Chapter - 5
POLICE AND DISTRICT ADMINISTRATION

Police are not exclusively responsible for the administration of law and order. Generally the responsibility belongs to government. The police are simply Government's agency for this purpose. The structural as well as the informal relations between the police and the rest of the government affect the efficiency with which this critical task is carried out. These relations determine the nature of the accountability of police, which is another way of saying that they affect the autonomy of police power. Also, how far these relations are harmonious or not may affect the legitimacy of government by forcing people to choose between police and government as being correct embodiments of political authority. The relations of police with the larger system of administration is not then a narrow, technical matter of structure and organization; they are potentially of great political significance.

I. THE DISTRICT ADMINISTRATION:

The contemporary district administration may be traced to the Court of Directors who issue detailed guidelines on 24 September, 1856 for the recognition of the police force for all over the country for its separation from land revenue. Its management was entrusted to a European Officer with no other duties; and he was made responsible to a general Superintendent of Police whole of the judiciary. This separation of functions was thus explained by Mr. Jo Orunt, member of the Governor General's Council, on 9th April, 1857 “The system whereby various functions, each of which is separate in other well administered countries, are some times united in India is represented in its most amicable view”.

The whole State is divided into districts, which are complete administrative units in themselves. The district do not confirm to any standard size, either from the point of view of area or of population. The district/units were organised basically for
revenue collection and to organise civil and criminal administration. The main consideration in their formation has been administrative convenience.

The District Magistrate (DM) was made head of the district and he is also the District Collector in Andhra Pradesh. Being head of the general administration, the DM was given wide power over the heads of the all departments at district level, and also was the head of the Police and the Chief-Prosecutor. The District Collector was responsible for “effecting the peace of the district and exercised a general supervision over the local police officers, while at the same time, he controlled the working of subordinate criminal courts and had some original and appellate magisterial powers”.

The district police administration was placed under a Superintendent of Police (SP) who was responsible for discipline and internal management of the force under his control and was subordinate to the District Magistrate, and was responsible for preservation of peace and the detection and supervision of crime.

II. ROLE OF DISTRICT MAGISTRATE IN CRIMINAL ADMINISTRATION:

In the scheme of Indian Administration, the District Magistrate is the ‘dejure’ and ‘defacto’ head of the criminal administration in the district. This practice continues to this day.

The Police Commission of 1860 had laid down in their propositions on the basis of which the Police Act of 1861 subsequently passed was framed that “The District Officer shall be recognised as the Principal Controlling Officer in the police administration of his district; and that the civil constabulary, under its own officers shall be responsible to him and under his orders for the executive police administration.” The Superintendent of Police was bound to obey the orders of the District Magistrate in all matters relating to the prevention and detection of crime etc.

It was specifically stipulated that the general responsibility for the well being of the District should continue to be vested by the District Officer, the Police being made
an efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime, and the repression of local disturbances etc.  

The Bombay District Police elaborated the already considerable control of the District Magistrate and the Superintendent of Police. “The district superintendent shall, subject to the orders of Inspector-General and the Magistrate of the district within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties by the police force in his district”. The district Superintendent of Police force in the district shall be under the command and control of the Magistrate of the district. The Magistrate authorises to require particular or general reports on any matter connected with crime, the condition of the criminal classes, the prevention of disorder the regulations of assemblies and amusements from the Superintendent of Police.

The Police Commission of 1902 dwelt at length on the role of District Magistrate and pointed out that “it was essential to preserve the responsibility of the District Magistrate for the general success of the criminal administration of the district, prompt means of ensuring the obedience of the original constabulary to his lawful orders should be ensured. It would be intolerably dangerous to allow the District Magistrate to throw the responsibility of failure on the Superintendent or his subordinate. He must have the power, therefore, to issue to the police any order necessary to receive the efficient discharge of their duties in the preservation of peace or in the preservation and detection of offences.

