Chapter - 1

Introduction
INTRODUCTION

The term "Police" in its origin is very old. The widely accepted view is that it is derived from word "Polis". This word means "city" and is defined in Greek tradition as "an organized civil force in a town or city for the preservation of the life, property and health of community and for the enforcement of laws. The Latin root of the term police is "Politia" which literally stands for the condition of a "Polis" or "State". It connotes a system of administration or regulation."\(^1\) Oxford dictionary defines the term police as, "a system of regulation for the preservation of order and the enforcement of law."

In ancient times, some institutions or the other discharging police duties existed, but it was not given in a distinct name. A civil organization for maintaining peace and providing security to the citizens in their lawful occupation is of great antiquity and finds a place in the Egyptian, Greek and roman laws alike.\(^2\) Even in laws of Manu, references to the police system are found, and the chief duty of king, according to these laws, was to restrain violence and punish the evildoers.\(^3\) The word "police" today is a body of civil servants whose duties are preservation of order, prevention and detection of crime and enforcement of laws. Police is a power of promoting public welfare by restraining and regulating the use of property and liberty.\(^4\)

In a democratic society, administration cannot take recourse to the status quo approach to law and order. Such an approach, in its "operational sense" would imply slowing down of the pace of formal social change, which would result in democratic apparatus tending to glass over the socio-economic needs of the society. It is said that the word "police" was imported from France to England in the early eighteenth century.\(^5\) Historically speaking, however, the title of the 'Police' was first used in the famous police act of the

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parliament in England in 1929. This act has been a milestone in the progress of law enforcement throughout the world and particularly in the U.S.A and India as well. It consolidated and re-organized the numerous force, existing in London, into one efficient paid body of officers, known as the metropolitan police constabulary police as it is called in democratic countries. Hence, police and constabulary have become almost synonymous. It has been rightly observed that the police force, as a regular and recognized part of modern state, is a comparatively modern innovation.

**Genesis of Police**

In primitive communities there is no need for a police force, but as the community becomes more complex it is usual for certain persons to be responsible for seeking that the laws of community are kept. Thus the ancient Egyptians, Hebrews, Greeks and Romans each had some sort of police, though the organization and functions of these bodies naturally differed greatly from those of the police anywhere today.

There are indications that the ancient civilization of Egypt and had some machinery to enforce their laws for maintaining an orderly social structure. The Persian or Achaemenian empire under Cyrus and Darius, which is remembered for its human approach to administration, is known to have promulgated the laws through law bearers. In Babylon, about two thousand years before the birth of Christ, effective laws were enacted by the great law giver, Hommurabi, which could not have been enforced without an efficient police system. The Greeks gave the modern world basic tenets for many laws. The Spartans are known to have had a good police system.

**History of Police Force in the World**

The concept of police force as a protective and law enforcement organization developed from the use of military bodies as guardians of peace, such as praetorian guard (Q.V) of ancient Rome. The Romans achieved a high level enforcement, which remained in effect until the decline of the

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empire and the onset of the middle ages. In France during the 17th century king Louis XIV maintained a small central police organization consisting of some 40 inspectors who, with the help of numerous paid informants, supplied the govt. with details about the conduct of private individuals. The king could then exercise a kind of a summary justice as he saw fit. This system continued during the reigns of Louis XV and Louis XVI. After French revolution, two separate police bodies were set up, one to handle ordinary duties and the other to deal with political crimes.

In 1663 the city of London began paying watchman (generally old men who were unable to find work) to guard the streets at night. Until the end of 18th century, the watchmen—as inefficient as they were as well as a few Constables, remained the only form of policing in the city. In 1829, British statesman six-Robert Peel in 1829 established the London metropolitan police, which became the world's first modern organized police force. The metropolitan police force is under the direct control of the Home Secretary, the local authorities of greater London playing, and no part in its management. The Home Secretary can be questioned in parliament about the administration and action of metropolitan police. The head of the force is the commissioner of police of the metropolis. There are five assistant commissioners, all of whom are appointed by the crown and recommended by the Home Secretary. A Senior Officer from the army of R.A.F. is usually appointed as a Commissioner. The metropolitan police district is divided into 23 divisions, each under the control of a chief superintendent, the divisions, are split into 85 sub divisions, each under a chief inspector and sub divisions into 183 section stations, each under a sergeant. The force is controlled by a large administrative staff at Scotland Yard. Scotland yard, the head quarters of London’s metropolitan police force, performs only three national functions. It keeps national criminal records, provides security for important political and royal figures, and maintains contract with Interpol.

12. Ibid., p. 117.
According to the British model of police system, the Australia, India and Canada soon established similar organizations. In the U.S. the first full time organized police department was formed in New York city in 1845 and shortly thereafter in Boston, not only in response to crime but also to control unrest. The American police adopted many British methods, but at times they became involved in local partisan politics. The U.S. has a fragmented system of police administration comprising some 19,000 separate municipal and country law enforcement agencies and an established 21,000 additional federal state, and local agencies with specialized jurisdictions, of responsibility.  

In U.S.A., there are a number of national, states, metropolitan and rural police departments, all are operating, independently. In U.S.A. 'Federal Bureau of Investigation (FBI) is the best and largest, known agency attached to the department of justice. Another largest federal agency is the customs service, responsible for collecting import duties and preventing smuggling, it devotes much of its time and manpower (14,822 in 1978) to interdicting traffic in illegal drugs. The municipal police force was about 3,98,000in late 19708 in U.S.A. In contrast to the decentralized and fragmented police systems of the United States, most of European police systems are highly centralized. The KGB in the Soviet Union for example, controls the regular police as well as political and intelligence gathering functions. In Sweden, nationalization of the police in 1965 led to a consolidation of police district stations and an increased emphasis on training, education and public relations. Many European countries have a dual national police system. In France for example, the police nationale, composed of about 90,000 persons and attached to the ministry of the Interior, police cities with a population of 10,000or more. The gender Merie nationale, responsible to the ministry of defense, polices military personal and rural areas. In Canada, the royal Canadian mounted police is a federal force that also serves all provincial police forces except those of Ontario and Quebec.

History of Police in India:

Ancient Police

The concept of police as law and order maintenance agency in one or another form had been developed as accordingly as the society developed. In Ancient India the Rigved and Arthaveda mention certain crimes and punishments in Vedic India. The kings maintained a lobby of secret advisors and emissaries and personally patrolled the streets in the nights, in disguise to study and receive first hand information to restore peace and tranquility.\(^\text{17}\)

In the code of Manu, which described what aught to be state of society, the monarch is required to promulgate laws in the name of divinity and impose punishment. The criminal laws was very rude and punishments drastic. Mutilation (cutting of the hand) and burning alive were among the drastic punishments.\(^\text{18}\)

Manu’s Smriti is one of the most ancient works that has come down to us through the ages. He Is mentioned as the founder of the social and moral order who was the first to deal with the problem of human social relations. The state was interested with the main duties of preservation of peace at home and freedom from outside control.\(^\text{19}\) The state was divided into smaller units of administration. The state most protect every part of its territory through some agency. It also provided an officer at the head of one village and each officer should surprise those below him. King’s duty was to prevent theft, restrain violence and punish the guilty.\(^\text{19}\)

In old Sanskrit classics, e.g. the Ramayana of Valmiki, the Mrichhakatikam of Sudrak, the Sakantalam of Kalidasa, a mention of the people patrolling the lanes, armed with lathis, investigation of a case involving the loss of a diamond ring and the spies collecting the information, is made.\(^\text{20}\) In the Ramayana of Valmiki it’s found that there were squads of police to captivate Hannumana in Lanka. Even when Lord Rama returned from exile arrangement by police were made to control the crowd to avoid stampede.


\(^{20}\) Ibid., p. 2.
Mrichhakatikam (the little clay cart) a Sanskrit drama by Sudrak and the “Shakuntalam” by Kalidas present a certain ancient of policing. The two characters viz. suchatra (the inferior) and Tamuha (the men on knees) in “Shakuntalam” investigate the fisherman with a diamond ring and receive a certain a word from the accused. In the former drama, a convincing account of the proceedings of the conduct of a criminal case in a law court is presented.21

In ancient India another branch of literature called Arthasastra was developed along with Dharam Sastra. Artha in modern paralance means money (economics) but in ancient India concept economics was represented by the term Varta, and Artha devoted politics.22 Further, Arthasastra is science of politics of government. Arthasastra was written by Kautilya who was the minister of Mauryan Emperor Chandragupta. It covers all the field of administration of state, i.e. executive, legislative, judiciary, police and military.

Medieval Period

The Mughal rulers in India also had a well-organized police force for maintaining law and order in society. This system was, however, different from the earlier one. The police official called the ‘Fauzdar’ was incharge of the entire police force with a number of subordinate officials called ‘Darogas’ or ‘Kotwals’ working under him. The policemen called the ‘Sipahi’ was the official of the lowest rank in the police constabulary of the Mughals. The detective branch of the police was called ‘Khuphia’ who assisted the police in criminal investigations. The chief police administrator of the province was called ‘Subedar’ or ‘Nizam’.23 The Muslim invasion of the early medieval period brought about turbulent conditions. May be, this period was more of conquest and military occupation. Without any serious attempt to consolidate and run civil administration, villages were responsible for their own safety and that of travelers with in their bounds.24 Muslim rulers tried to implement the
police system prevailing in their homeland. They imposed the Arabic–Cum-
Feudalistic, institution of Faujdar and Kotwal on the existing structure of policing in the village.

‘Faujdar’ was chief police officer as well as the administrative and military head of a district. He was placed under the direction and control of Subedar. Subedar was appointed at the provincial level and was entrusted with the over all administration of his province. District was divided into parganas or sub-divisions and was put under the control of ‘Shikadars’. Each ‘Shikadar’ had control over the ‘Thanedars’ appointed one for each Thana (police station) and every ‘Thanedar’ was assisted by a few numbers of armed guards called ‘Barkandazes’. These all were placed under the control of ‘Faujdar’. But in actual practice, the Zamindar was made responsible for the peace and security of the people. He was also responsible for the apprehension of criminals and the restoration of stolen property with in his jurisdiction.25

The Mughals and following them the Marathas developed an organized system of policing. During the Mughal period, police duties were entrusted to an officer, called Kotwal, who being the chief of the city, had not only to maintain peace order in the city but was also in charge of the entire town. The details of this functionary have been given in the Ain-i-Akbari. The administration of the province was under the Subedar, assisted by Faujdars, who were incharge of sub-divisions. The Mughal Faujdar was responsible for both revenue and police administration of his jurisdiction and as such was the nearest parallel of the present day district Magistrate. He was assisted by Thanedars, charged exclusively with the police duties. The Marathas also adopted the same pattern of maintained the traditional system of local responsibility for local crimes and made the village headman and his subordinate watchman (the Chowkidars) responsible for the prevention and detection of crimes in villages.26

During the Muslim period, “Kotwal was the incharge of police administration in the large towns.” He had to maintain a large body of peons, some horse patrols and a considerable number of spies. He was answerable

25. Ibid., pp.6-7.
for the stolen property. While the police in sizeable towns was under the Kotwal in smaller places it was under the revenue officer the indigenous police system was a great success. Crime was kept under control through a system of surveillance and espionage. Laws were enforced with rigidity, resulting in repression of the people. That is why, the common man in India has ever since been carrying in his mind the brutal image of the Kotwal. He refuses to accept that a Kotwal (now station house officer) can be a protector of his rights and property.  

