“LAW & ORDER ADMINISTRATION:
THE PROBLEM OF POLICE
ACCOUNTABILITY”

A
SYNOPSIS
SUBMITTED TO THE
CH. CHARAN SINGH UNIVERSITY, MEERUT
FOR THE AWARD OF
DOCTOR OF PHILOSOPHY
IN
POLITICAL SCIENCE

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2006
INTRODUCTION

The world "accountable" seems to have come in the English language for the first time in the year 1583, and the context was financial. Even today, financial accountability is an important part of accountability. The concept is a comprehensive one and covers all the activities under taken by the government. Sorter Oxford English Dictionary defines 'accountable' as "Liable to called to account, responsible (to, for)".

Accountability means answerability for the proper performance of the assigned task. It means more than mere responsibility to discharge the duties involved in a job and include that the discharge of duties shall be to the satisfaction of the party for whose benefit the duties are being discharged. Therefore accountability pre-supposes two parties one under obligation to render account for the proper performance of the task assigned and the other having a right to ask for and receive such an account.

In broad terms the issue of accountability arises as part of the process of delegation. There is a need of accountability when a principal seeks to get an agent to do something for him or her. The principal gives the agent resources or delegates power for a purpose and wishes to
constrain or incentives the agent to provide value-for-money in the use of those resources or that power. The flow of resources from principle to agent therefore creates a desire in the principal for a flow of accountability in the opposite direction. In this discussion, the principal is "the one who holds to account" and the agent is the one who "accounts and is held to account".

In the word of Stewart, "The relationship of accountability, involving both the account and the holding to account, can be analyzed as a bond linking the one who accounts and is held to account, to the one who holds to account". Stewart therefore stresses that accountability consists not just of the giving and receiving of information, although this is an important part, but also the action of holding to account.

In a democratic system, the all civil servants work in government, for the welfare of people. There is a problem in a democratic system; accountability becomes acute because of the nature of the job performed and power exercised by the public officials. Today, there is a main role of public administrators in a welfare state, to implementing the policies and to make the policies. They consciously make laws and even adjusticate laws. More often than not laws are made now a days by legislatures in terms of the broad objectives to be pursued or the machinery to be set up, and the task of providing the details of making rules, regulations and bye-
laws for filling up the gaps left in the legislation, is given to the administrators in order to facilitate the process of executing the laws.

Until recently the basic measurement of administrative accountability has been efficiency meaning the greatest output from the least input. This meaning is no longer valid. Today efficiency must relate to the satisfactory accomplishment of given programmer goals as attested to by the persons affected by the said programmers. It is because of this expanded meaning that the concept of administrative accountability has acquired multiple dimensions.

The administration in a democratic state is accountable to the political executive in the first instance. India is the best example of political accountability. If accountability of any individual administrator is to be insured the practice is to criticize the political to whom he is insured the chief and no policy decision can be taken without the concurrence of the political executive. Formally speaking this is a main role of bureaucracy as a adviser to the political executive on matters connected with policy execution and policy formulation. By the training to bureaucracy, the government makes to them a specialized officer.

The dimensions of administration becomes larger if we take into account the parliamentary institution of interpretation. It is the ancient right of the members of parliament to ask the question about the state of
public administration. When the minister is asked to answer put any MP, the questions are really directed to the department concerned. Synergy administrator knows that whatever policy-decision his department takes likely to be question in parliament if the matter happens to be serious enough to draw the attention of any member of parliament. The principle function of question in parliament is not to inform ministers of public reaction to policy but to discipline administration. Administrative responsibility, therefore, indirectly means accountability to the parliament.

In a democratic political system citizens are provided with the necessary legal means to challenge the policy decisions as well as administrative decision of the government. In India and other former British colonies before their independence, administration's role was limited. Administration was responsible for taxation and law and order. Today the dimensions of administration has been changed. The role of administration has become very important in social service, provided by the government. If dispute still persists citizens can approach regular courts of law challenging the decisions of the government. In other countries like France, Germany and Sweden, there is the system of administration court to handle disputes concerning public administration and bureaucracy.
In India Supreme Court and the high court can issue a variety of writs challenging the decisions of the government. The public administrator, therefore have to advise on policy formulation and policy implementation keeping in view the probable reaction of the court if and when their policies and/or actions are challenged in a court of law.

An informal way of enforcing administrative accountability is always open to the elected representative of the people. Members of legislature for the purpose of their 'constituency service' often approach public administrator with complaints and request on behalf of their clients.

