammedan law imported from Arabia on the conquered people.<sup>22</sup> They introduced only those changes, which suited their objectives.<sup>23</sup> 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.<sup>24</sup> He also looked after the system of criminal justice and keeping peace and order.<sup>25</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.<sup>26</sup> Roughly each Faujdhar had 500 to 1500 Sepoys under his charge, depending on the size of the district or Sarkar.<sup>27</sup> 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.<sup>28</sup> He was vested with executive powers, which enabled him to function as police Magistrate.<sup>29</sup> Faujdhar were assisted by Shiqdar who were in charge of a Parganah, a subdivision of a Sarkar.<sup>30</sup> 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

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<sup>21</sup> Percival Griffiths, Op.Cit., p.113.

<sup>22</sup> M.P. Singh, Op.Cit., p.19

<sup>23</sup> Joginder Singh, Inside Indian Police, 2002, p.28.

<sup>24</sup> . M.P. Singh, Op.Cit., p.24

<sup>25</sup> . Joginder Singh, Op.Cit., pp.28-29

<sup>26</sup> B.P. Saha, Indian Police: Legacy and Quest for Formative Role, 1990, p.2.

<sup>27</sup> Joginder Singh, Op.Cit., p.29.

<sup>28</sup> M.P. Singh, Op.Cit., p.24.

<sup>29</sup> B.P. Saha, Op.Cit., p.3.

<sup>30</sup> M.P. Singh, Op.Cit., p.25.

any effective check or control on the village police or the People living there.<sup>31</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 Faujdarri and were appointed by the Faujdar.<sup>32</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.<sup>33</sup> These officers were part of the rural 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.<sup>34</sup> 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.<sup>35</sup>

### **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 Orrisa, 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

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<sup>31</sup> Joginder Singh, Op.Cit., p.29.

<sup>32</sup> M.P. Singh, Op.Cit., p.19,p.28.

<sup>33</sup> M.P. Singh, Op.Cit., p.28.

<sup>34</sup> Joginder Singh, Op.Cit., p.29.

<sup>35</sup> Percival Griffiths, Op.Cit., pp.15-16.

ancient form of government should be preserved and the dignity of the Nizam should be maintained. 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 divided into commissionaires, each under a Commissioner, but the most important unit was the district - a part of the commissionary. 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.<sup>36</sup> 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 Sub-Inspector known as Thanedar, Daroga or Kotwal.<sup>37</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.<sup>38</sup> 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 gang 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

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<sup>36</sup> B.P. Saha, Op.Cit., p.5.

<sup>37</sup> M.P. Singh, Op.Cit., p.35.

<sup>38</sup> Joginder Singh, Op.Cit., p.32.

pursuit, he emphasised on indigenous system of policing. In 1772, he established a civil and criminal courts for each districts 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>39</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 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.<sup>40</sup> The Regulation was later on enacted and amplified in Regulation XXII of 1793.<sup>41</sup> In the opening paragraphs of the Regulation, Cornwallis laid down the principles to be followed as follows: "The police of the country are 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

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<sup>39</sup> B.P. Saha, Op.Cit., p.6.

<sup>40</sup> Joginder Singh, Op.Cit., p.39.

<sup>41</sup> B.P. Saha, Op.Cit., p.8.

case they will be compelled to make good the value of the property stolen or plundered.”<sup>42</sup> 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.<sup>43</sup>

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 have been acknowledged in the preamble to Bengal Regulation XII of 1807.<sup>44</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>45</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

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<sup>42</sup> Percival Griffiths, Op.Cit., p.57.

<sup>43</sup> B.P. Saha, Op.Cit., p.8.

<sup>44</sup> B.P. Saha, Op.Cit., p.9.

<sup>45</sup> Ibid., p.10.



appointments, transfers and disciplinary control.<sup>46</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>47</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.<sup>48</sup> Hence, in 1837 the Bengal Government reintroduced the post of Superintendent of Police to look after the police work and for taking effective measures for introduction of an improved police.<sup>49</sup> 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.<sup>50</sup> The system was based on two principles 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>51</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>52</sup> the rural police were responsible for guarding treasuries, goals or

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<sup>46</sup> B.P. Saha, Op.Cit., pp.10-11.

<sup>47</sup> Ibid., p.11.

<sup>48</sup> Ibid.

<sup>49</sup> Joginder Singh, Op.Cit., p.67.

<sup>50</sup> B.P. Saha, Op.Cit., p.13.

<sup>51</sup> Percival Griffiths, Op.Cit., p.69.

<sup>52</sup> M.P. Singh, Op.Cit., p.39.

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.<sup>53</sup> 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.<sup>54</sup> 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.<sup>55</sup> 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. 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.<sup>56</sup>

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.<sup>57</sup> 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 posts were designated as Superintendents. The Superintendent of Police was under the orders of local Magistrates. The village police was under a Police Inspector who,

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<sup>53</sup> Percival Griffiths, Op.Cit., p.69.

<sup>54</sup> B.P. Saha, Op.Cit., p.14.

<sup>55</sup> Percival Griffiths, Op.Cit., p.74.

<sup>56</sup> Ibid., p.16.

<sup>57</sup> Percival Griffiths, Op.Cit., p.81.

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.<sup>58</sup> However, it was not applied to Madras city. In Bombay Presidency after various experiments a post of Lieutenant of Police was created in 1879.<sup>59</sup> 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>60</sup> 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.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup>

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<sup>58</sup> B.P. Saha, Op.Cit., p.16.

<sup>59</sup> Ibid., p.18.

<sup>60</sup> B.P. Saha, Op.Cit., p.18.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., p.19.

<sup>63</sup> Ibid.

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 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>64</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 thorough 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.<sup>65</sup> On 17th August 1860, it appointed a Police Commission composed of four members of the Civil Service,<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> 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>64</sup><sup>69</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.<sup>70</sup> The last report was

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<sup>64</sup> Percival Griffiths, Op.Cit., p.74.

<sup>65</sup> Ibid., p.87.

<sup>66</sup> Ibid., p.88.

<sup>67</sup> B.P. Saha, Op.Cit., p.20.

<sup>68</sup> Percival Griffiths, Op.Cit., p.88.

<sup>69</sup> B.P. Saha, Op.Cit., p.20.

<sup>70</sup> Ibid., p.20.

submitted on 27th January 1862 and the Commission was dissolved on 9th April 1862.<sup>71</sup> 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>72</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>73</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. 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.<sup>74</sup> 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.<sup>75</sup> Section 15 provides for the stationing of additional

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<sup>71</sup> Ibid.

<sup>72</sup> Rajinder Prasher, Police Administration: Organisation & Structure, Recruitment & Training, Unionism & Public Relations, 1986, p.19.

<sup>73</sup> Rajinder Prasher, Op.Cit., p.19.

<sup>74</sup> Rajinder Prasher, Op.Cit., p.19.

<sup>75</sup> Ibid.

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>76</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, 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>77</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.

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<sup>76</sup> Arvind Verma, *The Indian Police: A Critical Evaluation*, 2005, p.16.

<sup>77</sup> B.P. Saha, *Op.Cit.*, p.31.

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.<sup>78</sup>

They also visited a number of Police Stations and offices. They held fifty public sessions for examination of witness.<sup>79</sup> The Commission also orally examined 279 witnesses and received 683 written replies.<sup>80</sup> On conclusion of their enquiries a conference of the Inspector General's 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 30<sup>th</sup> May 1903 and the Secretary of State approved the report.<sup>81</sup> 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 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 was 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

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<sup>78</sup> Rajinder Prasher, Op.Cit., p.19.

