CHAPTER II

Police Administration in J&K: Organization and Structure

Concept and Meaning of Police

Max Weber defined ‘State’ as an organization that has a “monopoly on the legitimate use of physical force”. Use of physical force becomes necessary when other peaceful mechanisms fail to produce results. The police are the instrument of physical force of the State. They have to bear the burden of failure of other instruments of governance as well. Thus, the police always have to be at the forefront and face the wrath of the public even for the failure of other instruments of governance.1

The Policing emerged on the horizon since the society came into being. The police are the most visible executive arm of the government involved in multifarious functions, which essentially centre around crime prevention, maintenance of order and conflict management, day to day problems of public are solved by the police and on each and every moment they came into the contact with each other. In every community, laws exist to regulate society. Within society, usually the police ensure that these laws are enforced. The police prevent or solve crime, capture criminals and hand them over for trial, and protect and aid the public. In the course of these duties, the police may undertake many different tasks, such as directing traffic, controlling riots, or investigating murder and other serious crimes. In time of emergency, they may be asked to find shelter and protection for victims of fires, floods, or other disasters.2

The predominant role of police is the maintenance of law and order and the prevention and detection of crime. In earlier times, the charter of police duties was confined only to the prevention of crime against persons and property and punishment to the offenders but with the growth of society fresh manifestations of crime both white collar as well as overtly violent forms have emerged as fresh challenge to police. The advent of terrorism as a new genre of violent crime has posed an unprecedented threat to the social order. To match this threat the police have to prepare themselves both for a preventive as well as a combative role.3
The word ‘Police’ come from the Latin word ‘politia’ which means “civil administration”. The word ‘politia goes back to the Greek word ‘polis’, or “city”. Etymologically, therefore, the police can be seen as those involved in the administration of a city. ‘Politia’ became the French word ‘police’. The English took it over and at first continued to use it to mean “civil administration”. The specific application of police to the administration of public order emerged in France in the early 18th century. The first body of public order officers to be named police in England was the Marine police, a force established in 1798 to protect merchandise in the port of London.4

R. Deb has defined policemen as, “A police-man is the axis on which the rule of law rests and rotates”. Policing today has become an extremely difficult and delicate occupation. At anytime, anywhere in the word the job of policeman is not a happy one.5 The police are generally used to indicate the body of civil servants whose basic duties are prevention, detection and investigation of crime and maintenance of law and order in the process of carrying out these duties, the police frequently comes in contact with general public and interacts with them.6

In common parlance, Police means an official body of persons established and maintained for keeping public order. Thus, the police are a constituted body of persons empowered by the state to enforce the law, protect property, and limit civil disorder. Their powers include the legitimized use of force. The term is most commonly associated with police services of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. Police forces are often defined as being separate from military or other organizations involved in the defense of the state against foreign aggressors; however, gendarmerie and military police are military units charged with civil policing.7

**Historical Background of Police**

The history of police administration, defence and justice has been as old as the history of mankind itself. However, to pinpoint the origin of police in the society and the state is not a simple task because the origin of the police as a part of the state emerged through the process of evolution. The first police force was setup in Egypt in about 1340 BC, to protect merchants from the pirates on the river Nile. The police of ancient Egypt were vested with both administrative and judicial powers; they detected, tried and decided the cases and also executed the sentences.8
In modern times, the Bow Street Runners were setup in Britain in the year 1750 AD, to capture the criminals and they were replaced by the metropolitan police in 1829, the world’s oldest existing police force. In USA, force similar to the metropolitan police was set-up in the year 1840. Now, almost all the countries of the world have police force in place to maintain law and order and peace, though each country manages the police force in their own way. For example, in France the government directly controls a national police force, which investigates major crimes, while local force deals with minor matters. In other countries, such as Australia, separate force cover different areas. In the USA, Police forces are organized at town, country, city, and state level.

**Historical Perspective of the Police in India**

The origin of the police in India can be traced back to the early Vedic period of ancient times. Both the Vedas; the Rig Veda and the Atharva Veda have made a mention of some kinds of crime and punishment known to Vedic India. The Kings in ancient India had their own network of secret intelligence to keep themselves well-informed about the nature and incidence of crime, and awarded adequate punishment to the criminals.

Even the Laws of Manu make specific reference to police system in vogue in those days in India. The main duty of a King according to these laws was to restrain violence and punish evil doers. Later, in the Kautilya’s Arthashastra, written around 300 BC, we find detailed and fascinating description of the use of spies in the criminal administration. Kautilya advised the King to have his spies controlled by reliable and capable ministers.

The Afghan and the Mughal rulers, who followed their own concept of police administration, superimposed the Arabic-cum-Feudalistic institution of Faujdar and Kotwal in the structure of policing in the village. The Faujdar represented the executive authority of the government within the limits of a rural district. He was principally a military officer but also functioned as the chief police officer of the area under his command.

Interestingly, during the rule of Ashoka, Akbar and the Peshwas the policing principles were the same, with considerable difference in their execution.
The Mughals were replaced by the Britishers who descended on India as traders in the guise of East India Company in 1600 AD only to be established themselves as rulers later on. The first step of the Britishers to set up their rule was taken with the declaration of ‘Right to Diwani’ (right to revenue collection) in West Bengal in the year 1772. To begin with the Britishers like their predecessors, never provided adequate police arrangement for the security of the rural areas, which were left to the whims and mercies of the Zamindars, assisted by their henchmen, the headman and the watchman. The British Government was an autocratic phenomenon.13

The village system of policing followed by the darogha system and return to the traditional method of village policing were some of the initial attempts by the British to control crime and organize policing in India. Sir Charles Napier experimented with the Royal Irish Constabulary model of policing in Sind in 1843 and bits and pieces of this experiment were adopted in other parts of India.14

The Revolt of 1857 brought about a perceptible change in the attitude of the British. The administration of India passed into the direct control of the British monarch. The revolt of Indian soldiers in the British army was an eye-opener for the British. They were compelled to think in terms of restructuring the police. On August 17, 1860, a four-member Police Commission was set up to recommend the reforms in the police system in the country. The commission was to examine the following aspects of the existing police structure:

- To record the number of police employees and expenditure being incurred on them; and
- To recommend ways to cut down expenditure and increase its efficiency.
- Besides, in a memorandum, stress was laid on the following four points:
  - the police functions should be totally non-military, though in their discipline and training the policemen were to be soldier-like;
  - the police should enjoy no judicial right;
  - the police administration should be placed under the provincial governments and ;
  - the wages of the constable should be better than that of an unskilled worker in order to attract suitable youths to the police service.
The major thrust of the recommendations was to bifurcate the military and police functions. The Commission recommended bringing all categories of constables within a non-military police force and subordinating them to a Director General. The duty of the Director General was to ensure proper functioning of the police force. The army had nothing to do with day-to-day law and order problems; it could be called only in emergencies like foreign aggression and internal revolt. The Commission further recommended appointment of an English Police Superintendent in every district. He was to serve under an Inspector General of Police. Another compulsory obligation of police officers was to obey commands of the district magistrate in matters of law and order. The Police Act 1861 was promulgated on the basis of these recommendations. Under this act, the Inspector General of Police as the chief of provincial police assumed specific responsibilities in the areas of police policy formulation and the line operations involved in the execution thereof. His appointment was firmly controlled by central government although, once appointed, he was to act as an advisor to the provincial government on all matters connected with the police administration of the province. In carrying out his responsibilities, the Inspector General was to be assisted by several Deputy Inspectors General posted on a territorial basis, usually each to a group of three to five districts called a range. The Deputy Inspector General was to exercise a general supervision over the District Superintendents in his range, and they were to look towards him for advice, guidance, leadership and co-ordination of police work within the range. As head of the district police, a District Superintendent was made responsible for all matters relating to the internal economy of the force, its management and the maintenance of its discipline and the efficient performance of all its duties connected with the prevention, investigation and detection of crime.\footnote{15}

