CHAPTER – II

POLICE ADMINISTRATION: SETUP, FUNCTIONS AND WORKING

Organizations are an essential part of the administration and no administration can attain their goals without setting up organizations, as administration operates through these organizations. An organization is a systematic combination of the required human beings, material, equipments and working space to achieve desired results. There are large and complex organizations which are dominating every sphere of human life in almost all the countries of the world, irrespective of cultural, racial, ideological and other differences and these organizations can be formal or informal.

An organization is a group of individuals coordinated into different levels of authority and segments of specialization for the purpose of achieving the goals and objectives of the organization”. On the other hand Luther Gulick defines an organization as, “The structure of authority through which work sub-divisions are arranged and coordinated for the defined objectives which means that every organization has four bases purpose, process, person and place. All organisations have to function within the normative structure, objectives and principles. The structure specifies the distribution of work at different levels and shows how different functions are linked with each other. The structure helps in man power planning and defines the formal relationship of employees in the organization.

Thus, an organizational structure helps in achieving the objectives of an organization and how effectively these are achieved depends on how effective is the organisation. The Government operates through various organizations to achieve its goals and implement the laid down policies. Like other organizations police Department has its own organisational structure for the smooth and effective policing in the country, states as well as in the districts.

Essentials of Organisational Structure in Police Administration

Thus, there are some basic essentials of the organization of structure of police administration. These can be discussed under the following section.
Delegation of Authority:- Authority goes hand in hand with accountability to perform police duties and to resolve the day today problems. Moreover, the higher authorities decides whether to keep planning, decision-making and controlling activities within their own power or to shift these to the subordinates police personnels.

Span of Control: The span of control determines that how much police personnel can be easily supervised or directed by a Senior police officer. It affects communication decision making and senior subordinate relationship. Spans can be narrowed or widened as per the needs of the police organization.

Degree of Specialization: It means limited duties are performed regularly and repetitively by the different specialized wing of police department. Specialization makes the police jobs easier and makes its personnel expert at their jobs. At the same time, it allows proper utilization of the abilities of each police personnel. Specialisation makes coordination of activities more easier, facilitates the development and implementation of essential controls, encourages the efficient productiveness and quickens the training process for bringing efficiency in police organization.

Proper Communication Channel: Communication is a process of shared understanding of shared purposes therefore communication between the subordinates and their superiors should pass through each step of the ladder without omission, only proper communication channels can improve the funny of the police organisation as it deals with the day today problems the society.

POSDCORB: Luther Gulick in the seven letters ‘POSDCORB’ sums up the major functions of public administration, which are being applied in police administration also.

These can be discussed as follows:-

Planning: The police administration works out its broad outlines of the functions. The planning of the things that need to be done and method to be adopted to accomplish the purpose of the policy related to police administration plays positive role in better policing.
Organization: Organisation comes out of the term organized which means to operate in orderly manner. It is the establishment of the formal structure of police authority through which the work is divided between centre, state, district and police station and it is arranged, defined and co-ordinated to achieve the defined objective.

Staffing: The police personnel are brought in the police service and trained, it is a process of bringing right person at right place, for effective implementation of law and order in the society.

Directing: Direction is a continuous task of making decisions and giving directions for the effective police administration, directions includes specific and general orders and instructions to provide the necessary guidance to the staff.

Co-ordinating: Coordination means synchronization of activities. The co-ordination is an effective tool used by police administration to achieve its goal. It removes the problem of duplication of efforts at the sometime it saves the time and money of police department.

Reporting: Reporting is an effective tool for police administration to be informed about what is going on, which includes keeping the police agencies itself and its subordinates informed through records, research and inspections.

Budgeting: Budgeting means sorting out the finances. It is the most essential part of police administration, without budget police cannot perform its duties in an efficient manner. All activities goes with budgeting in the form of planning, staffing, training and control related to the technology. These techniques principles are applied in most of the operations of the police administration for bringing efficiency and effectiveness.

Organizations affect the human life and the society in a big way. It is of utmost importance for a common man to show concern with the police organizational goals, organizational structure, technologies used in the police organization and also with how the organization interacts with the public and maintain law and order. The Indian legacy of the colonial administration and our constitution makers has deliberately left enough scope for this desired plurality. Law and order has been the most traditional field of administration. It is concerned with the maintenance of peace and harmony among people. It includes ensuring obedience of law by the people.
Police administration is a state responsibility because law and order is the state subject as has been mentioned in item number I State List (List II). Police deals with internal security matters, which includes our security in relation to social structure, internal threats and destabilization attempts. It also includes security threats mainly consisting of insurgency, secessionism, terrorism, communal violence, smuggling, drug trafficking and accompanying gangster violence. However, the Union Government's major role in police administration is not related to make laws but to make amendments to basic police policies laws like Indian Penal Code and Management of Indian Police Service.

Figure: 2.1 Police Administration at Central Level (Organisation and Structure)

Union list Item Number II provides that Union Government can raise navel, military and air force as also other armed forces for maintaining the integrity of the country. We know maintaining law and order is a state subject, however the Union Government uses its own machinery for maintaining law and order in the country. The Union Government raises forces under the category of the armed forces. Basically, these armed forces are paramilitary forces in legal terminology because
policing is not concerned with the Central Government therefore; the word police in CRPF AND ITBP, is a misnomer. The 42nd Constitutional Amendment Act, 1976 has authorized the Union Government to deploy any armed force of the union or any other forces under the control of union for dealing with any grave situation of law and order or providing security to any installation in any part of the country. In fact, deploying of paramilitary forces has been proved beneficial in the interest of the nation as well as the interest of the states concerned.

Central Police Organisations

Central Police Organisations (CPOs) function under the control of the various Ministries of Government of India which can be broadly divided into groups:-

Central Paramilitary Forces

These Organisations mainly connected with national security. It consists of armed police organizations and also known as Central Paramilitary Forces which can be listed under these points:-

- Border Security Force (BSF)
- Central Industrial Security Force (CISF)
- Central Reserve Police Force (CRPF)
- Indo-Tibetan Border Police (ITBP)
- National Security Guards (NSG)
- Railway Protection Force (RPF)
- Coast Guards (CG)
- Assam Rifles (AR)

Investigative and Vigilance Organisation

- Central Bureau of Investigation (CBI)
- Central Vigilance Commission (CVC)
- Criminal Investigation Department (CID)
Intelligence Network

- Intelligence Bureau (IB)
- Research and Analysis Wing (RAW)

There are some other organisations which provide special services to police organisations and coordinate with the investigative and vigilance organisation and intelligence networks which have been listed below:

- National Crime Records Bureau (NCRB)
- National Institute of Criminology and Forensic Science (NICFS)
- Bureau of Police Research and Development (BPRD)
- Directorate of Coordination of Police Wireless (DCPW)
- National Police Academy (NPA)
- Narcotics Control Bureau (NCB)
- Commissioners for Departmental Inquiries (CDI)

These above-mentioned organisations falls under central paramilitary forces and perform functions to maintain peace and order in the country. The detailed explanation of these organisations has been provided as under:

Border Security Force (BSF)

The Border Security Force is a border guarding force of the Government of India which was established on December 1, 1965 as one of the Central Police Forces. The war of 1965 with Pakistan led the union government to recognize the need to set up a specialised force to maintain security on the Indo-Pak international border. The command and supervision of the BSF, has been vested in the hands of Director General (D.G.) who is the head of the BSF organization. The Director General functions through a Directorate General located at Delhi consisting of the various wings like; administration, provisioning, training, operations, works and communications wings. Its primary role is to guard secure India's international borders during peacetime and also during the time of war. Like all paramilitary forces of India, the BSF is under the administrative control of the Union Ministry of Home.
Affairs. It is one of the world's largest border patrol force. The BSF has a peace as well as war-time role to perform.

**Peace Time**

At the time of peace it performs many functions which have been discussed below:

- To prevent trans-border crimes and unauthorized entry into or exit from the territory of India.
- To prevent smuggling and related illegal activities.
- To promote a sense of security amongst the people living in the border areas.
- To help the civil administration in the maintenance of public order.

**War Time**

During the war time BSF performs large numbers of function to deal with the situations which can be discussed as under:

- To hold ground in less threatened sectors so long as the main attack does not develop in a particular sector.
- To protect vital installations against enemy commandos and para-troop raids.
- In such a situation Force is governed by the Border Security Forces Act, which was passed by the Parliament in 1968 and came into effect on June 9, 1969.

BSF has been created as an armed and specialized force to secure our borders.