Normally, the police could not arrest any person without a warrant issued by the Magistrate. It was only to meet certain emergent situations or in the case of graver offenses specified in the code of criminal procedure that the police had been empowered to arrest the suspected person without warrant. But the judicial power of issuing warrant was to be used sparingly by a Police Officer specifically qualified as a Magistrate. The object of this exercise was to serve the interests of justice by promptly apprehending the offenders.
III. POWERS AND FUNCTIONS OF DISTRICT MAGISTRATE OVER POLICE:

The District Magistrate is the head of the criminal administration in the district. He carries out supervision over crime and law and order, and has to be kept informed of the accuracy of serious crimes and events of importance from the police point of view. Surprisingly, the Superintendent of Police has not been given the power to seek a report from the Magistrate regarding his role and performance in the maintenance of law and order. In this connection, in so far as the working of the District Magistrate and the District Superintendent of Police are concerned, recommendations of the Administrative Reforms Commissions are given powers below and deserve implementation.\textsuperscript{11}

1. The subject of the operational and administrative responsibility of the District Superintendent of Police and the role of the District Magistrate in Police Administration needs to be approached without administrative prejudices to determine the kind of set-up that would best serve the needs of the people.

2. There should be a complete organisational and functional independence of the police in the districts under the direct operational command of the IGP.

3. The police was conceived as a district department under its own officers, but the chain of command was broken by placing the district police under the control of the District Magistrate.

4. The Police Commission of 1902 had opined that District Magistrate should have the authority to interfere in the work of investigation. This portion has been reiterated in the police manuals.

5. The District Magistrate has no time and aptitude to look after the work of the prosecuting agency. As a result, the prosecution of cases suffers seriously.
6. The functions of the District Magistrate have increased substantially as a result of which he is not able to devote full time to law and order problems, and if he does the developmental work suffers.

**IV. DISTRICT MAGISTRATE'S CONTROL OVER POLICE:**

The scheme of Indian Administrative System, the District Magistrate is head of the Criminal Administration in the district and the Superintendent of Police is merely the head of the police force. The Indian Police Act (IPA) and the Criminal Procedure Code (Cr.PC) provides the District Magistrate overriding powers of control over the police. Section IV of the Police Act of 1861 provided that "the administration of the police through the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a district superintendent and such assistant superintendents as the Local/State Government shall consider necessary".12

The police in each district should be under the general control and direction of the Collector, since Collector was responsible for the maintenance of law and order. The Bombay Police Manual provides "The District Magistrate shall exercise full control over the district police force. In question of policy and the administration of law, the decision of the District Magistrate shall fully and unheritatingly complied with even when the Superintendent of Police is opposed to any order. The Inspector-General will discourage any tendency on the part of his subordinates to approach him unnecessarily on matters in which the control properly vests in the District Magistrate."13

This provides the magistracy with operational control over the police. This extra-departmental control has led to several controversies and debates on this issue have been going on since the days of the British Administration. The Indian Police Commission set up in 1902 took up this issue in detail. The mass evidence is available to the Commission was against the duality of control and favoured the Bombay pattern of Police Administration. The Commission, however, rejected this proposal.14 But they were of the view that the District Magistrate's control and intervention was not intended to be constant or detailed, though they did find greater interference by the
District Magistrate in some provinces. Some specific recommendations made by them on this issue were: (i) that the divisional commissioners should be relieved the district interference in the details of police administration and their responsibility should be limited to the duty of supervising and advising District Magistrates. (ii) that the responsibility of the District Magistrate for the criminal administration of the district must be perceived, and that he must, therefore, be given authority over the police. Tradition and practice, and the rules and regulations framed by the government, however, have relegated the Superintendent of Police to position of a virtual subordinate of the District Magistrate.

In some States, the control of the District Magistrate is exercised even in matters is purely internal discipline. There are orders that disciplinary proceedings against police subordinates of certain categories; when being forwarded by the Superintendent of Police, should be sent through the District Magistrate so that the latter may give his opinion on that merits of the case. The District Magistrate’s remarks have to be obtained when making proposals for the promotion of Sub-Inspectors. In matters of postings and transfers, the Superintendent of Police to obtain concurrence of the District Magistrate. It is incumbent on the District Magistrate to inspect all police stations and comment on the state of crime and the amount of control exercised by the sub-divisional magistrates, the Superintendent of Police and other subordinate officers. As a matter of fact, the Police Act never envisaged the exercise of police functions by any Magistrate below the rank of District Magistrate.