**The Police Commission (1902)**

The changes introduced after the recommendations of the 1860 Police Commission did not yield expected results. The numerical strength of the police was inadequate to establish law and order in the country. The constabulary lacked efficiency which led to increase in crimes and the image of the Police was at its lowest ebb. The constables were mostly inducted from the lower strata of the society and were almost illiterate and thus lowly paid and were also insufficiently trained constables to handle their duties and sought promotion more through bribe and
flattery than through merit. The Indian Penal Code of 1898 gave police the rights to trace and arrest criminals and to investigate to check crime. The policemen often misused these powers for their vested interest. All these above stated conditions compelled the Britishers to set up another police commission to improve the police system and accordingly, the then Lt. Governor of Bengal, Sir John Woodburn, recommended setting up a police commission to the Viceroy of India, Lord Curzon and as a result a new Police Commission was set up in 1902 to recommend improving the functioning of the police. The jurisdiction of the commission was to examine aspects like recruitment, training, discipline, pay, pension, allowances, and service conditions, prevention of crimes and institution of inquiries. The recommendations of the Commission were meant to restructure and reorient the personnel policies of the Police Department to gear it to the mounting challenges posed by the increase in crime and disorder. The Police reforms of 1902 emphasized on strengthening the District police, so that it could serve as a powerful bulwark of imperial rule in India. The Commission recommended that the educated Indians be recruited to the Police force at the officer level. Before 1902, Indians could rise only to the rank that of Inspector of Police; but after the Commission submitted its report; a new rank of Deputy Superintendent was created.16

The Britishers were feeling the heat of pressure from Indian people to ‘free’ India and to counter this pressure the Indian Councils Act 1909, commonly known as the Morley-Minto Reforms, was enacted by the Parliament of the United Kingdom that brought about a limited increase in the involvement of Indians in the governance of British India.

Then came the Government of India Act 1919 which was enacted to expand participation of Indians in the governance. The Act provided a dual form of government known as “diarchy” for the major provinces. In each such province, control of some areas of government, the “transferred list”, were given to a Government of ministers answerable to the Provincial Council. The ‘transferred list’ included Agriculture, supervision of local government, Health and Education. The Provincial Councils were enlarged, whereas the police as a portfolio remained directly under the British rule.

The Government of India Act 1935 was originally passed in August 1935 and is said to have been the longest (British) Act of Parliament ever enacted by that time. The most significant aspect of the Act was the grant of a large measure of autonomy
to the provinces of British India (ending the system of dyarchy introduced by the Government of India Act 1919)\footnote{17}

India got freedom on 15\textsuperscript{th} August 1947 and subsequently adopted its constitution. However the British legacy continued in relation to police administration. The salient feature of the police history in India was the Police Act of 1861 which predominantly covered the police matters and affairs in India between the periods 1861 to 1971.


The Government of India set up a committee on police training under the chairmanship of eminent sociologist and educationist, M.S. Gore in the year 1971. The committee reviewed the existing facilities in different training institutions and came to the unflattering conclusion that police training had been badly neglected over the years and training arrangements, except in some central organizations, were unsatisfactory both quantitatively and qualitatively. The committee in its report made some well thought out recommendations for improving the training syllabi, organization of training and instructional methods and so on. Overall, the committee made one hundred and eighty six recommendations. The recommendations that related to the police training were mostly implemented however the reforms relating to the structure of the police system were overlooked.\footnote{18}


The bold step was taken by the Union Government by constituting the National Police Commission (NPC) in the year 1977 and the Commission was given wide terms of reference to view fresh certain areas relating to Police and Police Administration, which included the organization, role, and functions of the police, police-public relations, political interference with police work, misuse of police power and police accountability and performance evaluation. The NPC produced eight reports between 1979 and 1981, setting out wide reaching recommendations for reforms. Its salient recommendations included setting up a State Security Commission in every State; making the investigative functions of the police completely independent of any extraneous influences and separating it from its law and order functions; prescribing a procedure for the appointment of Police Chief and giving him a minimum statutory tenure; and formulating a new Police Act.\footnote{19}

The reports of the NPC along with their areas of main recommendations have been mentioned in the Table 2.1.

82
Table 2.1: National Police Commission’s Reports

<table>
<thead>
<tr>
<th>NPC Reports</th>
<th>Month &amp; Year</th>
<th>Major Recommendations on</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Report</td>
<td>February 1979</td>
<td>The working and living conditions of the constabulary formed the focus of the first report. Its other recommendations were on Police Department’s and Judicial inquiries and District Inquiry Authority’s inquiries into complaints; etc.</td>
</tr>
<tr>
<td>Second Report</td>
<td>August 1979</td>
<td>Role of the Police, duties, powers and responsibilities were its focus. Its other recommendations were on Criminal Justice Commission; Political Interference in Police Work; Chief of Police – appointment and tenure; Transfer and Suspension orders, etc.</td>
</tr>
<tr>
<td>Third Report</td>
<td>January 1980</td>
<td>Its focus was on Weaker Sections/disadvantaged groups; and Corruption. Its other important recommendations included on Officer postings; Guidelines for arrest; Guidelines for the use of handcuffs; Petty Cash, etc.</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>June 1980</td>
<td>It focused on Criminal Investigation, trial in court and social legislation. Other recommendations included on Registration of FIR; Witness examination and statements; Compounding Offences; Communicating Arrest; Reducing mistreatment in custody, etc.</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>November 1980</td>
<td>Recruitment, code of conduct, behaviour and women police officers. Other areas included Control of the District Magistrate; Police Conduct; Victims of Crime; Transparency, etc.</td>
</tr>
<tr>
<td>Sixth Report</td>
<td>March 1981</td>
<td>Focus areas of this report were Police leadership, IPS training and handling of communal riots. Other important recommendations included on Promotion; Creation of Central India Police Service Cadres; Police Commissionerate system in major cities; Reservations; Separation of Investigation and Law and Order, etc.</td>
</tr>
<tr>
<td>Seventh Report</td>
<td>May 1981</td>
<td>It focused on organizational structure, performance appraisal and discipline and control. Its major recommendations were on Internal Management: Standards for Police Stations; Establishment of a Central Police Committee; and an All India Police Institute, etc.</td>
</tr>
<tr>
<td>Eighth Report</td>
<td>May 1981</td>
<td>Focus areas were Police accountability, future of policing and appended a Draft Police Act for replacing the century-old law of the British days. Other area covered included Withdrawal of protection from prosecution, etc.</td>
</tr>
</tbody>
</table>


The Ribeiro Committee was constituted by the Union Government in May, 1998 to comply with the directions of the Supreme Court arising out of a Public Interest Litigation filed to get the recommendations of National Police Commission (1977) implemented. The Committee’s terms of reference were to review action taken to implement the recommendations of the National Police Commission, the National Human Rights Commission and the Vohra Committee, to suggest ways and means to implement the pending recommendations and to make any other recommendations which it considered necessary. The Committee released two reports. The first report was released in October 1998, which dealt with Supreme Court’s specific concerns. The second report more general in nature was released in March 1999. The recommendations covered a wide range of issues such as creation of Police Performance and Accountability Commission with an advisory and recommendatory
role \(^2^1\); District Police Complaints Authority; Police Establishment Board; recruitments, transfers, tenures, promotions, rewards and punishments; selection of Director General of Police; investigations; replacing Police Law.\(^2^2\)

**Padmanabhaiah Committee (2000)**

The central government set up another committee in January, 2000 to look at police reforms, commonly known as the Padmanabhaiah Committee. With wide terms of reference, the Committee was required to examine the challenges that the police would face in the next millennium; to envision a force that would be people friendly and yet able to effectively tackle problems of organized crime, militancy and terrorism; suggest ways to transform the police into a professional and competent force; identify mechanisms to insulate police from political interference; consider redressal of public grievances and of police grievances; devise ways of securing public trust and cooperation; and examine the need for ‘federal crimes’ and creation of a Federal Law Enforcement Agency. Some of the important recommendations of the Committee were: greater recruitment of Sub-Inspectors instead of Constables; retraining of existing constabulary; setting up of a Police Training Advisory Council at the centre and in each state; Police should adopt the philosophy of community policing; setting up of a Police Establishment Board; minimum tenure of two years, police personnel should be given a weekly off and compulsorily required to go on earned leave every year; Investigation should be separated from law and order work; police station should be equipped with ‘investigation kits’; need to encourage specialisation in various aspects of policing; the entire concept of personal security needs a careful review and dismantling; certain offences having inter-state, national and inter-national repercussions should be declared “federal offences”; need for a special and a comprehensive law to fight terrorism; set up a District Police Complaints Authority; the Police Act of the British time should be replaced by a new Act; and setting up of a National Commission for Police Standards\(^2^3\) and also stated that there is a need for comprehensive reforms in Criminal Justice Administration.\(^2^4\)