<sup>79</sup> B.P. Saha, Op.Cit., p.33.

<sup>80</sup> Rajinder Prasher, Op.Cit., p.19.

<sup>81</sup> B.P. Saha, Op.Cit., pp.33-34

a part of the Indian (Imperial) Police.<sup>77</sup> 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.<sup>82</sup> 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.<sup>78</sup> 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>79</sup>

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<sup>82</sup> Rajinder Prasher, Op.Cit., p.27.



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**Lesson No. 1.3**

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**POLICE REFORMS IN INDIA**

Under the Constitution, police is a subject governed by states.<sup>83</sup> Therefore, each of the 29 states have their own police forces. The centre is also allowed to maintain its own police forces to assist the states with ensuring law and order.<sup>84</sup> Therefore, it maintains seven central police forces and some other police organisations for specialised tasks such as intelligence gathering, investigation, research and recordkeeping, and training. The primary role of police forces is to uphold and enforce laws, investigate crimes and ensure security for people in the country. In a large and populous country like India, police forces need to be well-equipped, in terms of personnel, weaponry, forensic, communication and transport support, to perform their role well. Further, they need to have the operational freedom to carry out their responsibilities professionally, and satisfactory working conditions (e.g., regulated working hours and promotion opportunities), while being held accountable for poor performance or misuse of power.<sup>85</sup>

There has been continuous debate on policing and reform in India, with several government-appointed commissions submitting reports and recommendations for police reform to government. The most comprehensive recommendations came from the National Police Commission (NPC), which from 1979-81, completed eight reports and drafted a Model Police Bill. Two more official Committees have drafted model police legislation, with CHRI as an active participant on both. These model draft Police Acts have not moved forward. In 2006, the Supreme Court of India ordered directives on police reform, but the central and state governments are either not complying at all or complying by

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<sup>83</sup>Entry 2 list II, Schedule 7, Constitution of India, 1950.

<sup>84</sup>Entry 2 list II, Schedule 7, Constitution of India, 1950.

<sup>85</sup>Entry 2 and 2A, List I, Schedule 7, Constitution of India, 1950.

moving away from the Court's framework. CHRI actively monitors the state of implementation of the Court's directives across the country.

## **BACKGROUND OF POLICE REFORMS**

The Police is considered as the vital arm of a state rather the active arm through which state wields its power and authority. The policing has been the age old practice ever since the society organized itself, however, organized and legal police system called Darogah system appeared in British India in the year 1792 (Lord Cornwallis) in the state of West Bengal which was later on extended to the province of Bombay (1793). The Darogah system did not work up to the expectations of the then government as the system was unable to exercise control over village police as it suffered from the shortage of manpower.

## **POLICE REFORMS: POST INDEPENDENCE SCENARIO**

Police has been placed in Seventh Schedule, State List II, of the Constitution. However to meet the expectations of the people, Central Government can persuade the State Governments to bring the reforms in the Police Administration. After Independence various experts' bodies have examined the issues with Police organization and suggested the remedial measures.

### **Status on Police Reforms in India**

The police is seen as selectively efficient, unsympathetic to the under privileged. It is further accused of politicization and criminalization. In this regard, one needs to note that the basic framework for policing in India was made way back in 1861, with little changes thereafter, whereas the society has undergone dramatic changes, especially in the post independence times. The public expectations from police have multiplied and newer forms of crime have surfaced. The policing system needs to be reformed to be in tune with present day scenario and upgraded to effectively deal with the crime and criminals, uphold human rights and safeguard the legitimate interests of one and all.

### **Committees/Commission on Police Reforms**

2. Various Committees/Commissions in the past have made a number of important recommendations regarding police reforms. Notable amongst these are those made by the National Police Commission (1978-82); the Padmanabhaiah Committee on restructuring of Police (2000); and the Malimath Committee on reforms in Criminal Justice System (2002-03). Yet another Committee, headed by Shri Ribeiro, was constituted in 1998, on the directions of the Supreme Court of India, to review action taken by the Central Government/State Governments/UT Administrations in this regard, and to suggest ways and means for implementing the pending recommendations of the above Commission.

### **Constitutional Limitations of Central Government**

3. "Police" being a State subject in the seventh schedule to the Constitution of India, it is primarily the State Governments who have to implement the various police reforms measures. The Centre has been making consistent efforts to persuade the States from time to time to bring the requisite reforms in the Police administration to meet the expectations of the people.
4. In this regard, the recommendations of the various Committees/Commissions were sent to the State Governments/UT Administrations for taking necessary action. Successive Union Home Ministers have been addressing the Chief Ministers/Administrators of States/UTs in this regard.

### **Important recommendations of the various Committees/ Commissions and the specification taken by the Central Government**

#### **A. Reports of The National Police Commission**

5. The National Police Commission (NPC) was constituted in 1977 to study the problems of police and make a comprehensive review of the police system at national level. The NPC dealt with wide range of aspects of police functioning. The National Police Commission submitted eight reports during the period February 1979 to May 1981. The first report was laid on the Table of Lok Sabha on 1.2.1980. The remaining seven reports were released in March 1983 with the specific directive from the

Central Government to all State Governments/UT Administrations that these reports may be examined quickly and appropriate action taken. The Central Government took initiatives in persuading the State Governments/UTs to implement the recommendations of the National Police Commission.

6. The major recommendations of the NPC to amend the Code of Criminal procedure 1973 were considered in the Chief Minister's Conference on the Administration of Criminal Justice System held on 13th November 1992. The Code of Criminal Procedure (Amendment) Bill 1994 introduced in the Rajya Sabha had, inter alia, contained these recommendations. This Bill was passed in the Rajya Sabha on 4.5.2005 and in Lok Sabha on 9.5.2005 respectively. Other important recommendations of NPC for revision of syllabus for IPS probationers trainees / augmentation of DCPW have already been implemented and a new Bill for regulation of private security agencies has since been passed by the Parliament and become an Act.

#### **(B) Reports of the Ribeiro Committee.**

7. On the directions of the Supreme Court of India in the case of Prakash Singh vs Union of India and others pertaining to implementation of the recommendations of the National Police Commission, the Government had on 25th May, 1998, constituted a Committee under the Chairmanship of Shri J.F. Ribeiro, IPS (Retd.). The Ribeiro Committee submitted two reports which were filed in the Supreme Court during 1998 and 1999, respectively.
8. The Ribeiro Committee endorsed the recommendations of the NPC with certain modifications. The case came up for hearing on 10.2.2005 and the Hon'ble Court directed Union of India and respective State Governments including NHRC to file their responses with regard to the direction issued in the Vineet Narain case and implementation of recommendations of Ribeiro Committee.

#### **(C) Report of the Padmanabhaiah Committee on Police Reforms.**

9. Government had set up a Committee in January, 2000 under the Chairmanship of Shri K. Padmanabhaiah, former Union Home Secretary,

to suggest the structural changes in the police to meet the challenges in the new millennium. The Committee submitted its report to the Government on 30.8.2000. In all, there are about 240 recommendations made by the Committee. The recommendations have been examined in this Ministry. Out of 240 recommendations of the Committee, 23 recommendations regarding review of allocation of cadre policy, direct IPS officers to be given charge of district, to post IAS/IPS as judicial magistrate, police commissioners system in cities, division of NICFS, compulsory retirement to those not empanelled as DIG, review of cadre allotment policy of IPS for NE, recruitment of Constables and sub-Inspectors from the boys who have passed 10 & 12<sup>th</sup> Examination and giving them 2/3 years training in Police training Schools/Police Training Colleges respectively, maximum age of entry of IPS to be reduced to 24 years and federal offences etc were not accepted, after examination.