British Period

The modern police force in India, however, was created during the British rule in the last quarter of the 19th century and was built up slowly. The British inherited several indigenous police systems from their Mughal and other contemporary predecessors. They reorganized it and developed it on a more or less uniform pattern throughout India. They tried different experiments indifferent provinces to have to a police system suited for their purpose. In the year 1771, Brigadier General Wedderburne formed a Battalion of 48 officers and 400 men for night watch for the Bombay Port Security of Merchandise, life and property. In 1779, J. N. Todd was appointed as Lieutenant of police. He drafted 41 regulations. Within seven years the post of Lieutenant of Police was abolished, but in 1793 the post of superintendent of police (SP) was created for first time in history, in Bombay. 

In 1774 Warren Hastings, Governor of Bengal complained of the deteriorating law and order situation. In December 1775, the institution of the Faujdar, which was earlier abolished was reintroduced and it continued till 1781 under the charge of Deputy Governor of the provinces of Bengal and Bihar. In the April 1781, the office of Faujdar was consequently abolished and his duties were transferred to European Magistrate who was a servant of the East India Company. 

By 1792, the company felt that they could no longer overlook the incidences of crime, brigandage and unrest. In the same year, Lord Cornwallis, the then Governor General of India, took police administration out of the hands of large land owners (the Zamindars) and established their place a police force responsible to the agent of the company. Districts were divided into parts and over each a police official, known as a Darogha, was placed to maintain law and order. The Darogha supervised the police work of the village headman and was accountable to the district judge. The Kotwal, however, remained in charge of the police administration in the towns.\(^{31}\)

In 1821, offices of collector and Magistrate were clubbed. A collector was authorized to exercise the powers of a magistrate or a joint magistrate and the magistrates were vested with the powers of a collector. But this measures raised a great controversy and criticism. It was not only stigmatized as in compatible, but also regarded as anomalous in theory and mischievous in practice. It was contented that union of thief catcher and thief trier was basically against the principle of criminal justice.\(^{32}\) However, this union of the two officers was temporary and later on separated in 1827, during the administration of Lord Auckland.\(^{33}\) In Madras presidency, Thomas Munro, being an admirer of the indigenous system, continued it. Several defects of this system were brought to light. In 1851, the police system was reorganized on Napier’s model that had proved successful in Sind. Under the new system, the police was placed under the control and supervision of a chief police officer. The basis of the Sind model was adopted elsewhere in India. As a result, the police systems developed in the various provinces were not exactly uniform, but they had acquired certain, similarities by the middle of the 19th century.\(^{34}\)

The code of civil procedure in 1859, the Indian penal code in 1860 and the code of criminal procedure in 1861 were enacted. In 1860, a police commission with M. H. Court as its president, was appointed and to study

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33. Ibid.
exhaustively the police needs of country and govt. and the product of its deliberations was the police act of 1861.\textsuperscript{35} The revolt of 1857 impressed upon the British the need to develop a uniform administration for the whole of British India. Accordingly, a police commission was appointed in 1860. The recommendations of the commissions were as follows:

1. Police functions were to be entrusted to civil constabulary separating them completely from the military police;
2. The civil police administration was to be headed by an inspector general of Police fore each province;
3. The Inspector General would be responsible to the provincial govt. whereas the superintendent of police would be responsible to the collector of the district;
4. The village police were to be under the supervisory control of the superintendent of police.\textsuperscript{36}

The Indian police Act, 1861, an aftermath of the war of independence of 1857, was enacted to "reorganize" the police and to make it more effective instrument for the prevention and detection of crime", as laid down in the preamble of the act. Certain provisions to contain public nuisance such as controlling of traffic, prevention of cruelty to animals and health hazards, drunkenness etc. were incorporated in the Act.\textsuperscript{37}

Another landmark in the history of Indian police during the British period was the appointment of the All India Police Commission in 1902, by 'Lord Curzon' Viceroy of India, comprising seven members including two Indians. The terms of reference of commission were comprehensive. These included the organization of the force and its strength and training, rural police, the system of investigation, the institution of C.I.D. the adequacy of the supervision by the magistrate and the police officer's and the pay scale of the subordinate police. The commission made a comprehensive review of all these matters and their report was critical of the existing system. The commission observed, "the police force is for from efficient, it is defective in training and organization, it is inadequately supervised and is generally

\begin{itemize}
\item \textsuperscript{35} D. H. Bailey, Op. Cit, p. 45.
\item \textsuperscript{36} Section 4, 5, 23, 24 and 30 of the Police Act, 1861.
\item \textsuperscript{37} Ibid., 1861.
\end{itemize}
regarded as corrupt and oppressive and has utterly failed to secure the confidence and cordial co-operation of the police." The commission made numerous recommendations, which were accepted by the Govt. with modifications. The main changes which resulted from the work of the commission were limited to direct recruitment in the rank of sub-inspector, province-level arrangements for training of sub-inspectors and the Gazetted Police Officer, the institution of a new cadre of Deputy Superintendent of Police and the organization of the central and provincial criminal investigation department and a separate and independent police organization to be known as railway police force under the D.I.G, C.I.D. the institution of village head man was to continue, "The Commission, thus succeeded," observed an official report, "only in strengthening the 1861 system and failed to remove any of the basic and fundamental defects of the system." The structure of the commission through the report was signed in 1903, it was with held from publication till 1905. Even after a decade of the formation of the commission, it was observed, "it is still widely recognized that the Indian Police System is far from satisfactory." As late as 1933, G.N. Singh observed, "However it may be stated with confidence that the reforms of 1905 did not result in increasing the popularity of the police- people still upon it with suspicion and regard it as corrupt." In any cases the police force has not succeeded in winning confidence. Till 1920 no Indian were allowed to enter in the imperial police, through entranced examinations indianisation of the service was very slow despite the recommendence of Isligto Commission (1912) and Lee Commission 1924. Till 1931 there were only 20 % of total posts of superintendents of police.

Police: After Independence in India

After the attainment of independence, the basic framework of police administration remained the some. The presently structure and police system are based 145 year old act, the police Act of 1861. The system has

been analyzed twice. Firstly, it was during British regime i.e., the Indian Police Commission of 1902-03, and later in 1977 by the National Police Commission. They found police far from efficient, defective in training, organizations, lacking in public relations, welfare measures, machinery for redressal of grievances, etc., and one which was generally regarded, as corrupt and oppressive. Under the Indian Constitution Art. 246 divide the legislative authority between the union and the state in three lists- the union, the state, the concurrent—the subject of police is placed in the state list at entry.41

In chronological sequence, the police commissions were appointed in Bihar 1958, Kerala 1959, U.P. and West Bengal 1960, Punjab 1961, 1964, Union Territory of Delhi in 1966, Tamil Nadu and Assam 1969. This was followed by the administrative reforms commission in 1967.42 Modern police is primarily concerned with detection and investigation of crime and apprehending criminals by making arrests. They are thus concerned with the protection of society against crimes and safeguarding the person and property of the people. The police also deal with juvenile delinquents and enforcement of a variety of Acts and regulations such as licensing, sanitation, civil defence, etc. with a view to performing their duties efficiently the police has to associate themselves with public and seek letter's cooperation in prosecuting the offenders.43 Besides the state govt. there are the agencies of the Govt. of India to ensure law and order in the country.44

State and Police

The first studies of organized political society was made in Greece mainly by Plato and Aristotle, in 4th century B.C. The unit of study was the "polis or city state". The Raman adopting Greek political ideas, applied then to a larger territorial units, the republica, which may be freely translated as per concern, or the status rei-publical, state of the public concern.45 The theoretical attributes of a state extreme centralization, secularism, legal rights

rather than participation, the rule of law, bureaucracy, the divesting of lower associations of their power—were first to be found in a fairly full form in Roman theory and practice. A great deal of structure of a state as well as theory of sovereignty itself is of substantially Roman Origin Rome's maintenance of services (courts, roads, water—supplies, a postal system) administered by a trained bureaucracy pointed the way to the modern state. Finally, a genuine political rule prevailed at least before the ultimately fatal militarization of the empire. Rome did not leave vast power to groups within society.

In political theory, 'the state', a term probably first used by Nicolo machiavelli (15th century), is the most fundamental political unit. According to Woodrow Wilson, 'A state'-runs the modern definition—is a people organized for law within a definite territory. 'A state' generally a group of people inhabiting a specific territory and living according to a common legal and political authority, a body politic or nation. According to MacIver's definition, "The state is an association which, acting through law as promulgated by a government endowed to this end with coercive power, maintains with in a community territorially demarcated the universal external condition of social order." According to Philimore, it is a people permanently occupying a fixed territory, bound together by common laws, habits and custom into one body politic, exercising through the medium of an organized government independent sovereignty and control overall persons and things within its boundaries capable of making war and peace and of entering into all international relations with the communities of the globe. The state is most universal and most powerful of all social institutions. Wherever human beings have lived together for any length of time, there are find organization and

47. Ibid., p. 230.
48. Ibid., p. 228.
52. Ibid., p. 52.
authority and where we find organization and authority, there we have the nucleus of the state.\textsuperscript{53}

Government is the instrument of state.\textsuperscript{54} "The state itself is an ideal person, intangible, invisible, immutable the government is an agent and with in the sphere of the agency a perfect representative, but out side of that it is a law less usurpation." In words of Rousseau, government is a living tool. It is the practical organization of the state through which the will of state is formulated expressed and realized. According to Ernest Barker, by 'society' we mean the whole sum of voluntary bodies or associations, contained in the nation (and even ramifying beyond it by the connexions which they establish with similar bodies in other nations), with all their various purposes and with all their institutions. Taken together, and regarded as a whole, their associations form the social substance, which goes by the general and comprehensive name of 'society'.

By 'The state', we mean a particular and special association, existing for the special purpose of maintaining a compulsory scheme of legal order and acting, therefore through laws enforced by prescribed and definite sanctions. The state, as a rule; is rational in its scope and we call national state.\textsuperscript{55} The territorial nation provides the space-area and the human material over and upon which the form of the state is generally stamped and when that form is so stamped, the national community or, as it may also be called, the society of the nation while still remaining a national society and acts henceforth as a state by legal methods for legal purposes.\textsuperscript{56}

In the philosophy of history, published in 1837, Hegel defines the state as "the realization of freedom", the state, "exists for its own sake". As to the relation between state and individual, Hegel says that "all the worth which the human being possesses – all spiritual reality he possesses only through the state." Only through the state does the individual partake of morality. Hegel's state idolatry reaches its peak in the famous sentence, the state is the divine idea as it exists on earth. In the state, reason becomes actual and objective

\textsuperscript{53} Ibid., p. 52.
\textsuperscript{54} Ibid., p.54.
\textsuperscript{56} Ibid., p. 55.
and the individual finds all his spiritual reality through the state. On the basis of this assumption, when "the subjective will of man submits to laws, the contradiction between liberty and necessity vanishes."  

The state is a political organization. Nation means a self-governing nationality. Gilchrist puts it a nation equals states plus nationality. According to Gilchrist, on nation, "It stands for the unity of people organized in one state and acting spontaneously as a unity. Nationality is primarily a cultural and ethical term. It is a spiritual sentiment or principle. Factors which make a people a nationality are geographical unity, common racial stock, common culture, common language, religion, customs and traditions, common history, common economic interest and political associations, common hopes and aspiration and the like. Since the early part of the nineteenth century, there has been a growing feeling that every group of people who claim to be a nationality should be allowed to have an independent political organization. This movement received an impetus during world war- I and expressed itself in such potent ideas as the 'Self determination of nations', and one nation one state'.