**Malimath Committee on Reforms of Criminal Justice System (2001 – 2003)**

The Malimath Committee addressed the principles of the Criminal Justice System, investigation, prosecution, judiciary, crime and punishment. The report has been heavily criticised by human rights organisation for its suggestion of changing the burden of proof. The committee made one hundred and fifty eight observations and
recommendations. There were fifty five major recommendations out of which forty two have to be implemented by the central government and twenty six by the state governments.25

**Police Act Drafting Committee (2005-2006)**

The Government of India set up another Committee in 2005, popularly known as the Police Act Drafting Committee under the Chairmanship of Sh. Soli Sorabjee. The Committee began sitting in September of the same year and submitted a Model Police Act to the Union Government in October 2006. The Committee’s terms of reference were to draft a new Police Act in light of the changing role and responsibilities of the police, as well as the challenges presented by the increase in insurgency, militancy and naxalism in India. The terms of reference required the new Act to include measures to change the police attitude (including a working methodology to involve the community in policing) and reflect the community’s expectations of a modern police service. When drafting the law, the Committee was also required to consider forensic methods of policing. The terms of reference also mandated that the new Police Act should address the issues of human rights, concerns for women, and people belonging to Scheduled castes and Scheduled tribes.26

**Prakash Singh and Others V/s Union of India (2006-07)**

On the basis of a Public Interest Litigation filed by the two former DGPs, Sh. Prakash Singh and Sh. N. K. Singh in the year 1996, the Court gave its ruling on 22nd September 2006 that given the ‘gravity of the problem’ and ‘total uncertainty as to when police reforms would be introduced’ it would issue ‘appropriate directions for immediate compliance’. These directions were binding upon central and state governments and governments were initially required to report to the Court on steps taken to comply with the directions by the end of 2006. The majority of the states filed applications seeking more time. Some of these applications also sought review of the judgment. The court refused to review its directions and ruled that governments were required to comply with its directions by the end of March 2007.27

That systemic police reform is an imperative is undisputed. Thus, the seven directives by the Supreme Court provide practical mechanisms to kick-start reforms. They included recommendations from many of the commissions and committees on police reforms that were set up in India over the last more than three decades. The directives of the Supreme Court to the governments have been summarized in the Table 2.2 below:
Table 2.2: Supreme Court Directives of 22nd September 2006 in Prakash Singh and Others vs. Union of India and Others

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Directives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Constitute a State Security Commission to (i) ensure that state governments does not exercise unwarranted influence or pressure on the police, (ii) lay down broad policy guidelines, and (iii) evaluate the performance of the state police.</td>
</tr>
<tr>
<td>2</td>
<td>Ensure that the Director General of Police is appointed through a merit based, transparent process and enjoys a minimum tenure of two years.</td>
</tr>
<tr>
<td>3</td>
<td>Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) also have a minimum tenure of two years.</td>
</tr>
<tr>
<td>4</td>
<td>Set up a Police Establishment Board, which will decide all transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers of officers above the rank of Deputy Superintendent of police.</td>
</tr>
<tr>
<td>5</td>
<td>Set up a National Security Commission at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organizations (CPO), who should also be given a minimum tenure of two years.</td>
</tr>
<tr>
<td>6</td>
<td>Set up independent Police Complaints Authorities at the state and district levels to look into public complaints against police officers in cases of serious misconduct, including custodial death, grievous hurt or rape in police custody.</td>
</tr>
<tr>
<td>7</td>
<td>Separate the investigation and law and order functions of the police.</td>
</tr>
</tbody>
</table>

Source: “Police Reforms in India: An Critical Appraisal”

The Model Police Act, 2006

The Ministry of Home Affairs, Government of India, having visualized the long-felt need to replace the 145 year old Police Act 1861, set up a Committee of Experts, under the Chairmanship of Soli J. Sorabjee, in September 2005 to draft a new Police Act that could meet, inter alia, the growing challenges to policing and to fulfill the democratic aspirations of the people. The Committee comprised six non official members and four ex-officio members, besides a full-time Secretary.

The proposed Act has sixteen chapters, consisting, in all, 221 sections. In drafting the Model Police Act, the Committee was guided by the need to have a professional police ‘service’ in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Act provides for social responsibilities of the police and emphasizes that the police will be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities.

The other salient features of Model Act include:

*Functional autonomy*

While recognizing that the police are an agency of the State and therefore accountable to the elected political executive, the Committee has specifically outlined the role of Superintendence of the State Government over the police. The Model
Police Act creates the following mechanisms and processes which will help the police perform its functions more efficiently as also enhance its credibility in the eyes of the public.

**Creation of a State Police Board**

This body, under the chairmanship of the State Home Minister and comprising the Leader of Opposition in the State Assembly, the Chief Secretary, the Home Secretary and the Director General of Police besides a few independent non-government members, shall lay down the policy guidelines for efficient policing and identify performance indicators to evaluate the functioning of the police service.

**Merit-based selection and appointment of the Director General of Police**

To ensure a leader who can function with professional efficiency and a temporal perspective, without fear or favour, the Model Act mandates selection of the Director General of Police from among three senior-most officers of the state police, empanelled for the rank against prescribed criteria. Recognizing that the Head of the Police must enjoy the confidence of the political executive, the Act provides for the State Government to appoint any of the three such officers as the Director General of Police.

**Security of tenure**

Cognizant of the fact that frequent transfers of officers seriously impede professional efficiency in police functioning, the model Act mandates a minimum tenure of two years for the Director General of Police and other key functionaries such as the District Superintendent of Police and the Station House Officer. Indeed, the security of tenure does not preclude the removal of an officer for misconduct or inefficiency; it merely ensures that removal is consequent upon specified grounds laid down in law.

**Establishment Committee**

This is a departmental body comprising the Head of the Police and other senior officers, being created at the state as well as district levels, to consider transfers and postings of police officers at different levels on the basis of collective wisdom and experience, and to look into complaints of police officers against any illegal orders.
Encouraging professionalism

To ensure an efficient, responsive and professional police service, the Model Act introduces the concept of preparing plans that lay down the policing objectives to be achieved in a given period, and provides mechanisms to streamline criminal investigation and the training processes for police officers.

Earmarking dedicated staff for crime investigation

To streamline criminal investigations, the Act mandates earmarking of staff in each police station specifically for investigating heinous and other specified offences, which shall be trained in scientific and other methods of investigation.

Civil Police Officer

Keeping in view the fact that the civil police – as against the armed wing of the police – needs better-educated personnel to exercise discretionary powers in dealing with people and investigating cases, the Act stipulates that the rank of constabulary be done away within the Civil Police. Now the primary rank in the civil police is the Civil Police Officer, Grade II. Those recruited to this rank shall be trained for three years as stipendiary cadets, and only upon passing prescribed bachelor’s degree examination in Police Studies would they be appointed as Civil Police Officers.

Accountability paramount

Realizing that what matters most to the people is accountability of the police, the Act prioritizes police accountability, both for their performance and their conduct.

Performance evaluation

The Act provides detailed mechanism comprising the State Police Board, assisted by an Inspectorate of Performance Evaluation, to evaluate the police service at the state, district and police station levels. The police shall be evaluated against identified performance indicators (including operational efficiency, public and victim satisfaction, accountability, optimum utilization of resources, and observance of human rights standards), the targets let out in the Annual Plan, and the resources available with the police.
Accountability Commission and District Authorities

The Act creates independent civilian oversight agencies chaired by retired judges at the state and district level to inquire into public complaints against the police for serious misconduct and to generally monitor internal departmental inquiries in other cases of misconduct.

Offences by the police

The Act introduces criminal penalties for the common defaults committed by the police including non-registration of FIRs, unlawful arrest, detention, search, or seizure to bring into sharp focus for the police personnel that some of their practices are not only illegal, but also criminal offences under the law of the land.

Improved service conditions

The Act also aims to provide better service conditions to the police personnel including rationalizing their working hours, one day off in each week, or compensatory benefits in lieu. It creates a Police Welfare Bureau to take care, *inter alia*, of health care, housing, and legal facilities for police personnel as well as financial security for the next of kin of those dying in service. It further mandates the government to provide insurance cover to all officers, and special allowances to officers posted in special wings commensurate with the risk involved.