**Central Industrial Security Force (CISF)**

It was set up through an Act of Parliament of India on March 10, 1969 to provide security to public sector undertakings. It was made an armed force of the Central Government by another Act of Parliament passed on June 15, 1983. The concerned public sector undertakings bear the expenses of the CISF personnel deployed for their security. The Force is also deployed in States/Centre Territories to help them maintain public order. The CISF is controlled by the Ministry of Home Affairs, GOI under the overall command of the Director General of CISF.
CISF is the largest industrial security force in the world. It provides adequate security to industrial sector. To make them secure the major functions of the force are given below:

- The CISF provides security cover to more than 300 industrial units and other establishments located all over India like atomic power plants, space installations, defence production units, mints and oil fields and refineries, major ports, heavy engineering, steel plants, barrages, fertilizer units, airports and hydroelectric/thermal power plants, and currency note presses which are producing Indian currency.
- It thereby covers installations all over India straddling a variety of terrain and climatic conditions.
- CISF also provides consultancy services to private industries as well as to other organizations within the Government.

CISF’s consulting practices include security consulting and fire protection consultancy, in normal times as well as during strikes, riots of other disturbances.

**Central Reserve Police Force (CRPF)**

CRPF is one of the oldest among all central police forces which came into existence as the Crown Representative's Police on 27 July 1939. After Independence, it became the Central Reserve Police Force by an enactment of the CRPF Act on 28 December 1949. The Force has been divided into sectors, each headed by an Inspector General. The sectors have group centres under them. Five to seven battalions are attached to each group centre. The group centre is headed by a DIG rank officer. The sectors and group centres are located at different places in the country so that the Force can be speedily mobilized and deployed at any place in time to deal with an emergency situation. The role and functions of the force are listed below:

- To help the States/union Territories in maintaining law and order.
- To deal with various types of riots occurring in different parts of the country.
- To help in combating natural calamities such as floods, fire and droughts etc.
It has, over the past few years, also been deployed on anti-insurgency and anti-terrorist operations, VIP security, aviation security, election duties, guard duties and army convoy protection duties.

Thus, CRPF has to perform a multitude of roles as the civil police do not have either the training or the equipment or the manpower to deal with these multitudes of roles.

**Indo-Tibetan Border Police (ITBP)**

ITBP is an Indian force conceived on October 24, 1962 for security along the India's border with the China. In wake of Chinese aggression in the year 1962 the ITBP was created to police the Indo-Tibetan border covering a vast expanse of 2115 Kms. The ITBP Act, enacted by the parliament in the year 1992, presently governs the force. The ITBP's major training centre is located at Mussoorie, in Utarakhand. ITBP has established a National Centre for Training in Search, Rescue and Disaster Response at Bhanu, near Panchkula (Haryana) which is imparting training to personnel of ITBP and other Paramilitary/State Police Forces. There is also a training centre for the Dogs at Basic Training Centre situated at Bhanu. It is headed by a Director General who oversees the deployment of ITBP in three states of Uttar Pradesh, Himachal Pradesh and Jammu and Kashmir. The DG is assisted by a supporting staff at the headquarters headed by the IGP for administrative work. The major role of this Force is to:

- Maintain vigil on the northern borders, detect and prevent border violations.
- Promote a sense of security among the local population.
- Check illegal immigration, trans-border smuggling and crimes.
- Provide security for sensitive installations, banks and protected persons.
- Restore and preserve order in any area in the event of a disturbance.
- Maintain the peace in the country.
- Provide security to the pilgrims during the Annual Kailash Mansarovar Yatra.

The ITBP man forward border posts at altitudes ranging from 9000 to 18000
feet. While the primary role of the ITBP continues to be that of policing the Indo-
Tibetan border, the force is also deployed on internal security duties.

National Security Guards (NSG)

NSG are a commando unit which was established in 1986 as the aftermath of
the Blue Star operation in the year 1984 to deal with the problem of terrorism in its
various forms. It is popularly known as the Black Cats for the uniform worn by its
operators. The National Security Guards has two main components- Special Action
Group (SAG) and Special Rangers Group (SRG). The functioning of the Force is
regulated by the National Security Guards Act of 1986 and the Rules framed under
the Act in August, 1987. The head office of NSG is situated at New Delhi, however
almost all the Force resides in Maneser camp near Gurgaon, Haryana.

Like most military and elite security units in India, it is rather media-shy and
the general Indian public is largely unaware of its capabilities and operational details.
The NSG's specific goals include:

❖ Neutralization of terrorist threats
❖ Handling hijacking situations in the air and on land.
❖ Bomb disposal.
❖ Post Blast Investigation (PBI)
❖ Engaging and neutralizing terrorists in specific situations.
❖ Hostage Rescue

The NSG is the powerful elite force of the country.

Railway Protection Force (RPF)

RPF is used to guard the Indian Railways. It has been headed by the Inspector
General RPF. Who is an ex-officio director of the Railway Board and work under the
1957, the RPF, has been constituted for the better protection and security of railway
property and to maintain discipline on the platforms as well as travel inside trains to
keep passengers secure. Railway accidents are also handled by them.

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Assam Rifles (AR)

Assam Rifles is the oldest of the Central Para Military Forces. The unit can trace its lineage back to a paramilitary police force that was formed under the British in the year 1835. Since then the Assam Rifles have undergone a number of name changes before the name Assam Rifles was finally adopted in the year 1917. There are currently 46 battalions of Assam Rifles under the control of the Union Ministry of Home Affairs and it is headed by a Director General, who is an officer of the rank of Lt. General of the Army. The headquarter of the Assam Rifle is at Shillong. Though the organisation has a cadre of its own officers, most senior positions are filled by taking officers on deputation from the Army. The Assam Rifles Act, 1941, presently governs the Force. The main function of the Assam Rifles are

- Maintaining security of the North Eastern sector of the international border.
- Helping States in the North East to maintain law and order.
- Internal security and border security operations under the control of the army.
- Provision of aid to the civil power in times of emergency.
- Provide medical assistance and education in remote areas.

The Assam Rifles men have worked against insurgency in Nagaland and Mizoram.

Directorate General of Vigilance

The Directorate General of Vigilance (DGV), Customs and Central Excise is the apex body under the Central Board of Excise and Customs (CBEC) for the vigilance matters. The Directorate General interfaces with the CVC, CBI, field formations of CBEC who are also having their Vigilance wings and others in all the matters relating to Vigilance, preliminary investigation of complaints.

Central Bureau of Investigations (CBI)

CBI is the prime investigating agency of India that jointly serves as a criminal investigation body, national security agency and intelligence agency. The agency was established in the year 1941 as the special police establishment. The CBI was later
established on 1 April 1963. The agency headquarters is situated in New Delhi. The agency has other field offices located in major cities throughout India.

The CBI is controlled by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pension of the Centre Government usually headed by a Union minister who reports directly to the Prime Minister. It draws its officers from the best IPS officers around the country and it work through various divisions like: Legal Division, Policy and Organization Division, Technical Division, Coordination Division, Forensic Science Division and Administrative Division.

It handles crime related to national security and governmental departments. The agency handles the crime in which people from high posts in the government may be involved, either as the victim or offender.

**Central Vigilance Commission (CVC)**

The CVC is an apex Indian governmental body for preventing corruption and was established in the year 1964 by an executive resolution of the central government on the recommendation of the Santhanam Committee on prevention of corruption. In September 2003, the parliament enacted a law conferring statutory status on the CVC. The CVC works through either the CBI or through the Departmental Chief Vigilance Officers. The only investigation carried out by the CVC is that of examining civil works of the Government which is done through the Chief Technical Officer. The CVC and the Vigilance Commissioners are appointed and removed by the President. The CVC is headed by a Central Vigilance Commissioner who is assisted by two Vigilance Commissioners. The CVC has its own Secretariat, Chief Technical Examiners (CTE) Wing and a wing of Commissioners for Departmental Inquiries (CDI).

Following are the main functions of this organisation:

- Technical audit of construction works of governmental organisations from a vigilance angle.
- Investigating specific cases of complaints relating to construction works.
Assisting the CBI in their investigations involving technical matters and for evaluation of properties in Delhi and Assisting the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

Criminal Investigation Department (CID)

CID is the first such organisation, which was set up on 7 April 1878 by C. E. Howard Vincent to investigate the crime. Originally, it was under the direct command of the Home Secretary, but since 1888 has been under the authority of the commissioner. CID officers are involved in the investigation of major crimes such as rape, murder, serious assault, fraud, and any other offences that require complex detection. They are responsible for acting upon intelligence received and then building a case, from analysis of the initial incident till the arrest and prosecution of any suspect.

Intelligence Bureau (IB)

Amongst the existing intelligence agencies, the IB is probably the oldest in the world. It is India's internal Intelligence agency and was established as the Central Special Branch by an order of the Secretary of State for India in London on December 23, 1887 and was renamed as the Central Intelligence Bureau in the year 1947 under the Ministry of Home Affairs. In the past it was tasked with all intelligence targeting but in recent times it has focused on internal security. The collection mechanisms of the IB depended on the region, but the IB operates both at the state level and the national level. At the State level all IB officers are part of the State Special Bureau report to a Central Intelligence Officer (the intelligence advisor to the Governor).