No change has taken place in this system since then protagonists of both systems, for and against District Magistrate’s control, they argued their point from time to time. Some feel that the very spirit of Police Act was frustrated by making the Superintendent subordinate to the District Magistrate. Others are of the view that this point of view is supported mostly by police officers, who are guided by narrow departmental consideration.¹⁵

The dichotomy of responsibility in so far as the maintenance of law and order and control of crime are concerned is rather unfortunate. The District Officer, by reason of his multiple responsibilities in developmental and public welfare work, has
hardly any time for supervision over crime and criminal administration of the police. Moreover, it is not needed now because the police have now such an extended role of supervisory officer. However, his counsel on general law and order problems is of immense value.

V. RELATIONS BETWEEN THE DISTRICT COLLECTOR (MAGISTRATE) AND THE SUPERINTENDENT OF POLICE:

The first ever attempt of defining the relationship between the District Magistrate (Collector) and the Superintendent of Police was made in 1862 when Secretary of State of India had derived to have a set of Rules on the subject. Prior to this, no doubt, for a few years after the coming into force the Police Act of 1861 the judicial and police officers had worked harmoniously. The District Magistrate had thoroughly understood their power that they were everywhere in India the controlling the head; and the police were bound by Law and obey all orders received from them and there had been no real weakening of the political authority and control of the Civil Officers incharge of Districts. Later on it was realised that the Act had more or less divided and weakened that authority of the Magistrate. The Secretary of State directed that 'clear and distinct rules' for the guidance of the Magistrates and Police Officers should be laid down.16

A different interpretation had been given to the relationship between the District Magistrate and the Superintendent of Police. The Superintendent of Police was left with the internal organisation and distribution of police force, the appointment, promotion, suspension, dismissal, reduction in rank, and punishment of its members. The District Magistrate was left with a power of general control and supervision in the following points:17

i. He was entitled to supply with daily information as to criminal or other occurrence.

ii. He could authoritatively comment on, find fault with, or command, the efficiency or otherwise of the police arrangements in his district, and the police department was bound to pay the greatest attention to his wishes as regards and allocation of distribution of the force;
iii. He could order, stay, on direct investigation in all cases.
iv. He could punish members of the force for neglect of duty disobedience of orders or other misconduct described in Section 29 of the Police Act; and
v. In situations of emergencies where communication with the superior authorities might be difficult or impossible, indeed, in any case where he considers the step necessary and was prepared to take the responsibility of it, the Magistrate might take the entire control of the police force of the district into his own hands.

Important feature of policy measures aimed at establishing harmonious relations between the District Magistrate and the Superintendent of Police was adopting a scheme where by the young civil servants were to be given instructions and training in the practical working of the police. Accordingly, all Assistant Magistrates, on being first posted to a district, were to be appointed ex-officio Assistant District Superintendents of Police, until such time as they were vested with full powers of Magistrates. Case was, however, taken that they did not try or investigate judicially any case which as police officers, they had prepared and for this the District Magistrate was held responsible.

The relations between the District Magistrate and the Superintendent of Police were systematically defined and ambiguities gradually removed within a couple of years after the introduction of the Police Act of 1861, it was stated that "the District Magistrate has no authority to interfere in the internal organisation and discipline of police force, but in other respect his position in relation with the police is not materially changed. The District Superintendent in effect an aid to the Magistrate for the superindence of the police of the District". Subsequently, when a difference of opinion had arisen several times between the District Magistrates and the Superintendent in different districts, Police Act of 1861 was clarified that it was "the duty of the District Police Officer (DPO) to submit to the judgment and authority of the Magistrate, and not to make unnecessary references or to seek the interference of the superior police officer in matters not affecting internal organisation or discipline, or the efficiency of the force. On the point whether a District Superintendent of Police could claim to see the records of a case tried judicially before the Magistrate with a view to
scrutinising the conduct of the police in the prosecution of such case; it was ruled that though police officers had no right to examine the record of any judicial case, yet, "the District Superintendent is one of the Magistrate's own assistant, and it is the Magistrate's duty to aid him as in case of his other Assistants, access to the records of his office in all cases in which this would be done without any positive objection". 10

The Magistrate was "responsible for the police administration of the district, he clearly had a right to inspect at any time the police orders books, and satisfy himself of the manner in which the police are performing their duties". Further, all District Superintendents of Police were directed "to obtain superfluous correspondence with the Magistrates; to consider themselves entirely subordinate to them; to transact business with them in person; and to seek and be guided by their advice on all accessories of importance". 20

The District Magistrate as head of the district administration, was made responsible for the overall success of its criminal administration also. He was authorised to give to the police directions necessary to receive the efficient discharge of their duties in the preservation or detection of offenses. The District Superintendent of Police was required to keep the District Magistrate constantly informed of the criminals and the crime situation in the district. But the latter was not to interfere in the administration of the police department except when interference in that was necessary for maintaining the general control and direction.