Role in protecting Internal Security in light of new threats

As per the terms of reference of the Committee, the Act also deals with police preparedness to manage threats to internal security from activities of terrorists, militants, insurgents and organized crime groups. The police are not granted any special powers in the Act to deal with these threats; rather the Act provides for systematic preparation and meticulous compliance of Internal Security and Standard Operation Procedures. Schemes to handle the threats as well as creation of Special Security Zones with in a State and where need arises, in contiguous areas of neighbouring states, that facilitate different police structure and command, control and response system, and cooperation between different agencies of the state(s).

The Committee has endeavoured to put forth a comprehensive Act that could ensure effective policing in both urban and rural areas. 29
The act has not been put into operation by the states yet, as all the states have asked for more time to usher in the suggested changes. In true political form, most of the states have found ways to circumvent the spirit of these directions.  

**Organization Structure of Police Administration in India**

Police Administration is complex, sensitive and challenging field of public administration. Kautilya has discussed origin of State under the elements of the State named “Saptang Doctrine”. Police administration was under the 5th ang: named the danda or the army with army (force), (Officer-Senapati). A policeman is often the least appreciated of the public servants and is always the target of public criticism, mostly unwarranted, unjustified and ill considered. It is a popular belief, the Indian Police System is a creation of the British rule in India but a study of the ancient Indian history shows the origin and development of the law enforcement institutions since the Vedic period.  

Police Administration is an integral part of Public Administration. This is the branch of the administration, which directly deals with the people. In the present scenario, the scope and objectives of the police administration are growing day-by-day, because of modernization, privatization, globalization and multi-dimensional changes.  

Law and order administration is mostly identified only with the police administration. The term law and order covers a wide speculum situation, behavioural attitudes and operations, which have a bearing on the orderly existence of the community. Police role must be defined with the legal limits of authority and in relationship to the needs of the public.  

The Police Administration in India functions at two levels, namely:  

- At the **Central or Union** Level; and  
- At the **State** Level.  

While dealing with the issue of Police administration in India, it is necessary to understand the constitution position in regard to the distribution of responsibilities between the centre and the state with regard to law and order matters. The powers and responsibilities of the union and states are demarcated in the Constitution of India. Article 246 of the Constitution distributes the legislative powers between the Parliament and the State Legislative Assemblies. It refers to three lists of subjects mentioned in the Seventh Schedule of the Constitution:
• List 1: \textit{Union List} - includes subjects in respect of which the Parliament has the sole power to make laws.
• List 2: \textit{State List} – includes subjects in respect of which the State legislature has exclusive powers to make laws.
• List 3: \textit{Concurrent List} - consisting of subjects on which both the Parliament and the State Legislatures have concurrent powers to make laws.

Article 246 of the Constitution of India places the police, public order, courts, prisons, reformatories, borstal and other allied institutions in the State List.\textsuperscript{37}

\textbf{Police Administration at the Central Level}

Though the Constitution of India has mandated ‘Police’ and ‘Public Order’ to be State subjects, there are certain provisions in the Constitution, which empower the Central Government to intervene in some situations or perform special functions in police matters. It is the duty of the Centre to protect the states against internal disturbances and to ensure that the governance of every state is carried on in accordance with the provisions of the Constitution (Article 355).

As per List 1 of the 7th Schedule, the Parliament has exclusive powers to make laws with respect to:

• the armed forces of the Union, which includes the Central Para-Military Forces (Entry 2A);
• the Central Bureau of Intelligence and Investigation (Entry 8);
• the Union agencies and institutions for training of police officers, promotion of special studies or research, scientific and technical assistance in the investigation or detection of crime (Entry 65);
• all-India Services (Entry 70); and
• extension of the powers and jurisdiction of members of one state police force to another with the consent of that state or to outside railway areas (Entry 80).

\textit{The Ministry of Home Affairs’ Role}

The Ministry of Home Affairs, Government of India has been responsible for the internal security of the country as a whole and performs the following duties in matters concerning police: recruiting and managing the Indian Police Service;

• operating the Intelligence Bureau, the Central Bureau of Investigation and other Central Police Organizations;
• raising, maintaining and deploying Central Para-Military Forces to assist the civil police;
• maintaining a Directorate of Coordination of Police Wireless to provide an independent channel of communication to police forces in the country and a National Crime Records Bureau to ensure computerization of police forces;
• establishing and maintaining institutions for research, training and rendering of scientific aids to investigation;
• enacting laws for the functioning of the criminal justice system in the country;
• rendering advice and assistance to the state governments in dealing with crime, law and order and other related matters;
• coordinating the activities of various state police organizations; and
• Providing financial assistance for the modernization of State police Forces.

**Indian Police Service**

At the time of Independence, India inherited from the British two All India Services – the Indian Civil Service (ICS) and the Indian Police (IP). These were subsequently renamed the Indian Administrative Service (IAS) and the Indian Police Service (IPS) respectively. These services were constituted under Article 312 of the Constitution of India and legislation was framed to govern them.

Recruitment of officers to the IPS has been done by the Central Government on the basis of a competitive examination conducted by the Union Public Service Commission annually. After selection, the officers receive their professional training in the National Police Academy, Hyderabad.

The IPS cadre has been controlled by the Ministry of Home Affairs of the Government of India. The officers selected to the IPS were allotted to the various state cadres. They joined as Assistant Superintendents of Police and remained on probation for a period of two years, after which they were confirmed as Assistant Superintendents of Police. It has been the IPS officers who man the senior posts in the police forces of all States/Union Territories and in Central Police Organizations. All matters relating to postings, transfers or promotions of IPS officers in the states have been handled exclusively by the State governments, while similar administrative control has been exercised by the central government in respect to officers working under the central government. An IPS officer can be removed or dismissed from service only by the central government.
Central Police Organizations (CPOs)

The Central Government has established a number of police organizations known as the Central Police Organizations (CPOs). The CPOs, which functions under the control of the Ministry of Home Affairs, Government of India can be broadly divided into two groups. One consists of armed police organizations, also known as Central Para-Military Forces (CPMFs), like the Assam Rifles, Border Security Force, Central Industrial Security Force, Central Reserve Police Force, Indo-Tibetan Border Police and the National Security Guards. The other group includes organizations like the Bureau of Police Research and Development, Central Bureau of Investigation (CBI), Directorate of Coordination of Police Wireless (DCPW), Intelligence Bureau (IB), National Crime Records Bureau (NCRB), National Institute of Criminology and Forensic Science (NICFS), and the National Police Academy (NPA).

Police Administration at the State Level

The police has been a state subject and as a result its organization and working were governed by rules and regulations framed by the state governments. These rules and regulations have been outlined in the Police Manuals of the state police forces.

Each State/Union Territory has its separate police force. Despite the diversity of police forces, there has been a good deal that is common amongst them and this has been due to four main reasons:

- The structure and working of the State Police Forces have been governed by the Police Act of 1861, which has been applicable in most parts of the country, or by the State Police Acts modeled mostly on the 1861 legislation.
- Major criminal laws, like the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act etc have been uniformly applicable to almost all parts of the country.
- The Indian Police Service (IPS) is an All India Service, which has been recruited, trained and managed by the Central Government and which provided the bulk of senior officers to the State Police Forces.
- The quasi-federal character of the Indian polity, with specific provisions in the Constitution, allowed a coordinating and counseling role for the Centre in police matters and even authorizes it to set up certain central police organizations.
The Organizational Structure

Superintendence over the police force in the state has been exercised by the State Government. The head of the police force in the state is the Director General of Police (DGP), who has been responsible to the state government for the administration of the police force in the state and for advising the government on police matters.

Field Establishment

States have been divided territorially into administrative units known as districts. An officer of the rank of Superintendent of Police heads the district police force. A group of districts form a range, which have been looked after by an officer of the rank of Deputy Inspector General of Police. Some states have zones comprising two or more ranges, under the charge of an officer of the rank of an Inspector General of Police.

Every district has been divided into sub-divisions. A sub-division has been under the charge of an officer of the rank of ASP/ Dy.S.P. Every sub-division has been further divided into a number of police stations, depending on its area, population and volume of crime. Between the police station and the subdivision, there were police circles in some states - each circle headed generally by an Inspector of Police.

