Introduction

The police, as an apparatus of the state, functions in society. The question that needs to be asked is how the functions of the police are to be explained in relation to society. There are two views in political philosophy, one represented by Max Weber and the other by Emile Durkheim, which have to a large extent influenced not only theories on how the police is related to society, but also the more general theories on how the state is related to society. The theories influenced by Max Weber are of the view that 'social objects are the results of (or constituted by) intentional or meaningful human behaviour,' and as long as the state, or the police functions on the basis of rules which can explain this intentional or meaningful behaviour, the state or the police can function in relative autonomy from society. The theories influenced by Durkheim, on the other hand, take the position that 'social objects possess a life of their own, external to and coercing the individual'. This means that both the state and the society belong to a domain which is external to the individual and which coerces him, while there is an underlying unity between the state and society at the normative level. Durkheim himself argues that,

The greater or lesser extent to which the central directive organ is developed only reflects the development of social life in general, just as the extent of the individuals's
nervous system varies with the importance of the organic exchanges. The society’s directive functions accordingly are only rudimentary when the other social functions are of the same type; and thus the relationship between them remains constant. The only distinction between the norms of society and those of the state is that those of the state are "limited but higher, clearer and with a more vivid sense of itself".

The ground on which the theories of both Max Weber and Emile Durkheim concur is that the norms on which the state is constructed are somewhat more general than those of society, but that even in that generality, the norms of the state are in conformity with those which exist in society. While Max Weber emphasizes on the conformity between the state and society more directly, in Durkheim the relation between the state and society is mediated by 'intentional or meaningful human behaviour'.

The generality of the normative basis of the state and its conformity with norms prevalent in society was formulated by Jeremy Bentham in his theories of law, and further refined by recent legal theorists. The effect of these legal formulations was that the generality of the norms of the state and their conformity with those of society no longer depended on abstract theories, but could be readily incorporated in the legal framework of a state, which aspired to establish the state's governance on these general principles. This was given an additional support by what Hans Kelsen calls his 'pure theory' of law which is unaffected by norms outside the law. The consequence
was that the need for conformity of the norms in the state (formulated in law) with those in society was transformed into a given on which theories of law could be built in Western societies where these theories originated. In societies where this given did not exist, the application of general laws formulated in the Western societies had effects which were not anticipated.\textsuperscript{10}

A recent theoretical tradition, which is as yet quite undeveloped, seeks to remedy this problem by trying to look at states and their relation to societies on the basis of what they call, the 'civilizational' forms within which this relation is shaped. Ernest Gellner in a recent work has argued that at the end of the Middle Ages, the Old World contained four major civilizations - the Christian, the Sinic, the Indian and the Islamic.\textsuperscript{11} Michael Mann, in a major departure from the Western convention of initiating discussion on human civilizations with Ancient Greece, began instead with the Mesopotamian civilization, in which the discussion on the Greek civilization came after several other civilizations in the intervening period.\textsuperscript{12} It was on the basis of this approach that he defined the West European states as being 'organic national states',\textsuperscript{13} which evolved from what he calls 'coordinated states' in the late medieval period.\textsuperscript{14} Anthony Black has argued that the flexibility in the mediation of the Church in Christianity made possible a division of functions which contributed to the
establishment of the state in thirteenth century Europe, as the institution of secular authority, which carved out an autonomous space for itself from the sphere of the Church. John A. Hall has explored the different relations between states and societies in Europe and pre-colonial India to observe that the Indian state was 'custodial' as against the European 'organic' states.

The difficulty with this approach is that it assumes a generality and a homogeneity within each civilizational from which may not be the case. The Indian civilizational form, discovered much before the recent trends in the exploration of civilizational forms, was caste. Thus Louis Dumont, in his celebrated work on caste, discovered in it as a complete explanation of the organization of Indian society. According to him, the Indian society is organized in the 'little kingdoms', worm-like, sort of circle of circles, in which castes are rigidly differentiated from each other and integrated on the basis of this differentiation. As against the rigid principle of hierarchy which in Dumont's view informs the Indian civilizational form, Dipankar Gupta has argued that although the hierarchies are continuous, there is evidence that caste identities are rather discrete. In support of his argument he cites instances of internal narratives in lower-caste legends which reject prescriptions of their lower status.
The Conceptual Framework

The problem with the civilizational approach is that it tries to identify an entire civilization in terms of a single attribute. Whatever its applicability in the Western societies which have constructed certain general norms for the organization of society, which are further crystallized in the normative construction of the law of the state, it is certain that such civilizational approach does not help much in understanding the complexity of the Indian society which had few, if any, general norms in the organization of society which encompasses the entire Indian civilization/society. Therefore, even in respect of caste, which singularly identifies Indian society according to a whole tradition of scholars, it may be said that the 'continuous' character of the hierarchies and the 'discreteness' of the castes are not uniform throughout India. In this respect, it seems that Bernard Cohn's idea of the 'civilizational centres' and their 'networks' of interaction are worthy of attention. It is possible with this approach to identify the 'centres' of the Indian civilization at a multiplicity of levels which contributed to the differentiation of the hierarchies of caste, and the 'networks' of their interaction, which refined caste norms in the areas they served. The areas in which caste hierarchies were not very differentiated and caste norms not very refined, because there existed at the fringe of the Indian civilization, where 'civilizational centres'
were either not present or their networks were not very stable and widespread.