10. As many as 154 recommendations pertaining to recruitment, training, reservation of posts, involvement of public in crime prevention, recruitment of police personnel, delegation of powers to lower ranks in police, revival of beat system, use of traditional village functional village functionaries, police patrolling on national and state highways, designs of the police stations, posting and transfer of SP and above etc. were found to be such that they can be implemented without any structural changes.

**(D) Malimath Committee on Reforms in the Criminal Justice System**

11. Government had set up (November, 2000) a Committee under the Chairmanship of Dr. (Justice) V.S. Malimath, a former Chief Justice of the Karnataka and Kerala High Courts to consider and recommend measures for revamping the Criminal Justice System. The Malimath Committee submitted its report in April, 2003 which contained 158 recommendations. These pertain to strengthening of training infrastructure, forensic science laboratory and Finger Print Bureau, enactment of new Police Act, setting up of Central Law Enforcement agency to take care of federal crimes, separation of investigation wing from the law and order wing in the police stations, improvement in investigation by creating more posts, establishment of the State Security

Commission, etc. **MHA Committee to review the various recommendations and the follow up taken:**

12. Hon'ble Prime Minister, while interacting with DGPS/IGPs in 2004, appreciated the need for police reforms and declared that a Committee would be constituted to review the status of implementation of recommendations made by the various Commission/Committees. Accordingly a Committee was constituted by MHA in December 2004 to look into this aspect.
13. The Committee short-listed 49 recommendations from out of the recommendations of the previous Commission/Committees on Police Reforms as being crucial to the process of transforming the police into a professionally competent and service oriented organization. These 49 recommendations mainly pertain to:
  - I. improving professional standards of performance in urban as well rural police stations,
  - II. emphasizing the internal security role of the police,
  - III. addressing the problems of recruitment, training, career progression and service conditions of police personnel,
  - IV. tackling complaints against the police with regard to non-registration of crime, arrests, etc. and
  - V. insulating police machinery from extraneous influences.
14. The report of the Review Committee was sent to all State Governments/UTs Administrations to initiate action on the recommendations concerning them and to initiate action on regular basis on the same. The implementation of these recommendations in the States were reviewed twice with the Chief Secretaries and DGPS of all the States by the Union Home Secretary in September 2005 and February 2006. The Committee of Secretaries under the Cabinet Secretary also reviewed the progress of implementation of these recommendations on 20.9.2005, 28.9.2005 and 17.2.2006 and also suggested milestones to be achieved in a time bound manner.
15. Ministry of Home Affairs also constituted a Sub-Committee of the National Integration Council to examine the feasibility of the 49 recommendations identified by the Review Committee. The Sub-Committee of National Integration Council has seven Chief Ministers, three eminent persons as members apart from Union Law Minister. A

Meeting of this Committee was held on 29th July, 2006 under the chairmanship of Union Home Minister and it was stressed that there is an urgent need for adopting the right perspective towards Police Reforms and for strengthening the intelligence system, imparting special training to police personnel and making them responsible.

### **Expert Committee to draft a New Model Police Act:**

16. As one of the recommendations of Review Committee was replacement of Police Act, 1861, the Ministry of Home Affairs set up an Expert Committee to draft a new Model Police Act in September, 2005. The Committee submitted a model Police Act on 30<sup>th</sup> October, 2006.
17. The Model Police Act emphasized the need to have a professional police service "in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Act provided for social responsibilities of the police and emphasizes that the police would be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities. The other salient features of Model Police Act include:

**Functional autonomy:** While recognising that the police is an agency of the State and therefore accountable to the elected political executive, the Committee has specifically outlined the role of Superintendence of the State Government over the police. The Model Police Act suggested creation of a State Police Board, Merit-based selection and appointment of the Director General of Police, ensuring security of tenures, setting up of Establishment Committees,

**Encouraging professionalism:** To ensure an efficient, responsive and professional police service, the Model Act sought earmarking dedicated staff for crime investigation; and distinct cadre for Civil police vis-à-vis Armed Police. **Accountability paramount:** the Act prioritised police accountability, both for their performance and their conduct.

**Improved service conditions:** The Act also aimed to provide better service conditions to the police personnel including rationalising their working hours, one day off in each week, or compensatory benefits in lieu. It suggested creation

of a Police Welfare Bureau to take care, inter alia, of health care, housing, and legal facilities for police personnel as well as financial security for the next of kin of those dying in service. It further mandates the government to provide insurance cover to all officers, and special allowances to officers posted in special wings commensurate with the risk involved.

### **Forwarding of copies of the Draft Police Act to States/UTS:**

18. A copy of draft Model Police Act as framed by the Committee has been sent to States for consideration and appropriate action vide Home Secretary d.o. letter dated 31<sup>st</sup> October, 2006.

As per available information, 15 State Governments, viz., Assam, Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura and Uttarakhand have formulated their State Police Acts and 02 State Governments, viz., Gujarat and Karnataka have amended their existing Police Acts (total 15 State Governments have either formulated State Police Acts or amended their existing Police Acts).

### **NECESSITY OF POLICE REFORMS**

Police is an exclusive subject under the State List. States have the power to enact any law regarding police. But, Police have become the puppets of politicians. India is still following the Police Act, 1861, which was framed by the Britishers to crush dissent. India is becoming an economic and political superpower, but police is still in the same frozen state. There are many challenges and issues that the police is facing because of which there is necessity for bringing change in police administration.

This report provides an overview of police organisation in India, and highlights key issues that affect their functioning. Note that the Standing Committee on Home Affairs is also examining two subjects related to organisation and functioning of central and state police forces: (i) "Roadmap for implementation of Police Reforms", and (ii) "Central Armed Police Forces/Organisations."<sup>86</sup>

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<sup>86</sup>“Public Order”, Second administrative Reforms Commission, 2007,



## State Police Forces

Police forces of the various states are governed by their state laws and regulations. Some states have modelled their laws on the basis of a central law, the Police Act, 1861.<sup>87</sup> States also have their police manuals detailing how police of the state is organised, their roles and responsibilities, records that must be maintained, etc.

## Hierarchy and Organisation

State police forces generally have two arms: civil and armed police. The civil police is responsible for day-to-day law and order and crime control. Armed police is kept in reserve, till additional support is required in situations like riots. In this section, we discuss how civil police is organised in the country.

Civil police forces broadly adhere to the hierarchical structure shown in Figure 2. Every state is divided into various field units for the purpose of effective policing: zones, ranges, districts, sub-divisions or circles, police stations and outposts. For instance, a state will comprise of two or more zones, each zone will comprise two or more ranges, and ranges will be sub-divided into the other field units in a similar manner. The key field units in this setup are the police district and the police station."<sup>88</sup>

## Police accountability

Police forces have the authority to exercise force to enforce laws and maintain law and order in a state. However, this power may be misused in several ways. For example, in India, various kinds of complaints are made against the police

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<http://arc.gov.in/5th%20REPORT.pdf>, "Police Organisation in India, Commonwealth Human Rights Initiative, 2015,

<sup>87</sup>For example, police in Uttar Pradesh, Madhya Pradesh, Manipur and Nagaland is regulated under the Police Act, 1861; Model Police Manual: Volume 1, Bureau of Police Research and Development, <http://www.bprd.nic.in/WriteReadData/userfiles/file/1645442204-Volume%201.pdf>; "Police organisation in India", Commonwealth Human Rights Initiative, 2015,

<http://www.humanrightsinitiative.org/download/1456400058Final%20Police%20Org%20inIndia%202016.pdf>.