The police station has been the basic unit of police administration in a district. Under the Criminal Procedure Code, all crime has to be recorded at the police station and all preventive, investigative and law and order work is done from there. A police station has been divided into a number of beats, which are assigned to constables for patrolling, surveillance, collection of intelligence etc. The officer in charge of a police station has been an Inspector of Police, particularly in cities and metropolitan areas. Even in other places, the bigger police stations, in terms of area, population, crime or law and order problems, have been placed under the charge of an Inspector of Police. In rural areas or smaller police stations, the officer in charge has been usually a Sub-Inspector of Police.

To enable the police have greater and speedier reach and the public to gain easier access to police help, police posts have been set up under police stations, particularly where the jurisdiction of the police station, in terms of area and population, is large.39
Fig 2.1: The Field Establishment of the Police Force at the State Level

- Director General of Police (DGP) [In-charge of the State Police Force]
- Additional Director General of Police (Addl. DGP)
- Inspector General of Police (IGP) [In-charge of a zone, which comprises few ranges]
- Deputy Inspector General of Police (Dy. IGP) [In-charge of a range, which comprise a group of districts]
- Senior Superintendent of Police (SSP) [In-charge of the bigger District]
- Superintendent of Police (SP) [In-charge of the District]
- Additional Superintendent of Police (Addl. SP)
- Assistant/Deputy Superintendent of Police (ASP/Dy. SP) [In-charge of a Sub-division in the district]
- Inspector of Police [In-charge of a Police Station]
- Sub-Inspector of Police (SI) [In-charge of a smaller Police Station]
- Assistant Sub-Inspector of Police (ASI) [Staff of the Police Station]
- Police Head Constable (HC) [Staff of the Police Station]
- Police Constable [Staff of Police Station]

Control Systems in State Police

There existed different control systems in police within each state at the district level and broadly these can be categorized into two; System of Dual control and Commissionerate system which have been described below.

System of Dual Control at the District Level

Section 3 of the Police Act, 1861 vested the superintendence of the state police force in the state government. A system of dual control at the district level is introduced under Sec.4. It places the police forces under the District Superintendent of Police, but subject to the “general control and direction” of the District Magistrate. The District Magistrate was not a professional but a general administrator, whose charter included not merely the executive but even some judicial functions. This was done deliberately because the functioning of the District Magistrate as the chief officer of the district was considered essential for the maintenance of British rule in India. The British had realized that to perpetuate their rule in the country, they must have a police force that was totally subservient to the executive. Thus a system of dual control at the local level was introduced- one under the head of the police forces in the district and the other under the chief executive of the district i.e. the District Magistrate.40

Commissionerate System of Policing

There was considerable opposition to the system of dual control at the district level even at the time it was introduced. In fact the British Government realized that the district system would not work efficiently in metropolitan areas, which faced different police problems. Therefore, another system i.e. the commissionerate system of policing was introduced in certain metropolitan areas like Calcutta, Bombay, Madras and Hyderabad. Under this system, the responsibility for policing the city/area is vested in the Commissioner of Police. While the commissionerate system initially existed in four cities in the last century, it has been extended to many areas since Independence.

There are two main differences between the district and the commissionerate systems-

The Commissioner of Police does not work under any other functionary except his departmental heads in the organization and the government, while the District Superintendent of Police functions under the general control and direction of the District Magistrate.
Unlike the head of the district or the state police force, the Commissioner of Police is vested with magisterial powers of regulation, control, licensing etc. in addition to the usual police powers.41

**Reform Commissions at State Level**

There have been several attempts made at the State Level also to reform the Police. They include, The Bihar Police Commission (1961), The Kerala Police Reorganization Committee (1959); The West Bengal Police Commission (1960) U.P Police Commission (1960); The Punjab Police Commission (1961-62); The Delhi Police Commission (1968); The Tamil Nadu Police Commission (1969). Most of these Commissions have pointed to the political interference in the working of police towards unlawful ends. The recommendations of these Commissions were mainly concerned with details of the administrative set up, the strength of the police force in different wings of the system, pay and allowances of the police in different ranks, qualifications for recruitment to various ranks, the set-up for training centres, curricula for training and the like.42

**Police in Jammu and Kashmir: A Historical Background**

There is nothing on record to show that a regular Police Force existed in Jammu and Kashmir State prior to 1872, the year when a major sectarian clash necessitated the presence of the organized Police force. In his book, “Biography of Maharaja Ranbir Singh” Thakur Kahan Singh Billawaria has recorded that in the beginning, a police station was established in each tehsil. Afterwards, Police Chowkis known as police station Grade-II were also established. The Grade-I police stations were manned by Deputy Inspector, popularly known as ‘Subedars’, and Grade-II police stations were officered by Sergeants, popularly known as ‘Thanedars’. The Wazarat level police officer was known as ‘Kumedan’ (commandant) and province had an officer of the rank of Superintendent. For authentic information on policing in the state before 1872, we may turn to the account left behind by Major Charles Ellison Bates, who enjoys the distinction of having compiled the first-ever Gazetteer of Jammu and Kashmir State during Maharaja Ranbir Singh’s reign (1857-1885). Bates mentioned that the police constable was the ‘Harkara’; there was one Harkara’s house to about every twenty villages; all the male members of his family being also Harkaras. He received reports and gave directions to the ‘Dum’ or policeman of
whom there was one to every village, the inhabitants of which were obliged to provide his maintenance. As all these officials had to be supported by the peasantry, a heavy burden was thereby inflicted on the people. About city police he writes that there were different grades of the City Police. There was a policeman under him; he reported to the Sub-Kotwal, the Sub-Kotwal to the Head-Kotwal and the Head Kotwal to the City Judge, the City Judge used to be a Pandit and the other a Mohammedan.

As per Sir Walter Lawrence, in the olden times police constituted of village watchmen or ‘Chowkidars’ who were known for their vigilant and inquisitorial abilities. They were mostly drawn from the “Doom” caste of the population known for their excellent detection and transmission of intelligence. It was in the year 1873 AD that formal Police force came into existence with one Police officer Known as Kotwal and fourteen Thanedars for Srinagar City. This force controled crime and took care of law and order situations with the help of the Chowkidars and Harkars, who were paid by the population out of their annual agricultural produce on a voluntary basis.

It was in 1913 that the state requisitioned the service of an Imperial Police officer on deputation and appointed Mr Broadway as the first Inspector General of Police in June, 1913. He continued to be Police chief up to 1917 and was followed by other Indian Police officers. Prithinandan Singh was the first Indian Police chief who took over on 1st June 1946. Since then the Police in J&K has undergone several re-organizations. The strength of Police in J&K in the year 1889-90 was just 1040, which further rose to 1570 in the year 1903 and forty years later, in 1943-44, the strength of J&K Police was 3179 and its strength has gone to more than 83000 strong at present.

As we proceed ahead in time, clear contours of growth, development and continuous evolution become discernible in Jammu and Kashmir Police as an organization. Coupled with the challenges thrown up by the division of the country, particularly the vivisection of the state by the tribal invasion, were political fluidity and social unrest that gripped the state and its people. Simultaneously, the dawn of Independence had brought with it a message of happiness and had generated new hopes of progress and development in the state. All this required a strong, committed and dedicated governance of the state which was possible only with the active participation of the state police. Simultaneously, Pakistan was never tired of
fomenting social unrest in Kashmir and remained unifocal in making desperate efforts to wrest the control of the state from India. In its futile bid to grab Kashmir it launched two full scale wars against India in 1965 and 1971 respectively.

The year 1989 may be taken as the most crucial year in the history of evolution of Jammu and Kashmir Police. It was during this year that a new warfare was slapped on Kashmir by the neighbouring country. It was terror in all its nakedness that Pakistan resorted to ‘to bleed India white’ by ‘thousand cuts’ in furtherance of what has been notoriously known as ‘Operation Topac’. Under this strategy, Pakistan started sending armed terrorists to Kashmir in order to subvert democratic institutions in the state and to destabilize the governance of the state by killing prominent politicians, bureaucrats, technocrats and intellectuals. Taking full advantage of the vast chunk of unemployed youth and the rampant backwardness and illiteracy of masses, the perpetrators of terror found the right kind of ground for whipping up the communal passions of the people in order to promote and strengthen the feelings of secession and separatism. During these tumultuous times, the state police fully realized its role and responsibility.

