



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 3
THE POLICE
ADMINISTRATION

13. THE POLICE ADMINISTRATION

- 13.1. The Uttar Pradesh (UP) police regulations envisage that the police hierarchy has a Director General of Police (DGP) at the top.
- 13.2. The DGP is assisted by Additional Director Generals of Police (ADGPs). And he is the adviser to the *Governor in Council* on all questions of police administration, being the head of the department.
- 13.3. All orders are issued to the DGP who in turn deals with gazetted officers, general allocation of staff, general distribution of funds, transfers, postings, grant of leave, promotion of clerical staff and other matters as per the UP police regulations.
- 13.4. The Commissioner of a division has an overall supervision of matters relating to police and the range.
- 13.5. The state is divided in zones headed by an Inspector General of Police (IG). The IG also heads the various branches of the police, subject to the control of the DGP. He is responsible for recording entries for the guidance of staff and for the information and guidance of his successors. He is to remedy any defects within his powers; refer appropriate questions to higher authorities. There are other duties envisaged which are however not relevant for enquiry.
- 13.6. The police forces are divided into ranges headed by a Deputy Inspector General of Police (DIG). Police ranges encompass various districts. The DIG is required to report about breaches of peace, matters of political nature,

to act as a channel for information and other supervisory, advisory functions for his subordinates in the range.

13.7. The police district is headed by a Senior Superintendent of Police (SSP) or the Superintendent of Police (SP) who is the pivotal police officer. He is further subject to the control of the District Magistrate who is the administrative head of a district. The SSP is responsible for the overall discipline of the police, for the proper performance of duties by the police, compliance of orders of the courts and other state and Central Government competent authorities. All police orders and instructions are issued by the SSP. He is required to encourage the public to communicate their ideas freely, and cultivate alternative sources of information from outside the police force. The SSP is required to interact with his counter parts from neighbouring districts. Books inspected and signed by him are required to be retained for 45 years. These record books, in English have to be updated daily. He issues executive orders concerning internal economy/security of the country, appointments, punishment, transfers, leaves, posting, communal crime, religious movement or activities. The SSP / SP are assisted by the Deputy Superintendent of Police (DSP), inspectors and other subordinate police officers.

13.8. The reserve inspector and sub-inspectors are the officers in charge of the reserve lines. Circle inspectors are generally charged with the supervision, investigation, and prevention of crime, to coordinate preventive and detective work in police circles coordinate with the other circle inspectors, subordinates and ensure that they discharge their functions and duties honestly and

efficiently, ensuring that energies must not be dissipated in clerical work. He is duty-bound to report any feeling or disaffection towards the government, and the spreading of any movement, scare or rumour, which may cause trouble, if not checked. He also deploys police force for suppressing riots, maintains order, and keeps a diary recording his movements, confidential notebook recording notes on all matters to be brought to the notice of the superintendent. There are also other statutory duties which are however not relevant for the purposes of this enquiry.

- 13.9. Sub inspectors are in charge of the police station and conduct the police administration having authority over all branches of the force. A Sub Inspector would be responsible for proper performance of the duties by the subordinates, correctness of the all official records, record returns and reports, safe custody of the valuable property, keep them under control and maintain discipline. He is required to acquire local knowledge of his charge and be acquainted with all the principal people in it. He is to secure cordial assistance from village headmen, take information from them, keeping watch on law, communicate intelligence to his superiors from confidential notebook maintained, record of unusual information and secret intelligence, and record confidential remarks about subordinates and others. Notebook required to be maintained should be handed over to the successor. He is required to take care of equipment and remove deficiencies weaponry. He is required to keep the subordinates informed about the police Gazette, intelligence Gazette and other information received at station, do the management, arrange duty and leave from the station, reason for the same which must be recorded in

internal diary. There are other subordinate police officers like ASI's, head constables and watchmen etc. The discussion of their statutory duties is not relevant for the purposes of this enquiry.

- 13.10. Constables are charged with the prevention of crime and are ordinarily deployed on duty for three hour "beats". They are required to make inquiries on his route about personnel under surveillance, or absconding offenders, wandering tribes, passing events and report incidents to higher officers.

