

CHAPTER 1

Functions, Roles and Duties of Police in General

Introduction

1. Police are one of the most ubiquitous organizations of the society. The police are expected to be the most accessible, interactive and dynamic organization of any society. Their roles, functions and duties in the society are natural to be varied and multifarious on the one hand; and complicated, knotty and complex on the other. Broadly speaking the twin roles, which the police are expected to play in a society are maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles and responsibilities of the police organization.

Role, Functions and Duties of the Police in General

2. The role and functions of the police in general are:
 - (a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;
 - (b) to promote and preserve public order; and prevent nuisances in public places;
 - (c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;
 - (d) to protect public properties including roads, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
 - (e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action, intelligence gathering, community participation and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
 - (f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;
 - (g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend offenders, and extend requisite

- assistance in the prosecution of offenders;
- (h) to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;
 - (i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;
 - (j) to aid individual, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;
 - (k) to facilitate orderly movement of people in public places, ensure their general safety and security and regulate fairs, events and processions for the purpose ;
 - (l) to control and regulate traffic on streets, roads and highways and generally in public places, and prevent obstruction;
 - (m) to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves;
 - (n) to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed;
 - (o) to provide guards in accordance with the standing orders issued in this behalf for treasuries, lock ups and other locations as sanctioned by the government from time to time;
 - (p) to provide escorts over prisoners or for valuables in accordance with standing orders issued by the Director General of Police from time to time;
 - (q) to train, motivate and ensure welfare of police personnel;
 - (r) to perform such other functions as may be required in accordance with the Sikkim Police Act 2008 and other law for the time being in force;

Social Responsibilities of the Police

3. Every police officer shall:
- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
 - (b) guide and assist members of the public, particularly senior citizen, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;

- (c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilities their compensation and other legal claims;
- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;
- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group;
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.
- (h) preserve, promote and protect human rights and interests of weaker sections, backward classes, poor, weak and the downtrodden.

Maintenance of Essential Services

- 4. When the State Government by notification in the Official Gazette declares any specified service to be an essential service to the community, it shall be the duty of the police to maintain the essential services and every police officer must obey any order given by any officer superior to him in connection with the service specified in the declaration by the government.

Senior Police Officer Performing Duties of a Subordinate Officer

- 5. A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

The Inventory of Police Duties, Functions & Jobs

6. In the light of above mentioned description of police work and functioning, an inventory of police duties, functions and jobs can be prepared in the following manner:

- (i) Investigation related duties and jobs
- (ii) Crime prevention and preservation of peace and security
- (iii) Crime detection work
- (iv) Order maintenance and security jobs
- (v) Enforcement of Social Legislation, Minor, Major and Special Acts
- (vi) Collection of Intelligence
- (vii) Democratic and election related duties
- (viii) Natural calamities, disaster management and emergency duties
- (ix) Maintenance of Police Records
- (x) PRO duties
- (xi) Assistance to other departments
- (xii) Miscellaneous duties and functions

(i) Investigation related duties and jobs

This would include police functions like:

- (a) crime registration
- (b) guarding, protecting and visiting the scene of crime
- (c) lifting, handling and packing of exhibits and sending them to various places like the PS, SP office, FSL and other places
- (d) calling witnesses and serving notices to them
- (e) arresting criminals and suspects
- (f) search and seizure proceedings during an investigation
- (g) interrogation of suspects, witnesses and criminals
- (h) collection and recording of various types of evidences i.e. oral, documentary and expert opinion etc.
- (i) taking criminals to courts for police/judicial custody and trial
- (j) raids for various purposes.

(ii) Crime prevention and preservation of peace and security

This would include:

- (a) gasti and patrolling, including nakabandi, performing picket and ambush jobs, checking vehicles and frisking passengers

- (b) surveillance and checking of bad characters
- (c) preventive arrests
- (d) collection and transmission of criminal intelligence

(iii) Crime detection work

The crime detection job profile would include:

- (a) collection of information/intelligence about criminals of various types and taking notes from the CIG (Criminal Investigation Gazette)
- (b) Creation of informers and other segments of society so as to obtain useful information with regard to the detection of various property and other offences like murder, dacoity, robbery etc.

Order maintenance and security jobs

This profile would include among other things the following tasks:

- (c) surveillance, watch and action to be taken during peaceful processions, demonstrations and strikes of various types
- (d) action to be taken on agitating and unruly mobs. This would include pushing off agitators, stopping them with improvised barricades and effective intervention to contain mobs under the instructions of senior officers and the use of force whenever needed
- (e) protection of vital installations during the spate of crimes and emergencies of various types
- (f) VIP security and performance of various duties during VIP visits in different capacities.

(iv) Enforcement of Social Legislation, Minor, Major and Special Acts

Performance of this role would require the police:

- a) to know the significance and importance of various social legislations like Child Marriage Restraint Act, Protection of Civil Rights Act, anti-dowry, and other social legislations which provide a positive and adequate push to social change in a development-oriented society like India. The role of a constable in the implementation of these acts has to be an integral

part of the job profile of the constabulary.

- b) to know the significance and importance of various local, special and minor acts along with the role of constabulary in the effective execution of the various provisions thereof.

(v) Collection of Intelligence

Police are required to collect intelligence about:

- (a) any incident of law and order
- (b) political activities
- (c) labour activities
- (d) student activities and agitations thereof
- (e) communal tensions and events
- (f) employees' associations and strikes by them
- (g) criminal activities
- (h) miscellaneous activities and events tending to destroy peace and tranquility.

(vi) Democratic and election related duties

In order to perform their role adequately the police must know:

- (a) importance of elections
- (b) types of elections
- (c) the role of police in ensuring the conduct of free, fair and impartial elections
- (d) various duties of a constable during different types of elections.

(vii) Natural calamities, Disaster and emergency duties

Various jobs like saving life and property, providing shelter, rehabilitation, evacuation of people from crisis situations and their transportation during:

- (a) fires
- (b) floods
- (c) landslides
- (d) famines
- (e) the spread of an epidemic
- (f) earthquake
- (g) the breakout of war or external aggression
- (h) internal disorders like communal riots, struggle between various classes, castes and sects and other clashes

(viii) Maintenance of Police Records

This would include:

- (a) proper handling of the record
- (b) upkeep and maintenance of the record
- (c) preparation, destruction, revision and modification of the record of various police units

(ix) PRO duties

Police are the most visible and effective PROs of the police department. They should thereof understand

- (a) the importance of Police Community Relation and its present state in the area of their operations and functions and
- (b) the role of constables in improving Police Community Relation and police image

(x) Assistance to other departments

This would include assistance to

- (a) the education department during examinations, students, and employees' strikes and other situations of disorder,
- (b) the Land Revenue and Disaster Management department and loaning organizations for recovery of loans revenue collection etc.,
- (c) the departments like banks and municipalities for guards etc for the removal of encroachments etc, and
- (d) the other departments as and when the need arises.

(xi) Miscellaneous duties and functions

This would include:

- (a) ceremonial duties
- (b) Discharging regulatory duties and regulation of traffic and traffic management duties.
- (c) comprehension of the norms of loyalty, commitment, neutrality and impartiality in the discharge of one's functions
- (d) obligation and commitment to the Govt. and to the police organization
- (e) contribution of constables during anti-dacoity operations, raids, emergencies like land-slide, earthquake/other disasters, rounding up of and

controlling of goonda and anti-social elements.