Welfare State

Up to the end of 19th century, every state today calls itself a welfare, their primary business was merely to provide law and order as being a 'police state'. The promotion of welfare was left individuals and groups of individuals. Among political thinkers, Laski has more than any one else was the first to turn the attention of world from police state idea to the welfare state idea. The very nature of state implies the concept of welfare. What ever the form or purpose of the state be it democratic republican or monarchical, communist or fascist, capitalist or collectivist there must be a sufficiently strong feeling through out the community that its welfare is effectively served by the instrumentalities of govt.

58. Ibid., p. 55.
According to T.W. Kant, a welfare state is, "a state that provides for its citizens a wide-range of social services", He says that the primary purpose of the state is to give the citizen security, but the welfare state undertakes to help him if he losses his ordinary source of income. In short, the welfare state is expected to act and not stand by passively when its people or any disadvantaged group are forced to cope with problems of social and economic security beyond their power to control. It stands opposed to the laissez-faire state in which the general welfare is expected to result when businessmen are left more or less free to pursue their own economic gains. It is clear that to attain fullest development to a welfare state, the govt. must be responsibly responsive to the claim of those who are insecure or at a competitive disadvantage. The other is that the govt. must have both the authority and money, which will enable it to take action. The welfare state ideal took strong root in England. It's development, however, was different from the development in Germany. In England Trade Union, ably supported by Fabian and other types of socialists, played an important part in developing the ideal. Provisions are made for old age retirement benefits, widow's benefits, unemployment benefits and family allowances for families with two or more children, milk for school children, milk and special food for expectant and nursing mothers, free medical services, free secondary education, and liberal scholarships for higher education.

The welfare state was designed in USA, during great depression (burst) of social creativity that took place in 1930,s. In USA it has been taken in consideration, in 1933 during the presidential ears of Franklin D. Roosevelt. In USA towards welfare state, there are many welfare schemes in operation in the broad sense of the term such as the Tennessee Valley Authority's elaborate social security schemes, public works and excellent roads, price support for agricultural products, free education upto the college stage and state and federal aid to education. The social security schemes are

very comprehensive as to include even white-collar workers, university teachers, and self-employed persons. Among the continental countries, Swaden, Norway and Den mark have extensive welfare scheme supported by high taxation. 65

The socialist states also are welfare state, but here welfare is planned and executed from above. More attention is paid to material welfare than to moral and spiritual welfare. During 2nd World War Russia has been the first modern country to have a planned economy. 66 The aspiration of the Indian state has been to provide full, employment to all its citizens free and compulsory education at least up to the eleventh years, public assistance in cases of unemployment, old age, sickness, disablement and even of under served want, a decent standard of life, full enjoyment of leisure and social and cultural opportunities, adequate housing and health facilities. 67 In Indian constitution Article 38, Article 39, Article 41 promotes the welfare of people of the India.

Globalization and Police

The human race entered the 21st century with the fundamental challenges of ensuring improved standard of living, a better quality environment, proper health care facility and better education for the improvement of quality of life. Before the world war 2nd, there were only two models of development, the capitalist and socialist. The countries of Asia, Africa and Latin America attain independence after the war. Further the world can be divided into three blocks. The economically advanced capitalist countries came to known as the first world. The second world included the communist countries. The Asian, African and Latin American, countries are called the third world. 68 After the collapse of socialistic system in the Soviet Union and Eastern Europe, US led capitalistic philosophy began to stretch its feet on the global world. 69

66. Ibid., p. 160.
67. Ibid., p. 116.
69. Third Concept, Ibid.
The term globalization prescribes a strategy of development based on the liberalization of market and on the assumption of the free flow of trade, finance, technology and information.\footnote{70} There are two main elements of globalization, viz., liberalization and privatization. Globalization has serious implications particularly for the developing countries, where liberalization has led to reduced government involvement in social sector.

Globalization is the new buzzword that has come to dominate the world since the nineties of the last century.\footnote{71} Guy Brainbant has defined the globalization as “the process of globalization not only includes opening up of world trade, development of advanced means of communication, internationalization of financial markets, growing importance of multinational corporations, population migrations and more generally increased mobility of person, goods, capital, data and ideas, but also of infectious diseases and population.”\footnote{72} David Held observes: Trans national networks and relations have developed across virtually all areas of human activity. Goods, capital, people knowledge, communication and weapons as well as crime, pollutants, fashions and beliefs rapidly move across territorial boundaries. Far from this being a world of discrete “Civilizations”, or simply an international society of states, it has become a fundamentally inter connected global order, marked by intense pattern of exchange as well as by clear patterns of power, hierarchy and unevenness.\footnote{73} Asian development outlook report, 2001 defines globalization as the ongoing economic, technological, social and political integration of the world that began after the Second World War.\footnote{74} Further globalization implies free trade in products and services, offering a wide choice to customers across a border less world. Globalization refers to the process of reducing barriers between countries and encouraging closer

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    \item 70. Ibid., p. 43.
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economic, political and social interaction. Globalization is also projected to increase vastly the ability of people everywhere to improve their standards of living by sharing knowledge and the fruits of human labour across the globe.\(^75\)

Liberalization means a clear subordination of the domestic to global and international indicating a containment of space available to domestically defined and democratically shaped politics clear property rights and widespread private ownership are considered essential for markets to perform efficiently and equitably.\(^76\) Further liberalization means free market for importing and exporting products throughout the world. Since the 1980's many countries have seized the opportunities of economic and technological globalization. Beyond the industrial countries, the newly industrializing East Asian tigers are joined by Chile, Mauritius, Poland, Turkey, India and many others linking into global markets, attracting foreign investment and taking advantage of technological advance. Thus India opened its doors and is becoming an active participant in this global exchange. India's external payment crisis in 1991 triggered a gradual process of opening up of the economy.\(^77\) In 1991, P. M. Shri P.V. Narshimha Rao, has fully backed by Finance Minister Dr. Manmohan Singh to act fact and bring about the around situation by pronouncing the major economic reforms popularly termed as liberalization, privatization and globalization.\(^78\)

No doubt, with liberalization, privatization and globalization, our country has attracted foreign investment in the county and has opened a new way for employment in the private sector, with this new technologies European and American countries has changed the life style of the country and hence effected the economy of the country. The era of liberalization and ensuring globalisation in the distant past has thrown open new challenges arising out of a complex crime and disorder situation threatening the security and stability of our country. The sudden spurt in the incidence of crime and violence drawing sustenance from the population explosion, incredible advancements in

78. 3rd Concept, March, 2001, No. 169, p. 27.
science and technology, lopsided urbanization and gradual erosion of the collective conscience has made the police realize that crime cannot be prevented effectively through traditional methods of policing such as patrolling, surveillance, nakabandi or binding of habitual criminals. There is, therefore, an urgent need to understand the root causes of crime and recast policing in the light of these rapid socio-economic changes.\textsuperscript{79}

**Modern State**

A modern society is typically industrial and a pre-modern society agricultural. In a pre-modern society, the basic relation of production depends upon the ownership and for control of land i.e., lord and peasants. Lords and peasants are subject to the state. These three components of the social structure are bound together by a tradition alistic culture. Modernization means an increase in power and is likely to lead either to new distribution of power or to new ways of exercising it.\textsuperscript{80} The methodological argument of modernization theories of social change in contemporary developing societies seems to be that these internally consistent action patterns are built into the modern economic/technological institutions which underdeveloped countries so eagerly adopt (or which had been imposed on them during the colonial period) and that these action patterns in turn send their reverberations through the entire social, cultural and political structure of developing societies.\textsuperscript{81} The modern state\textsuperscript{82} possesses an administrative and legal order subject to change by legislation, to which the organized activities of the administrative staff, which are also controlled by regulations are oriented. This system of orders claims binding authority, not only over members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent over all action taking place in the area of its jurisdiction. It is thus a compulsory organisation with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it's either

\textsuperscript{79} S.P. Singh, “Community Policing; Need of the hour”, The Indian Police Journal, April, June 2001, p. 78.
permitted by the state or prescribed by it. The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and continuous operation.

The modern state in terms of yardsticks can be defined as a state, where administration is smooth and speedy in keeping with technological level of the population. Level of higher technology is yardsticks and percentage of population, which is fully aware of its rights and duties also a determining factors. The yard sticks in the modern state, Himachal Pradesh are data regarding role of technology in administration, percentage of literacy, determination of poverty line, average annual income of a person, ratio of education to population, network of road, transportation, availability of power and G.D. P. of the state. Administrative efficiency and health facilities, average life span and law and order administration etc. These all above determinants forms the characteristics of a modern state.

Further, by modern state, means, a state of 21st century, which is more developed, then earlier states of 19th and 20th century. The 21st century state is highly, technically advanced. Information technology is everywhere in developing stage. People are more educated then early societies, with a new philosophy of lifestyle. Now the industries are more technically advance based on I.T technologies. The communication system is based on Internet. The war techniques are based on computer and satellite system. The American war techniques on, Afghanistan and Iraq, recently are the examples of modern state of 21st century. For maintaining law and order, the role of police administration becomes more important than earlier.

Himachal Pradesh: A Profile

The Dev-Bhumi (Himachal Pradesh), lies in the centre of Western Himalayas. Himachal Pradesh is spread over an area of 55,673 sq. km. with a population of more than 60 lac person (2001). It extends from 75° 47' to 79° 04' east longitude and 30° 22' to 33° 12' North latitude.83 Himachal Pradesh constituent state of India occupying the extreme northern portion of the sub continent. A region of scenic splendor, Himachal Pradesh is bounded on the north by Jammu and Kashmir, on the east by China (Tibet) and in

India, on the Southern by Uttar Pradesh, on South by Haryana and on the West by Punjab. The state capital is Shimla.  

**Topography**

Himachal is a hilly and mountains tract. Its altitude varies from 350 m to 7000 m above the mean sea level. Policing in the state has to go through the tough and complex geographical and climatic conditions as compared to Punjab, Haryana and Delhi etc. Topography can be divided into three zones.

1. Outer Himalayan or the Siwaliks or the Southern zones.
2. The lesser Himalayas or the central zones.
3. The great Himalayas and Zaskar or northern zone.

Himalayas form a shield of great importance right across the northern facade of India from Jammu and Kashmir in the west to Arunachal Pradesh, in the East. The Himalaya extend for a length of about 2400 km from west to east and vary in width from 150 to 300 kms.

**(1) Outer Himalayan or Shivalik Southern Zone**

The Shivaliks were known to ancient geographers as "Manik Parbat". Shivaliks literally means "stresses of the Shiva", they are composed of highly, unconsolidated deposits which easily lend themselves to erosion. They maintain almost a regular course from Ravi to Yamuna in the south of the region. Shivaliks have been highly deforested and eroded. Also these foot hills of Himachal Pradesh comprises the districts of Kangra, Hamirpur, Una, Bilaspur, Mandi, Solan and Sirmour which form 30% of the Pradesh.

**(2) Lesser Himalayas or the Central Zone**

Lesser Himalayas is a region, which consists of higher mountains (12,000-15,000 feet) cut into by deep ravines and precipitous defiles. It is marked by a gradual elevation towards the Dhauladhar and the Pir Panjal ranges. In the south the rise is more abrupt in the Shimla hills. To the south of Shimla is the high peak of chaur (3,647m) north of the Sutlej the rise is

84. Ibid.,
85. Ibid. p. 120.
86. "Himachal Past, Present and Future", Directorate of Correspondence Courses, Himachal Pradesh University, 1975, p. 2.
89. Ibid., p. 121.
gradual. This middle Himalaya forms a second barrier and serves as a water divide between river Chandra Bhaga (Chenab) towards north and river Beas and Ravi towards south covering parts of Shimla, Kullu, Lahaul Spiti and Chamba district. This Pir Panjal, range (middle Himalaya) has rich flora and fauna. Numerous passes in this range are of great importance. These passes remain closed for more than 6 months during winter. Rohtang, Chobia, Kugti, Kalihuni are some of important passes.