Another approach to administrative accountability would be to make administrative and policies processes more reflective of citizens desires by making the bureaucracy 'representative' of the significant groups in society. The thesis of representative bureaucracy, first developed by kingsley grew out of a recognition of the inadequacy of the traditional legal-institutional controls for insuring administrative accountability in a modern social services state. The argument runs like this : public administration are not simple neutral tools to carry out policies laid down by the legislature, but they are in fact deeply involved in formulating policies, concerned as much with ultimate results as with efficiency.
Administrative accountability can, therefore be insured only if the bureaucracy could be made representative of all important groups in society through appropriate methods of recruitment.

However the pertinent question is which group in the larger society are to be represented? Obviously only those group which are politically significant. But it is easier in a structural society than in a pluralist society to identify the politically significant groups.

While the ultimate accountability is to the people, the police have a proximate accountability the law of the land which is essence is the expression of its will. As the prime law enforcing agency, the activities of the police not only centre around the enforcement of various laws, but their free functioning is also governed by the processes of laws. The action of the police is, therefore confined to the laws of the land while enforcing the same. Every stage of their activity is given governed and judged by provisions of law. In this area of accountability to the law of the land the police activities come under very close scrutiny of the judiciary. In other words, the accountability to the law is ensured by judicial review at several stages.

We would have liked the accountability of the police to the people to be made more direct and visible by vesting the power in the people to ensure accountability directly to the people themselves. But in a
representative democracy like ours, we are aware that ensuring such a
direct accountability, though desirable, is beset with various difficulties.
We are, however, convinced that it is not impossible to introduce a near-
direct accountability of the police to the people whom they serve.

In other words, this awareness of accountability to people should
not only permeate the system but the officers individually as well as in
groups should be sensitized to the idea of the importance of
accountability to the people.

The police accountability therefore, is to the law as established by
the people in all areas of law enforcement. In the area of investigation
they are exclusively governed by the laws, both substantive and
procedural. They are not subject to the directions of any authority not
recognised by the law. In other areas of law enforcement, the police
accountability continues to be to the law as enacted. In the latter areas,
however, their functions are subject to such broad policies as may be laid-
down under the law by the recognized authorities. Even here the broad
policies as may be laid-down under the law by the recognized authorities.
Even here the broad policies can be laid down only under the law and not
beyond or against it.

Accountability also depends upon the awareness of the people of
their rights and their willingness to exercise the same in a responsible
manner by activating the mechanism worked out by us. At the same time that awareness should also include clear understanding of the limitations and constraints within which the police has to function. Police on their part should also clearly understand that the ultimate accountability is to the people and to the people alone. Their accountability to law and to their organization are only complementary to the ultimate objective of accountability to the people. If the people are not prepared to assert their rights through the various agencies prescribed by us apart from the Courts, if the State Security Commissions are not established, if the media remains biased and not constructive and inspections continue to be a farce, nothing much can be expected from the mechanism of accountability.

**REVIEW OF THE CONCERNED LITERATURE**

The important institute of police was not academically discussed debated and research by the scholars of social science until early 20th century. If any literature was available, it was only the reminiscences of police officials and other. The first sociological study about Indian police was made by David H. Baley in late half of the 20th century. Before this some analysis in historical perspective about the police system was made by gourlay in his work in contribution towards the history of police in Bengal (1912), By gouldsburry in his book “Life in the Indian police”
(1916), by Edmund Cox in his work “Police and Crime in India” (1919), and J.C. Curry in his famous study ”The India Police” (1932). Two attempts were made by British administration in the form of court's commission (1868) and Frazer commission (1902) Reports.

In post independent India almost all states constituted their respective police commission to study structural and functional set up of the police in this country, but no specific attempt was made to study the socio-culture linkages with police administration. It is only after Baley work “Police and politic in India” (1961), that scholars and administration started to explore this barren academic field of administration. In this context S.C. Mishra's study about “Police administration in India” (1917), However P.D. Sharma made some attempt in this direction in his book “Indian police in a development approach” (1975) and A.S. Gupta “Crime and Police in India” (1974), Mohit Bhattacharya and Vasu Dev Chatterji studied specifically complexities of urban policing.

