



RSTV Big Picture: Police Commissioner System in India

- **Context:** The Uttar Pradesh Cabinet approved the commissionerate system of policing for state capital Lucknow, and Noida.
- The system gives more responsibilities, including magisterial powers, to IPS officers of Inspector General of Police (IG) rank posted as commissioners. This comes in the wake of violence during the protests against the Citizenship (Amendment) Act and allegations of police brutality and use of excessive force against protesters.
- **What is police commissionerate system?**
 - Under the 7th Schedule of the Constitution, 'Police' is under the State list, meaning individual states typically legislate and exercise control over this subject.
 - In the arrangement in force at the district level, a 'dual system' of control exists, in which the Superintendent of Police (SP) has to work with the District Magistrate (DM) for supervising police administration.
 - At the metropolitan level, many states have replaced the dual system with the commissionerate system, as it is supposed to allow for faster decision-making to solve complex urban-centric issues.
 - In the commissionerate system, the Commissioner of Police (CP) is the head of a unified police command structure, is responsible for the force in the city, and is accountable to the state government.

Table 1: Differences between the dual system of control and the commissionerate system

Dual system	Commissionerate system (53 cities)
▪ Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive). ▪ Separation of powers of the DM (e.g., issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests). Therefore, less concentration of power in the police, and accountability to DM at the district level. ▪ SP is assisted by Additional/Assistant/ Deputy SPs, Inspectors and constabulary.	▪ Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker responses to law and order situations. ▪ Powers of policing and magistracy concentrated in Commissioner. Directly accountable to state government and state police chief. Lesser accountability to the local administration. ▪ Commissioner is assisted by Special/ Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

Sources: Bureau of Police Research and Development; PRS.

- The office also has magisterial powers, including those related to regulation, control, and licensing.
- The CP is drawn from the Deputy Inspector General rank or above, and is assisted by Special/Joint/Additional/Deputy Commissioners.
- In police commissioner system, police works as a team, under which the police commissioner has some magisterial powers in order to take forward smart and effective policing
- **Reasons for introducing the police commissioner system:**
 - Hi-Tech nature and complexity of crimes,
 - Organized crime menace like drugs and human trafficking and
 - Cyber crimes.
 - Present system of crowd control is inadequate to prevent damage to public property.
- Under Section 20 of the CrPC, the Police Commissioner is delegated legal powers of an executive magistrate, while the Joint, Additional and Deputy Commissioners are accorded "special executive" powers of a magistrate under Section 21 of the CrPC.
- **Historical Background of Police:**
 - Till the middle of nineteenth century, there was no satisfactory police system. Policing was not taken away from the zamindars till 1792.
 - Cornwallis abolished zamindari system of maintaining law and appointed thanedars who were now made responsible for the maintenance of law and order.
 - A Police Commission was appointed in August 1860 with the aim of making police an efficient instrument for the prevention and detection of crime.
 - The Indian Police Act (IPA) of 1861 imposed a uniform police system on the entire country. The Act established organized police forces the responsibility of the various provincial governments.
 - The Government of India established the Second All India Police Commission in 1902.
 - Other important developments during this period were setting up of Islington Commission (1912) and Lee Commission (1924). The recommendations of these commissions led to substantial Indianisation of the senior rank of the Police Force.
 - According to article 246 of the Indian Constitution and section 3 of the IPA, the police force is a state subject and not dealt with at central level. Each state government has the responsibility to draw guidelines, rules and regulations for its police force. These regulations are found in the state police manuals.