(3) The Great Himalayas and Zaskar or Northern Zone

To the north of the Pir Panjal and Dhauladhar ranges are the moxelofy mountain ranges known as the Great Himalayas and Zaskar ranges. The rise above the snowline into peaks of perpetual snow. The great Himalaya ranges (5,000–6,000m) runs along the eastern boundary and is cut across by the defile of the Satlej. The range separates the drainage of the Spiti from that of the Beas. The Zaskar range is the eastern most range and separates Spiti and Kinnaur from Tibet.

Climate

As we know Himachal Pradesh lies in the lap of Himalayas and climate depends of the Himalayan climatic conditions. The various climatic zones in the region range from sub-tropical (450m–900m) to warm temperate (900-800m), cool temperate (1800m–2400m), cold high mountain (2400m-4000m) and snowy frigid (above 4000m). The climate of Lahaul, & Spiti and Kinnaur is semi-arid highland type. Compared to the Punjab plains, the climate of region, in general, is differentiated from that of the plains by a shorter and less severe hot weather, a somewhat higher pre capitation and colder and more prolonged winter.

There are four seasons in the state during the year namely, - winter, pre-monsoon, monsoon and post monsoon. The winter season extends from January to February, pre-monsoon from March to May, Monsoon from June to September and post monsoon from October to December. As in other parts of the country, nearly half of the total rainfall is received during the monsoon.

90. Ibid., p. 2.
91. Ibid., p. 2.
92. Ibid., p. 2.
season, spread over from June to September and the remaining precipitation is distributed among other seasons. The highest rainfall is received in Kangra district followed by Shimla district.95

Home guards, which serves as an auxiliary to the police in an emergency such as an air rapid, fire, cyclone, earth, quake, epidemic, and flood etc. help in maintenance of essential services, promote communal harmony and participates in Socio-economic and welfare activities.96 During rainy season (July-September Himachal Pradesh suffers mainly natural calamities like, cloudburst and floods in river valleys of Beas in Kullu and Mandi districts Sutlej in Kinnaur, Shimla districts and Ravi in Chamba district here district police has assisted by home guards to maintain law and order and help the people who suffers in the state.

Population Growth

Population growth has led to economic slow down of the nation. It has an impact on social equilibrium. Urbanisation is an immediate off shoot which brings with it unemployment, encroachment, mushrooming of slums, breakdown of family structure bottle legging and crime. All there upset orderly economic growth and social upliftment urbanization and industrialization also create serious strains on civic amenities, pollution and traffic management.97 Further police with in the state, besides being a regulating agency can also play a counseling role leading to a more orderly and disciplined environment conductive to a more sensitive social order.

Our population has increased rapidly and creating serious problems of policing day by day in the state. The population of Himachal Pradesh has increased 23, 85, 981 lakhs (1951 census) to 60, 70, 305 lakhs (2001 census). The following Table 1.1 has shown the population growth along with the literacy rate and trend of urbanization in the state.


24
Table 1.1
Population Growth as well as other factors

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Decennial growth rate</th>
<th>Density per sq.km.</th>
<th>Literate percentage</th>
<th>Urban Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>23, 85, 981</td>
<td>5.42</td>
<td>43</td>
<td>7.1</td>
<td>4.1</td>
</tr>
<tr>
<td>1961</td>
<td>28, 12, 463</td>
<td>17.87</td>
<td>51</td>
<td>21.27</td>
<td>6.3</td>
</tr>
<tr>
<td>1971</td>
<td>34, 60, 434</td>
<td>23.04</td>
<td>62</td>
<td>31.96</td>
<td>7.00</td>
</tr>
<tr>
<td>1981</td>
<td>42, 80, 818</td>
<td>23.11</td>
<td>77</td>
<td>42.48</td>
<td>7.64</td>
</tr>
<tr>
<td>1991</td>
<td>51, 11, 070</td>
<td>19.39</td>
<td>92</td>
<td>63.54</td>
<td>8.70</td>
</tr>
<tr>
<td>2001</td>
<td>60, 77, 248</td>
<td>17.53</td>
<td>109</td>
<td>77.13</td>
<td>9.80</td>
</tr>
</tbody>
</table>


State Domestic Product

State Domestic Product (S.D.P.) or state income is the most important indicator for measuring economic growth of a state. According to quick estimates, the total state domestic product at 1993-94 prices increased to RS. 9879 crore in 2004-05 from Rs. 9185 crore in 2003-04, there by registering a growth of 7.6 percent at constant price. The growth rate of gross domestic product is estimated at 7.5 percent (base 1999-2000) The total state domestic product of Himachal Pradesh at current prices was estimated at 20093 crore in 2004-2005 as against Rs. 18062 crore in 2003-04, there by registering an increase of 11.2 percent. The economy of H. P. is pre-dominantly dependent upon agriculture and in the absence of strong industrial base, any fluctuations in the agriculture or horticulture production cause significant change in economic growth also. During 2004-05 about 21.1 percent of state income has been contributed by agriculture sector alone. The Table 1.2 given below shows the growth of economy of Himachal Pradesh viz.-a-viz. all India during the last three years.

### Table 1.2
Growth of Economy of Himachal Pradesh viz.-a-viz. all-India during the last three years

<table>
<thead>
<tr>
<th>Year 2004-2005 (Q)</th>
<th>H.P. (7-6)</th>
<th>India Base 1999-2000 (7.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-2001</td>
<td>6.2</td>
<td>4.4</td>
</tr>
<tr>
<td>2001-2002</td>
<td>5.2</td>
<td>5.6</td>
</tr>
<tr>
<td>2002-2003</td>
<td>4.5</td>
<td>4.0</td>
</tr>
<tr>
<td>2003-2004 (R)</td>
<td>8.1</td>
<td>8.5</td>
</tr>
<tr>
<td>2005-2006 (A)</td>
<td>8.2</td>
<td>7.5 (Base 1999-2000)</td>
</tr>
</tbody>
</table>

Source: Economic Survey 2005-06

### Per Capita Income

According to quick estimates based on 1993-1994 series, the per capita income at current prices of Himachal Pradesh in 2004-2005 stood at Rs. 27,486. This shows an increase of 9.7 percent over 2003-2004 (Rs. 25,059). At constant (1993-94) prices the per capita income during 2004-05 is estimated at Rs. 13,471 against 12,765 in 2003-2004 witnessing an increase of 5.5 percent.

### Industries

Himachal Pradesh has made significant achievements in the field of industrialization in the past few years. With the ushering in the liberalized economy and the consequent delicensing of most of the activities, the flow of investment in the Pradesh has increased manifold resulting in very good response for setting up new industrial ventures in the state. At present there are 282 medium and large-scale industries and about 32,328 small-scale industries with a total investment of Rs. 4016.80 crore working in the state. The annual turnover of industries provide employment to about 1.82 lakh persons. At present the industries in Himachal Pradesh are contributing nearly 15% of the state GDP, Rs. 500 crores towards excise duties, Rs. 1000 crores of exports and Rs. 100 crores of sales tax. The share of industries and service sector respectively has increased from 1.1 & 5.9 % in 1950-51 to

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100. Ibid., p.8.
101. Ibid., p. 37.
15.9-17.3% during 2004-2005 in the state of Himachal Pradesh (Source; Directorate of Industries H.P., Shimla). Industrial units established in different places of Himachal Pradesh cause different problems of law and order in the state.

Power

Himachal Pradesh State Electricity is engaged in the investigation and execution of various hydroelectric projects and transmission and distribution of electricity. It is a matter of satisfaction that despite very difficult and mountainous terrain all the inhabited villages in the state have already been electrified. Himachal Pradesh has a vast hydroelectric potential, which is estimated at 25,000 MW. The total installed capacity (hydro and diesel) in Himachal Pradesh as on 31st March 2004 was 326.3 M.W. (Hydro 326.2 MW and diesel 0.1 MW). All the hydel power projects of Himachal Pradesh are in the vital installation category of H.P. government and are under minute observation, under jurisdiction of security branch of CID, because of high security purpose in present scenario in the state.

Transport and Communication

In a hilly state like Himachal Pradesh, the entire progress depends primarily on the development of roads. It is not possible to provide appreciable length of railways in these areas. No movement of any type of material and persons in various fields like agriculture, horticulture, industry is at all possible unless there is a well-developed system of road and transport. The roads constitute the very lifeline of Himachal economy. The government had constructed 28, 208 kms of motorable roads inclusive of jeepable track till December 2003. For the year 2003-04, there was an outlay of Rs. 23, 063.00 lakh to form new road tracks, in the state. There were total lengths of 1, 237.15 kms of National High ways in the state up to September 2005. The total road length was 28, 646 kms in the state as on 30.9.2005 and 8, 226 villages were connected with roads. The major problems of law and order occurs in National High ways passing through

105. Ibid., p. 51.
106. Ibid., p. 51.
state. Major cases reported are of road accident, cases of narcotic substances, illicit liquor, kidnapping, theft, dacoity, vehicle theft etc. in the state. Here police has to play a major role to stop these crime incidents in the state, from Swarghat to Mandi, Chandigarh to Shimla, Shimla to Dharamshala, Pathankot in the state.

**Railways**

There are roads and railway and airlines means of transportation in the state, in which roads play major role in the transportation in the social life, in the state. There are only two narrow gauge railway lines connecting Shimla with Kalka (96 km) and one Joginder Nagar with Pathankot (113 km), 33 km broad gauge railway line from Nangal Dam to Una.107 There were no incidence of crime happened in the state through these railway lines in the Himachal Pradesh. (Source: Police Headquarter Shimla).

**Tourism**108

Tourism in Himachal Pradesh has been recognized as one of the most important sectors of the economy as it is being realized as a major engine of growth for future. Himachal Pradesh is endowed with all the basic resources necessary for thriving tourism activity geographical and cultural diversity, clean, peaceful and beautiful streams, sacred shrines, historic monuments and the friendly and hospitable people. Tourism industry in Himachal Pradesh has been given very high priority and the government has developed an appropriate infrastructure for its development which includes provision of public utility services, roads, communication network, airports, transport facilities, water supply and civic amenities etc. For the year 2005-06, there was an allotment of Rs. 444.01 lakh for the development of tourism and Rs. 70.84 lakh for the civil aviation.

The following table has shown the number of tourist visited the state of Himachal Pradesh during last five years.

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107. Ibid., p. 52.
108. Ibid., p. 54.
### Table 1.3
**Number of Tourists in H.P. during last five years**

<table>
<thead>
<tr>
<th>Year</th>
<th>Domestic</th>
<th>Foreigner</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>43.52</td>
<td>0.91</td>
<td>44.43</td>
</tr>
<tr>
<td>2000</td>
<td>45.70</td>
<td>1.11</td>
<td>46.81</td>
</tr>
<tr>
<td>2001</td>
<td>51.11</td>
<td>1.33</td>
<td>52.44</td>
</tr>
<tr>
<td>2002</td>
<td>49.60</td>
<td>1.44</td>
<td>51.04</td>
</tr>
<tr>
<td>2003</td>
<td>55.44</td>
<td>1.68</td>
<td>57.11</td>
</tr>
</tbody>
</table>


Every years throughout the seasons a large section of tourists in different shape and objective are visiting to the state of Himachal Pradesh. With this advancement in the tourism and tourism related activities, the various problems are also increased in maintaining law and order throughout the state for the police administration due to the tourists.