What emerges prominently from the above is that the Jammu and Kashmir Police has multiplied manifold over the last five decades and that its role and responsibilities have also increased enormously. As of now, there have been following prominent wings of JKP each looking after some specialized area of Police duties:

1. Jammu & Kashmir Executive Police
3. Jammu & Kashmir Armed Police
4. Jammu & Kashmir Traffic Police
5. Jammu & Kashmir Police-Railway
7. Jammu & Kashmir Police-Technical Wing
8. Jammu & Kashmir Police-Security Wing
10. Prosecution
11. J&K Civil Defence, Home Guard & State Disaster Response Force
12. Forensic Science Laboratory (FSL)
13. Police Housing Corporation
Organisation, Functions and Duties of Jammu and Kashmir Police

The Jammu and Kashmir Police, the law enforcement agency for the state of Jammu and Kashmir, come under the direct control of Department of Home Affairs, Government of Jammu and Kashmir. The command and control of the J&K Police vests with the Director General of Police, J&K, (DGP) who has been the in-charge of the entire gamut of Police Administration viz. recruitment, discipline, internal economy and administration in the State of Jammu and Kashmir. The DGP being the head of the state has also been responsible for advising the Government of
J&K on all matters connected with it. The J&K State has been divided into two Zones viz. Jammu Zone and Kashmir Zone (Table 2.3). These two zones have been headed each by a Zonal Inspector General of Police (IGP) who has been the overall in-charge of law and order situation in the respective zone. The two zones have further been sub-divided into seven Ranges: four in Jammu Zone (Jammu-Kathua, Rajouri-Poonch, Udhampur-Reasi and Doda-Kishtwar Ranges) and three in Kashmir Zone (Central Kashmir, North Kashmir and South Kashmir Ranges) each headed by an officer of the rank of a Deputy Inspector General of Police (DIG) who supervised the police administration in the Districts, each of which has been headed by an officer of the rank of Superintendent of Police (SP)/ Senior Superintendent of Police (SSP). The Jammu Region has ten Police Districts (Jammu, Samba, Kathua, Udhampur, Reasi, Rajouri, Poonch, Doda, Kishtwar and Ramban Districts) while the Kashmir Region has fifteen Police Districts (Srinagar, Ganderbal, Budgam, Pulwama, Anantang, Kulgam, Shopian, Awantipora, Baramulla, Sopore, Bandipora, Kupwara, Handwara, Leh and Kargil Districts). The District SSPs/SSsPs have been assisted by one or more Additional Superintendents of Police/Assistant/Deputy Superintendents of Police in the discharge of their duties. The Districts have further been divided into Sub-divisions, Police Stations and Police Posts/Divisions. The Sub-Divisions have been headed by officers of the rank of Assistant / Deputy Superintendent of Police. Presently, there have been total of 193 Police Stations (including two Women Police Stations one each at Srinagar and Jammu) and 158 Police Posts/Divisions in the State of J&K manned by Police personnel of the rank of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables, Selection Grade Constables and Constables.

There has been, at the Headquarters of each district, an Armed Reserve contingent under the charge of a Gazetted officer of the rank of Dy.SP to meet contingencies like leave / sickness etc. and to perform other miscellaneous duties in the district like armed and unarmed guards, escort of treasuries, prisoners/under trials and the like.
Table 2.3: Ranges and Districts / Police Districts of Jammu and Kashmir

<table>
<thead>
<tr>
<th>Zone</th>
<th>Range</th>
<th>Headquarters</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>KASHMIR (03)</td>
<td>CENTRAL KASHMIR (CKR)</td>
<td>SRINAGAR</td>
<td>Srinagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Budgam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ganderbal</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Leh</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kargil</td>
</tr>
<tr>
<td></td>
<td>SOUTH KASHMIR (SKR)</td>
<td>ANANTNAG</td>
<td>Anantnag</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kulgam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pulwama</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shopian</td>
</tr>
<tr>
<td></td>
<td>NORTH KASHMIR (NKR)</td>
<td>BARAMULLA</td>
<td>Baramulla</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bandipora</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kupwara</td>
</tr>
<tr>
<td>JAMMU (04)</td>
<td>JAMMU-KATHUA</td>
<td>JAMMU</td>
<td>Jammu</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Samba</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kathua</td>
</tr>
<tr>
<td></td>
<td>RAJOURI-POONCH</td>
<td>RAJOURI</td>
<td>Rajouri</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Poonch</td>
</tr>
<tr>
<td></td>
<td>DODA-KISHTWAR</td>
<td>DODA</td>
<td>Doda</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kishwar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ramban</td>
</tr>
<tr>
<td></td>
<td>UDHAMPUR-REASI</td>
<td>UDHAMPUR</td>
<td>Udhampur</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reasi</td>
</tr>
</tbody>
</table>

Source: O/o the DGP, J&K Police, Headquarters at Jammu.

Jammu and Kashmir Police Headquarters

The office of the Director General of Police has been located at the state Headquarters and he has been further assisted by a number of Staff Officers who helped him in discharge of his duties. The Staff Officers of Jammu and Kashmir Police Headquarters included IGP (Headquarters), IGP (Personnel and Training), Deputy Inspector General of Police (Administration), Deputy Inspector General of Police (CIV), Assistant Inspector General of Police (Personnel), Assistant Inspector General of Police (CIV), Assistant Inspector General of Police (Provisioning & Transport), Assistant Inspector General of Police (Welfare) who in turn have been assisted by Deputy Superintendents of Police and Section Officers. This office has been assigned the duties to deal with various facets of administration, logistics, establishment and policy planning like:

- Recruitment, Promotions, Discipline, Internal economy and Administration in the force. Enquiries, Complaints and Appeals,
- Police purchases,
- Buildings and Constructions- The Police Headquarters has a Police Construction Division manned by an Executive Engineer and assisted by five Assistant Executive Engineers and seven Junior Engineers,
• Police Transportation.

• Training - The job of Training has also been assigned to the Police Headquarters. To impregnate professional competence and to attain specialized skills required to handle any kind of situation. Induction, On-job and Specialized training are imparted to the Police Personnel. There has been a State level Police Training Academy being headed by an officer of the rank of Inspector General of Police (IGP) which has been situated at Udhampur with Police/ Subsidiary training schools both in Jammu Region ( Kathua and Talwara) and Kashmir Region (Zewan, Manigam and Sheeri) besides an Intelligence and Security Training School located at Vijaypur, Jammu.

**Jammu & Kashmir Armed Police**

The Jammu and Kashmir Armed Police, a special force meant for the internal security of the state, has been headed by an officer of the rank of Additional Director General of Police (ADG) who has been assisted by two IsGP and four DIsG. The two IsGP exercise superintendence over Armed/Indian Reserve Police (IRP) Battalions in their respective Provinces (Kashmir/ Jammu), each headed by a Commandant of the rank of SSsP/SsP. At present there have been eleven Armed and twenty Indian Reserve Police (IRP) Battalions in the State. This force has been specially ‘Trained’ like an infantry Battalion. Being essentially a task force, normally it has not been deployed for routine duties but is ordinarily used to meet any emergency in the law and order situation and to combat militancy throughout the state. The Armed Police has also been utilized for manning static guards on protected places, vital installations, and vulnerable areas besides striking force to meet any eventuality.

**Jammu & Kashmir Traffic Police**

The Jammu and Kashmir traffic Police has been entrusted with the job of managing the smooth flow of traffic and has been headed by the Inspector General of Police (IGP) who in turn has been assisted by two DIG and zonal SsP who are have been given charge of traffic at Jammu, Srinagar and the National Highway respectively. The function of this wing basically pertains to traffic management, regulation, enforcement of traffic rules and regulations and road safety education. With the unprecedented rise in the vehicular population across the State particularly in twin cities of Jammu and Srinagar, the Wing has been engulfed with heavy commitments in ensuring traffic regulation with meager manpower resources.
Jammu & Kashmir Police-Railway

The Railway wing of Jammu & Kashmir Police headed by an officer of the rank of Inspector General of Police (IGP) and assisted by one DIG at Headquarters and SSP Railways Jammu and SSP Railways Kashmir came into existence when Railways was made an independent organization in the aftermath of operation of railway traffic in the Valley. It has been carved out of erstwhile Crime and Railways. The Railway Police has been dealing with criminal cases at Railway Platforms and tracks besides protection of Railway property.