There were strong dissenting voices in placing the Superintendent of Police under the District Magistrate. In the 1850's Mr. Clerk, the then Governor of Bombay wrote "that the number of District Officers has been doubled but crime has only increased". He went on to suggest the appointment of a Superintendent of Police for each district to whom the subordinate police officers would report and receive instructions from. He likened the relations between the District Magistrate & Collector and the Superintendent of Police to those between the Commander-in-Chief of an Army and the Government of a country. As Sir Bartle Frere observed "the Collector and the Superintendent are partners". 21 But what seems to have tilted the scales was the Englishman's belief that it would be in accordance with the Indian tradition under which
authority was concentrated in one person. The trouble at that period was that the police were poorly paid and men of caliber were not available at the officer level. And if the District Magistrate could assume both the rules, economy would be an additional factor. The colonials were notorious misers when it came to public welfare.

This position was reviewed by the Fraser Commission in 1902, and its recommendation was that "the Inspector General of Police should in every sense be the head of the police force and the responsible adviser of the Government in regard to police matters". Though the Commission left the question of proper relationship between the District Magistrate unanswered, there was some serious thinking that in the days when Superintendents were not genuine professionals and were often men of inadequate education, the tendency for a District Magistrate to seek to control the working of the Police was perhaps inevitable. Nevertheless it needed correction when men of the right caliber came to be appointed to the superior police services. As with all human relationships, that between the Collector and the Superintendent of Police depended on personalities. Experienced District Officers looked upon the Superintendent as a colleague and rarely as a subordinate. Not that there were no officers with excess of hubris who did not throw their weight around but there were few in both the services. It was an illogical typical English arrangement but it worked.

The National Police Commission examined this issue and marshaled some equitable arguments why the time has come for shedding the offending words from the Police Act of 1861. The milieu is entirely different. The recruitment is about the same and from the same educated class. Police has become a highly sophisticated professional service. The Collector has hardly any time to look after his own work, that he can not make any contribution to the working of the department. It is this recommendation of the National Police Commission headed by none other than a very Senior ICS Officer and Governor, with a High Court (HC) Judge and other experienced administrator in the Commission, that has been irking the IAS ranks.22 Instead of settling down to take positive measures to improve the functioning of the Police Department and Criminal Justice System and create a climate of credibility in this important arm of the state, the present exercise to bridle the Police is juvenile, to say the least.
In the olden days and also the golden days for the ICS Officers who were incharge of the districts were distinctly a cut above the police-officers, very senior and quite experience with brilliant academic attainments and passing through some grueling tests while the English elements in the Indian Police forming the superior side of the hierarchy were youths who were under-graduates and who needed some gentle guidance. All these have changed over the years with a common recruitment. More than that the Collector has undergone a transformation in his incarnation of overseeing expanding developmental activities with his magisterial powers transferred to the Judiciary and there is very little he has to do with the Police. And policing itself has become a specialised profession with a great many super specialities. The raison D'etre for an IAS boss to oversee the police no longer exists. Actually the police accountability to the people and the law will have to be fashioned through other structural arrangements. That is precisely what the National Police Commission has suggested. That of course lies unread in the archives.

Thus the position of the District Magistrate is vis-a-vis the District Superintendent of Police is that he is undoubtedly head of Police Administration; but with the passage of time, and following increase in his load of multiple duties, he is not able to play his vital role in the criminal administration of the district. As a result, the entire system is linking into inactivity and embarrassing relationship.

VI. THE SUPERINTENDENT OF POLICE AND THE COLLECTOR : A QUESTION OF EFFICIENCY

Indian administrative structure presents notable problems of description largely because of the existence of a federal system. Since, however, police and law and order are state subjects under the Constitution, administrative arrangements that most directly concern the police are those created by states and accountable to state legislatures.