**Civil Aviation**

At present there are only three airports namely Jubblar Hatti (Shimla), Bhunter (Kullu) and Gaggal (Kangra) and about 55 operational holipads in the state.\(^{109}\)

**Education and Employment**

In terms of literacy, literacy percentage of the Pradesh has increased from 63.86 in 1991 to 77.13 in 2001 (P) as against All-India literacy rate of 65.38 percent. To achieve 100 percent literacy in the state, a literacy mission has been started in each district with the coordination of primary education deptt. and the Distt. Saksharta Samiti under the chairmanship of Deputy Commissioners.\(^{110}\)

\(^{109}\) Ibid., p. 55.
The following table has shown the number of educational institution in the state of Himachal Pradesh.

### Table 1.4

**Number of Educational Institutions in H.P.**

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Item</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>Upto 31.12.05</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of educational institutions</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>Primary/Junior Basic Schools</td>
<td>10,633</td>
<td>10,633</td>
<td>10,654</td>
<td>10,651</td>
<td>10,652</td>
<td>10,642</td>
</tr>
<tr>
<td>3</td>
<td>Middle/Senior basic Schools</td>
<td>1,672</td>
<td>1,673</td>
<td>1814</td>
<td>2192</td>
<td>2193</td>
<td>2193</td>
</tr>
<tr>
<td>4</td>
<td>High/Higher basic Schools</td>
<td>1,506</td>
<td>1514</td>
<td>1524</td>
<td>1580</td>
<td>1647</td>
<td>1662</td>
</tr>
<tr>
<td>5</td>
<td>Degree Colleges</td>
<td>37</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>41</td>
<td>44</td>
</tr>
</tbody>
</table>

Source: Education Department, Himachal Pradesh

As per 2001 census, 32.36 percent of the total population of the Pradesh is classified as main workers, 16.92 percent marginal workers and the rest 50.77 percent as non-workers of the total workers (main + marginal) 65.33 percent are cultivators and 3.15 percent agricultural labourers, 1.75 percent are engaged in household industry and 29.77 percent in other activities. The employment assistance/information service for placement of Himachalies in various industrial units, institutions and establishments in the Pradesh is rendered through the 3 regional employment exchanges, 9 district employment exchanges, 2 university employment information and guidance bureaus, and 55 sub employment exchanges. During the period 1.4.2005 to 31.12.2005 in all, 141962 applicants were registered and 411 placements were done. The number of vacancies notified during this period by various employers was 3, 619. The consolidated number on live register of all employment exchanges stood at 8.66 lakh on 31.12.2005.

(Source: Economic Survey of Himachal Pradesh 2005-06)

Due to increase in population and the educated unemployed youths the rate of crime e.g. theft, murder, rioting, dacoity, rap, kidnapping, smuggling of
illicit liquor and narcotic substances etc. has increased in the state. As ways of committing a crime has changed in the state, along with this the role of police has also changed in present scenario.

The Role of Panchayti Raj Institutions (PRIs) in Maintaining Law and Order

Under 73rd Constitutional Amendment Act, PRIs are provided by various powers and responsibilities to maintain peace and security in the society. In Himachal Pradesh under section 189,111 sub-section (1-2) of H.P. PRI's Act 1994, the state government can delegate any power except powers relating to framing of rulers to a Gazetted Officer of PRIs. PRIs can make orders112 to protect public property such as sign boards, milestones on public roads, paths, irrigation and water supply, school buildings, health/veterinary/Ayurvedic institutions building’s to regulate offensive113 and dangerous trades or practices, prohibit the sale of harmful eatables with in the sabha area. PRIs can stop selling of intoxicating liquor114 at any licensed shop within jurisdiction. PRIs are also provided by many judicial powers, a magistrate 115 can transfer any case to Gram Panchayat, which is tribal by PRI if think so. PRIs can dismiss116 any case, suit or proceedings if applicant fails to appear in hearing. If a person disobeys117 the summon or notice or order of PRIs can complaint to magistrate and can fine up to 25 rupees.

Under section 15 of PRI Act 1994 of H.P., if any person disobeys an order of Gram Panchayat can impose penalty from 1000 upto 5000 Rs. In any Gram Panchayat any Police Officer118 is bound to inform about every offence, committed with in the jurisdiction to Gram Panchayat and is tribable by Gram Panchayat and shall assist all Panches and servants of the Gram Panchayat in the exercise of their lawful authority. Gram Panchayat can inquire into any complaint of misconduct119 by Constables and head Constables and submit a

111. H.P. PRI Act 1994, Section 189, sub-sections (1,2) 2006, p. 98.
report along with prima facie evidence to the superior officer, to the Deputy Commissioner or the Sub-Divisional Officer. During election of PRIs, the police play an important role in protecting and helping in maintaining law and order, in any Panchayat, Police protected PRIs during election from external attacks, like booth capturing \(^{120}\) in polling station of any Gram Panchayat, misbehaviour \(^{121}\) during election and police can use even fire arms \(^{122}\) during election in uncontrolled situations of booth capturing for protection of polling station. Also there are provision of arrest of any person without warrant, \(^{123}\) who creates disturbances at election meetings or any meeting of political character during election.

Further from the provisions of PRIs Act 1994, Gram Panchayat are helping in providing security and maintain law and order to police administration, in nutshell. PRIs are lowering the burden of police and helping in solving the disputes and quarrels at their own levels in present scenario in the state.

**Political System in Himachal Pradesh**

A political system is associated with rule and authority. India attained her independence by awakening the political consciousness among Indian masses, which resulted in the formation of the Praja Mandals in Himachal Pradesh also. The decision to set up these Praja Mandals was taken in the session of All India State Peoples Conferences held at Ludhiana in 1939.\(^{124}\) Through these Praja Mandals the till states of the Himalayas too, made their due contribution to the independence movement. After independence, the leaders of Praja Mandals concentrated their efforts in arousing the people to demand merger of the state in the Indian Union. There political activities were successful in their mission with the rulers, conditional and absolute cession of jurisdiction authority. The territories of 21 Shimla hill states were, thus, first integrated into single centrally administrated unit, known as Himachal

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Pradesh and formed into a Chief Commissioners province. Though the merger document was signed on 13th March, 1948, the merger of the state was duly and legally recognized from 15th April, 1948. By merging Punjab hill states except Nalagarh and Punjab state of Sirmour, Chamba and Suket, Mandi following suit on May 1948.

In 1950, as a result of the operation of the provinces and states (absorption of enclaves) order, 1950, The enclaves of Solan cantonment, Kotgarh and Kotkhai from East Punjab (new Punjab) two villages from Uttar Pradesh and the area called Kufri, comprising seven villages from Patiala were transferred to Mahasu district of H.P. in 1952, it became apart 'c' state with a popular ministry. On 1st November 1956, it again became a centrally administered territory and the democratic set up was withdrawn and a territorial council was substituted with more restricted powers and functions in place of legislative and council of ministers. The period 1957-63 was retrograde era pushing the state back on the road of constitutional and political progress. The territorial council was under the overall control of the central government. But the leaders and the people of the Pradesh insisted upon having full-fledged legislature and a ministry for Himachal Pradesh and accordingly it was formed in 1963 on the restoration of legislative assembly

Police, Political System and Accountability

The classical view that police is only a part of the regulatory administration and has nothing to do with the administration of change or development is no longer valid, in fact, the regulatory administration is closely linked to the development in the society. Professor Bayley holds the "Police can exert a formative influence in political life". In the opinion of P.R. Dubashi, "Development of any kind is impossible without the maintenance of law and

order". Conversely, if police is kept away from the process of development, additional tensions, in society will be generated which will have to be handled by police ultimately.\footnote{132 M.K. Shukla, "Police as a catalyst to Social change", Sardar Vallabh Bhai Patel National Police Academy Journal, Vol. No. 53, No. 1, January-June 2001, p. 8.}

Political parties are an integral and necessary past of the political system. They have a constitutional right for legitimate political activities with out hindrance from any political group or even the state. Police ensures this right by making arrangements for the orderly conduct of their rallies, demonstration and public meetings.\footnote{133 Ibid. P.10.} Oxford English Dictionary defines 'accountability' as "liable to be called to account, responsible" (to and far). In simpler terms, accountability means that a functionary is liable to be called upon to sender an account of his/her acts of commission and/or omission.\footnote{134 P.C. Sabarwal, "Difficulties in Determining Police Accountability". The Indian Police Journal, Vol. XLVIII, No. 2, April-June 2001, p. 16.} The working of the Police is governed by the police Act (Act of 1861) and lays down that superintendence of the police through out a general police district [which generally is co-terminus with a state] shall vest in and shall be exercised by the state government to which such a general police district is subordinate. Actually the preamble of the Act it self lays down that the police is an instrument for the prevention and detection of crime.\footnote{135 G.C. Singhvi, "To whom should police be responsible", I.J.P.A. Vol. XXIV, No. 1, 1978, pp. 113-122.}

An instrument, in whose hands, obliviously in the hands of the state government in whom the superintendence of the police in the state vests. The Chief Minister and Home Minister (incharge of Police Portfolio) of a state government are, therefore, the superintendents of the state Police. And it is within the limits of this power of superintendence that the administration of the police in a state is vested in the inspector general of police (now DGP) and in the Deputy Inspector General (DIGs) and the Assistant Inspectors General (AIGs) as the state government may deem fit. Similarly, the administration of the police in a district will, under the general control and direction of the District Magistrate be vested in a District Superintendent (SP), and such Assistant District Superintendent (ASPs) as the state government may...
consider necessary. The chief district police officer is the S.P., in who vests
the administration of the police in the district, and he, in turn, is under the
general control and direction of the district magistrate. The hierarchy to which
the SP is accountable extends upwards through a range DIG to the state IG
(now DGP). The IG (now DGP) reports to the home secretary and he in turn,
to the home minister. "The collector (district magistrate) belongs to the Indian
Administrative Service and so too does the Home Secretary. Further the
police establishment is accountable at two different levels to a civilian
administrative official of the I.A.S. cadre. The executive comprising the
Chief Minister and the Home Minister, who are the political bosses, and the
state home secretary and the district magistrate, the bureaucratic bosses, are
accordingly the dejure and defacto controllers of the police. The police, as
such is undeniably responsible to the executive.

National Police Commission (1981) poses a pertinent question as to
whom the police are accountable. The answer may see easy but not easily
comprehensible as it says in a democratic society, each department of the
government including the police is ultimately accountable for its performance
to the people. However, direct accountability to the people in a society like
ours may prove difficult. It has, therefore, been constitutionally laid that the
public service is accountable to the elected representatives of the people at
eth forums of parliament and state legislatures through the ministers/ministers
concerned. In addition the commission identifies two other entities to which
police are accountable, namely, the law of the land and the department.
Police activities come under very close scrutiny of the judiciary and the
accountability to the law is answered by judicial review at several stages.
Similarly, department is ensured under the various regulations and
departmental procedures apart from the inspections and periodical review of
administration. To sum-up, the commission feels that police have three fold
accountability i.e. to the people, to the law and the organisation.