Jammu & Kashmir Police-Crime Branch

The Crime branch of J&K Police, a specialized investigation agency of the state police, has been headed by an officer of the rank of Inspector General of Police (IGP) who has been assisted by a DIG and SSP each at Jammu and Srinagar, in the discharge of his duties. This branch was initially a part of the CID Organization of J&K Police and was separated in the year 1978 to function independently. Two Police Stations viz. Police Station Crime Branch Srinagar and Crime Branch Jammu were created to deal with the specified crimes within their respective jurisdiction. The cases handled by this wing included investigating cases of public importance, crime data collection and consolidation, State Crime Records Bureau (SCRB) supervision, Crime Photograph Cell and Dog Squad maintenance.

Jammu & Kashmir Police-Technical Wing

The Technical Wing of Jammu & Kashmir Police has been supervised by an officer of the rank of Inspector General of Police (IGP Technical Services) who in turn has been assisted by a DIG designated as Director, Police Telecommunication and assisted by technical personnel. The Director has been entrusted with the responsibility of installation, functioning and maintenance of Police Telecommunication grid in the State linking Police Stations, Control Rooms, District Headquarters and other Police wings.

Jammu & Kashmir Police-Security Wing

The Security wing of Jammu & Kashmir Police headed by an officer of the rank of ADG/ Inspector General of Police (IGP Security) and assisted by a DIG Security and SSP Security at Headquarters has been responsible for providing security to protected persons, vital installations and to secure venues during sensitive events. The Security wing has been further divided into Security Kashmir, Security Jammu,
Raj Bhawan, Civil Secretariat, AHJ Airport Jammu/Srinagar each headed by an officer of the rank of SSP. The wing has been playing a significant role since inception of militancy in the State by providing physical security to the protected persons and their immediate family members. There has also been a Special Security Group (SSG) which has been provided with the responsibility of protection of the Chief Minister and Ex-CMs of Jammu and Kashmir and their immediate family members.

**Jammu & Kashmir Police-CID**

The Crime Investigation Department (CID) being the premier intelligence wing of Jammu & Kashmir Police headed by an officer of the rank of ADG or IG (presently one IGP heading the Wing) has been traditionally occupying the important position by functioning as eyes and ears of the Government. In the discharge of duties besides one IGP or DIG(as the case may be) and SSsP at Headquarters, he has been assisted by two DIgS CID Kashmir/Jammu who have been assisted by SSsP Special Branch/Counter Intelligence in their respective provinces. While Special Branch has been dealing with collection, collation and dissemination of intelligence relating to political and other counts to maintain the surveillance over the undesirable elements etc, the Counter Intelligence has been basically an anti-militancy set-up dealing with the collection of intelligence to counter the threat of anti-national, subversion, espionage, smuggling of contrabands and trans-border activities. Apart from these functions, the CID also carried out verification for the purpose of service, passports, threat perception, VISA clearance, NRI, migration relief cases and other allied verifications. SSP CID Special Branch Kashmir/Jammu has also been designated as Foreigners registration Officers in their respective jurisdiction while as SSP Leh for Ladakh under the overall supervision of CID Headquarters. In addition, one SP has been looking after at CID Cell New Delhi which has been responsible for maintaining liaison with Govt. of India and collection of intelligence having bearing on law and order, security and terrorist activities.

**J&K Civil Defence (CD), Home Guard (HG) & State Disaster Response Force (SDRF)**

This wing has been headed by the DGP J&K who has been ex-officio Commandant General and assisted by Joint Commandant General of the rank of ADG designated as ADG HG/CD/Auxiliary Police. The ADG/IGP has been further assisted
by two DISSG, who exercise command and control over Civil Defence/ Home guard and two SDRF (formerly Auxiliary Police Battalions) one each at Jammu and Srinagar which have been headed by officers of the rank of SsP/SSsP. The Auxiliary Police discharges multifarious duties such as assisting the civil Police in traffic control / regulation, maintenance of law and order and protection of life and property. The Auxiliary Police Battalions also organized training of Civil Defence and Home Guard Volunteers to meet any eventuality and extended a helping hand during emergencies like natural disasters.

**Prosecution**

The prosecution wing of the Jammu and Kashmir police which supervised, conducted and dealt with all the departmental litigations viz. Writs, appeals, civil suits, claim petitions, SLPs (Special Leave Petition), contempt, criminal prosecution etc. has been headed by a Director Prosecution who has been an officer of the rank of DIG and assisted by Deputy Director Prosecution (SP), Chief Prosecuting Officer, Senior Prosecuting Officers (Dy.Ss.P) and Prosecuting Officers (Inspectors). Besides being law instructors and legal advisors of the department, these officers have been also posted in the field for various law and order duties.

**Forensic Science Laboratory (FSL)**

The Forensic Science Laboratory (FSL) of the Jammu and Kashmir police provide scientific aids to the criminal justice system and has headed by a Director who exercises the control through an officer of the rank of Inspector General of Police (IGP). There existed two Forensic Science Laboratories at Jammu and Srinagar along with ten Field Mobile FSL units. The Forensic Science Laboratory (FSL) had various sections like Chemistry and Toxicology, Biology and Serology, Documents, Finger print and Foot print, Physics, Ballistic, Polygraphy and Explosive section.

**Police Housing Corporation**

The Police Housing Corporation (PHC) headed by a Chairman-cum-Managing Director has been an independent Housing Corporation which was established to execute construction works of the J&K Police. The Chairman-cum-Managing Director has been assisted by the Engineering staff that comprised of Superintending Engineer, Executive Engineers, Assistant Executive Engineers and Junior Engineers. The Engineering staff has been provided to the corporation on deputation basis by the parent departments of the state government.
Powers and Duties of the Jammu and Kashmir Police

All officers and employees of J&K Police derived their powers from the Police Act 1927. The duties have been discharged in accordance with procedures outlined in the Criminal Procedure Code and J&K Police Manual. In addition, the powers and duties of Police officers have been guided by notifications and directions issued by the Government from time to time. All duties/functions have been discharged by officers and employees of Police Department in accordance with existing Laws, Rules & Regulations and other Local and Special Laws of the land.

Some important functions discharged by the Department through its Officers and men included:-

- Implementation of laws of the land, which are in force, in letter and spirit,
- Maintenance of law and order,
- Prevention and detection of crime,
- Counter insurgency
- Subsidiary functions and security related matters

These functions necessarily have a social importance and are backed by provisions of various laws duly enacted from time to time. The various powers and duties exercised and performed have been laid down in the Code of Criminal Procedure, the Police Act-1927, The J&K Police Manual, and various Local and Special enactments like Narcotic Drugs and Psychotropic Substances Act, Public Safety Act, Arms Act, Essential Commodities Act and all other Laws applicable to the State of J&K to tackle specific situations. As regards the General Administrative Powers exercised in order to run the department, these powers have been derived from various Rules and Notifications like the CCA (Classification, Control & Appeal) Rules, CSRs (Civil Services Rules), Civil Service Conduct Rules, J&K Classification, Control and Appeal Rules, J&K Police Manual, Police Act applicable to J&K.

J&K Police Manual exhaustively defined powers vested with various Police ranks and formations, including powers to be exercised for smooth functioning of the department like transfers, posting etc. and powers to be exercised in consonance and harmony with the Civil Administration and Judiciary. The latter included duties to obey orders passed in judicial capacity by the Magistrates, laying of information before the Magistrates and execution of warrants issued in magisterial capacity either
by the Executive or Judicial Magistrates. Powers of investigation and arrest have been vested by the Code of Criminal Procedure whereby the field agencies are obliged to take cognizance of various offences committed within their local jurisdictions, investigate the same, and bring the same to the knowledge of Magistracy so that offenders have been brought to justice under the laws of the land. A full fledged Prosecution branch functions within the Police Department to ensure speedy and effective trial of the cases before the Courts of Law. Powers of arrest have been available in the Code of Criminal Procedure, mentioned in detail in the schedules to the CrPC (Criminal Procedure Code). However, these powers have been required to and have been, exercised in conformity with the guidelines laid down by Courts of the Country.47

The Jammu and Kashmir Police Act 1927

The Act of 1905 was repealed by an Act of 1927 by the then Maharaja Bahadur in Council which was to be implemented in the state of Jammu and Kashmir. The Act constituted the Police establishment under the general police district. The Police force was deemed to be one Police force and was formally enrolled and consisted of number of officers and men, who as the members of such force will receive pay as will be ordered by the Government.