<sup>88</sup>Model Police Manual: Volume 1; Bureau of Police Research and Development, <http://www.bprd.nic.in/WriteReadData/userfiles/file/1645442204-Volume%201.pdf>.

including complaints of unwarranted arrests, unlawful searches, torture and custodial rapes.<sup>271</sup> To check against such abuse of power, various countries have adopted safeguards, such as accountability of the police to the political executive, internal accountability to senior police officers, and independent police oversight authorities. **Crime investigation**

A core function of the state police forces and some central police agencies like the CBI is crime investigation. Once a crime occurs, police officers are required to record the complaint, secure the evidence, identify the culprit, frame the charges against him, and assist with his prosecution in court so that a conviction may be secured. In India, crime rate has increased by 28% over the last decade, and the nature of crimes is also becoming more complex (e.g., with emergence of various kinds of cybercrimes and economic fraud). Conviction rates (convictions secured per 100 cases) however have been fairly low. In 2015, the conviction rate for crimes recorded under the Indian Penal Code, 1860 was 47%. The Law Commission has observed that one of the reasons behind this is the poor quality of investigations.

Crime investigation requires skills and training, time and resources, and adequate forensic capabilities and infrastructure. However, the Law Commission and the Second Administrative Reforms Commission have noted that state police officers often neglect this responsibility because they are understaffed and overburdened with various kinds of tasks. Further, they lack the training and the expertise required to conduct professional investigations. They also have insufficient legal knowledge (on aspects like admissibility of evidence) and the forensic and cyber infrastructure available to them is both inadequate and outdated. In light of this, police forces may use force and torture to secure evidence. Further, while crime investigations need to be fair and unbiased, in India they may be influenced by political or other extraneous considerations. In light of these aspects, experts have recommended that states have their own specialized investigation units within the police force that are responsible for crime investigation. These units should not ordinarily be diverted for other duties.

With regard to forensic infrastructure in the country, it may be noted that currently India has seven Central Forensic Science Laboratories, 30 State Laboratories, 50 Regional Laboratories and 144 District Mobile Laboratories.<sup>200</sup>

These laboratories conduct scientific analysis of ballistics, bodily fluids, computer records, documents, explosives, fingerprints, narcotics and voice identification, among other things. Expert bodies have however said that these laboratories are short of funds and qualified staff. Further, there is indiscriminate referencing of cases to these labs resulting in high pendency.

### **Police infrastructure**

Modern policing requires a strong communication support, state-of-art or modern weapons, and a high degree of mobility. The CAG and the BPRD have noted shortcomings on several of these fronts.

*Weaponry:* The CAG has found that weaponry of several state police forces is outdated, and the acquisition process of weapons slow, causing a shortage in arms and ammunition. An audit of the Rajasthan police force (2009 to 2014) concluded that there was a shortage of 75% in the availability of modern weapons against the state's own specified requirements.<sup>293</sup> The same audit also found that even when weapons were procured, a large proportion of them (59%) were lying idle because they had not been distributed to the police stations. Similar audits in West Bengal and Gujarat found shortages of 71% and 36% respectively in required weaponry.

*Police vehicles:* Audits have noted that police vehicles are in short supply. New vehicles are often used to replace old vehicles, and there is a shortage of drivers. This affects the response time of the police, and consequently their effectiveness. As of January 2015, state forces had a total of 1,63,946 vehicles, marking a 30.5% deficiency against the required stock of vehicles (2,35,339 vehicles).

*Police Telecommunication Network (POLNET):* The POLNET project was initiated by the central government in 2002 to connect the police and paramilitary forces of the country through a satellite based communication network, that will be significantly faster than the existing system of radio communications. However, audits have found that the POLNET network is non-functional in various states.<sup>29</sup> For example, an audit of the Gujarat police force reported that the network had not been operationalised till October 2015 due to non installation of essential infrastructure, such as remote subscriber units and generator sets.

The audit also noted that there were 40% -50% vacancies in key segments of trained personnel, such as radio operators and technicians, needed to operate the equipment.

*Underutilisation of funds for modernisation:* Both centre and states allocate funds for modernisation of state police forces. These funds are typically used for strengthening police infrastructure, by way of construction of police stations, purchase of weaponry, communication equipment and vehicles. However, there has been a persistent problem of underutilisation of modernisation funds.

Police requires the confidence, cooperation and support of the community to prevent crime and disorder. For example, police personnel rely on members of the community to be informers and witnesses in any crime investigation. Therefore, police-public relations is an important concern in effective policing. The Second Administrative Reforms Commission has noted that police-public relations is in an unsatisfactory state because people view the police as corrupt, inefficient, politically partisan and unresponsive.

One of the ways of addressing this challenge is through the community policing model. Community policing requires the police to work with the community for prevention and detection of crime, maintenance of public order, and resolving local conflicts, with the objective of providing a better quality of life and sense of security. It may include patrolling by the police for non-emergency interactions with the public, actively soliciting requests for service not involving criminal matters, community based crime prevention and creating mechanisms for grassroots feedback from the community. Various states have been experimenting with community policing including Kerala through Janamaithri SurakshaProject', Rajasthan through Joint Patrolling Committees', Assam through 'MeiraPaibi',Tamil Nadu through Friends of Police', West Bengal through the 'Community PolicingProject, Andhra Pradesh through Maithri and Maharashtra through MohallaCommittees'.

7. "Data on Police Organisations", Bureau of Police Research and Development,2015,  
<http://www.bprd.nic.in/WriteReadData/userfiles/file201607121235174125303FinalDATBOOKSMALL2015.pdf>.

**REFORMS NEEDED IN INDIA**

India is in such a situation today where following changes must be brought in Police forces for their effective functioning:

- **Division of Duties:** All police departments should be divided into different categories like Homicide, Robbery, traffic, cyber, women molestation, intelligence, state border customs, coast guards and combat force. Also I think special departments are required for financial fraud, real estate fraud and corruption as well. Officers should be trained in these respective subcategories and then recruited.
  - **Continuous Evaluation:** A particular performance criteria should be fixed like BMI ratio of police personnel should be in a fixed range as we are used to seeing policemen having big tummy. A performance test should be mandatory for all after 46 months to evaluate whether they are fit for the responsibility.
  - **Technological Advancement:** India is a huge country we cannot cover every nook and cranny with CCTV cameras. Innovative solutions like use of drones, UAV to monitor the whole city should be adopted. A centralized database of local criminals on the lines of Interpol.
  - **Delinking of Security from politics:** I think all security matters should be in the hands of governor in state and president in the center. A separate committee could also be set up including high court judges, retired IPS officers, civil society leaders headed by governor which should have the power regarding the transfers and appointments).
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**Lesson No. 1.4**

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**ORGANISATION AND WORKING OF MINISTRY OF HOME AFFAIRS****I. Introduction:**

The Ministry of Home Affairs (MHA) discharges multifarious responsibilities, the important among them being - internal security, border management, Centre-State relations, administration of Union Territories, management of Central Armed Police Forces, disaster management, etc. Though in terms of Entries 1 and 2 of List II – ‘State List’ – in the Seventh Schedule to the Constitution of India, ‘public order’ and ‘police’ are the responsibilities of States, Article 355 of the Constitution enjoins the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution. In pursuance of these obligations, the Ministry of Home Affairs continuously monitors the internal security situation, issues appropriate advisories, shares intelligence inputs, extends manpower and financial support, guidance and expertise to the State Governments for maintenance of security, peace and harmony without encroaching upon the constitutional rights of the States.