136. David Bay ley; "The Police and Political Development in India",
Administrative System in Himachal Pradesh: A brief set-up

Independence brought about a dramatic change in the hill states. In the parliamentary democracy of our's, Council of Ministers and top bureaucrats are the real policy makers and the lower staff in hierarchy is supposed to be advisory and to execute the decisions taken by the higher ups. But the concept of administration was not in existence before the formation of Himachal Pradesh. The Former Princely states had different systems of administration and different sets of laws. Almost in all these states, administration was run on the whims of the rulers or their wazirs. Their word was considered the law and the whole administration used to be in the hands of one or two persons only. Himachal Pradesh was incepted as a separate administrative unit by merging Punjab hill states, excluding Nalagarh area and the other states viz. Sirmour, Chamba, Suket and Mandi. If was then administratively divided into four districts. These districts were Chamba, Mandi, Mahasu and Sirmour. The administrative head of Pradesh was Chief Commissioner assisted by Finance Secretary, Assistant Secretary (General) Assistant Secretary (Home and Revenue) and one Registrar at the Secretarial level.

As a chief commissioner’s province, Himachal's Administrative set was not democratic though the chief commissioner had an advisory body. There was resentment against the Bureaucratic rule. A constitutional battle was waged inside and outside the constitutional assembly for democratization of administration in the centrally administered area. As a result of this, Himachal along with some of the other centrally administered area become a part ‘C’ state under a lieutenant general, after the adoption of constitution in the country and Pradesh got an elected assembly. Then a popular ministry was sworn on March 24, 1952.

On July 1, 1954, Bilaspur was added as the fifth district of Himachal Pradesh, after the merger of the erstwhile part ‘C’ state of Bilaspur. Further the sixth one on May 1, 1960 was carved out of the district Mahasu.

141. Souvenir of All India Congress Committee Session, Shimla1971.
entire Chini tehsil and 14 villages from Rampur tehsil ceded from Mahasu to
district to formed the new Kinnaur district. After there was a continuous
demand of re-organisation of Punjab state on linguistic basis. With the
introduction of the Punjab re-organisation Act, 1966, hilly areas of Punjab
Shimla, Kullu, Kangra and Lahaul Spiti district, Nalagarh tehsil of Ambala
districts, parts of Una tehsil, Hoshiarpur district and Dalhousie and Bakloha
areas of Gurdaspur district were merged of new areas of H. P. The total
number of districts rose from 6 to 10. These districts were Bilaspur, Chamba,
Kangra, Kinnaur, Kullu, Lahaul & Spiti, Solan, Mahasu, Mandi, Shimla and
Sirmour. On March 5, 1970 Act No. 53 called the state of Himachal Act was
adopted, Part II (3) of the Act provides that one and from the appointed day,
there shall be established a new state, to be known as the state of Himachal
Pradesh comprising the territories which immediately before that day were
comprised in existing union territory of H. P. and accordingly, H.P attained
statehood on January 25, 1971. Re-organization of the district took place on
September 1, 1972. The Kangra district which was quite big in area and
population was divided and in consequences where of two more district,
namely Una and Hamirpur were created for effective administration. Now at
present the total number of districts in H. P. is twelve. Thus the administrative
units of Himachal are follows (i) Sirmour (ii) Solan (iii) Shimla (iv) Kinnaur
(v) Bilaspur (vi) Mandi (vii) Kullu (viii) Lahaul & Spiti (ix) Hamirpur (x) Una (xi)
Kangra (xii) Chamba.

For effective working of police administration these twelve districts are
divided in to three police ranges viz., Northern rang (Kangra), central ranges
(Mandi) and Southern range (Shimla). The Northern range comprises of three
district namely Kangra, Una and Chamba districts Central range is based on
five district namely Mandi, Kullu, Lahaul & Spiti, Bilaspur and Hamirpur. The

143. Ibid. p. 58
144. Ibid., p. 59.
145. Ibid., p. 63.
146 Brief facts of H.P., p. 20,
147 S. S. Negi, "Discovering the Himalaya", Indus Publishing Company,
Southern range comprises of four districts namely Shimla, Solan, Kinnaur and Sirmour district in the state of Himachal Pradesh.

**Maintaining Law and Order: The Role of Police Administration**

The police have to act as custodians of democratic institutions, maintaining law and order and at the same time allow democratic expression of opinion, peaceful demonstrations, meetings and processing, provided, they do not cause violence or resort to illegal acts. In a democratic society, like India, the police have to be the guardians of law and order for the people as a whole. There are several instances to prove that once law and order completely breaks down, no amount of political maneuvering can save a state from chaos, due to rapid growth of population, rising frustration among the people, adult franchise, rise in literacy level and growing economic development and political consciousness, law and order problems are becoming more complex day by day, according to which the role of 'The police' is increasing accordingly and becoming very important to handle the situation in present scenario.

Webster dictionary defines law and order as a system of functioning according to some definite law or rules, or to manage by rule or regulation. Order is mode of procedure and institutions in proper sequence, which every society has to observe. Law and order are inseparable. There can be no law to prevail unless there is order and no order can prevail, which is not that of law-abiding nature. Agencies of law cannot function without a state of order. Nationals Police Commission 1979 in its second report has viewed that law enforcement cannot, however, be regarded as an objective by itself. It may be viewed as a fundamental duty and responsibility with the ultimate object preserving peace and order, protecting the life and property of the people and what is more, protecting the constitutional rights conferred on them. The agencies which are concerned with the maintenance of law and order are various but the police by large have functioned as the principle law enforcement agency of the state. 148

Policing in Modern State

Indian Society has been moving towards the direction of fragmentation and there is an internecine warfare among the various functionaries because of casteism, communalism, regionalism and criminalisation of the society. Major social, economic, technological and geo-political forces are sweeping this country. These include, it revolutions, a hostile Pakistan, rise of fundamentalism, population explosion and growth of the middle class. The people also demand greater transparency and accountability in the administration.149

Ethnic conflicts and regional and seseessionalist insurgencies linger on-in several states, particularly the North-East, while Jammu and Kashmir is facing a situation of proxy war and large scale-border terrorism and Punjab is confronted with fresh attempts by externally backed extremists to revive terrorism, which has been taken a beating from the police and people earlier. The problem of communalism has persisted. Fringe elements in the major communities have been planning to step-up their activities. Some of these elements some times receive encouragement and help external agencies.150 Casteism continues to remain a potent factor in our society and polity. Casteism as such is acquiring some forms, which are having a negative and divisive fall out. There is also a more serious concern the high degree of corruption in the ranks of politicians, bureaucracy and police.151

Organized crime is also in major proportion and inter-state or even international dimensions. Mafiadons and members of their gangs as also international fundamentalist and narco-terrorists now have sophisticated arms and equipment like last communication system and cellular and satellite phones. The 21st century may well see some of them even getting access to nuclear and chemical warfare materials. With the fast growing computer technology, the internet has reached homes and work places across international boarders, facilitating inter-national operations of criminals. This has fostered cyber crime, including bank frauds, cyber gambling,

151. Ibid., p. 42.
pornography, cyber stalking, corruption of digital data through virus, disruption of the computer security forces, hostile infiltration into computerized information data banks of security forces and theft of intellectual property.\(^{152}\)

This is resulting in a new and more complex forms of economic offences and white-collar crime, give rise to increasing problems of cyber crime and cyber terrorism. This threat requires immediate attention and adequate advance preparedness. The system of policing introduced by the British was not conceived as an instrument of service to the people in general and was not focused on ensuring a fair and just Rule of law. It was conceived more as a force to serve the interests and ends of an alien rule. Its thrust was to keep the law and order situation under control and the people in awe, if not fear, of authority. After independence our leaders started implementing an enlightened vision of nation building on the foundation of democracy, pluralism and secularism. Their emphasis was on development and social justice and uplifting the weaker sections of the people who had been exploited and discriminates against for centuries. It would appear that this kind of nation building exercise also called for a comprehensive review and reorganization of the whole structure of criminal administration and police, with a view to serving the needs and expectations of the common people in a fast changing socio-economic scenario.\(^{153}\)

In the state of Himachal Pradesh the major problems are cross board terrorism from J.& K side, Muslim terrorist are in filtering in Chamba district board in many times and has created problems of law and order. Some times migrant labourers from other state like, U.P., Bihar, Rajasthan, Kashmir and Nepal are creating problems of law and order also in the state in day-to-day working of police today. Tourism also play a critical role in creating disturbance in the public life in the state now a days.

Nothing seems more important than thinking and planning about the police administration for the 21st century. There is an in-built time lag between the challenge of 21st century and the needed infrastructure of the innate conservation police system. A large number of police personnel live in low

standard of life, without proper accommodation, without adequate training and even minimum infrastructure today. Being a non-development department its available resources are always most inadequate and unsatisfactory police management information system, police station records, investigation of cases, traffic management and challenges of crime and internal security all need and demand vast resources and political will to make police administration really equipped motivated to face the challenges of 21st century.

Philosophy for Police

The citizen expects police officer to have the Wisdom of Solomon, the courage of David, the strength of Samson. The patience of Job, the leadership of Moses, the tenderness of Alexander, the faith of David, the diplomacy of Lincoln, the tolerance of the carpenter of Nazareth, finally, an intimated knowledge of every branch of the natural, biological and social sciences. (Journal of criminal law, criminology and police science).

In the Bhagwadgita the good qualities ascribed to a gentleman can very well be fixed for a policeman. Fearlessness parity of mind, wise apportionment of knowledge and concentration, charity, self-control, and sacrifice study of the scriptures, austerity and uprightness. “Non-violence, truth, freedom from anger, renunciation, tranquility, aversion to fault finding, compassion to loving brings, freedom from covetousness, gentleness, modesty and steadiness (absence of fickleness).” “Vigour, forgiveness, fortitude, purity, freedom, from malice and excessive pride-these. Pandava (Arjuna), are the endowments of him who is born in the divine nature”. (Bhagwadgita-ch.XVI-1,2,3.) This philosophy of Gita was expounded by Mahatma Gandhi in these words. “He must warn all the officers and their men in the police force, that in their work they are neither Muslims, nor Hindus, nor Sikhs, they were Indians bound by oath to give full protection to the afflicted, without regard to their religion. There by they did not cease to be Muslims, Hindus or Sikhs but become better.154

Police Administration in Himachal Pradesh

The police organization in Indian state is primarily governed by the police act of 1861, which was based on the recommendations of the police commission of 1860. Section 4 of the statute lays down the principles, on which organization of the state force rests till today. Police is a state subject along with public orders, administration of justice, prisons, reformations and borstal institutions. The constitution of India clearly amplifies that the legislature of any state had exclusive power to make laws for such state. The Union Government is also indirectly involved in the police administration of the country. The administration of arms, firearms, ammunition explosives, etc. are included in the union list.

A number of agencies of the Union Government such as central Reserve Police, Border Security Force, Central Bureau of Investigation, Central Intelligence Bureau, Assam Rifles, National Police Academy and other institutions assist the state in police administration. The organization may be defined as human group deliberately and consciously created for the attainment of certain goals with rational co-ordination of closely relevant activities. The state level organization of the police administration in India function under unified command of the Director General and Inspector General (known as Director General of Police), who through his IGs, DIGs supervise the work of his SPs and their juniors below the line. The police headquarters of the state have staff units like CID; anti corruption department, Railway Police, Reserved Armed Police and Home guards, which have their district units within or outside the regular police organization. The DGP and his aids procure information from the line units and through the specialized agencies of the police. The office of the DGP studies the information and keeps the Home Department appraised with its evaluations and the Home Commissioner in turn conveys to the DGP the current thinking of the Government.

The office of the DGP again works out administrative details of the policies in terms of the blue print of clear-cut operations and follow-up actions. The policy decisions of the state level organization are shared by the DGP with his colleagues in the head office and subordinates down below the line. The line officials concretize these actions at each level.

Further the state level police organization at the head quarters has to perform the following roles to the state government and the people.  