According to this Act the administration of the Police throughout the general police district has been vested in an officer to be styled the Inspector General of Police and in such deputy Inspectors general and Assistant Inspectors General as the Government may specify. The administration of the Police throughout the local jurisdiction of the District Magistrate has been vested in a Superintendent and such Assistant and Deputy Superintendents (See Annexure-I).48

Principles of Police Conduct (Jammu and Kashmir)

1. The police must bear faithful allegiance to the constitution of India and respect and uphold the rights of the citizens as guaranteed by it.

The police, like all other government servants, must be faithful to the constitution of India. The police must realize that when they prevent crime and disorder to uphold the fundamental rights of the community in general. That is the foremost objective and if by an action they deprive a person of his legitimate rights they have failed in their work. Therefore, they must not only respect the rights but they must also uphold them.
2. The police are essentially a law enforcing agency. They should not question the propriety or necessity of any duty enacted law. They should enforce the law firmly and impartially, without fear of favour, malice or vindictiveness.

The police have no politics. They must serve the government elected by the people, whatever may be its character, and they must be ready to enforce any law duly enacted by the legislature. This enforcement must be done firmly and impartially without fearing the consequences, or without working for other people’s favour or showing favour to somebody else and there should be no ill will, bad spirit or a spirit of revenge in the enforcement of the law. It must be done absolutely fairly.

3. The police should recognize and respect the limitation of their powers and functions. They should not usurp or even see to usurp the functions of the judiciary and sit in judgment in cases. Nor should they avenge individuals and punish the guilty.

The police are not the judiciary. They have no powers, nor are they expected to punish offenders. They must not do anything which gives an impression that they are performing the functions of the judiciary. It is not for them to pronounce a judgment. They have only to place the facts as they are before the judiciary. It is not for them to take upon themselves the duty of avenging real or imaginary wrong done to themselves, to other individuals or even the State and inflicts punishment on person whom they consider to be guilty. They must limit their action to the legal code strictly.

4. In securing the observance of law or in maintaining order, the police should use the methods, of persuasion, advice and warning. Should these fail, and the application of force become inevitable, only the absolute minimum required in the circumstances should be used.

Force must be used only as a last resort and not the best way of performing police work is by following methods of non-violence. However, in certain circumstances, use of force becomes inevitable and on such occasions only the minimum required should be applied and this is to be done when all other methods have failed.

5. The primary duty of the police is to prevent crime and disorder and the police must recognize that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them.
The efficiency of the police does not lie in the ostentatiousness with which any work is done, or the show of police power, but he being able to strike at the root and prevent the occasions which necessitate the use of police power. It is erroneously held that good detection alone constitutes good work. But for better the detection is prevention.

6. The police must recognize that they are members of the public, with the only difference that in the interest of the community and on its behalf they are employed to give full-time attention to duties which are normally incumbent on every citizen to perform.

This realization is the whole basis of police public relations. The police must not think themselves apart from the public.

7. The police should realize that the efficient performance of their duties will be dependent on the extent of ready co-operation they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence. The extent to which they succeed in obtaining public co-operation will diminish proportionately the necessity of the use of physical force or compulsion in the discharge of their functions.

Without public co-operation the police cannot function. Public co-operation will not be forthcoming unless by their conduct the police gain respect and confidence of the public. If public co-operation is readily available, there will be very few occasions on which force will have to be used.

8. The police should be sympathetic and considerate to all people and should be constantly mindful of their welfare. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth or social standing.

Apart from doing their duty as law enforcement officers, the police must be helpful to the public on all occasions and consider this to be as much their duty as it is to enforce a particular law. This assistance should be given to all without making any discrimination between poor and rich.

9. The police shall always place duty before self, should remain calm and good-humoured whatever be the danger or provocation and should be ready to sacrifice their lives in protecting those of others.
The supreme aim should be that of self-sacrifice in performing their duty. The police must not get flustered or lose self-control in face of dangers and provocations. They must always be calm and carry out their duties in good humour. Only then they can establish confidence amongst the people.

10. The police should always be courteous and well mannered; they should be dependable and unattached; they should possess dignity and courage; and should cultivate character and the trust of the people.

These are qualities which people want to see in the police. Each of them is necessary and without them the police can never make any good impression on the people.

11. Integrity of the highest order is the fundamental basis of the prestige of the police. Recognizing this, the police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life so that the public may regard them as exemplary citizens.

Honesty is the highest qualification and must be practiced in all circumstances and in any eventuality. Every other quality flows from this. People will readily cooperate if they know the police to be honest.

12. The police should recognize that they can enhance their utility to the Administration and the country only by maintaining high standard of discipline, unstinted, obedience to the superior and loyalty to the force and by keeping themselves in a state of constant training and preparedness.

Discipline, obedience, loyalty, these are essential in any large force entrusted with the duty of enforcing law and order.49

Some Special features of JKP

On examining and analyzing the structure and the existing provisions of JKP, it has been observed that the JKP though operates broadly on the principles which are being followed by any of the Indian states yet there are some striking features of the JKP which have been discussed below:

• Exemption under Article 370 of the Constitution: Article 370 provides special status to the state of J&K and for that matter many of the laws framed by Union Government are not enforced by the J&K state. It is only that the
state adopts them subsequently making some required alterations to suit the needs of the state, if deemed necessary.

- **J&K Police Act 1927**: The state of J&K has its own police act in place known as J&K Police Act 1927 instead of being governed by Police Act of 1861.

- **Provision of different Penal Code**: The state of J&K has its own special Penal Code known as Ranbir Penal Code.

- **Principles of Police Conduct of JKP**: The Principles of Police Conduct J&K as have been mentioned in the JKP Manual necessarily focus on citizen-centric aspect of the police in J&K state.

- **Heterogenous, highly motivated and cohesive force**: The police in J&K are heterogenous but still a highly motivated and cohesive force to combat cross border terrorism.

- The Jammu and Kashmir Police have had a successful transition from the conventional role of maintaining law and order to fighting Proxy war.

### Concluding Remarks

JKP has a set up which has been used and tried for number of years to serve the society on different fronts and has been able to serve to its capacities and potential. J&K Police, while sharing the belief that human progress and overall development of the society lie in maintaining peace and order, has been striving to be true to its moral and legal obligations. The police in J&K have been under tremendous pressure as serious crimes directed at the members of the society including hijacking dramas, kidnappings for ransom, sexual violence against women and children, rampant corruption, growth of cyber crimes etc. are on the steady increase. Although, in the recent years, there has been a decline in systematic slaughter of civilians by the cross border terrorists, extremists and anti-social elements but the problem persists even now. The Police organization in J&K needs to delineate a focused approach and redefine its role and responsibilities in the wake of the societal dispensations. Police, which holds the most sacred trust of keeping the peace in the society, has to direct its efforts towards those points where the potential for the change and impact will be greatest. The police organization is functioning under the Police Act given by the British imperialists, drafted way back in 1861. There is a dire need of redefining the
role, structure and functions of Police to make it compatible with the needs of the
democratic polity and accountable to the law of the land and society.50

The future mandate for police will be efficient policing in lieu of the show of
strength. The stress in future will be on lean and fit policing. An important possibility
of the millennium is the police becoming an elite force with even its bottom levels
being manned by highly qualified, skilled and enlightened professionals.
Constabulary will be spruced to become striking forces rather than be relegated to
work on non-professional jobs.51

References

4. John S. Dempsey and Linda S. Forst, An Introduction to Policing, Thomas Wadsworth, USA,
   2000, pp.4.
6. “Role of Police in Communal Harmony” Haryana Police Academy, Madhuban, Karnal, 2007,
   pp.2
9. Ibid., p.446.
11. Ibid.
13. Anandswarup Gupta, The Police in British India (1861-1947), Bureau of Police Research and
16. Ibid.
20. Ibid.
    March 2003, p. 90.
28. Commonwealth Human Rights Initiative (2007), Police Reform Debates in India, New Delhi,
    April, pp.319.
http://rajpolice.nic.in.
Ibid.
Ibid.
Ibid.
Ibid.
Ibid.
http://jandkpoliceman.org
http://jandkpoliceman.org
http://jandkpoliceman.org
http://jandkpoliceman.org
http://jandkpoliceman.org
http://jandkpoliceman.org
Ibid.
Ibid.