14. Magistrates

14.1. The District Magistrate is the head of the criminal administration of the district. He controls and directs the actions of the police. The SP informs the District Magistrate about crime, localisation and causes of it. The information reaches the hierarchy accordingly. The district Magistrate asks the superintendent of the police for action in case of inaction, corruption, harassment, abuse of authority which comes to his notice. In case of situation, having a bearing on the general law and order superintendent of police would act according to instructions and the guidance of the district Magistrate. The district Magistrate should visit police station during the financial year. District Magistrate's duty is to support the police in enforcing law and order and see no injustices is done. In case of religious processions and public ceremonies, provide procedure to be followed by office by custom of long-standing. It is the police duty to see that the same is done or kept and no deviation is made.

14.2. The above referred force and hierarchy of police forces is known as the police force or district police. It is responsible with police administration and act as a force of government responsible to government as its might or force for implementing government orders and directions.

15. The Provincial Armed Constabulary.

- 15.1. The Provincial Armed Constabulary (PAC) was raised as parallel force to military to help police at the time of needs. It is a force meant for the suppression or prevention of disorders and crimes of violence or such pursuit and apprehending of dangerous criminals. It is ordinarily used as a reserve force for implementing the orders issued to it.
- 15.2. It is deployed in aid and assistance of the district administration or the police force. It is subject to the control of district police officers. The superintendent of police is required to assign duties and the order should remain on record for future guidance. Instructional or police rules provides for about its object from time to time. It has been specifically provided by police rules that wherever armed attachment is provided ordinarily it should consist of Hindus and Muslims in normal proportion.
- 15.3. Commandant heads the district battalion under the control of the DIG and IG PAC. Battalion is constituted of four companies to eight company headed by commandant assisted by an assistant commandants with adjutants, *subedar*, company commanders, platoon commanders and section commanders. PAC where deployed in aid and assistance of the district administration is subject to the control of the district police officers.

16. Criminal Procedures, the police, administration and the public

16.1. Procedure for recording the first information report in detail is statutorily provided by the Criminal Procedure Code which need not be elaborated in this inquiry. The copies of the first information reports are required to be sent to the higher authorities by the quickest means.

16.2. The only way to provide a systematic, legal and just society is by adhering to the constitution and the other laws enacted by the people through their representatives, in letter and in spirit. All administrative actions, legislative laws, thoughts and philosophies have to be tested on the anvil of the constitution. All institutions, means, acts etc of humans in society are required to be directed for achieving what constitution envisages socially, religiously etc. This ensures greater good for larger number without affecting the fundamental rights of individuals or the people in minority and provides orderly society governed by laws.

16.3. A commitment to the principle of justice, of the greater good of the larger number, without depriving others of their rights, howsoever small the numbers of the minority may be, is a well recognized principle. Constitutionally protected rights cannot be rendered nugatory either by skewed articulation or desire of larger number of people because of governance in democracy is where numbers matters. The vote bank policy and is it of the majority order or majority appeasement, or a minority order or minority appeasement beyond constitutional aspirations would be a fraud on

constitution. In constitutional governance, human ingenuity for self-service in the name of majority has no place in civilized society. Permitting it would be a fraud on the people, constituted by the ones representing the majority in governance while working of the constitution by them. Constitutional rights have been kept out of the purview of institutions of governance or individual from tempering with it while governing in any situation.

- 16.4. Law and order is a State subject under the constitution of India. The police powers are with the state. Exercise of police powers, apart from the powers conferred by the constitution or by legislation, police, and executive may be political or bureaucratic executive exercises powers conferred statutorily subject to constitutional restraints or expressed powers. Any power from any source cannot be subverted to be articulated, manipulated for violations of constitutional rights.
- 16.5. Without itemizing all the functions of police in detail, as the broader enquiry is impracticable, it would suffice, to sum up the relevant functions of police for the purpose of enquiry. Powers emanates from statues, traditions, practices, demands, needs of the state, exigency governance, requirement of public peace and order, the necessity to enforce the law and order, protection of minority and the weaker members of the society, previous precedents, etc, to sustain a civilized society.
- 16.6. The police are charged with the duty to enforce the law and maintain order, maintain peace and tranquillity, investigate and detect crime, to take measures to prevent the crime, enforce the policy of constitutional and the

laws enacted, to keep surveillance on known bad characters etc. Police is required to regulate traffic, public meetings, processions and deployment on patrol duty. These and other duties are enumerated in various statutes which need not be referred to. Methodology and mechanism for performing the broad duties as spelled out by various statutes, police rules, the various instruction issued from time to time and the constitution of India has to be worked out within the known parameters and principles, practices, within the statutory constraints of the and by the institution entrusted with the duties.