I Collecting relevant information for feeding into policy decisions.
II Advise the political masters in the areas of critical decision-making.
III Supervise, coordinate, direct and control the line officials and keep a check on the implementation of details through procedures tracks;
IV Keep a network of staff-cum-line agencies functioning as a clearing-house and conduct the administration of special police services through these specialized agencies;
V Arrange for the training of state police personnel especially the Dy. S.Ps and SIs who from the linch pin of the entire edifice of police organization at the state levels;
VI Assist the union government in discharging its constitutional responsibilities in the maintenance of peace and tranquility in the entire country or any part there of during peacetime as well as during emergency.

Further, the police department is placed under the charge of Home Ministry, which usually happens to be headed by the chief minister. He is assisted by the Home Secretary a member of Indian Administrative Services, in policy matters. He initiates processes of organizational reforms and works for the development of police department.

Himachal Pradesh came into existence on 15th April 1948 as a centrally administered Chief Commissioner's provinces. The administration of the state including law and order was controlled by the central government. The first formal and regular appointment for the state to look after the state police administration was effected from 1st December 1949. The officer than was designated as Inspector General Police (IGP) from Indian Police. The

hierarchy of police administration in Himachal Pradesh at present is as being following in other states. In 1987, the highest post in police administration in H. P. was redesigned as Director General of Police (DGP) from Inspector General Police (IGP) to accommodate more officers of senior ranks in the hierarchy. For administrative convenience, the whole Pradesh has been divided into twelve districts further, for effective police control these twelve districts have been grouped into three zones, viz. Southern Range, Central Range and Northern Range. Department of Railways and Traffic and Armed police and Training also come under the control of the Director General and Inspector General of Police.

Selection of the Problem

In a democratic state the welfare and development of society lies and depends on the conditions of peace and tranquility provided by law and order maintaining agency. The police are the only agency, which provide, law and order in the state, which is the foremost task of the agency. This is the responsibility of the state government to provide security to the people at large in the state. That is why, the necessity of well-maintained force at the state level and the police act as custodian of each man in the society and provide security to them.

As living in the modern world the shape of crimes are changing and increasing in numbers. Due to rapid growth of population, rising frustration among people due to unemployment, growing competition in private sector increasing white collar crimes i.e. enforcement crimes political violence, violent agrarian and industrial unrest, politicization of student unions, insurgent movements, caste conflicts, extremism competitive trade unionism, crimes against women, juvenile, crimes, politician-criminal nexus, political interference in police, corruption in police, cyber-crimes and cross borderer terrorism have added new kinds of challenges to the working of police in the states in present scenario.

To study the working of the police administration in a state ‘the district is the main area where police administration works properly to maintain law

and orders. Further to study the policing in the state, the three police ranges has selected to study the working policy of the police administration in the state and hence to find out its challenges and suggest effective remedies. The present study has based on empirical methods and aims at studying the strategies and structural arrangement to meet the challenges for policing in 21st century to the police administration in the state.

**Universe of the Study**

The present study deals with the role and working of the police administration in twelve districts or three ranges of police administration, in Himachal Pradesh with a view to examine its adequacy of performing basic functions and strategies of policing in all the districts of state. The researcher has analyzed the organizational structure and functioning of the police administration in all the districts of the state to know the procedures and process of working the police administration adopted for the maintaining law and orders in the State. Serious considerations are taken on various socio-economic and political factors that have made policing in the state a very tough and challenging task.

**Objectives of the Study**

The main objectives of the study are to analyze the emerging challenges of law and orders administration in the state in 21st century and hence to suggest effective measures to problems of police administration in the state of Himachal Pradesh. The main objectives of the present study are as follows:

1. To study the organizational set up of the police administration at headquarters and field officers.
2. To study the role and policies of the police for the development of the society.
3. To study the working and functioning of the Police in present scenario.
4. To study the working environment of police personnel.
5. To study the people’s perception about the police.
6. To study the emerging challenges before the police in 21st century.
7. To suggest effective measures for better ways for policing.
Hypothesis
The main hypotheses of the study are based on the following aspects that:

1. The lack of rational policy of the police administration has affected its functioning in the state.
2. The role of the police regarding the development of the society is ineffective due to the failure of adopted structure and procedures.
3. The social, political and economic factors have effected the functioning of the police administration in the state.

Importance of the Study
In the present scenario of 21st century, the job of policing, becoming very serious, because of increasing crime rate in the society, because of rapidly changing socio-political and economic environment in the nation. As we are in the information age now, the role perception and shape of crimes are also changing and coming out in different forms. As the result of E-commerce the economic activities and commercial activities are also changed and done through the Internet. This all has resulted into a new kind of cyber crimes, which is a serious threat to the police administration force now a day.

In the same sense, with industrial and technological advancement in the society, the traffic problems becoming very serious in cities as well as in rural areas, now a days. The cross-boarder terrorism is very serious problem to the police administration not only in the states but also at the national and international levels also a great challenge in 21st century. The Muslim intrusion in Chamba district is becoming a serous problem in Himachal Pradesh. The Mujahidin, Muslim intruders in J & K, Punjab, West Bengal and Assam, etc. are serious challenges for the policing in India at national level. In this way the present study will analyse and critically examine the problem of policing in a state can go long way in understanding the dynamics of policing in new-millennium and help in understanding various forces affecting the performance of police at 'District' as well as state level and identify emerging challenges and suggests effective measures.

Further, the present study has an important addition in the role perception of policing in 21st century in the state, a scarcely available literature on the police administration force in the state. Further, the study will guide
Review of Literature

Brief reviews of some studies are as follows:

The Report of National Police Commission of 1861\(^{160}\) mostly based on the events of 1857 is an excellent work. The police department has been benefited by the administrative guidelines of this commission for long time.

The Indian Police Commission of 1902-03\(^{161}\) is another milestone on law and order administration, which is an improved version of 1861 report. The poor police image and the law and order maintenance involved inquiry into the police funding. The commission has made many useful suggestions and recommendations for improving the functioning of the police.

J. C. Curry (1932)\(^{162}\) in his study on Indian police has studied that the outstanding problems of police administration are rioting, decoity and to combat the terrorist organization. According to him, unless some change is made in the law will enable the police to bring criminals to justice more successfully the problem of "repressing lawlessness and crime will baffle the police and assume more and more dangerous dimensions.

West Bengal Police Commission (1960)\(^{163}\) under the chairmanship of Sh. K.C. Sen, while enquiring into various aspects of police administration in the state has suggested strict compliance of police regulations while exercising the powers and duties, yardsticks to determine the strength of the police, strengthening the organization, improvements in investigation of cases, effective and well suited personnel administration, eradication of corruption in the police and measures to improve police public relations.

Bihar Police Commission (1961)\(^{164}\) which was appointed under the chairmanship of Sh. B.P. Jamur, a retired High Court Judge to enquire into the various aspects of Police Administration, studied the entire problem in

\(^{160}\) National Police Commission, 1861, Government of India, New Delhi.

\(^{161}\) National Police Commission, 1902-03, Government of India, New Delhi.

\(^{162}\) J.C. Curry, "The Indian Police", Faber and Faver Ltd., London, 1932.

\(^{163}\) "Digest of Reports", Indian Journal of Public Administration, New Delhi, Indian Institution of Administration, 11, pp. 131-140.

\(^{164}\) Ibid. pp. 229-246.
depth and has recommended various changes in the working of the organization, better pay scales to the police personnel, provision for adequate promotional avenues, measures for eradication of corruption in the police and stressed need to have cordial police public relations.

M.K. Singh (1961)\textsuperscript{165} in his article on the future of Indian Police has stressed that in any scheme of reforms in the future, success cannot be achieved unless a great deal of attention is paid to make the Constable a bigger man. He has suggested that the Constable has to be better paid, better educated.

Delhi Police Commission (1966)\textsuperscript{166} constituted under the chairmanship of Justice G.D. Khosla has studied the various aspects of Police Administration like conditions of service, housing and welfare, structural changes, work and efficiency, personnel administration and public relations in detail and given various suggestions on these aspects of police administration.

David H. Bayley (1969)\textsuperscript{167} in his study \textit{Police and Political Development in India}, had selected two states in India one in the north and the other in south and four universities. One in the north and three in the south. He identified defective detection system, hostile police public ties and found that students are dissatisfied with the behaviour of police. They are suspicious and doubt police honesty impartially and freedom from political control. There is corruption in police department and political interference in the public affairs, which has weakened the morale of the police. He has suggested to increasing the number of police stations better pay and good working conditions, for the police personnel and police officials should not involve themselves in politics.

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Hardwari Rai (1967)\textsuperscript{168} in "Dual control of law and order administration in Indian". The study in magistracy and police relationship in India Journal of Public Administration (1967) has stressed the supremacy of both the superintendent of police and the district magistrate at the district level. The pattern of education ship between the district magistrate the superintendent of police is based on the based on the system of dual supervision, which, in turn, rests on a dichotomy between the generalist and the specialist, assuming a double channel of supervision from bottom up. Under the arrangement, certain officers are administratively responsible to one superior responsible to another.

Committee on Police Training (1971)\textsuperscript{169} appointed under the chairmanship of Prof. M. S. Gore made an in-depth study on the objectives of police training and basic arrangement for the training of police officers under the centre and in the states. After making detailed study, the committee highlighted shortcomings in the training and suggested various measures to bring improvement for making training more effective and relevant t the changing needs.

Venugopal Rao (1972)\textsuperscript{170} in his article, "The present status and organizational future of the police in India", has an in-depth study and systematically discussed the growing population, increase in unemployment, rising crime, corruption and urbanization vis-à-vis the planning of police administration.

The Indian Journal of Criminology (1973)\textsuperscript{171} had comprehensive compilation of "Thoughts on police reforms. It covers various chapters on police administration, which included personnel administration, financial administration, role of centre on police functions, and public relations. The

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  \item[170.] Venugopal Rao, "The Present Status and Organizational Future of the Police in India", Article G. Ram Reddy and K. Simhardi, ed., Developing Society and Police, Osmania University, Hyderabad, 1972, p. 27.
  \item[171.] "Thoughts on Police Reforms", Indian of Criminology, July 1973.
\end{itemize}
need for radial changes in the entire police system with the changing socio-economic structure has been stressed.

**National Police Commission (1977)**\(^{172}\) was appointed under the chairmanship of Sh. Dharma Vira, Retired Governor. It is the only commission appointed at the national level after independence. The commission has made an in-depth study with regard to the police administration and submitted its report in eight volumes till 1981. It has given valuable suggestions for the improvement of police administration in all aspects including the constabulary, pay structures, housing, machinery for redressal of grievances welfare measures for police families, personnel administration, maintenance of crime records and statistics, corruption in police, modernization of law enforcement, scriptory work in police, code of behaviour for police officers, police-public relations, etc.

**P.D. Sharma (1972)**\(^{173}\) in his study on police image in India has stated that there has been a large area of disagreement between the police officials and the people in general and their perspective differ widely. Modernization of police force is to be effected in pursuance of a well-conceived policy of reform and innovative planning. To the common people, the factors that spoil the image of the police emanate from ill paid, low status and poor educational caliber of the junior functionaries among personnel of the Indian Police. Yet they are quite conservative and have strong professional biases to keep their structure closed and insulated from rocking winds of democratic change from the people who seem to press rather impatiently with none too realistic sense of practicability in their reform proposals. The author has stressed absolute and immediate need for empirical research on police problems.

**Mohit Bhattacharya (1978)**\(^{174}\) in his article "A City Police Management" has studied on the organization and system of policing of medium size cities. The relationship between district magistrate and superintendent of policy and the distinguishing features of the system,

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namely, the district system and the commisionerate system has been discussed.