The IB maintains a large number of field units and headquarters (which are under the control of Joint or Deputy Directors). It is through these offices and the intricate process of deputation that a very 'organic' linkage between the State police agencies and the IB is maintained. In addition to those at the national level the IB has several units (in some cases Subsidiary Intelligence Bureaus) to keep track of issues like terrorism, counter-intelligence, VIP security and threat assessment, and sensitive areas like J & K, North East Region etc.
Research and Analysis Wing (RAW)

The RAW or R&AW is the main external intelligence agency of India. It was formed in September 1968 under the leadership of R. N. Kao. Its creation was necessitated by the poor performance of the Intelligence Bureau which was handed the responsibility of both internal and external intelligence in the wars against China in the year 1962 and Pakistan in the year 1965. The situation convinced the government that a specialized, independent agency was required for competent external intelligence gathering. The primary functions of the R&AW are:

- To collect the external intelligence and counter terrorism.
- In addition, it is responsible for obtaining and analysing information about foreign Governments, corporations, and persons, to advise Indian policymakers.
- The main objective of the RAW is to gather and analyze the information, which could help to safeguard the security of the country and its field of operations is outside the country.

National Crime Records Bureau (NCRB)

NCRB is a governmental agency of India, responsible for collecting and analysing crime data as defined by the Indian Penal Code (IPC). As an attached office of the Ministry of Home Affairs (MHA), Government of India with its headquarters in New Delhi. The NCRB is mandated to empower the Indian Police with Information Technology (IT) for Modernization of Indian Police. It provides the investigating officers with the tools, technologies and information to facilitate faster and more accurate investigation of crime and detection of criminals. The charter of the NCRB includes the following functions:

- To function as a clearing-house of information on crime and criminals;
- To store, coordinate and disseminate information on inter-state and international crime and criminals;
- To collect, compile and publish crime statistics;
- To develop and modernise the Crime Records Bureau in the States;
- To develop computer based systems for police organisations and to cater to
their data processing and training needs for computerization.

- To function as a storehouse of fingerprint records.

NCRB relatively new organization and it has been working satisfactorily. However, effective use of this organization is depending on the modernization of the state police force.

National Institute of Criminology and Forensic Science (NICFC)

The NICFS formerly called the Institute of Criminology and Forensic Science came into existence on 4th January, 1972 on the recommendations of a Committee appointed by the UGC to look into the applied aspects of education, training and research in the fields of Criminology and Forensic Science. The Institute has two separate Departments of Criminology and Forensic Science, headed by Professor and Additional Director and has been located in New Delhi. The main objectives and functions of the Institute include:

- To organise various in-service training programs for officers from the Police.
- Judicial and correctional services, and also others engaged in the criminal justice system and its allied fields.
- It also conducts diploma and certificate courses in professional subjects for forensic scientists and undertakes research work and studies on various subjects of criminology and forensic science.

Bureau of Police Research and Development (BPRD)

The BPR&D was set up under the MHA in August, 1970 to promote a systematic study of police problems in a rapidly changing society and to facilitate application of new developments in science and technology to police work. The BPR&D consists of the following four Divisions:

Research Division: The research division analyzes and study crime and problems of general nature affecting the police.

Development Division: It is the responsibility of the development division to the review performance of various types of equipment used by the police forces in India.
and the development of new equipment in the fields of arms and ammunition, riot control equipment, traffic control equipment, police transport etc.

**Training Division:** The training division reviews from time to time the arrangements for Police training and the needs of the Police in the background of changing social conditions and the introduction of scientific techniques in police training and also to formulate and coordinate training policies and programs in the field of police administration and management.

**Correctional Administration:** Correctional Administration entails analysis and study of prison statistics, review of training programs keeping in view the changing social conditions, introduction of new scientific techniques and other related aspects, publication of reports, newsletters, bulletins and preparation of audio visual aids, etc.

BPRD also promotes research amongst students of social sciences on police problems, the Research Division awards six fellowships to post-graduate students for Ph.D. work. Besides, 12 fellowships are awarded every year for Ph.D. work in forensic Science. Both the types of Fellowships operate more or less on the UGC pattern.

**Defence Security Corps (DSC)**

The Defence Security Corps (DSC), previously known as the Defence Department Constabulary Centre, was founded on 25 April 1947 at Mathura in Uttar Pradesh and on 3 May, 1947, later the Centre moved to Delhi. In August 1958, the Corps was re-organised and brought under the control of Indian Army Headquarters. The DSC and Records moved from Delhi to Chakrata in Uttar Pradesh. Presently, the DSC Centre and DSC records are located in Kannur town.

The role of the Defence Security Corps is to ensure the protection and security of designated Defence Installations against sabotage and pilferage.

The Central Industrial Security Force (CISF) and the Defence Security Corps (DSC) provide security at India's nuclear laboratories and Defence Research and Development Organisation (DRDO) establishments, respectively. The CISF is purely a civilian Central government security force whereas the DSC is a force under the Ministry of Defence. The Centre imparts training for ex-service personnel of the Indian Army, Navy, Air Force and Territorial Army and recruits them to various
agencies under the Army, Navy, Air Force and Territorial Army and to the Directorate General of Ordnance Factories and Directorate General of Research and Development. It is also responsible for security of defence establishments.

**Directorate of Coordination of Police Wireless (DCPW)**

This department came into existence on 19.02.1946, initially as ‘Inspectorate of Wireless’ and was later accorded the status of the Directorate of Coordination Police Wireless, a subordinate organisation, under Ministry of Home Affairs in 1950. It was entrusted with the responsibility of coordinating for developing and establishing the Police Telecommunication network in the country. The Directorate also runs a Central Police Radio Training Institute which was initially started as a small training school for the in-service training requirements of DCPW personnel. This was later upgraded into a full fledged National Level Police Wireless Training Institute in the year 1971 to cater to the needs of the States. It is a nodal advisory body to the MHA for the Police Telecommunication in the country and for laying down technical specifications for communication equipment to be inducted in the police forces.

**Sardar Vallabhbhai Patel National Police Academy (NPA)**

The Academy has been located at Hyderabad, the Capital of the Andhra Pradesh, named after the former Deputy Prime Minister of India Sardar Vallabhbhai Patel. It is the premier police training institution in the country. The Academy is affiliated to Osmania University for conducting courses on police subjects for the IPS officers. The NPA trains officers of the Indian Police Service. After selection, IPS officers are sent to the Academy for professional training. The trainees are put through a training schedule for 44 weeks to undergo both indoor and outdoor training.

The Primary purpose of the Academy is to prepare officers for the Indian Police, who will command the force with courage, uprightness, dedication and a strong sense of service to the people. Apart from the basic training course for IPS officers the Academy also conducts compulsory mid career training program for officers of rank of SP, DIG and IG/Addl DG of the Indian Police Service. Training of Trainers of various police training institutions in the country; IPS induction training course for State Police Service Officers; and short specialized thematic courses,
seminars & workshops on professional subjects for all levels of police officers. The Foreign police officers and other officers belonging to army/IAS/IFS/judiciary, public sector undertakings, nationalised banks, insurance companies etc. Also attend various specialised courses conducted here from time to time.

**Narcotics Control Bureau (NCB)**

The NCB was created on 17 March 1986 to enable the full implementation of the Narcotic Drugs and Psychotropic Substance Act, 1985. The NCB is the chief law enforcement and intelligence agency of India, the chief purpose of the Bureau is to fight drug trafficking on all-India level. It is responsible for anti narcotic operations all over the country and fighting against drug trafficking and the abuse of illegal substances. The Director General of NCB is either officer of Indian police services or Indian Revenue Services. Its national headquarters is located in Delhi and its field units and offices are organized by zones. The NCB also provides resources and training to the personnel of India's law enforcement agencies in fighting drug trafficking.

**Home Guards (HG)**

The Indian Home Guard is an Indian Paramilitary Force which serves as an auxiliary police force. The home guard organization was organized in India in the year 1962. All citizens of India, in the age group of 18-50 years are eligible to be part of home guard. The police forces of some States are using Home Guards very frequently. In the absence of occasional call-outs, the Home Guards in such States get a feeling that they have been forgotten after their brief exposure to a training course. It appears necessary that while deployment in some states should be reduced and brought to a reasonable size, in other words the police should try to utilize Home Guards on many more occasions.

The functions which are being performed by Home Guards are listed below:

- Recruitment of unemployed persons.
- Destruction of voluntary character of Home Guards;
- Erosion of the spirit of public service which is the main burden of the organisation
Creating in them a feeling of comparative deprivation and frustration which will ultimately result in demands of higher wages, discontent, lack of discipline and failure of the organisation.

To serve as auxiliary to the Police and generally help in maintaining internal security.