The apex of state administrative authority is the Chief Minister. He presides over a Cabinet of appointed Ministers, all of whom are accountable to an elected Legislative Assembly. The Ministers preside over departments responsible for the
performance of different specialised tasks. Below the Secretariat Offices at the State capital are several tiers of structure. Most tasks are performed by administrators placed at the level of district, sub-division, taluka, and village. The structure becomes attenuated at the bottom reaches; not every village has government officials stationed in it. The hierarchy of district sub-division Mandal-village has remained intact for over two millennia and was used by Mughals and British for the organizing of their imperial responsibilities. The major level of coordination of administration, below the State Secretariat, are the districts. Below district level various departments have been set up special administrative units departing from the primeval system. For example, the police are organized in terms of Circles and Police Stations. Economic development activities are organised in terms of blocks, talukas and villages. The curiosity of the system is that while above and below the district there are functionally specific lines of command and accountability, at the district level there is a single executive officer with overall responsibility for the direction and coordination of all tasks within the district. This is the Collector, in effect, he is the Chief Executive for a district, he is a permanent civil servant. It is as if Indian Administrative structure had an hourglass figure. The Collector is the pinched waist.

One of the most persistent problems of Indian administration has been how to associate the generalist Collector reporting to the Chief Secretary with functional specialists reporting to a number of different Ministries. In the police caste, for example, the Chief District Police Officer is the Superintendent. The hierarchy to which he is accountable extends upward through a range Deputy Inspector-General of Police to the State Inspector-General of Police. The Inspector-General reports to Director General of Police and he reports to the Home Secretary and in turn to the Home Minister. To complicate the situation even more, the Collector belongs to the Indian Administrative Service. And so, too does the Home Secretary. Thus, the police establishment is accountable at two different levels to a civilian administrative official of the I.A.S. Cadre.

As government’s functions have expanded, especially since Independence, the Collector has become increasingly burdened. In British days his duties took in revenue collection, law and order and the administration of justice. Today governmental
responsibilities include community development, health and welfare, agricultural extension, cooperatives and marketing arrangements, establishment of programmes of rural savings and the creation of representative political institutions under Panchayat Raj etc. One solution to the problems of coordination and of over burdening is to remove certain tasks from the Collector's purview and to have functionally specific chains of command from Delhi to state to district and so on. There is a tendency to move in this direction, especially with respect to development functions.

From the days of the British the Collector has retained formal responsibility for the maintenance of law and order. The Police Commission of 1861 established the principle that police in each district were to be under the 'general control and direction' of the Collector. Since the Collector was responsible for law and order, he had to have authority to direct the police. The police however, were to be autonomous throughout each state with respect to their own internal administration. Hence the creation of the post of Director-General. The Superintendent was responsible to the Collector for what the police had affecting law and order; he was at the same time responsible to his uniformed superiors for the internal management of the police establishment. In short, he was subject to a system of dual control. The Collector, however, was chief district officer in his own right for every department except police. The relation between Superintendent and the Collector was special. They were not exactly superior-subordinate, but not quite equals either. In the rubric that has developed, the Superintendent was a 'colleague' of the Collector not a subordinate. The Police Commission of 1902-1903 reaffirmed the principles governing this relation but noted that friction had been encountered. The relationship was inordinately difficult to define in hard and fast terms. It was amorphous and in practice reflected the opinions and personality of different Collectors. Some Collectors did think of their Superintendents as colleagues; others conveniently forgot and treated them as narrow-minded advisors fit only for a limited charge. A National Police Commission meeting today would make the same observations about the quality of the relationship. Beneath the coherence of descriptive terminology there exists a wide variety of operational solutions and these in turn have created a considerable amount of animosity, confusion and inexperience in the utilization of the police.
The difficulties do not of course arise in the larger cities which have Commissioners of Police. The Commissioner is his own Collector and communicates directly with the Home Department. He not only directs the internal administration of the force but bears full responsibility for law and order as well.