Sriram Maheswari (1978)\textsuperscript{175} in his study pointed out the police grievances like lesser pay scales, long duty hours, and lack of housing, insecurity of life and inadequate promotion opportunities. The present machinery for redressal of grievance is inadequate and the personnel have started forming police associations and resorted to agitations leading to indiscipline. He studied the norms of foreseen revolt and suggests to constantly inquire into police hardships and take remedial measures.

S. K. Ghosh (1981)\textsuperscript{176} has observed in his study on, "Police in Ferment," the police functions while the acts of in misdemeanor and dereliction of duty in the police will have to dealt with firmly, their working and service conditions needs to be improved. While manpower and modern equipment's the unwarranted political interference and politicization of the rank and file need to be checked. It has been further observed that the police leadership is facing strain of political and social changes which has affected the character, efficiency and morale of the police force.

Amarjit Mahajan (1982)\textsuperscript{177} in his study on police women in three states and a union territory of north India has found that the women's role in policing remains ambiguous due to organizational apathy opposition from the male incumbents, societal negative reactions, lack of committed policemen and lack of opportunities for women to occupy position of authority in the police organisation. The absence of congenial setting for role performance has resulted in stresses and strains for the incumbents of the policewomen force. The women's new role in police remains unattractive to the women population as it has yet to gain recognition and acceptance from the policemen and society at large.

\textsuperscript{177} Amarjit Mahajan, "Indian Police Women", Deep Publications, New Delhi, 1882.
Trilok Nath (1993)\textsuperscript{178} in his study on, “The Police Problem”, besides other things had observed that the present type of training is entirely useless for the policemen. With regard to the philosophy of training the idea should be to inject a new soul in the working force. The author is of the view that there is corruption in the police force and has suggested for the decentralization of powers in the organization to stop favoritism and nepotism.

K.K. Sharma (1985)\textsuperscript{179} in his work on the law and order administration in the state of Punjab, lashed at the out dated concepts and traditional police rule, effective recruitment, unproductive role performance, lack of integrity and status and absence of career development process.

Nani A. Palkhivala (1986)\textsuperscript{180} observed the present law and order disputes in India. The Indian society has three bad characteristics viz. divisiveness, indiscipline and non-cooperation. Hence, he recommends to make the police an autonomous body as that of judiciary and Auditor General.

K.M. Mathur (1987)\textsuperscript{181} in his work on Administration of Police Training in India has stressed the need of expert coaching and training staff, the training period is inadequate, hence more training centers with expertise is recommended both for centre and state governments.

Giriraj Shah (1989)\textsuperscript{182} in his book on, Indian Police- A Retrospect, has given a new way of improving police. His study dealt with police in ancient India, medieval India and rural and urban crime. Finally, he has drawn certain strategies for the police force for the 21\textsuperscript{st} century.

Giriraj Shah (1990)\textsuperscript{183} in his book on State Policing in India has given a very good portrait, picture of district police administration. He has also dealt with centre state police relations, state police organization and nucleus of police station.

\textsuperscript{182} Giriraj Shah, “Indian Police Retrospect”, 1989.  
\textsuperscript{183} Giriraj Shah, “State Policing in India”, 1990.
G.C. Sanghvi (1991) in his book on *Dual Control of law and order in India* pointed out the need to re-orient the district administration to suit the needs of the present day society, for an objective and execution of dual control of district administration.

P. D. Malaviya (1994) in his article on "Police, Politics and Citizens' Rights", has clearly brought out dimensions of politicians, Police-Citizen Interference and proven indulgencies of police in mal-practices etc. He has emphasized urgency of (i) to need to evolve a new healthy relationship between the three sections of society and (ii) a vigorous implementation of police reforms. The author has further advocated that keeping in mind the nature of policemen's job, a delicate balance must be struck between operational and administrative independence granted to the police, the restraints put on them the manner of accountability.

K. M. Mathur (1997) in his article on "Police Professionalism–Emerging New Challenges in Changing Scenario" has discussed and identified various changing challenges of police professionalism. He has analyzed various organizational deviances, which have developed in police profession and police autonomy and judicial activism. According to author the doctrine of sovereign immunity is not applicable in Indian Republic. Various long term and shot-term measures in the form of action plan have been suggested to build up professionalism in the police.

Rupak Kumar Dutta (1999) in his article on "Police Reforms to meet challenges in the 21st century", has identified the challenges the police in 21st century is likely to face due to changing socio-economic scenario in the country growth in population, disproportionate economic progress and saturation in agricultural and other sector and decadence of moral values, etc., which in turn contribute in the growth of criminality in a geometrical progression. Some solutions have been offered to check the ever-increasing

186. 29th All India Police Science Congress, Lucknow, 1997, pp. 3-11.
187. 31st All India Police Science Congress, Jammu, (J &K) 1999.
trend of criminality in the county as well as tackling new types of criminality including cyber crimes in the next millennium.

Rajesh Kumar (1999)\textsuperscript{188} in his study \textit{State Police Personnel in Himachal Pradesh–An Ecological Perspective}, has observed the implication of new socio-cultural political, economic, technological environment on the working and behaviour of the police administration in the state. This is the study of ecology of the police administration and perhaps the first study on this topic in the state. He has studied the relationship between the police and politics the impact of state economic system on the police, the impact of technology on the moral of police and development of applying the ecological approach to the study of police organization, which has led to an array of conclusion and suggestions.

Reeta Sen (1999)\textsuperscript{189} in her study on \textit{Performance of Police Administration at District Level –A Case Study of Shimla District}, has studied the working of police administration at district level in the Himachal Pradesh. He has made an attempt to evaluate and analyze the problem of the police functioning at district level. In Shimla district, the study has divided into seven chapters in which he evaluated and analyzed the organizational structure at district levels and state level, their recruitment and selection, promotion, policies, training and motivation of police personals, policing and crime controls public perception about the function of police administration at district level and finally he has given the suggestions to improve the police administration in the district levels.

Amod Kanth (2000)\textsuperscript{190} in his article on “Community Policing” has observed the concept of “Community Policing” recognizes crime control and law and order management as truly participative function with total involvement of the community. This concept has gained popularity since two decades. The efficiency of the traditional police is judged from the response

\textsuperscript{189} Reeta Sen, “Performance of Police Administration at District Level: A Case Study of Shimla District”, A Ph.D. Thesis in the Department of Public Administration, H.P. University, Shimla, 1999.
to crime situations and reduction in crime whereas in the community oriented approach police effectiveness has to be gauged from the extent of public cooperation and public satisfaction. The author has critically examined the concept of community policing along with experiments going on in foreign countries as well as in the Indian states.

Gopal Krishan Sanghaik (2000)^191 in his study Relationship Between Police and Magistracy in Himachal Pradesh has studied about the legal structure of the state government to tackle the crime in the state and role of police and magistracy in solving the criminal and civil suits in the state. He has studied the relationship between the police and magistracy in the district levels and how district collector (District Magistrate) has command and control over district police administration. He has studied the public perception on the relationship between both and given the suggestion to improve their effective functioning in the state.

S. P. Srivastava (2000)^192 in his article on “Perspectives on Police Professionalism”, has raised some critical issues about the need and significance police professionalism expresses doubts and misgivings on policing being a profession, discusses the strong bearing of police reforms on professionalising the force, and highlights strategies and approaches that may enable the force to function like a professional service.

K.M. Mathur (2000)^193 in his article, “Policing in the 21st Century Challenges and Agenda for Reforms”, has pointed out the malfunction or ills of Indian police. Violation of human rights by the police, the criminal-politician and police nexus, lack of professionalism and undemocratic style of functioning are well known ills of Indian Police. Today with this, imperviousness, wooden headedness, obstructive ness, brutality, corruption


and arrogant attitude of the police have been questioned time and again. In the 21st century all efforts need to be drastic changes in the role and responsibilities of the people.

Y. S. Jafa (2001)194 in his article, "Challenges for Policy in the 21st Century," has pinpointed the ills and weaknesses of the Indian Police. The role of police is more than maintaining law and order. The emerging social, economic and cultural milieu has thrown up challenges of newer king before the police administration of the country. It encompasses now a greater responsibility of coping with the awareness and fostering the new social order in more responsible and humane way. He outlines the factors, which affected the image and effectiveness of armed forces and suggests various measures to overcome it.

James Vada Ckumchery (2001)195 in his book, Police Enforcement Crimes and Injustices, has pointed out a new concept of enforcement crimes, which means the crime committed by enforcement officer during the course of law enforcement or on the pretext of law enforcement. Indian police have entered the third millennium and the challenges for them are many. They have to work in a legal framework which recognizes victim justice, gender justice, human rights, justice social justice, enforcement justice, just justice, total justice etc. under an equal justice system, which stands for distributive justice to criminals to the victims, to the victims of power and authority, to the society and to the justice system itself. The author gives a special identity to enforcement crimes pleads for compensation to victims of misuse/abuse of power and authority. It throws lights on various types of enforcement crimes that take place in police service. Police offers are called upon under grave obligation of their conscience not to cooperate willfully in practices which, even if encouraged or appreciated, are enforcement crime prone in their work. These thoughts guide the police functionaries in the years to come.

Joginder Singh (2002)\textsuperscript{196} in his study on "Inside Indian Police" has studied the problems of police working in the country. Police get flake, wherever any thing goes wrong in the country. They make one of the most misunderstand organization under the government. When a crime occurs the citizens not only want prompt assets, but prompt punishment too. In the perception of the common man, the distinction between the prosecution and the judicial wing gets blurred or obliterated or forgotten. It is true that maladies in the police are a part of sickness, which manifests itself every day. But police are patients and somebody else has to act as a physician to rectify the lapse. He identified the problems of police and suggests how and what should be done to correct the wrongs.

Om Prakash Verma (2002)\textsuperscript{197} in his study, "Human Resource Development in Police Services-A Study of Himachal Pradesh Police," has revealed the inherent defects in the human resource development scheme and its impact on the organizational performance of the police administration in the state. He has observed that there is a dire need for human resource development programme in police service to improve the standard of he policemen. He has stressed on manpower planning, effective motivation better recruitment standards and high level of training to improve the quality of policemen in the police administration in the state.

Methodology

In present study an attempt has been made to study the role and working of police for the welfare and development of society in the state. For this purpose, the data was collected with the help of questionnaires administered to the respondents, selected through random sampling method. Data required for this study was collected both from primary and secondary sources. Secondary sources include books, journals, bulletins and documents, reports of police department of Himachal Pradesh. For the

\textsuperscript{196} Joginder Singh, "Inside Indian Police", Gyan Publishing House, Asari Road, New Delhi, 2002.

purpose of primary data, questionnaires were circulated among 240 respondents\textsuperscript{198} of Gazetted and Non-Gazetted officers of the state police department. The questionnaires were also circulated among 300 respondents\textsuperscript{199} of general public from different areas of life in the three police ranges viz., Kangra, Mandi and Shimla of Himachal Pradesh, to know their viewpoint regarding police services towards the society in the state.

**Chapterisation**

1. **Introduction**
2. **Organisation and Working of Police Administration in Himachal Pradesh.**
3. **Role of Police in the Welfare of Society.**
4. **Crime and Role of Police in the State of Himachal Pradesh.**
5. **Socio, Economic and Political Impact on Policing.**
6. **Evaluation of Working of Police Administration.**
7. **Conclusions, Suggestions and Policy Implications.**

\textsuperscript{198} Annexure- A, B.
\textsuperscript{199} Annexure-C.