To help the community in any kind of emergency such as on any natural calamity.

To function as an emergency force intended for special tasks directly or indirectly connected with the defence of the country.

To maintain functional units to provide essential services such as motor transport, engineering groups, fire brigade, nursing and first aid etc.

The Home guards assist the police and the public by maintaining law and order in times of natural and man-made disasters. There is an urgent need to raise functional units of Home Guards in all the States to generate the necessary confidence among the public at large. Further, continuous and excessive call-outs of Home Guards in some States have resulted in induction of a sizeable number of unemployed persons in the organisation.

These Policing Agencies are controlled and operated by the union government directly or indirectly and are at the back and call of the union government but can be used by the state governments also on request or could be deployed by the union if needed. Till date, these agencies have justified their creation and existence.

However, it may be mentioned again that police is a state subject and has been rightly placed in state list (II) of the constitution. Constitutionally and administratively it has been justified that police as a function be performed by the State governments.

The State of Himachal is no exception to this rule; therefore, the police in Himachal Pradesh is also placed under the state government. We have already discussed the Profile of Himachal Pradesh, however, in the chapter we will discuss about the police administration in the state.

**Organisational Structure of Police Administration in Himachal Pradesh**

The police force in Himachal Pradesh derives its authority from Indian Police Act of 1861. The Constitution has entrusted the responsibility to the State to maintain
law and order by creating its own police organization. Each State and Union Territories of India has its own separate police force as has been provided by the Article 246 of the Constitution of India which designates the police as a state subject, meaning thereby that the state governments frame the rules and regulations that govern police force of each state. Under the Act, powers, functions, provisions of appointment dismissal, penalties etc., have also been defined. The police department has been placed under the charge of Home Minister assisted by Home Secretary, a member of Indian Administration Services in the State. The Home Department coordinates and supervises the police administration. The real work of police administration is undertaken by the Director General of Police, who is responsible to the state government for the administration of the police force in the state, and for advising the government on police matters. The DGP represents the highest rank in the police hierarchy.

Figure 2.2: Police Administration in Himachal Pradesh

Sources: Himachal Pradesh Police
The police force in State has been headed by the Director General of Police who has further been assisted by Inspector Generals of Police Deputy Inspector General and Assistant Inspector Generals. For effective administrative purposes, the whole State has been divided into various ranges/zones keeping in view the geographical and functional criteria.

**Range Level:**

The state has been divided into territorial divisions called ranges and each Police range is under the administrative control of a Deputy Inspector General of Police. Each Police range comprises of few districts varying from 2 to 8 districts depending upon the size, population and importance of the district. District police is further sub-divided into police divisions, circles and police stations. A major function of the head has been to coordinate the activities of district police and to take measures for inter-district cooperation. He also ensures the harmonious relation between the police and executive magistrates.
The state has been divided into 3 ranges namely Northern Range, Central Range and South Range for the efficient and effective policing. These have been discussed in the following pages:

<table>
<thead>
<tr>
<th>Ranges</th>
<th>NR</th>
<th>CR</th>
<th>SR</th>
<th>Total</th>
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<td>24</td>
<td>27</td>
<td>32</td>
<td>83</td>
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<tr>
<td>Police Posts</td>
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<td>Check Posts</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td>15</td>
</tr>
</tbody>
</table>

Source: Computed from Primary data

**Northern Range (NR)**

The Northern Range consists of 24 police stations, 26 police posts and 2 checks/out posts. It’s headquarter has been located at Dharmshala. The Northern Range covered three districts; Kangra, Una and Chamba. To meet technical and special support service the forensic science laboratory has been established at Junga with Mobile Forensic Science Units. Moreover, the wireless wing has been
functioning in the State to provide reliable and dedicated information and other technical supports.

**Central Range (CR)**

This range has been the largest range covering 5 districts like Kullu, Bilaspur, Hamirpur, Lahaul and Spiti and Mandi. The headquarters of the range has been located at Hamirpur. This range has been headed by the DIG. It covers 27 police stations, 22 police posts, and 3 checks/out-posts.

**South Range (SR)**

The South Range of the Himachal Pradesh Police has been covering most thickly populated districts of the State. The SR covered four districts Shimla, Kinnaur, Sirmour and Solan with headquarters at Shimla and the range is headed by DIG. The whole range consisted of 32 police stations and 41 police posts and 10 check/out posts.7

**Himachal Pradesh Institute of Police Studies (HPIPS)**

The HPIPS came into existence on 24-06-2008 at Sakoh in District Kangra with its campuses at Daroh in Kangra District and Jungle Beri in Hamirpur District. This institute has been headed by the Police Officer of the rank of the Dy. IG. This institute has been providing professional skill and imparting knowledge in computers, motor driving, traffic management, internal security and how to respond in distress/disaster situations. It also provides training to different ranks of police personnel.

**Organisational Structure of Police Administration in District Solan**

The district headquarter is the most vital police set-up in a State. It is headed by a Superintendent of Police (SP), who is responsible for the maintenance of law and order and other law enforcement activities of the district. Administratively, SP functions under the overall control of the Collector, but he and his subordinate officers in practice enjoy operational autonomy in the discharge of their functions.
There are number of other units like: home-guards, women police, crime branch and dog-squad functioning at the district level and providing assistance to the police.

Figure 2.4: Organisational set-up of Police in District Solan

Sources: Himachal Pradesh Police

Police district is the most important supervisory and functional field unit of the police administration in India. Police administration, in fact, primarily and basically happens to be a district-based reality. A police district is an area, which is so declared by any state government through a notification. The state of Himachal has been divided into 13 Police districts though administratively it has 12 districts. The district Solan has been divided into two police districts namely police district Baddi and police district Solan. Both the districts further have been divided into police subdivisions, which are supervised by the Deputy Superintendent of Police (DSP). In addition to the Sub Divisional Police Officers (SDPO), the district SP has also been assisted by an ASP and a DSP (Headquarters). The District Police report to the DGP through ADGP Law and Order. Each police station has been supervised by the Station House Officer (SHO) of the rank of Sub Inspector (SI) and in some cases even
of the rank of Inspector of Police. A police station may have one or more police posts for the effective policing in the area. A sub division comprises of one or more than one police stations.

Organisational Setup at Police Station level

Any police station (Thana) is the lowest tier or the first level of public contact with the police organisation. It is the basic and primary unit, responsible for maintenance of law and order, prevention and control of crime and the protection of life and property of the community. There have been 83 police stations in all in the state of Himachal Pradesh which have been equipped with all modern facilities and well-trained officers. These police stations of Himachal Pradesh represented a strong security platform to the local people and every police station provided round the clock services. The police stations were supervised by an Inspector or SI who acted as the in charge of the Thana called SHO.

Working Procedure of Himachal Pradesh Police

The police Act 1861 remained the basis of policing in India even today and all the police officers derived their powers, duties and responsibilities from this Police Act. The Indian Penal Code (IPC) of 1862 (Amended in 1993); the Indian Evidence Act (IEA) of 1872; and the Code of Criminal Procedure (CrPC) of 1861 (revised in 1898 and 1973) together they formed the current, but outdated, police system in India. There have been efforts to reform the police system at the state level. The policing has been mainly a field job which has been supervised and administered through a well built hierarchy of the police officers starting from DIGs (Ranges) AIGs, SSPs, SPs, DSPs, Cos, and SHOs. Territorially, the SP supervises number of circles which were parallel with revenue sub divisions. Under the CO, there have been a number of police satiations, headed by a SHO who can be of the rank of Sub Inspector or Circle Inspector depending upon the importance of the particular police station. There has been no uniformity about police station strength. The number of police personnel in a Thana varied from 12 to 45 Constables.
Recording First Information Report

The offence is first reported at the police station and the report is called the First Information Report (FIR). The registration of the FIR is a written document prepared by the police when they receive information about the commission of a cognizable offence. FIR is the report of information that reaches the police first at point of time and that is why it is called the FIR. The law does not define the FIR, but two necessary ingredients of an FIR, are that it should be 'information', and the information should relate to the commission of a 'cognizable offence'. Registration of cognizable offence through FIR is the starting point of the Criminal Justice System, but it has often been noticed by the judiciary that there is a tendency among the police officers of not-registering FIRs to keep the crime figure in their area low to project good image before the public. The First Schedule of Cr.PC lists all offences in the IPC and mentions whether they are cognizable (255 of the offences) or non-cognizable (122 of the offences).

Commencement of Investigation and Collection of Evidence

Once the FIR is lodged then it is obligatory for the police to start the investigation of the case. An 'investigation' means search for material and facts in order to find out whether or not an offence has been committed. The process of investigation starts from the "time when information regarding the commission of a cognizable offence is received at the police station or where a magistrate orders investigation into a non cognizable offence. The police officer proceeds to the scene of crime and investigates the facts of the case. The investigation includes all the proceedings under the Cr. PC for the collection of the evidence conducted by a police officer.