- **How many states have it?**
 - Almost all states barring Bihar, Madhya Pradesh, UT of J&K, and some Northeastern states have a commissionerate system.
 - The British brought the system first in Kolkata and followed it in Mumbai and Chennai presidencies.
 - Delhi turned into a commissionerate during the Morarji Desai regime.
 - In 1978, an initiative to introduce the system in UP, beginning with Kanpur, never materialised.
- **What is different under the system?**
 - Policing is based on the Police Act of 1861.
 - Under the colonial system, the overall in-charge of a district or region was the district collector; the SP reported to him.
 - The powers of the executive magistrate, such as issuing orders for preventive arrests or imposition of Section 144 CrPC, were vested in the district collector. This was called the dual system of police administration.
 - The primary objective of the British was revenue collection in rural India. They needed a force that could support this objective and unleash tyranny and oppression when needed to suit the objective.
 - Under the commissionerate system, the commissioner does not report to the DM. In Mumbai and Delhi, he reports directly to the government.
- **Police Commissioner System (according to Model Police Act 2006)**
 - For metropolitan areas and other major urban areas with a population of 10 lacks or more, a police system capable of handling the typically complex problems of crime, public order and internal security of such areas, will be set up.
 - The Police Commissioner Systems of each States should be made capable to attend to all policing needs with quick and comprehensive response, purposeful direction, unitary chain of command, professional competence, functional specialization and legal authority coupled with accountability in accordance with the provisions of the laws of the lands.
 - The Commissioner of Police may be an officer of the rank of Deputy Inspector General of Police or above, depending on the population, magnitude and complexity of policing tasks of the respective area.
 - The geographical area falling under the jurisdiction of the Commissioner of Police may be divided into convenient territorial units and appropriate special units as per the policing requirements of the system.
 - The Commissionerate can divide into appropriate number of police districts, which should be headed by an officer of the rank of Superintendent of Police, who shall be called as Deputy Commissioner of Police.
 - The Commissioner and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as prescribed. However, these powers, functions and duties exercised or performed by the Commissioner of Police shall be subject to the overall control and direction of the Director.
 - Subject to such conditions and limitations as may be specified, the Commissioner of Police shall exercise the powers and duties of a District Magistrate under provisions of the Code of Criminal Procedure, 1973, and such other Acts, as may be specified.
 - The Commissioner of Police will be empowered to make rules and regulations in consistent with the respective Police Act and subject to the Government Order in respect of the following:
 - (a) For regulation the use of public roads, streets and public places by persons walking, driving, cycling, or accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic;
 - (b) Licensing, regulating, or if necessary in public interest, prohibiting for reasons to be recorded in writing, the keeping of a place of public amusement or public entertainment, or running cinemas and other forms of public amusement or public entertainment, for ensuring the safety and well-being of persons likely to be affected;
 - (c) Licensing, or regulating or, if necessary in public interest, prohibiting the playing of music in public streets or public places, and using of loud speaker any other sound system in any public place, or places of public entertainment; and
 - (d) Regulating the entry or exit at any place of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.

SOURCES:

1. <https://indianexpress.com/article/explained/explained-what-is-the-commissionerate-system-recently-implemented-in-lucknow-noida-6214871/lite/>
2. <https://www.thehindu.com/news/national/other-states/police-gets-more-powers-in-up-commissioner-system-implemented-in-lucknow-gautam-buddha-nagar/article30556740.ece/amp/>
3. https://www.google.com/url?sa=t&source=web&rct=j&url=http://prsindia.org/sites/default/files/parliament_or_policy_pdfs/Police%2520Reforms%2520in%2520India.pdf&ved=2ahUKEwjdyvrN_oTnAhUPwTgGHb0yAhYQFjAAegQIAxAB&usg=AOvVaw0wNTTwG9NxDrXcwHWk5
4. <https://m.tribuneindia.com/news/archive/commissionerate-system-in-question-as-police-demand-duty-magistrates-456989>



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5. https://www.google.com/url?sa=t&source=web&rct=j&url=http://bprd.nic.in/WriteReadData/userfiles/file/1645442204-Volume%25201.pdf&ved=2ahUKEwiCv7uV-IfnAhUwzDgGHRTgBsg4ChAWMAh6BAgFEAE&usg=AOvVaw1D7kkZ9sikbx-m1MRMm_9b
6. <https://youtu.be/QdKM3sizKEM>