16.7. Other than routine policing, in view of the changing needs of times because of scientific progress made universally, the other branches of police like CID, administrative policing, economic intelligence, investigating wings of scientific section, special investigating branch, cooperatives cell, intelligence wing of state police, mountain police and armed police known as PAC (which was raised in order to deal with other communal riots after 1947) as well as on the pattern of military forces for maintaining the law and order and at the time of needs discharge the functions of police and assist the state in exercise of police powers or governance. In U. P. PAC governed by U. P. Pradesh armed Constabulary act 1948. They are deemed to be police officers.

16.8. The police order is however under the control of the political executive. It is answerable to legislation, courts, and bureaucratic executive. Factually, a Minister controls the police, as is also perceived by the people in general, and exceptions apart, the district police is usually subject to the influence of the political bosses and makes an attempt to comply with their express or hidden

desires.

- 16.9. In view of low literacy in police, illiteracy of public, lack of expertise, habitual drifting nature and lethargy of the government employees in discharge of their duties which is further complicated by the laws and captured by the bureaucratic phenomena which specially with passage of time and degeneration of character having set in, with the political leadership having learnt the methodology of exploiting the greed of human beings be in uniform by offering plum postings and other undeserving or deserving benefits has made the police even the executive subservient to political masters for innumerable considerations.
- 16.10. Police duties and functions generally and listed by police rules, police act and conduct are: police officer should act in cooperation and under the control of the district magistrate. The police officer should be aware of the strength and limitation as it may be on the strength of the statistical material at their disposal. He should provide a policy of policing in such a way that it could not be moulded on the basis of unsafe statistical generalization. Safeguard should be provided against false credibility of the religious stereotyped or myth by over simplistic assessment of data. It should be ensured that forces were kept away from the Arkansas influence of politician, all religious leaders, and religious bigotries or from its influence or distorted influence on the perception of the officers.
- 16.11. Ordinarily decision-making police officer should be from the area close by with the knowledge of incidents based on the courts order or against it with

positive system of information at their disposal. If possible the officer should not be connected to the majority caste or religion where policing needed extensively. He and his force should be conversant with the topography. Force should know or at least be well apprised of the speed of the rioters or the crowd and their behaviour. The above requirements had been specifically provided by the police rules of UP.

16.12. Planning for policing should be made in advance with perception, with foresight, far sight and hindsight keeping in view the character, moral, past conduct, fanaticism, sensitivities of the issues, and attitude of leader toward the issues, their influence among the locals and all over the country, the capacity of liberal attitude, past happenings and incidents etc, defiant mood of crowd, leaders, the required force to meet the force of crowd, a need of use of arms etc are some of the con-commitment for policing crowd. For this enquiry, one need not go into the innumerable circumstances calling for use of force or firearms to disperse the crowd. Wherever there is the conflict between maintaining peace and the enforcement of law, policing becomes dependent upon the exercise of discretion of the officer which is being depend upon in the particular circumstances or by parties or the situation they are required to handle.

16.13. Criminal procedure code empowers the police to use force for dispersal of the unlawful assembly which is likely to cause disturbance in public or it is dangerous to the public peace or order. Maintaining peace in governance has been placed at such a pedestal that the use of force not only by the police, in the eventuality of their failure, it has been joined on the magistrate to use the

army for the same. The power to disperse such assembly is exercisable under the orders of the magistrate, however police can do so independently of the authority of magistrate, provided he is not available or is unreachable and delay may prejudice the situation. Only duty in such a situation, of the police is to communicate as soon as possible. Criminal procedure code provides sufficient statutory powers and the procedure for the police force.

- 16.14. Police officer should act in cooperation with the magistrate, under the control of district magistrate. The policeman should be aware of his powers and the limitation imposed by the law.