Arrest of Person/s

Arrest means actual seizure or touching of a person's body with a view to his detention. Arrest put physical restraint on a person as a result of allegations of accusation that he has committed a crime or an offence of quasi-criminal nature. It involves depriving a person of his or her liberty to go where he or she pleases. Section 41 of the CPC, gives power to a police officer to arrest an offender without an order
from a Magistrate or without a warrant. Furthermore, Section 41 of the Cr.PC gives discretion to the police officer in the matter of arrest. However, the Supreme Court has observed that the Police Officer is not expected to act in a mechanical manner/routine manner and in all cases to arrest the accused as soon as the report is lodged.

Moreover, it is observed that in some sensitive cases, after initial investigation, the Investigating Officer may make up his mind as to whether it is necessary to arrest the accused person. Since the power to arrest is a discretionary, a Police Officer is not always bound to arrest an accused even if the allegation against him is of having committed a cognizable offence.

**Interrogation and Remand**

A police officer is to interrogate the suspect and find out the truth. The basic object of the interrogation is to find out whether the accused has committed an offence or not and if there is a suspicion that he has done so, then to collect evidence against him. The section 161 authorises a police officer making an investigation to examine any person, who is acquainted with the facts and circumstances of the case. Those who are interrogated are categorized as complainants, accused or witnesses. However Section 161 (2) Cr.PC gives protection to witnesses against questions which have a tendency to expose them to a criminal charge or penalty in a clandestine manner. Often interrogation is associated with an illegal practice of 'torture' for confessional statement before the police officer. We must not lose sight of the fact that death in police custody is perhaps one of the worst kind of crime in a civilized society and posed a serious threat to an orderly civilized society, which happened to be governed by the rule of law.

Police excesses and the maltreatment of detainees/under trial prisoners or suspects have been tarnishing the image of any civilised society. After completion of the investigation or interrogation, the officer in charge of the police station sends a report to the area magistrate. The report sent by the investigating officer is in the form of a charge sheet to suggest that there is sufficient evidence to prosecute the accused. If sufficient evidence is not available, such a report is called the final report.
Remand is the process of further detaining a person either in police custody or in jail custody for the purpose of investigation, through the order of the Magistrate. The object of remand proceedings is to prevent abuses by the police. The purpose of the remand is to facilitate investigation so that accused is not coerced or abused.

**Charge Sheet**

The expressions charge-sheet or *final report* are not, used in the code, but it is understood in police manuals of several states containing the rules and the regulations to be a report by the police filed under Section 170 of the Code, described as a “charge-sheet”. In case of reports sent under Section 169, i.e. where there is no sufficiency of evidence to justify forwarding of a case to a Magistrate, it is termed as referred charge or final report.

**Bail**

There is a provision of which can only be granted by the court in the cases of non-bailable offences. The reference must be made of the case reported in Hussaina Khatoon v. State of Bihar, in which the Supreme Court laid down certain guidelines for releasing the person accused on bail. The Court observed, "Even under the law, as it stands today, the Courts must abandon the antiquated concept under which pre-trial release is ordered only against bail with sureties. If the Court is satisfied, after taking into account, on the basis of information placed before it, that the accused has his roots in the community and is not likely to abscond it can safely release the accused on his personal bond. To determine whether the accused has his roots in the community which would deter him from fleeing, the Court takes into account the following factors concerning the accused:

- His citizen status and the length of his residence in the country.
- His employment status, history and his financial condition.
- His family ties, relationship, reputation, character and monetary conditions.
- His prior criminal record including any record of prior release or bail.
❖ The nature of the offence charged and the apparent probability of conviction and the likely sentence in so far as those factors relevant to the risk of non-appearance.

**Court Decision:** The last steps in Criminal justice system are establishing the conviction and then decide the punishment. In case of trial ending in conviction, the court may award any of the following punishments:

❖ Fine
❖ Forfeiture of property
❖ Simple imprisonment
❖ Rigorous imprisonment
❖ Imprisonment for life
❖ Death Sentence
❖ Penalty

**Duties and Functions of Himachal Police**

The police act on behalf of the state and act as the ‘most visible and executing arm’ of the state. The police have been termed as most important body constituted to enforce laws and regulations and uphold the constitutional rights of the people. It is an institution which is devoted to the service of the people at all times and in all circumstances therefore, it demands from its members the highest ethical standards.

After independence the police functions which have rooted in their historical origins and which were performed during the pre-independence period continued despite the fact that there has been, over the years, ceaseless expansion of their functions and responsibilities by assigning them more and more duties and added power. Besides, the functions performed by Police are contained mainly in Section 23 of Police Act, 1861, chapters V, VII, VIII, X, XI, and XII of CrPC, and in various Special and Local Laws relating to investigation of cognizable offences. The emphasis in Section 23 of Police Act is on obedience of all lawful orders issued.

The Police stations are the operational units of the police set up thus it becomes necessary to strengthen police infrastructure at the cutting edge level by way of construction of secure police stations, equipping police stations with required
mobility, modern weaponry communication equipment, forensic set-up and housing. It remains the prime responsibility of the State Governments to improve the functioning of their police force and to equip them adequately with the latest technology for meeting the emerging challenges to public order and internal security in the form of terrorism, naxalism, insurgency and increase in crimes. The Central Government is supplementing the efforts of the State/UTs Governments in this regard. The main functions performed by the police in the state are:-

**Prevention of Crime**

There are number of factors which impact crime. These include socio-economic factors such as unemployment, low income and poor living conditions, lack of basic civic amenities particularly in jhuggi-jhopries and unauthorized colonies, adverse sex ratio, continual in-migration outpacing the development of infrastructure and availability of working opportunities.

Thus, police of the state has prime duty to prevent the crime and secure the life of the people. The state of Himachal in general and the police of Solan district in particular are responsible to prevent the crime by ensuring:

- Increased people’s cooperation and participation in preventing crime through their alertness and Information sharing.
- Sense of security in the community by giving them timely protector.
- Setting up of Nakas to catch the illegal elements.
- The gathering of intelligence and managing control room effectively.

**Detection of Crime**

The detection of crime comes next to the prevention of crime as the major function of police. Police analyse the crime and make efforts for its detection through some important steps which have been discussed as follows:

- Registration of FIR related with any illegal practice.
- Investigation of crime and criminals.
- Seizures and arrests the criminals to secure the society.
Register all complaints brought to them by a complainant or his representative, personally or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint.

Registration and investigation of all cognizable offences coming to their notice through such complaints or otherwise, and extends requisite assistance in the prosecution of offenders.

To collect intelligence on related matters which affect the public peace and on all kinds of crimes including social offences, communalism, extremism, terrorism and other such issues threatening the national security

The life and the life styles of the people have changed. The technology has advanced every society, those who can afford the luxuries fall in the category of ‘Haves’ and those who cannot afford are the ‘Have nots’. The Haves wants to have more and ‘Have nots’ wish to grab what they do not have. Thus, both the categories are contributing alike to the increase in crime which is backed up by the misuse of new technologies, urbanization and industrialization has further given flip to the crime to the state.

Investigation of Crime:

Once the crime is detected it needs proper investigation. The crime investigation involves a systematic search of sources of crime through following steps:

- Registration of crime with full details.
- Act quickly on the complaint.
- Complete investigations of crime within the time limit.
- Investigation the crime with honesty and impartiality.
- Arresting the criminals and suspects
- Collection and recording various types of evidences i.e. oral, documentary and expert opinion etc.
- Taking criminals to court for police/judicial custody and trial.
After analyzing the major functions of the police it has been observed that the police have effective role in the detection and the investigation of the crime thereby making the state crime free state.

**Law and Order Maintenance in the Society**

The maintenance of law and order in the society is of immense importance as the society without law and order means society in disorder; means chaos and confusion. Police apparently stand to perform this function.

The police ensure Law and Order in the State through:

- Enforcement of law in an impartial way to protect life liberty, property, human rights, and to promote and preserve public order in the society.
- Promotion of internal security to prevent and control terrorist activities, reaches of communal harmony, militant activities and other situations affecting internal security of the state as well as country.
- Protection of public properties including roads, railways, bridges, vital installations and establishments to ensure their security from any kind of attack.
- To generate feeling of security in the community.
- Surveillance, watch and action to be taken during peaceful processions, demonstrations and strikes of various types action to be taken on agitating and unruly mobs.
- Securing VIPs and performance of various duties during VIP visits in different capacities.
- Preparation, destruction, revision and modification of the record of crime.