However in empirical context S.K. Chaturvedi made studies of the police- people interface in rural and urban context in “Metropolitan police administration in India” (1985), and “Rural policing in India” (1987). Yet no specific attempt has so far been made to study the police accountability in India. However some studies have been conducted in
developed countries and India. Some of them may be mentioned here, James Vadackamchery has described police accountability as a answerability for the proper performance of the assigned task. It means more the mere responsibility to discharge the duties involved in a job and include that the discharge of duties shall be to the satisfaction of the party, for whose benefit the duties are being discharged.

**HYPOTHESES**

In the above theoretical perspective and based on review of literature following hypothetical queries emerge:-

1. Police Accountability is governed by a definite philosophy?
2. Whether police changes itself as per persisting power dynamics?
3. Professional success of Police in a democratic system lie in an effective Police-people interface?

**METHODLOGY**

The study is primarily an empirical one and therefore methods like observation survey and tools like schedule, interview and sample will be used to gather required data. The data so gathered will be scientifically analyzed in the conceptual frame and conclusions will be drawn. The purposive and stratified sampling methods will be used to draw the samples from the area of study i.e. Meerut. We may select appropriate samples universe of study will be drawn.
UNIVERSE OF STUDY

The district of Meerut is situated in the upper Ganga Yamuna doab and lies between latitude 28°18'N longitude 17°7'14'E. It is bounded by the districts of Muzaffarnagar in the North, Baghpat in the East and Bulandshar in the South. In the south-west it is bound by the district of Ghaziabad. The Ganga forms its natural boundary on the East and separates it from the district of Bijnore and Moradabad.

The city of Meerut is situated in the centre of the district. It has a history of pre-Vedic period. Originally it was surrounded by a mot and a wall with ten gates of some antiquity. The gates are known as Delhi, Lisari, Shorab, Shapir, Budhana, Sambooh, Indira, Baghpat and Hapur gates, the last two being comparatively recent. It is a well developed business centre. The Banias and Jains were known for their business but now the trend has changed and all communities are engaged in the different types of business without any let up or hindrance. At present, there are ten drug factories and three rubber industries, one spring industry, eighty three sports units and twenty seven thousand seven hundred small scale industries. Moreover there is a big market of handlooms transacting a business of the tune of rupees fifteen crore to the different states of the country. The city produces sport material worth of rupees twenty crore sixty lakhs. Meerut is also famous for scissors industry and a big exporting centre of agricultural goods and agro based
products.

According the census of 2001 the population of Meerut district is 5, 404,000 having a growth rate 26.01 percent in the decade 1991-2001. It forms a part of revenue division of the same name and is the head quarter of the commissionaire.

Politically the district is quite vibrant. All of the national political parties have their grassroots bases here. Its communal sensitiveness, paucity of civic amentias and rising rate of unemployment, has given rise to crime, considerably. The statistics indicate that last decade these have been about fourty percent in front.

Socially the district is dominated by Brahmins, Banias, Jats, Tyagis and Gurjars. Apart from this, Muslims are also there in dominant number. With the herald of development, an exodus from the village to the cities is visible. This is also true in the case of Meerut. The phenomena helped in the growth crime. Another change experienced in the district is on the academic front. Even the smaller towns have inter colleges and degree colleges, as such the rate of educational growth has considerably gone up. It may be noted here that as thirty two point five percent population are illiterate. On the communication and transportation front the development is very much visible.

The purpose of this brief discussion is to establish that district and
town is a developing one. Obviously, this has affected the crime scene and require a very intense surveillance on the part of law and order agency because crimes like murder, dacoity, and abduction and also sex crimes have so increased that the district is known for its criminality in the state. Obviously, in such situation if the police force is not very responsive and dynamic, the people can not be assured peace and without peace there can not be proper and smooth development. Therefore, an effective and active organization is the need of the hour.
TENTATIVE SYNOPSIS

The study would be conducted with the help of following tentative research design:

Chapter One – (a) Accountability; Conceptual Understanding
(b) Police Accountability

Chapter Two – Role of Police in a Democracy

Chapter Three – Accountability of Indian Police,
A Historical Appraisal

Chapter Four – Universe of Study: A Socio-Economic,
Political, Cultural and Administrative Overview

Chapter Five – People’s Perception

Chapter Six – Leadership Perception

Chapter Seven – Police Perception

Chapter Eight – Conclusion and Suggestions

Bibliography

Appendices


Chaturavedi S.K., Metropolitan Police Administration in India, B.R. Publishing Corporation, Delhi, First Published, 1985.


Report (1969 to 1972) on the recommendations of the conference of IG.