**II. DEPARTMENTS OF MHA****Department Of Border Management**

Department of Border Management, dealing with management of borders, including coastal borders, strengthening of border guarding and creation of related infrastructure, border areas development, etc

**Department Of Internal Security**

Department of Internal Security, dealing with the Indian Police Service, Central Police Forces, internal security and law & order, insurgency, terrorism,

naxalism, activities of inimical foreign agencies, terrorist financing, rehabilitation, grant of visa and other immigration matters, security clearances, "Protection of Human Rights Act and also matters relating to National integration and Communal Harmony and Ayodhya", etc

### **Department Of J & K Affairs**

Department Jammu & Kashmir Division deals with the Constitutional provisions with respect to the State of Jammu and Kashmir, administration of the Armed Forces(J&K) Special Powers Act,1990 (21 of 1990) and all matters relating to the State of Jammu and Kashmir, including counter terrorism within Jammu and Kashmir and coordination in respect of subjects/matters specifically allotted to any other Ministry/Department like coordination with Ministry of Defence as regards manning and managing the line of control between India and Pakistan, but excluding those with which the Ministry of External Affairs is concerned. The Division also coordinates with various Ministries/Departments, primarily concerned with development and welfare activities in Jammu and Kashmir.

### **Department Of Home**

Dealing with the notification of assumption of office by the President and Vice-President, notification of appointment/resignation of the Prime Minister, Ministers, Governors, nomination to Rajya Sabha/Lok Sabha, Census of population, registration of births and deaths, etc

### **Department Of Official Language**

Dealing with the implementation of the provisions of the Constitution relating to official languages and the provisions of the Official Languages Act, 1963.

### **Department Of States**

Dealing with Centre-State relations, Inter-State relations, administration of Union Territories, Freedom Fighters' pension, Human rights, Prison Reforms, Police Reforms, etc.

The Department of Internal Security, Department of States, Department of Home, Department of Jammu and Kashmir Affairs and Department of Border Management do not function in watertight compartments. They all function under the Union Home Secretary and are inter-linked. There is a designated Secretary for Department of Border Management and Internal Security also.

### III. Organisational Structure

Cabinet Rank Minister, Ministers OF State , Home Secretary, Secretaries, Special Secretaries, Additional Secretaries and Joint Secretaries who held / are holding position in the Ministry of Home Affairs during the year (excluding Mandate and Organisational Structure of the Ministry of Home Affairs .

IV. The list of existing Divisions of the Ministry of Home Affairs indicating major areas of their responsibility are as below: Administration Division

- a. The Administration Division : is responsible for handling all administrative and vigilance matters, allocation of work among various Divisions of the Ministry and matters relating to the Warrant of Precedence, Padma Awards, Gallantry Awards, Jeevan Raksha Padak, National Flag, National Anthem, State Emblem of India and the Secretariat Security Organisation. It is also the Nodal Division for matters relating to Right to Information Act, 2005.
- b. Border Management Division : The Division deals with matters relating to coordination of the Department of Border Management, including matters related to Empowered Committee on Border Infrastructure (ECBI), matters pertaining to Border Area Development Programme (BADP), Integrated Check Posts (ICPs), Land Ports Authority of India (LPAI), management of Indo-Bangladesh Border, management of Indo-Pakistan Border, management of Indo-Nepal Border, management of Indo-China Border, management of Indo-Bhutan Border, management of Indo-Myanmar Borders and issues relating to Coastal Security. The work of Border Management has been divided between two Joint Secretaries. 2 Annual Report 2017 -18 .
- c. Coordination and International Co-operation (C&IC) Division : The Coordination Wing of the Coordination & International Co-operation (C&IC) Division deals with intra-Ministry coordination work, Parliamentary matters, public grievances, court cases, official language, publication of Annual Report of



the Ministry, record retention schedule, custody of classified and non-classified records of the Ministry, matters relating to e-Samiksha, furnishing/ publication of various reports relating to employment of SCs / STs and Persons with Disabilities, achievements of the Ministry etc. The International Cooperation (IC) Wing of the C&IC Division deals with matters relating to agreements/treaties in respect of general cooperation on security issues, illicit trafficking in narcotic drugs, international cooperation on counter-terrorism, international covenants, bilateral legal assistance treaties and related items of work. Further, it coordinates all matters on security issues pertaining to SAARC, BIMSTEC, ASEAN etc. and meetings of the SAARC Interior /Home Ministers. The Wing also organises Joint Steering Groups Meetings formed under the Security Cooperation Agreements and coordinates other bilateral dialogues/meetings at Ministerial/Home Secretary level.

- d. Centre-State Division : The Division deals with CentreState relations, including working of the constitutional provisions governing such relations, appointment of Governors, creation of new States, nominations to the Rajya Sabha / Lok Sabha, Inter-State boundary disputes, overseeing the crime situation in States, imposition of President's Rule, etc. The Judicial Wing of Centre-State Division deals with all matters relating to the legislative aspects of the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC) and also the Commission of Inquiry Act. It also handles matters relating to the State legislations which require the assent of the President of India under the Constitution, political pension to erstwhile rulers before independence and mercy petitions under Article 72 of the Constitution of India.
- e. Cyber and Information Security (C&IS) Division : The Cyber and Information Security Division deals with matters relating to security clearances, cyber security, cybercrime, implementation of National Information Security Policy & Guidelines (NISPG), lawful interception, coordination with

Ministry of Information & Technology for blocking of objectionable contents on web, examination of security related aspects of telecom, etc.

- f. Counter Terrorism and Counter Radicalization (CTCR) Division : Counter Terrorism and Counter Radicalization Division deals with matters relating to policy and operational issues on terrorism, counter radicalization/ deradicalization, combating financing of terrorism and administrative, financial and statutory matters of National Investigation Agency (NIA).
- g. Disaster Management Division : The Division is responsible for legislation, policy, capacity building, prevention, mitigation, long term rehabilitation, response, relief and preparedness for natural calamities and manmade disasters (except drought and epidemics).
- h. Finance Division : The Division is responsible for formulating, operating and controlling the budget of the Ministry and other matters pertaining to expenditure control & monitoring and financial advice, etc.
- i. Foreigners Division : The Division deals with all matters relating to visa, Protected Area Permit (PAP) /Restricted Area Permit (RAP) regimes, immigration, citizenship, overseas citizenship of India, acceptance of foreign contribution and hospitality.
- j. Freedom Fighters and Rehabilitation Division : The Division frames and implements the Swatantrata Sainik Samman Pension Scheme and the schemes for rehabilitation of migrants from former West Pakistan / East Pakistan and provision of relief to Sri Lankan and Tibetan refugees. The Division also deals with matters relating to enemy property.
- k. Internal Security – I Division: Internal Security-I Division deals with matters relating to internal security and law & order and matters relating to the protection of human rights and also matters relating to national integration, communal harmony and Ayodhya.
- l. Internal Security – II Division : Internal Security-II Division deals with matters relating to arms and explosives, extradition,

narcotics & Narcotics Control Bureau (NCB), the National Security Act and security of VIPs / vital installations.