The maintenance of Law and Order in the society is the major function of the Police.
Traffic Management:

In the modern times Vehicular traffic has become menace and is affecting our life. The high volume of the traffic has led to choking of many roads during the busy hours and the situation is going to be worst in the days to come. Traffic management has assumed significance in the wake of increased number of vehicles. The traffic rules are thrown to the winds, parking remains a hazard and traffic management remains a challenge. There is a new buzz in the traffic policing with emphasis on Chase and Challan. On the other hand traffic police is working for the smooth flow of traffic in hilly areas and control the accidents. Following are the major function of the traffic police which can be listed as below:

Functions of Traffic Police:

❖ To help the physically handicapped women and children in case of road crossing and traffic jams.

❖ Route patrolling including nakabandi, performing picket and checking vehicles in case of any suspected situations.

❖ To control traffic on the State and National Highways for the safety of the public.

❖ To Check and Challan characters with driving with drinking.

❖ To facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways.

Police have been endeavouring to find solutions by internal mobilization backed by high technology force multipliers. Police are seeking to have a high-tech traffic management centre with camera coverage of most of the major and arterial roads besides red-light speed cameras at sensitive locations of the state as well as district.
**Enforcement of Social Legislation, Minor, Major and Special Acts**

The laws are enforced by the State through its executing arm called Police. The performance of this role would require the police:-

❖ To know the significance and importance of various social legislations like Child Marriage Restraint Act.
❖ To protect the Civil Rights Act, Anti-dowry, Guest-control.
❖ To maintain social legislations which provide a positive and adequate push to social change in a development-oriented society like India.
❖ To know the significance and importance of traffic rules, IPC and CrPC etc. for effective execution of the various provisions thereof.
❖ General reputation.
❖ Police collusion with criminals organizing illicit distillation, gambling, economic crimes, prostitution, etc.
❖ Prompt and satisfactory enquiry into complaints against policemen.

**Social Responsibilities and Duties of the Police Administration**

Police has its social facet too. Police administration is a social organisation for the security of the society so there are various duties and functions of police administration towards the society. The major functions and duties of the police are:-

❖ To help the public at the time of the helpless conditions on the streets or other public places.
❖ To help the public during the road accidents, and provide them medical aid, irrespective of medico-legal formalities, and facilities their compensation and other legal claims.
❖ To handle the situations, during the conflict between communities, classes, castes and political groups.
❖ To bring politeness in the behaviour of police personnel while interacting with the public, particularly while dealing with senior citizens, women, and children.
To act as protector of weaker sections of the society and social change act as agent of for social-political development.

To resolve any dispute related to any individual and society.

To protect the rights of public and stop the harassment of women and children in public places, and while travelling in public transport, and criminal exploitation by any person or organised group.

To help in organizing large scale functions Public or commercial organisations like holding of cricket matches, entertainment shows by film stars, playback singers or holding of commercial circus shows and other such functions.

To help in film shootings.

**Duties Related with the Election**

A democratic Government is responsible to the people by conducting free and fair elections where adults have equal rights to cast their vote and contest election. In order to conduct the fair elections police reforms several duties which are mentioned below:

- To maintain a peaceful environment during the election.
- To prevent communal tensions and events.
- To ensure the conduct of free, fair and impartial elections
- Various duties of a constable during different types of elections.
- To escort political leaders, and to serve as security guards VIPs, during the elections.

**Duties during Natural Calamities, Disaster and Emergencies**

In emergencies, Police come to our minds without second thought and performs large number of duties like saving life and property, providing shelter, rehabilitation, evacuation of people from crisis situations and their transportation during:
❖ Fires
❖ Floods
❖ Famines
❖ The spread of an epidemic
❖ The breakout of war or external aggression
❖ Internal disorders like communal riots, struggle between various classes, castes and sects and other clashes
❖ To extend help to victims of natural calamities like floods, earthquakes or cyclones.

The State Government may, by notification in the official gazette, declare any specified service to be an essential service to the community, for a specified period, which may be extended to them from time to time, by a notification, as necessary.¹¹

**Citizens Oriented Services by Police Administration**

❖ To verification of applications for passport.
❖ To clearance of Police certificates.
❖ To verification for Govt. Service.
❖ To verification of arms licenses.
❖ To verification of convicts for patrol.
❖ To issue no objection certificate for registration of change in ownership of vehicles.
❖ Verification/inspection of licenses issued under the Arms Act, Excise Laws, Explosives

An initiative under the title 'Eyes and Ears of the Police has been to sensitize and use street vendors, parking lot attendants, chowkidars and security guards, Taxi and Bus drivers and conductors, porters at the railway stations/ISBTs/Airports about the security of the locality to detect any unscrupulous element.
The Concept of Crime

The concept of crime as old as human society, but in recent time it became a topic of public debate. The Crimes, then, were far and few as the society was traditional where life and life styles were simple. The expedition of man to discover led him to find the new places in the world and technology helped him to reach out to these places and soon man could reach any part of the world. Today, in the era of globalization the world has shrunk as villages reducing the distances from one part of the world to another part of the earth. This technological advancement coupled with liberal international relation has made the migrations of the people from one country to another a simple process. The nature of crime is on increase in India in the recent past for different reasons such as internet connectivity, finding the life partner, looking for legal heirs and sharing of properties in the backdrop of all these prevalent scenarios.

It is legend to think of a crimeless society. In fact there can be no society without the problem of crime and criminals. The concept of crime is essentially concerned with the social order. It is well known that man’s interests are best protected as a member of the community. Everyone owes certain duties to his fellow-men and at the same time has certain rights and privileges which he expects others to ensure for him. This sense of mutual trust and respect for the rights of others regulates the conduct of the members of society. Although most people believe in ‘live and let-live’ principle yet there are a few who, for some reason or the other, deviate from this normal behavioural pattern and associate themselves with anti-social elements. This obviously imposes an obligation on the State to maintain normally in society. This difficult task of protecting the law surviving citizens and punishing the law-breakers vests with the State which performs it through the instrumentality of law. It is for this reason that Salmond has defined law as a ‘rule of action’ regulating the conduct of individuals in society. The conduct which is prohibited by the law in force at a given time and place are known as the wrongful acts of crimes where as those which are permissible under the law are treated as lawful. The wrongdoer committing crime is punished for his guilt under the law of crime. Finally we can only say that to which anti social behaviour a group rejects and to which it attaches penalties is a crime.
**History of Crime**

Historically, the concept of crime seems to have always been changing with the variations in social conditions along with the evolution of the society. This can be illustrated by the fact that early English society during 12th and 13th centuries included only those acts as crime which was committed against the State or religion.\(^{13}\)

In European countries particularly in France and Italy, the period of the eighteenth century witnessed an era of miraculous reorientation in the thinking about the crime. The idea that crime was the result of divine pleasure, the superstitions and myths were all abandoned and the study of crime and criminals was taken upon scientific basis. It was firmly established that no one else than the offender himself could be attributed criminal responsibility for the crime and committed and the external agencies had nothing to do with it.

Thus, it would be seen that concept of crime has been closely related to social policy of given time. With changes in ideologies the concept of crime has also changed. That is to say, certain new crimes sprang up where as some existing crimes become obsolete and, therefore these have been deleted through adequate changes made. It is for this reason that criminal law has often been considered as a barometer to gauge the depth of moral turpitude in the society at a given time. In other words, the social standards of the society can conveniently be judged by studying the policy towards criminals adopted by it. A few illustrations from the Indian society will support this contention. The legislative measures to legalize abortion in certain cases sufficiently reflect the changing concept of morality in Indian society. More recently, the stringent anti-dowry laws enacted to prevent the incidence of dowry-deaths and bride burning and deterrent legislation against the practice of sati providing for death sentence and fine to those who abet this evil practice in any form clearly indicate that the society is no longer going to tolerate atrocities against women and desires to assure them a dignified place in the community. The protection of women Act, 2005 and the Children’s Right Act, 2006 reflect the changing trend of society towards crime against women and protection of children from abuse.\(^{14}\)

There has been a considerable increase in crime rate in recent decades. This phenomenon, however, is not peculiar to India alone. The Crime statistics all over the globe have recorded a similar trend. In fact, the incidents of crime in western
countries are far greater than that of India, perhaps because of the variance of social conditions in these countries. The factors such as greater control of family over the wards and respect for morality and religion, etc. have acted as effective restraints to reduce the incidence of crime in India. This is wanting in western countries. Generally speaking, the upward trend in crime rate can be attributed to modernization, urbanization, industrialization, the advance of science & technology, growth of civilization, and the advent of materialism. With economic growth, people’s craze for wealth and other luxuries of life has increased beyond limits which cannot be quenched with the available resources. Obliviously, persons who cannot resist their temptations quite often resort to unlawful means to meet their ulterior motives. Scientific know-how has proved a boon to offenders in carrying out their criminal activities with considerable ease. They have provided better opportunities for escape and avoid detection which has mitigated the risk involved in committing crimes. The twenty-first century’s high-tech world and use of computer network has given rise to cyber crimes and other computer related unlawful activities. Cyber crimes are harmful acts committed for or against a computer or against information on computer network. Because of cyber crimes international potential, there is need for an effective anti-cyberspace international law for preventing cyber crimes.¹⁵

**Crimes Cognizable and Non Cognizable**

The Indian Criminal Procedure Code (Cr.PC) divides all the crimes into two categories.