The ambiguity in the relationship between Superintendent and Collector has led to a proposal that responsibility for law and order be transferred from the Collector to the Superintendent. The Collector should confine himself to non-enforcement tasks. There would thus be a unified command structure for law and order in each state. The proposal does not, it should be noted, abolish accountability to civilian authority; it merely concentrates it at one level - that of Inspector-General and eliminates dual entry of civilian direction. Behind this proposal, which enjoys great popularity among police officers, especially younger ones, lie many specific irritants that police officers cite in their relationship with the Collector. Generally they object to the diminution of their status implied in having to be responsible to him. Specifically, they complain about the practice of requiring Collectors to write confidential reports on character, fitness and performance of Superintendents which are forwarded to police superiors; they complain that Collectors inspect police stations without the approval of the Superintendent; that Superintendents must inform Collectors in advance of their movements away from headquarters; that the Collector must countersign the Superintendent's travel allowance; that the Collector must approve the postings of Station house officers, as well as dismissals, promotions and transfers of others; that the Superintendent must submit to the Collector police plans and dispositions for emergencies; that organization of work units in the force, the abolition of a station, or the expenditure of certain categories of funds all invoice prior notification to the Collector. Not all these practices exist in every state. And even within states there is appreciable variation in practice. Nonetheless, this is a representative list of the kind of subordination to the Collector that ruffles the feathers of a great number of police officers.

In support of the proposal that law and order should become the exclusive responsibility of the senior professional police officer in every district, subject to direction by the state police hierarchy, four broad arguments are generally made.
First: inspite of what the regulations require, Collectors do not exercise active control over law and order administration. They are too far busy now-a-days to give the kind of continual personal attention that they once did. Collectors become involved in law and order affairs only when an emergency arises, when crowds are actually milling in the street or communal violence has broken out. The rest of the time they are submerged in a multitude of development tasks, because this is now the area of maximum governmental concern. Rather than pretending to a thoroughness of control that he does not exercise and competence, he has no time to develop, the Collector be honest about his burdens and eliminate the petty, formal checks that are his only real contact with law and order administration. It is time to abolish spasmodic accountability and allow the professionals to assume undivided responsibility.

In support of the contention that Superintendents enjoy de facto primary except in extreme situations, some observers have noted that the I.A.S. staff in State Secretaries increasingly communicate directly with the Director General about law and order problems and no longer work as much through the Collector. It may also be true, as some have suggested, that the standard for Collectors has declined in the past twenty years. The post of Collector no longer enjoys the prestige among the I.A.S. it once did. Consequently the single-mindedness, the dedication, the paternalistic regard and perhaps even the expertise of Collectors have suffered a decline. The height of an I.A.S. Officer's ambition before Independence was to possess his own district. Postings to a Secretariat were considered distractions from the main purpose. The pattern today is more and more for young officers to move directly into Secretariat work, after perhaps serving briefly as a sub-divisional officer. They stay in Secretariat posts, or perhaps in public economic undertakings, for the rest of their careers. Because the luster of district service was worn off, Collectors tend to be young I.A.S. Officers or older appointees from State Civil Services. The middle rank of I.A.S. Officers are loath to give up their higher status Secretariat posts. As a result, training and probationary I.A.S. Officers serving in sub-divisions is not in the hands of an experienced and farsighted men as it used to be. The young I.A.S. Collector's acquaintance with law and order problems is probably less extensive than that of his Superintendent.
Second: law and order work requires special knowledge, expertise and training. It cannot be directed by an amateur, no matter how gifted. The Superintendent is better informed, better trained and much more sensitive to the nuisances of law and other administration. Superior ability is in part a function of time devoted single-mindedly to this range of problems. Moreover, the superintendent sits at the listening end of an organization designed to collect information pertaining to law and order. The Collector, on the other hand, can only keep in touch with the criminal situation, as well as with the disposition of forces and equipment through the superintendent. The Collector cannot possibly supplement police information from his own sources or even bring to bear a substantially independent point of view.

Third: Police performance would improve if police were conscious of the fact that they were standing on their own feet as sole custodians of law and order throughout the country. They would be put on their mettle and would not be able to hide behind the skirts of the Collector. Public accountability, too, would be more surely secured because politicians would have a single man to hold responsible for police inaction, inadvertence or malpractice. As it is now, accountability is strained through a lawyer of I.A.S. Officials. Proponents point out that the London Police Force, one of the most respected in the world, has just this system of exclusive police responsibility. Moreover, the most efficient police in the subcontinent are to be found in cities that have the Commissioner system.