Besides, the civilizational approach does not help to explain the juxtaposition of different civilizational norms for the organization of a post-colonial society like India. In India, for example, it may be said that the norms for the organization of the literati in Indian society, who have received Western education, are different from the norms for the organization of the large sections of the people, who have not received Western education. Moreover, it cannot be said that the normative division of the Indian society is as neat as this. There is a considerable area of overlap between the norms of the two different civilizations in those sections of the Western educated people who have not internalized the norms of the organization of society in the West to the full. In fact, there is sufficient reason to doubt if for any section of the Western educated people in India, it is at all possible to replace their civilizational norms for the organization of society by those which they learn from the west. At the same time, it is clear that Western education marks a certain change in the way they used to think of themselves and others in society. These Western educated people, who are the mediators in the contemporary Indian political life, are thus to be explained in terms of a hiatus between the different civilizational norms for the organization of Indian
society. The hiatus also takes different forms in different sectors of the Indian society depending on whether it was a 'civilizational centre' which crystallized caste functions in that sector, or located at the fringe of the Indian civilization, where such crystallization of caste functions did not take place. Caught in this hiatus that they are, it is then possible to see how these mediators interact with the vast multitude of the Indian society who are more deeply entrenched in the Indian civilizational norms because they have not received Western education to an extent which could significantly reconstruct these norms.

It is in terms of the hiatus in the mediators in Indian political life and their interaction with the different sections of the Indian people, that the relation between the Indian state and the different sectors of the Indian society is to be explained. What is important about the Indian state is that quite unlike the society in which it functions, the state is based on explicit norms for the formulation of laws which have been borrowed in a neat architecture from the West. The problem emanates from the fact that inspite of the neat structure of norms on which the laws of the Indian state are based, the persons in the state, who interpret the actions of people in society on the basis of these laws, are based on norms which are different from these laws as are different the norms for the organization of society among these sections of the people whose actions are sought to
be interpreted in terms of these laws. What in consequence happens is a series of slippages or deviations in the application of laws in society from the norms on the basis of which the laws were formulated, in which both those inside the apparatuses of the state, who apply these laws, as well as people in different sectors of the society on whom these laws are applied, participate.

The most important advantage of this conceptual framework is that it allows for the encompassing of the attributes of the civilizational forms in the study of the relation between the state and society, not only at the level of the civilization as a whole, but also at the level of a specific sector of the civilizational society, which interacts with a specific apparatus of the state. This is so because, in this conceptual framework, the sectoral variations of the norms of the civilization and their interaction with the norms of a different civilization, can be taken into account, at the level of the relation between the sector of the society and the apparatus of the state, which is sought to be studied.

Research Questions

On the basis of this it is proposed in this thesis to study the relation (i) between the police as an apparatus of the state and the law and procedures on which it is based, (ii) between the persons in uniform who act as policemen in different sectors of the society and its
politics, and (iii) between the police and society with specific reference to their literati-mediated functions. The purpose is to see if the police as an apparatus of the state based on the law and procedures functions somewhat differently in different sectors of the society and if the policemen being uniformed, are able to give an uniform explanation of the acts in society which are designated as crime in law. Besides, it is proposed to see if the mediators in each of these sectors of society, some of whom engage in the political parties which operate in these sectors, have a role to play in the different functions of the police. Moreover, an attempt shall be made to see how their norms for the organization of society and the hiatus between them, contributed to their different roles in different sectors of society.

Coverage

The South 24 Parganas district of West Bengal was selected for an exploration of these research questions for a number of reasons. This district, it was thought, could provide a fertile source for a study in contrast between different sectors of society. This district has sectors in which the organization of society in terms of the hierarchies of caste are rather diffuse as well as ones in which the upper caste people dominate the mediators. There are sectors in which the mediators are relatively more Western educated and ones in which they are more entrenched in the organization of society on the
basis of caste. Again, there are some in which the mediators have neither an access to the norms of social organization which Western education teaches, nor are they solidly grounded on norms of social organization based on caste. Besides, these different kinds of mediators have fostered different types of political activity in these sectors. There are not only different political parties which are dominant in these different sectors, but the functions of politics would also appear to be different. And, these differences in the society, its mediators and the politics in which they engage, can be related to the functions of the police in these different sectors. For the study of these differences, three police station areas have been selected, namely, Baruipur, Kakdwip and Kultali.

Data Collection

Four main sources of data have been identified. There are studies by scholars on the district which relate to some data on the history of the district from the point of its culture, society, and politics which to some extent cover the differences in different areas of the district. There are certain other studies which have mainly dealt with peasant movements in the district and the character of leadership of these movements. Secondly, there are some government primary data from the district which deal with literacy levels in different areas of the district, the Census data (1931) which gave some
information on the caste structure, and some reports on the administration of the district. Thirdly, some open-ended questions have been asked from a cross-section of the people, some political leaders and police officials in the district. Although these questions have been mainly concerned with Baruipur, Kakdwip and Kultali, they have been followed up in the interviews with some political leaders and police officials at the higher levels. Fourthly, data has been collected from the three police stations of Baruipur, Kakdwip and Kultali for enumeration and classification of different crimes committed in these areas. Of particular help in this, have been the First Information Reports, which were collected for the period from 1988 to 1991 (upto June). These have been followed by monthly administrative reports prepared at the police station level, case diaries, charge sheets and final reports. For some reason, police officials at the three police stations appeared to be unwilling to make available Village Crime Notebooks.

Data Processing

In the light of the research questions that were selected for exploration, and the kind of data that were gathered, it was not thought necessary to take the help of computers for the preparation of the tables.
# Notes and Reference


13. ibid., pp. 450-517.

15 Anthony Black, 'Classical Islam and Medieval Europe: A Comparison of Political Philosophies and Cultures', in Political Studies, Vol. XLI, NO. 1, March 1993, pp. 60-64.