**Cognizable** (Sec.2(c) Cr.PC): In cognizable offences, the police have a direct responsibility to undertake investigation and the power to arrest a person without warrant. In such crimes, the police has a direct responsibility to take immediate action on receipt of a complaint or of credible information, visit the scene of the crime, investigate the facts, apprehend the offender and arraign him before a court of law having jurisdiction over the matter. Cognizable crimes are broadly categorized as those falling either under the ‘Indian Penal Code (IPC)’ or under the ‘Special and Local Laws (SLL)’.
Non Cognizable (Sec. 2(1) Cr.P.C): Non Cognizable offences cannot be investigated by the police on their own, unless directed by the courts having jurisdiction to do so. The first schedule of the Cr.P.C gives the classification of the offences of the IPC into cognizable and non-cognizable.

Definitions of Crime

Legal definitions of crime

Hall Jerome (General Principles of Criminal Law, 1947:8-18) has defined crime as “legally forbidden and international action which has a harmful impact on social interests, which has a criminal intent, and which has legally-prescribed punishment for it.”

Paul Tapan (1960:10) has legally defined crime as “an international act or omission in violation of criminal law committed without defence or jurisdiction and sanctioned by the state for punishment as a felony or a misdemeanor.”

Social definitions of crime

According to conservatives like Nisbet (1970), “crimes are the activities which threaten social disorder, offend morality, and endanger person or property.”

Strain theorists, like Clinard (1964), Merton (1964) and Matza (1969), consider crime as an action which is dysfunctional to society as well as an individual. Thus, they consider not only theft, robbery and homicide, etc., as crime but also truancy, drug addiction, vandalism, suicide, etc. as crimes.

Types of Crimes

There are following types of crimes:

- **Violent personal crime**: This crime is based on the use of violence and is committed by a person who does not have earlier record of crime against him. Murder, rape and assault are some examples of it.

- **Occasional property crime**: This crime is violation of individual property rules. Shoplifting is one example of it.
Occupational Crime: The crime is committed during the period of one’s occupation, with an economic motive. Black-marketing and misleading advertisements are some examples of it.

Political Crime: This is committed by an individual with vested political and economic interests. Spying, passing secrets to enemy country are some examples of this.

Public order crime: This crime is one in which an individual violates the rules of conduct in society. Alcoholism, prostitution and violation of traffic rules are some example of this.

Conventional Crime: This is a crime in which an individual violates the sacred norms of individual property. Theft, robbery, dacoity, kidnapping and riots are some examples of it.

Computer related crime: This concept can also be defined as “Cyber Crime”. It refers to illegal internet-mediated activities that often take place in global electronic networks. Simply saying crime on computer is cyber crime. Some of the cyber crimes are hacking, software piracy, pornography, Phishing, Spoofing and cyber stalking.

After discussing the theoretical frame work of crime, the researcher has attempted to analyse the crime in Himachal Pradesh in the last three years from 2009 to 2011.
Table 2.1: Crime in Himachal Pradesh: District wise Reported Cases

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<td>(19.4)</td>
<td>(18.2)</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Kinnaur</td>
<td>280</td>
<td>260</td>
<td>335</td>
<td>+0.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1.6)</td>
<td>(1.5)</td>
<td>(1.8)</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Kullu</td>
<td>1504</td>
<td>1182</td>
<td>2197</td>
<td>+3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(8.6)</td>
<td>(7.0)</td>
<td>(11.6)</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Lahaul Spiti</td>
<td>138</td>
<td>140</td>
<td>173</td>
<td>=</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.8)</td>
<td>(0.8)</td>
<td>(0.9)</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Mandi</td>
<td>2510</td>
<td>2383</td>
<td>2019</td>
<td>-3.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(14.4)</td>
<td>(14.2)</td>
<td>(10.7)</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Shimla</td>
<td>2248</td>
<td>2255</td>
<td>3368</td>
<td>+4.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(12.9)</td>
<td>(13.4)</td>
<td>(17.8)</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Sirmaur</td>
<td>1102</td>
<td>1067</td>
<td>1106</td>
<td>-0.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(6.3)</td>
<td>(6.3)</td>
<td>(5.8)</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Solan + Baddi</td>
<td>1600</td>
<td>1469</td>
<td>1878</td>
<td>+0.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(9.2)</td>
<td>(8.7)</td>
<td>(9.9)</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Una</td>
<td>1324</td>
<td>1331</td>
<td>1142</td>
<td>-1.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(7.6)</td>
<td>(7.9)</td>
<td>(6.1)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>17418</td>
<td>16809</td>
<td>18875</td>
<td>8.36</td>
</tr>
</tbody>
</table>

Source: Police Department Himachal Pradesh 2012.

As presented in the table 2.5 the reported cases of crime in the state has shown overall increases from 17418 reported cases to 18875 reported (the increase of 8.36 per cent) in the cases. However, it has quite evident that the reported crime cases have shown decline in seven of the twelve districts whereas the district Lahaul Spiti has shown no increase in the reported crime in the last three years. Interestingly, out of the four districts which have shown increase in the reported cases of crime, it was district Shimla which has registered maximum increase (4.9 per cent) of reported crime though district Kangra has been the leading in the reported cases (3443) in the state.

Thus, on the basis of analysis of the table it has been found that the reported crime cases in the State have been nearly steady showing marginal increase over the years.
Table 2.2: Cognizable Crime (IPC) of Himachal Pradesh (W.E.F Year 2009 To 2011)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Head of Crime</th>
<th>Year wise Cases Registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Murder</td>
<td>125 132 130</td>
</tr>
<tr>
<td>2</td>
<td>Culpable Homicide</td>
<td>13 12 6</td>
</tr>
<tr>
<td>3</td>
<td>Attempt to murder</td>
<td>73 74 50</td>
</tr>
<tr>
<td>4</td>
<td>Dacoity</td>
<td>4 2 1</td>
</tr>
<tr>
<td>5</td>
<td>Robbery</td>
<td>21 11 10</td>
</tr>
<tr>
<td>6</td>
<td>Rape cases</td>
<td>183 160 168</td>
</tr>
<tr>
<td>7</td>
<td>Kid/Abd. Women &amp; Children</td>
<td>150 194 212</td>
</tr>
<tr>
<td>8</td>
<td>Dowry Death</td>
<td>1 2 4</td>
</tr>
<tr>
<td>9</td>
<td>Cruelty to women</td>
<td>284 275 239</td>
</tr>
<tr>
<td>10</td>
<td>Outraging modesty</td>
<td>318 348 331</td>
</tr>
<tr>
<td>11</td>
<td>Hurt</td>
<td>851 923 1251</td>
</tr>
<tr>
<td>12</td>
<td>Rioting</td>
<td>591 613 530</td>
</tr>
<tr>
<td>13</td>
<td>Road accident</td>
<td>3078 3072 3099</td>
</tr>
<tr>
<td>14</td>
<td>Burglary</td>
<td>784 675 995</td>
</tr>
<tr>
<td>15</td>
<td>Theft</td>
<td>823 838 1042</td>
</tr>
<tr>
<td>16</td>
<td>Other IPC</td>
<td>6016 5718 6244</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>13315 13049 14312</td>
</tr>
</tbody>
</table>

Source: Police Department of Himachal Pradesh

The cognizable crime in the state of Himachal Pradesh has been analysed with the help of table 2.6. The table clearly reflected that state has seen rise in some specific areas of crime like theft, burglary, road accidents, outraging modesty, dowry deaths, abduction of women and children and hurt, whereas the state has witnessed decreasing trend in certain areas like culpable homicide, attempt to murder, dacoity, robbery, rape cases, cruelty to women and rioting. These has been marginal rise in cases of murder in the state as the total varied between 125 (2009) to 130 (2012). Thus, it has been found that there has increase in crime like theft, burglaries whereas the state kept tight leash on the serious nature of crimes like murder and attempt to murder etc. in the last three years.
### Table 2.3: Status of Crime in the Police District Solan and Baddi