- m. Jammu & Kashmir Division : The Division deals with constitutional matters including Article 370 of the Constitution of India and general policy matters in respect of the State of Jammu & Kashmir and terrorism / militancy in that State. It is also responsible for implementation of the Prime Minister's Package for Jammu and Kashmir.
- n. Left Wing Extremism (LWE) Division : The Division monitors the LWE situation and counter-measures being taken by the affected States with the objective of improving ground-level policing and development response as per the location specific action plans formulated / to be formulated by the affected States. It also reviews proper implementation of various developmental schemes of Ministries / Departments concerned in the LWE affected areas as also optimum utilisation of funds released under such schemes.
- o. North East Division : The Division deals with the internal security and law & order situation in the North Eastern States, including matters relating to insurgency and talks with various extremist groups operating in that region.
- p. Police – I Division : Police-I Division functions as the cadre controlling authority in respect of Indian Police Service (IPS) and also deals with all matters relating to training of police personnel, award of President's Police Medals for Meritorious / Distinguished service and Gallantry, etc.
- q. Police – II Division: Police-II Division deals with all matters relating to Central Armed Police Forces (CAPFs), including their deployment.
- r. Police Modernisation Division : The Division handles work relating to modernisation of State Police Forces, provisioning of various items for modernisation of Central Armed Police Forces, Police communication, police reforms, forensic infrastructure at Central level, Crime and Criminal Tracking Network and Systems (CCTNS) project, Emergency Response Support System (ERSS) project, administration of 4 Annual

Report 2017 -18 Private Security Agencies (Regulation) Act, 2005, etc.

- s. Union Territories Division : The Division deals with all legislative and constitutional matters relating to Union Territories, including National Capital Territory of Delhi. It also functions as the cadre controlling authority of the Arunachal Pradesh-Goa Mizoram and Union Territory (AGMUT) cadre of Indian Administrative Service (IAS) / Indian Police Service (IPS) as also Delhi-Andaman and Nicobar Island Civil Service (DANICS) / Delhi-Andaman and Nicobar Island Police Service (DANIPS). It is also responsible for over-seeing the crime and law & order situation in the Union Territories.

- V. **Conclusion** : The above discussed organisational set-up, functions and departments and divisions reveals that Ministry of Home Affairs plays a very important role in providing internal security and maintaining peace in the society for ensuring unity and integrity of the nation.

## Review Exercise

Q.1 Describe the working of Ministry of Home Affairs?

Ans. ....  
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Q.2. Write a detailed note on Ministry of Home Affairs

Ans. ....  
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**Lesson No. 1.5**

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**BUREAU OF POLICE RESEARCH AND DEVELOPMENT (BPR&D);  
CENTRAL BUREAU OF INVESTIGATION (CBI) AND INTELLIGENCE  
BUREAU**

The BPR&D was set up on 28.08.1970 to identify the needs and problems of Police in the country, to undertake appropriate research projects and studies to suggest policy options to address the emerging challenges. It was also mandated to keep itself abreast of latest developments in the fields of science and technology, both in India and abroad. At present, it has 5 Divisions, namely, Research and Correctional Administration, Training, Modernization and Technology Development, National Police Mission, Special Units and Administration.

Study of various types of crime and problems of general nature affecting the police: (i) Trends and causes of various types of crime. (ii) Crime Preventive Measures, their effectiveness and relationship with various forms of crime. (iii) Organisation, strength, administration, methods, procedures and techniques of Police Administration, Police Act and Manuals. (iv) Improvement in the methods of investigation, utility and results of introducing Scientific Aids. (v) Inadequacy of law including Penal Provisions. (vi) Assist research programmes in States/UTs, coordination of research projects. Other Police Organisations and Institutions Chapter 9 (vii) Sponsor research projects in the areas of professional interest. (viii) Implement Government of India Fellowship Scheme for Doctoral Work in Criminology, Police Science and Correctional Administration by awarding fellowships to scholars of Indian Universities every year. (ix) Promote advanced research in areas of professional interest with Indian universities. (x) Maintain coordination with various universities and motivate them to institute academic courses on Police and Prison related subjects at various levels. (xi) Organize All-India Police Science Congress and

actively participate and coordinate other national and international conferences and seminars. (xii) Identify, promote and disseminate Best Practices and Standards to bring about Police Reforms uniformly in States/UTs. (xiii) Analyse and study Police and Prison Statistics and problems of general administration. (xiv) Assimilation and dissemination of information to the States/UTs in the field of Police and Correctional Administration. (xv) Organise All India Prisons Duty Meet and All India Conference of Heads of Prisons. (xvi) Coordinate research studies conducted by Regional Institutes of Correctional Administration (RICAs) and other academic/research institutes for Correctional Administration. (xvii) Review and sponsor various training programmes for prison staff (both basic as well as in-service) keeping in view the changing social conditions, introduction of new scientific techniques and other related aspects.

The Bureau of Police Research and Development, since its inception on 28.08.1970, has the mandate to identify the needs and problems of law enforcement in the country and initiate, stimulate and guide research in coordination with various institutions, ministries, universities, research institutes, states and other agencies. The Research and Correctional Administration Division has, so far, completed 267 research studies. The reports and recommendations of these research studies are communicated to the stakeholders for taking appropriate action. The Bureau has also brought out a National Police Research Repository of all the research studies completed by this Bureau. The BPR&D has earlier published three editions of the Compendium on Research Studies and circulated them to all States/UTs and other stakeholders.

Research Studies in progress: (i) Status of Crime against Women in North East Region. (ii) Status of Crime against Women in Northern Region. (iii) Status of Crime against Women in Western Region. (iv) Status of Crime against Women in Eastern Region. (v) High Altitude Police Deployment: Requirement and Standardization of Clothing, Transport, Communication, Medicare, Ration, along with upgradation of norms for Building Space at High Altitude. (vi) Modalities for compensation to the Victims of Crime in the light of the position prevailing in other countries, so as to make it part of criminal jurisprudence in our country. (vii) Murder Cases w.e.f. 01.01.2009 onward with emphasis on the reasons for delay in the decision in such cases and suggesting managerial

solutions including the management of cases. (viii) Use of Forensic Tools to promote Good Governance. (ix) Extent and Modus Operandi of Bank Frauds: Role of Police in handling Bank Frauds in the State of Tamil Nadu. (x) Measuring of Incidence of Crime, Victimization & Cost of Crime: An Exploratory Analysis in Tamil Nadu. (xi) Study on Police Accountability: Motivation and Control. (xii) Missing Children-Linkage with Trafficking: An Analytical Study. (xiii) Understanding Stakeholder Reaction to Police Action in Violent Mob Situation. Shri Ravi Shankar Prasad, Hon'ble Minister for Electronics and Information Technology and Shri Rajiv Jain, Director, IB, launching the National Police Research Repository at the National Conference of Young SPs from States/UTs and Commandants of CAPFs from 01.08.2017 to 02.08.2017 at New Delhi (Source : BPR&D, New Delhi) Annual Report 2017 -18 157 (xiv) Examining the Influence of Police Effectiveness on Police Wellbeing. (xv) Conceptualizing a National Level Information Exchange Model which will be based on open standards and permit seamless crime / criminal relation information exchange between agencies in various domains (such as private or public sectors or custodians of public data base). (xvi) Community Confidence Building Measures in LWE affected Areas. (xvii) Role of NGOs in Prisoners' Reformation & Rehabilitation. (xviii) Socio-Psychological and Economic Problems of Women Prisoners and their accompanying Children and Status of their Rehabilitation. (xix) Efficacy and Impact of Indian Prison Education in the Prison Management and Rehabilitation of the Prisoners: An Empirical Study. In-House Research Studies initiated 9.5 "Crime against Transgender persons, including alleged excesses by Police, with a view to investigate their causes and suggest Preventive Measures". Now this research study is completed and sent to subject expert for evaluation.