Four: the Superintendent is in a better position to monitor the activities of the police from the point of view of securing public respect than is the Collector. Collectors pride themselves on their intuitive feel for public opinion in their districts; in fact, they are fooling themselves. They are prisoner of their multifarious duties and a vast bureaucratic machine. Their attention to public opinion about the police is spasmodic. In British days a Collector toured extensively and held public meetings wherever he went. This is no longer true. Touring has declined markedly, and with it the ability of the Collector to step outside his channels of command. An energetic Superintendent, required to make inspections and constantly called forth to deal with
delicate situations of investigation or control, is in a much better position to solicit complaints and to hear of the mistakes of his far-flung force.

The proposal that Collectors be stripped of their authority in matters of law and order is far too controversial not to be opposed. The fraternity of the I.A.S. has drawn together to oppose any move in this direction. They press three counter arguments.26

First: Law and order administration is but one aspect of governmental direction; it cannot be separated felicitously from the resonated carried out by men with a narrow police view. The Collector, because of his vantage point and contacts with other aspects of district life, is able to see law and order problems as one part of general man needs and responses. He can better understand their genesis and can more aptly prescribe a cure. A Superintendent is a specialist, although a necessary and talented one, and he cannot see the world in the round. The British perceived the unity of district problems and created the generalist post of Collector; events of the past twenty years, or half century, have not lessoned the need for a single administrator with a synoptic view of district problems. Even today with the headlong thrust of government into economic development, unity of direction must be preserved. Rapid social change and problems of law and order often have an organic connection; only the Collector is situated to perceive these subtle connections.

Second: though opinion may be changing for the better, police are still widely and deeply distrusted. The Collector is a visible promise to the public that independent civilian control over the police still exists, and at a level they can contact. If the Collector was taken from the arena of law and order administration, the public view might be reinforced that the police are a closed corporation from which there is no appeal, except through political auspices at a distant state capital.

Third: law and order are contentious areas of responsibility decisions taken which involve bodily injury and bloodshed. Not only are two heads better than one but shared responsibility between the expert in violence and the civilian generalist may strengthen the voice of decision when unpleasant but necessary choices must be made. Police officers may hesitate to prescribe a bitter ounce of prevention when they are
alone on the job. The Collector serves as a shield of civilian legitimacy, and his opinion carries more weight than the Superintendent's with senior officials and politicians in state capitals. I.A.S. Officials and senior I.P.S. men alike think that when force must be applied Superintendents very much appreciate having Collectors at hand to share the decision. The Collector is also useful to police officials in lending weight to recommendations about needed reforms in police administration in the districts. A Superintendent's plea for a hundred more men or an improved but costly radio network may be dismissed by politicians and Secretariat officials as the result of professional ambition; supported by a Collector's recommendation it becomes much less easy to disregard. In short, if the Superintendent were on his own he would find himself both more exposed and less well supported. The result would be a failure of nerve and the less certain improvement of Police Administration.

It seems clear that both I.A.S. and I.P.S. men perceive problems in the relationship between Collector and Superintendent. Not surprisingly, both sides advocate different solutions; and in each case advocacy serves the status interests of their respective services. Currently the weight of official opinion is against reducing the authority of the Collector in matters of law and order. The I.A.S. fraternity is dead set against it. Among police, the proposal finds strongest support among younger officers, especially those recruited in the last ten or fifteen years. The clamour for change can be expected to swell in the future as the old guard departs, those whose opinions were formed under the British or immediately after independence, and the young officers begin to assume top command positions.

In passing, mention should be made of two other proposals affecting the relations between police and I.A.S. administration. Both of them would make the police more sensitive to considerations of general administrative and political need. They would bind the police organization more harmoniously into the larger administrative framework. The first is the recurrent proposal for a unified civil service. Probationers would elect to specialize in one or two functional areas. Superintendent and Collector would be part of the same service, distinguished only by the amount of expertise they had in particular matters. The second proposal would open the closed-club of the police to outside influence. This could be accomplished, for example, by
abolishing the post of Inspector-General or by placing a Joint Secretary, Home Department, between the Inspector-General and the Home Secretary. Alternatively, the post of Inspector-General could be filled by someone from outside the uniformed service, perhaps an I.A.S. Officer. These suggestions are not being pushed vigorously, but they do indicate that the problem of I.P.S. - I.A.S. relations is being considered from many perspective.