<table>
<thead>
<tr>
<th>Police Districts</th>
<th>Sr. No</th>
<th>Name of Police Stations</th>
<th>Cognizable and Non-Cognizable Cases Registered</th>
<th>Trend (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>2009 (%)</td>
<td>2010 (%)</td>
</tr>
<tr>
<td>Solan D.S.P.</td>
<td>1.</td>
<td>Solan</td>
<td>308 (18.1)</td>
<td>303 (20.6)</td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>Kandaghat</td>
<td>109 (6.4)</td>
<td>108 (7.4)</td>
</tr>
<tr>
<td>Arki D.S.P.</td>
<td>3.</td>
<td>Arki</td>
<td>115 (6.8)</td>
<td>129 (8.8)</td>
</tr>
<tr>
<td>Darlaghat D.S.P.</td>
<td>4.</td>
<td>Darlaghat</td>
<td>112 (6.6)</td>
<td>100 (6.8)</td>
</tr>
<tr>
<td>Bagga S.P.</td>
<td>5.</td>
<td>Bagga</td>
<td>35 (2.1)</td>
<td>19 (1.3)</td>
</tr>
<tr>
<td>Dharampur D.S.P.</td>
<td>6.</td>
<td>Dharampur</td>
<td>160 (9.4)</td>
<td>150 (10.2)</td>
</tr>
<tr>
<td>Kasauni D.S.P.</td>
<td>7.</td>
<td>Kasauni</td>
<td>67 (3.9)</td>
<td>80 (5.4)</td>
</tr>
<tr>
<td>Parwanoo S.P.</td>
<td>8.</td>
<td>Parwanoo</td>
<td>111 (6.5)</td>
<td>113 (7.7)</td>
</tr>
<tr>
<td>Nalagarh S.P.</td>
<td>9.</td>
<td>Ramshehar</td>
<td>53 (3.1)</td>
<td>31 (2.1)</td>
</tr>
<tr>
<td></td>
<td>10.</td>
<td>Nalagarh</td>
<td>360 (21.2)</td>
<td>203 (13.8)</td>
</tr>
<tr>
<td></td>
<td>11.</td>
<td>Barotiwala</td>
<td>98 (5.8)</td>
<td>57 (3.9)</td>
</tr>
<tr>
<td></td>
<td>12.</td>
<td>Baddi</td>
<td>172 (10.1)</td>
<td>176 (11.9)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>1700</td>
<td>1469</td>
</tr>
</tbody>
</table>

Source: Police Department Himachal Pradesh, 2012

The data of crime in both police districts has been presented in the table 2.3. The analysis of the data reflected that overall there was a decline (-2.3 per cent) in the crime rate of both the districts under study. However, Baddi area has witnessed a rise in the crime (+8.3 per cent) and the police areas like Barotiwala and Dharampur also saw some marginal rise in the crime rate (+0.5). The police area of Nalagarh (-4.5) and Solan (-2.2) registered decline in crime rate as the number of registered cases.
declined in both the police areas. The significant trend has been that the police district Solan also witnessed decline in the registered cases.

The reason for arise in the registered cases in Baddi police state could be due to the fact that area being industrial and thus had heavy labour strength and the migrant labour.

The finding was quite contrary to the expectations as the police district Baddi, though rural by population saw spurt in crime as against the urban police district of Solan.

Further, the cognizable crime in both the districts has been analysed with the help of data as presented in the table 2.7 the data reflected clearly that there was decrease in some of the areas of crime like murder and other IPC cases whereas the marginal rise was observed road accidents, thefts and burglary.

The overall projection suggested that cognizable crime in both the police districts remained under control.
Table 2.4: Police Strength in District Solan in Himachal Pradesh 2011-2012

<table>
<thead>
<tr>
<th>Police Districts</th>
<th>Police Station</th>
<th>U/R</th>
<th>Insp.</th>
<th>SI</th>
<th>ASI</th>
<th>HC</th>
<th>Cs</th>
<th>LC</th>
<th>Total</th>
<th>I</th>
<th>SI</th>
<th>ASI</th>
<th>HC</th>
<th>Cs</th>
<th>LC</th>
<th>Total</th>
<th>Vacant Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solan</td>
<td>Sadar- Solan</td>
<td>U</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>33</td>
<td>2</td>
<td>51</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>11</td>
<td>35</td>
<td>4</td>
<td>61</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Parwanoo</td>
<td>U</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>10</td>
<td>33</td>
<td>2</td>
<td>52</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>11</td>
<td>35</td>
<td>4</td>
<td>61</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Kandaghat</td>
<td>R</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>15</td>
<td>4</td>
<td>29</td>
<td>--</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>30</td>
<td>2</td>
<td>42</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Dharampur</td>
<td>R</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>8</td>
<td>21</td>
<td>4</td>
<td>37</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>22</td>
<td>2</td>
<td>39</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Kasauli</td>
<td>R</td>
<td>-</td>
<td>2</td>
<td>6</td>
<td>16</td>
<td>2</td>
<td>26</td>
<td>--</td>
<td>--</td>
<td>3</td>
<td>7</td>
<td>21</td>
<td>3</td>
<td>34</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arki</td>
<td>R</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>9</td>
<td>18</td>
<td>3</td>
<td>33</td>
<td>--</td>
<td>1</td>
<td>3</td>
<td>10</td>
<td>20</td>
<td>3</td>
<td>37</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Darlaghat</td>
<td>R</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>12</td>
<td>2</td>
<td>22</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bagga (Under Head PSOD)</td>
<td>R</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>15</td>
<td>1</td>
<td>20</td>
<td>--</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>17</td>
<td>2</td>
<td>26</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>U/R</td>
<td>2</td>
<td>9</td>
<td>20</td>
<td>57</td>
<td>163</td>
<td>19</td>
<td>270</td>
<td>3</td>
<td>11</td>
<td>26</td>
<td>56</td>
<td>179</td>
<td>20</td>
<td>295</td>
<td>25</td>
</tr>
<tr>
<td>Baddi</td>
<td>Barotiwala</td>
<td>U</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>21</td>
<td>2</td>
<td>33</td>
<td>--</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>16</td>
<td>3</td>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Baddi</td>
<td>U</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>10</td>
<td>46</td>
<td>2</td>
<td>67</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>11</td>
<td>34</td>
<td>4</td>
<td>58</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Nalagarh</td>
<td>U</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>9</td>
<td>25</td>
<td>2</td>
<td>43</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>9</td>
<td>27</td>
<td>4</td>
<td>51</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Ramshehar</td>
<td>R</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>18</td>
<td>1</td>
<td>27</td>
<td>--</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>23</td>
<td>2</td>
<td>36</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>U/R</td>
<td>2</td>
<td>8</td>
<td>13</td>
<td>30</td>
<td>110</td>
<td>7</td>
<td>170</td>
<td>2</td>
<td>8</td>
<td>18</td>
<td>34</td>
<td>100</td>
<td>13</td>
<td>175</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>Grand Total</td>
<td></td>
<td>4</td>
<td>17</td>
<td>33</td>
<td>87</td>
<td>273</td>
<td>26</td>
<td>440</td>
<td>5</td>
<td>19</td>
<td>44</td>
<td>90</td>
<td>279</td>
<td>33</td>
<td>470</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Police department of Himachal Pradesh
It appears from the above discussion that both the police districts have acted as deterrent to crime despite the fact the both districts were short of staff (nearly 12 per cent) as can be seen in the table 2.8. It has been found that police district Solan had more shortage of staff than Baddi police district though police district Solan was catering to the population of nearly 4 lacs as against 3 lacks population of Baddi police district.

It can be noticed that both the police districts were effectively dealing with law and order situation in the district respective police districts yet the public had different feelings as they were of the opinion that law and order situation in both the districts was worsening and the crime was on the rise.

Major findings

Following are some of the findings of the study based on the secondary data:

1. The crime rate in the state has remained under clock with slight increase over the years.

2. The crime rate (as per the reported cases) in the police district Solan has shown decline over the period of three years disrule

3. The fact the district being urban in nature.

4. The Baddi police district has shown rise in reported crime due to the reason that Baddi being an Industrial district had the influences of labour, migrant labour, labour-conflicts and labour management conflicts.

5. The overall findings reflected that both the police districts despite several inadequacies, have been working and functioning well to keeping the law and order and crime under check.
Observations

Following are some of the findings of the study based on the secondary data:

1. Each State and Union Territory of India has its own separate police force as has been provided by the Article 246 of the Constitution of India for maintaining law and order, however the Union Government can also use its own machinery for maintaining law and order in the country in emergency situations.

2. The 42nd Constitutional Amendment Act, 1976 has authorized the Union Government to deploy any armed force of the union or any other forces under the control of union for dealing with any grave situation of law and order or providing security to any installation in any part of the country.

3. The police force in Himachal Pradesh derived its authority, powers, duties and responsibilities from Indian Police Act of 1861.

4. The state Home Department coordinated and supervised the Himachal Pradesh police.

5. The Director General of Police headed the police administration in the state.

6. The State has been divided into territorial divisions called ranges and each police range was under the administrative control of a DGP or Dy. Inspector General of Police.
REFERENCES

2. Ibid., p. 139.
13. Ibid., pp. 4-5.
15. Ibid., p. 6.
17. Ibid., p. 21.
18. Ibid., p. 23.