Newly Approved Research Studies : The Standing Committee on Police Research has approved 04 new research proposals, which are as follows: Sl. No. Title Name of the Researcher and Organisations (i) Critical analysis of effectiveness of CCTV in Law Enforcement (crime prevention, detection, traffic management, etc.) Dr. Surabhi Mathur, Assistant Prof., Gujarat Forensic Science University (ii) Children's Homes under the Juvenile Justice (Care & Protection) Act, 2015: Status and measures to improve Dr. D.C. Nanjunda, Associate Prof., Centre for Study of Social Exclusion & Inclusive Policy, University of Mysore (iii) Comparative analysis of attrition and suicide cases in

CAPFs and corrective measures. Prof. Dolly Arora, Indian Institute of Public Administration, New Delhi. (iv) Illegal Migrants in Assam: Modus of their entrenchment in the State and nexuses: Measures to prevent and Modus operandi of illegal acquisition of citizenship / related documentation by foreigners in Assam and measures to prevent the same. Shri Deb Kumar Chakraborty, Head, Department of Economics, UGC Centre for Studies on Bangladesh and Myanmar, Dibrugarh University, Assam

9.7 Recently completed GoI Fellowships Sl. No. Title Name of Researcher & University (i) Crimes among tea garden communities in Assam: A Sociological Study Abdul Mutalib, Dibrugarh University, Assam 158 Annual Report 2017 -18

9.9 Conferences / Seminars / Workshops - organised / sponsored (i) The Research and Correctional Administration Division organizes the annual All India Police Science Congress (AIPSC). Till date, 45 Congresses have been organized by the Bureau. The last Congress was held at Thiruvananthapuram, Kerala from 08.12.2016 to 09.12.2016. This year, the Bureau is planning to organize the 46th AIPSC. (ii) The Research and Correctional Administration Division also organized the National Conference on Uniformed Women in Prison Administration from the 14.09.2017 to 15.09.2017, at New Delhi, for the first time. It has been decided to hold it biennially.

9.8 Details of GoI Fellowships in progress Sl. No. Title (i) The Role of Police and the Use of Forensic Tools in the Investigation of Rape Cases. (ii) Knowledge and Experience of Teenagers towards Substance Abuse – A Study on School goers in Madurai District (iii) Problems faced by under trial prisoners and their families: A study in Tamil Nadu. (iv) Community Policing in Andhra Pradesh: A Case Study of Hyderabad Police. Session of National Conference on Uniformed Women in Prison Administration with experts from Police, Academia, Civil Society Organizations. (Source : BPR&D) Dr. M. C. Borwankar, Former DG, BPR&D, welcoming Shri Kiren Rijiju, Hon'ble Minister of State for Home Affairs, at the National Conference on Uniformed Women in Prison Administration, held from 14.09.2017 to 15.09.2017, at New Delhi. (Source : BPR&D) Delegates of the National Conference on Uniformed Women in Prison Administration participating in group discussions. (Source : BPR&D) Annual Report 2017 -18

159 9.10 Three training courses, namely, Human Rights in Prison Management Course and Vertical Interaction Course have been organized at the Gurgaon Jail (Bhondsi) from 09.10.2017 to 11.10.2017 at the Regional Institute of Correctional Administration (RICA), Kolkata from 28.08.2017 to 01.09.2017



and at the Punjab Jail Training School, Patiala from 20th -24th November, 2017 respectively.

**Internship :** On behalf of the Bureau, the Research & Correctional Administration Division is conducting the unpaid 15 working days Internship Programme. Three batches, comprising of 18 students from different universities/institutes have completed their internship with the BPR&D.

**Public Delivery Services :** The Hon. Prime Minister has shown great concern, during the DsGP / IsGP Conference, 2015, at Bhuj, for involvement of the Central Govt. in developing Uniform Public Services related to policing, so that police stations in all the States/UTs throughout the country could be on the same page in terms of Service Delivery to Citizens. The BPR&D has identified, compiled and circulated Citizen Centric Services, related to policing, to all States/UTs for suggestions and feedback. Finally, a booklet was prepared by the BPR&D, consisting 45 Public Services related to Policing to be provided in time-bound manner, along with provisions of penalty to defaulters. Copies of the same were sent to the Chief Secretaries and the DsGP of all states for modifications, as per their requirement, and their implementation.

**Revision of Standards for Modern Police Station Buildings :**

To bring about uniformity in the design for construction of Police Station Buildings, taken up by different States, with a Citizen-Centric approach, to improve the working conditions and the image of Police, to make sound infrastructure for the police station buildings, to house and integrate the latest technology and to give them a modern look, a need has been felt to review the norms and the grading system of Model Police Stations by changing the existing norms. The architectural drawings as per the revised norms, have been prepared by the Delegates attending the National Conference on Uniformed Women in Prison Administration (14.09.2017 to 15.09.2017, at New Delhi) (Source : BPR&D ) Dr. M. C. Borwankar, Former DG, BPR&D, welcoming Ms. Lalitha Kumaramangalam, Chairperson, National Commission for Women (NCW), during the Valedictory Session of the National Conference on Uniformed Women in Prison Administration, held on 14.09.2017 to 15.09.2017, at New Delhi. (Source : BPR&D ) 160 Annual Report 2017 -18 BPR&D to create uniformity in Police Station Buildings as well as to give a distinctive identity to

police stations in the states. The Modern Police Stations constructed as per these revised norms, will be supportive of and in consonance with the SMART (Strict and Sensitive, Modern and Mobile, Alert and Accountable, Reliable and Responsive, Tech-savvy and well Trained) Policing Concept, adopted by the Ministry of Home Affairs, Government of India. Efforts have been made to make these Police Stations gender sensitive, modern, smart and tech-savvy. The above revised norms are Basic Guidelines for Planning and constructing a new Police Station Building. Smart Policemen – Developing, Designing and Trial of High Performance Uniform Articles and Accessories

This Project was sanctioned during XI Five Year Plan at the cost of ₹40 lakh. This Project was assigned to the National Design Business Incubator (NDBI), National Institute of Design, Ahmedabad, Gujarat. The National Institute of Design (NID), Ahmedabad, submitted the Coffee Table Book and the Project Booklet which have been circulated to all the States and CAPFs besides being uploaded on the BPR&D website. National Conference for Young Superintendents of Police from States / UTs and Commandants of CAPFs.

The BPR&D organised a 02-day National Conference for Young SsP from States / UTs and Commandants of CAPFs from 01.08.2017 to 02.08.2017 at the Vigyan Bhawan, New Delhi. The objective of the Conference was to create awareness among young officers about the latest technologies for delivery of Police services to citizens. This Conference was inaugurated by Shri Ravi Shankar Prasad, Hon'ble Minister for Electronics & Information Technology and Law and Justice. Dr. Ashok Jhunjhunwala, Advisor to the Hon'ble Minister of State for Power, was the Chief Guest for the Valedictory Session. Young Superintendents of Police from states / UTs and Commandants of CAPFs, interns with the BPR&D and ex-DsG of the BPR&D around 100 officers, in all participated in the Conference.

During the Conference, participant officers made presentations regarding best practices in their States. Syndicate Group discussions were also held for exchange of ideas/best practices in their respective States/Organizations. 20th India International Security Expo, 2017-18 India Trade Promotion Organisation (ITPO) organized.

**CENTRAL BUREAU OF INVESTIGATION (CBI)**

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The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE) which was set up in 1941 by the Government of India. The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War & Supply Deptt. Of India during World War II. Superintendence of the S.P.E. was vested with the War Department. Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt. The Delhi Special Police Establishment Act was therefore brought into force in 1946. This Act transferred the superintendence of the SPE to the Home Department and its functions were enlarged to cover all departments of the Govt. of India. The jurisdiction of the SPE extended to all the Union Territories and could be extended also to the States with the consent of the State Government concerned.