VII. THE SUPERINTENDENT AND THE COLLECTOR: A QUESTION OF COMPATIBILITY

Because of the peculiarities of their formal relationship, Collector and Superintendent are thrown into intimate but ambiguous contact. There is always the chance that one will overstep what the other thinks is appropriate behaviour within the rules of their minute. They are aware of the necessity of working together and of the importance of harmonious relations. But it would be too much to except that they are always in agreement. The Superintendent may resent the Collector's suggesting that a certain station-house officer has behaved very badly and ought to be investigated. The Collector, on the other hand, may feel that his Superintendent is too protective of the personnel under his command and is not ready to weed and prune as complaints to the Collector warrant. A Collector suddenly perceives the need for a movement of armed police in order to restrain potentially dangerous events. The Superintendent, feeling the move is unnecessary, interprets the suggestion as a command and goes away believing he has been treated as a subordinate and not as a colleague. The opportunity for misunderstanding is all the greater because of the importance of service identity in India. Morris-Jones has observed that "to the bureaucrat it is more important to know to which service one belongs than to remember what level of government one served". A Superintendent thinks of himself first as an I.P.S. Officer, second as the member of a district command team. The Collector, too nurtures a profound sense of pride in the service and talks paternally of his district. Role ambiguity, service 'esprit de corps', and stubborn human pride quite frequently scar the human and working relationship between Collector and Superintendent of Police. Every state has had instances when relations deteriorate that one or the other officer had to be transferred. Bitterness communicate itself to staffs, to the public, and to politicians. self-servers seek
to ingratiate themselves with Superintendent or Collector or for both by probing the
sense of hurt, inventing or magnifying slights. Even the local press may choose sides,
writing articles about the over-hearing actions of Collector or Superintendent. Fortunately, stress between Collector and Superintendent is usually kept within the
official family; public hostility is rare. Still, both sides are thoroughly sensitized to the
problems of their relationship and officers of both I.A.S. and I.P.S. can tell stories of
real or fancied difficulties and latent or actual animosity.

Tension between Collector and Superintendent is not new; its antecedents go
back to British times. Philip Woodruff has made a list of the qualities a good
Superintendent had to have and concluded by saying that “he must be something of a
diplomat to live beside the District Magistrate”. “Altogether, it was an arrangement
peculiarly English which worked on the whole very well. When there was pettiness or
spite on one side, things were difficult, but usually there was enough generosity on the
other side to make up for it”.

The problem may be aggravated by age differences between Collector and
Superintendent. At least I.P.S. Officers often cite this as a contributory factor, a view
which is echoed by I.A.S. Officers. Peculiarly, though there is no consensus among
officers about whether an older Collector or an older Superintendent creates the more
uneasy situation. One suspects that informants have erected a theory of age on the
warrant of their own personal experience. When the Superintendent is older he may
resent the supervision of a young Collector. Having to obtain approval for travel
expenditures or the timing of tours made away from headquarters may be very
disagreeable for him. The Collector, too, may feel the gap between them. He may be
falsely differential, too obviously condescending, or he may be tactlessly abrupt in an
effort to demonstrate sureness in command. The fresh ideas of a young Collector may
be resented by the Superintendent as being too book bound and theoretical, not
matured through practical experiences in the field. But the shoe is sometimes on the
other foot. Police Officers often comment on the difficulties a young, imaginative
Superintendent has with an older Collector who is not of the I.A.S. but has been
promoted from a state civil service. An young I.P.S. Officer may suffer untold anguish
in subordinating himself and suppresses his bright ideas.
VIII. INFERENCE:

For good administration of the district, it is of the greatest importance that the Superintendent of Police and District Collector should work with complete understanding of each other's role. The Superintendent of Police should give due attention to District Collector views, treating him so to say, like a big (or) elder brother. His advice on matters of law and order and the general police administration should receive due consideration. Good relations between the District Collector and the Superintendent of Police make police administration considerably easy and fruitful in many directions. The entire legal scheme of dealing with law and order is based on the presumption of closest possible cooperation and depend on cordial relations between police and the Collector.
REFERENCES:

2. Ibid., p.234.
3. Selection from the records of the Government Papers relating to the reforms of Police in India, 1861, Preposition No.29.
4. Ibid., Preposition No.33.
5. Bombay District Police Act, IV of 1890, Section 12.
6. Ibid., Section 13.
7. Ibid., Section 10.
10. Ibid.
15. Ibid., p.115.
17. Ibid., pp.227-228.
18. Ibid., p.231.
19. Ibid.
20. Ibid., pp.231-232.
22. Ibid.