The DSPE acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963. Initially the offences that were notified by the Central Government related only to corruption by Central Govt. servants. In due course, with the setting up of a large number of public sector undertakings, the employees of these undertakings were also brought under CBI purview. Similarly, with the nationalisation of the banks in 1969, the Public Sector Banks and their employees also came within the ambit of the CBI.

**Founder Director**

The founder director of the CBI was Shri D.P. Kohli who held office from 1st April, 1963 to 31st May, 1968. Before this, he was Inspector-General of Police of the Special Police Establishment from 1955 to 1963. Before that he held responsible positions in police in Madhya Bharat, Uttar Pradesh and Govt. of India. He was Police Chief in Madhya Bharat before joining the SPE. Shri Kohli was awarded 'Padma Bhushan' in 1967 for his distinguished services.

Shri Kohli was a visionasry who saw in the Special Police Establishment the potential of growing into the national investigative agency. He nurtured the organisation during his long stint as Inspector General and as Director and laid the solid foundation on which the organisation grew over the decades to become what it is today.

While inaugurating the 4th Biennial Joint Conference of the CBI and State Anti-Corruption Officers, Shri Kohli told the delegates: "**The public expects the highest standard from you both in efficiency and integrity. That faith has to be sustained. The motto of the CBI - Industry, Impartiality and Integrity: these must always guide your work. Loyalty to duty must come first, everywhere, at all times and in all circumstances.**"

#### **Emergence As A National Investigative Agency**

From 1965 onwards, the CBI has also been entrusted with the investigation of Economic Offences and important conventional crimes such as murders, kidnapping, terrorist crimes, etc., on a selective basis.

The SPE initially had two Wings. They were the General Offences Wing (GOW) and Economic Offences Wing (EOW). The GOW dealt with cases of bribery and corruption involving the employees of Central Government and Public Sector Undertakings. The EOW dealt with cases of violation of various economic/fiscal laws. Under this set-up, the GOW had at least one Branch in each State and the EOW in the four metropolitan cities, i.e, Delhi, Madras, Bombay and Calcutta. These EOW Branches dealt with offences reported from the Regions, i.e, each Branch had jurisdiction over several States.

#### **Widening Role**

As the CBI, over the years, established a reputation for impartiality and competence, demands were made on it to take up investigation of more cases of conventional crime such as murder, kidnapping, terrorist crime, etc. Apart from this, even the Supreme court and the various High Courts of the country also started entrusting such cases for investigation to the CBI on petitions filed by aggrieved parties. Taking into account the fact that several cases falling under this category were being taken up for investigation by the CBI, it was found expedient to entrust such cases to the Branches having local jurisdiction.

It was therefore decided in 1987 to constitute two investigation divisions in the CBI, namely, Anti-Corruption Division and Special Crimes Division, the latter dealing with cases of conventional crime, besides economic offences.

### **INTELLIGENCE BUREAU**

The **Intelligence Bureau (IB)** is India's internal intelligence agency. It was recast as the Central Intelligence Bureau in 1947 under the Ministry of Home Affairs. The reason for the perception may be because, in 1885, Major

General Charles MacGregor was appointed Quartermaster General and head of the Intelligence Department for the British Indian Army at Simla. The objective then was to monitor Russian troop deployments in Afghanistan, fearing a Russian invasion of British India through the North-West during the late 19th century.

In 1909, the Indian Political Intelligence Office was established in England in response to the development of Indian revolutionary activities, which came to be called the Indian Political Intelligence (IPI) from 1921. This was a state-run surveillance and monitoring agency. The IPI was run jointly by the India Office and the Government of India and reported jointly to the Secretary of the Public and Judicial Department of the India Office, and the Director of Intelligence Bureau (DIB) in India, and maintained close contact with Scotland Yard and MI5.

Rajiv Jain is the current director of IB, holding the position since January 1, 2017. Rajiv Jain is a 1980 batch Police officer from the Jharkhand cadre who took over from Dineshwar Sharma on January 1.

### Responsibilities

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Shrouded in secrecy, the IB is used to garner intelligence from within India and also execute counter-intelligence and counter-terrorism tasks. The Bureau comprises employees from law enforcement agencies, mostly from the Indian Police Service (IPS) or the Indian Revenue Service (IRS) and the military. However, the Director of Intelligence Bureau (DIB) has always been an IPS officer. In addition to domestic intelligence responsibilities, the IB is particularly tasked with intelligence collection in border areas, following the 1951 recommendations of the Himmat Singh Ji Committee (also known as the North and North-East Border Committee), a task entrusted to the military intelligence organisations prior to independence in 1947. All spheres of human activity within India and in the neighborhood are allocated to the charter of duties of the Intelligence Bureau. The IB was also tasked with other external intelligence responsibilities as of 1951 until 1968, when the Research and Analysis Wing was formed.

### Activities

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Understanding of the shadowy workings of the IB is largely speculative. One known task of the IB is to clear licences to amateur radio enthusiasts. The IB also passes on intelligence between other Indian intelligence agencies and the police. The Bureau also grants the necessary security clearances to Indian diplomats and judges before they take the oath. On rare occasions, IB officers interact with the media during a crisis situation. The IB is also rumoured to intercept and open around 6,000 letters daily. It also has an email spying system similar to FBI's Carnivoresystem. The Bureau is also authorised to conduct wiretapping without a warrant.

### **Workings**

The Group A (Gazetted) officers carry out coordination and higher-level management of the IB. Subsidiary Intelligence Bureaus (SIBs) are headed by officers of the rank of Joint Director or above, but smaller SIBs are also sometimes headed by Deputy Directors. The SIBs have their units at district headquarters headed by Assistant Director (AD) or Deputy Central Intelligence Officers (DCIO). The IB 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 IB is maintained. In addition to these, at the national level the IB has several units (in some cases SIBs) to keep track of issues like terrorism, counter-intelligence, VIP security, threat assessment and sensitive areas (i.e. Jammu and Kashmir and such). IB officers (like their counterparts in R&AW) get monthly special pays and an extra one-month salary every year, as well as better promotions.

### **Constitutionality**

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IB was created on 23 December 1887, by the British Secretary of State as a sub-sect of the Central Special Branch but there is no act of the Indian parliament nor executive order relating to the functioning of the IB. In 2013, a PIL was filed challenging the legality of IB.

### **Operations**

The Intelligence Bureau reportedly has a lot of successes to its credit, but operations conducted by the IB are rarely declassified. Due to the extreme secrecy surrounding the agency, there is little concrete information available

about it or its activities. The IB was trained by the Soviet KGB from the 1950s onward until the collapse of the Soviet Union.

The IB was initially India's internal and external intelligence agency. Due to lapses on the part of the Intelligence Bureau to predict the Sino-Indian War of 1962, and later on, intelligence failure in the India-Pakistan War in 1965, it was bifurcated in 1968 and entrusted with the task of internal intelligence only. The external intelligence branch was handed to the newly created Research and Analysis Wing.

The IB has had mixed success in counter-terrorism. It was reported in 2008 that the IB had been successful in busting terror modules. It alerted the police before the Hyderabad blasts and gave repeated warnings of a possible attack on Mumbai through the sea before the November 2008 Mumbai attacks. On the whole, however, the IB came in for some sharp criticism by the media after the relentless wave of terror attacks in 2008. The government came close to sacking top intelligence officials soon after 26/11 attacks because of serious lapses that led to the 2008 Mumbai attacks. Heavy politics, under-funding and a shortage of field agents are the chief problems facing the agency. The overall strength of the agency is believed to be around 25,000, with 3500-odd field agents operating in the entire country. Of these, many are engaged in *political intelligence*.