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## **UNIT 2 THE POLICE SYSTEM**

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### **Content**

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Police and Criminal Justice System
- 2.3 The Police as an Agency of Criminal Justice
- 2.4 Police Organization
- 2.5 The Organization of Police
- 2.6 Powers and Functions of Police
- 2.7 Let Us Sum Up
- 2.8 Further Readings and References

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### **2.0 OBJECTIVES**

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By the end of this unit, you will be able to:

- understand the role of police as an agency of Criminal Justice System;
- articulate the organizational structure of the police; and
- enlist the powers and function of police.

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### **2.1 INTRODUCTION**

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The word 'police' is derived from the Greek word 'polis' meaning the State. The police apparently were called so, because of their being the manifestation of power of the state. Mishra and Mohanty (1992) have pointed that the role and function of the police of a country are determined by the nature of the State. During the reign of the Mughals, a regular police system was established and after the uprising of 1857, the British, who were well versed in the administration of justice, introduced a number of changes in the police system. It was in 1861 that a police Act was enacted and regular police system was established in the British India. The role and functioning of the police were identified and they were assigned the role of strict disciplinarian and custodian of law and order to safeguard the interest of their colonial regime. However, in the post-independence era, a series of radical changes were introduced in the entire police system to tune the police system on the modern lines. The police no-doubt has improved its role and functioning to some extent, but unfortunately the police over more than last sixty years has not been in a position to improve its image in the society, which may be primarily because of their occupational role, performance and the age old statutes.

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### **2.2 POLICE AND CRIMINAL JUSTICE SYSTEM**

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The most unpleasant task in the Criminal Justice System belongs to the police. The Police is not only entry point in the Criminal Justice System, but also lies at

the cutting edge of the entire system. The Police is the crucial and visible link between the people and the Government, as the Governmental authority is translated into action by the police and resistance whatsoever is also faced by no one else, other than police. No doubt, all the sub-systems of the Criminal Justice System viz. police, prosecutors and judiciary are interconnected with each other and what is done in one sub-system has a direct bearing upon the other sub-system. Police is an important component of the total system. It is sociologically admitted that when people occupy social position rather than by their own individual characteristic roles which are the bundles of socially defined attributes and expectations associated with the social positions. Police occupies a very strategic position in respect to the social control, probably only next to the family and other personal groups in importance.

The modern police force in India was established by the Britishers. The law relating to the sphere of police work in the country remained more or less unaltered even after independence. The Indian Police Act, 1861 enacted in British India, Provided for a uniform police in the country. The functions and powers of the police are provided under the Act. Further, the Criminal Procedure Code amended from time to time provides vast powers to the police, which among others include power of investigation of the offences, arrest, search and seizure.

The police as an organization has to carry out certain expected behaviour irrespective of their own personal feelings or even at the cost of comforts of their family members. The function the police today is more than maintaining and order situation. It has been often found that the job profile or functioning of the police personnel has a direct impact upon the socio-economic and psychological dimensions of their family members.

The Police being the entry point in the Criminal Justice System is expected to perform the all embracing function of investigation of crime that involves gathering material evidence from the scene of crime, interrogation of witness, recording of confessions and statements before Magistrate Arrest Search and seizure seeking remand and release on bail etc, in addition to maintenance of law and order, Therefore, the entire burnt is mainly on the police personnel. The basis statute, namely the Indian Police Act has continued to regulate the functioning of the Police. The Code of Criminal Procedure, 1973 has maintained the basic framework of old provisions and provides a procedural system. The officer-in-charge of the police Station, who continues to be the kingpin of the local administration, enjoys wide powers under the criminal procedure law which often conflict with the democratic principles. The powers in question pertain to house search, arrest on suspicion, watch after conviction and other issues regarding maintenance of law and order.

Though Police is for the protection of the society but in reality the society fears the Police and harbours hostility against the Police. In fact the societal perception of the Police is based on day to day abuses and excesses that the Police organization indulge. In a way this is the consequence of politicization and lack of professionalism in the Police Force. *The Malimath Committee* on Criminal Justice Reform (2003) has reposed strong faith on the police shield against growing criminalization in the society, including terrorism.

The police is the crucial and visible link between the people and the Government, as Government authority is translated into action by the police and resistance

whatsoever is also faced by none else, other than Police. They are important, because they keep our complex society together. They keep the citizen, working and prospering within the framework. It is an established fact that no society can exist or function without the support of an organized police force, but the police force howsoever, well organized and effective can not check completely the criminals and increasing crime rate. It is a well known fact that the police in almost every part of the world have failed to check completely the criminal activities and the onward march of the crime and delinquency.

The police by virtue of their position and functioning is most hated institution of any Government. The police in India is not only an object of dislike but hatred as well. In England in the words of Holcomb, no one loves a police man and in U.S.A. cops are known as pigs by many, Moreover, in most of the countries, there are usually common allegations of highhandedness, inhuman methods of investigation, torture, corruption and inefficiency against the police. There is common belief among the masses that police work under the undue influence of the politicians.

No doubt, all the sub-systems of the Criminal Justice System viz. police, prosecution, courts and prisons are interconnected with each other and what is done in one sub-system has a direct bearing upon the other sub-systems. There must be a proper co-ordination between all the segments of the Criminal Justice System. It has been found that there is hardly any proper and effective co-ordination between the different segments of the criminal justice system, which usually goes in favour of the offender. A proper and effective co-ordination between the different segments of the criminal justice system is essential for smooth functioning of the system.

Police are agents or agencies, usually of the executive, empowered to enforce the law and to ensure public and social order through the legitimized use of force. The term is most commonly associated with police departments of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. In the administration of criminal justice the role of police is of primary importance. The criminal justice process gets ensued and initiated through the police. Besides its key role in the criminal justice process the police role in the society concerns with maintenance of law and order and security of persons and property. It is therefore the most important agency of law enforcement and maintenance of peace and civil order in the society. This unit is concerned with the role of police and its importance in criminal justice administration.

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### **2.3 THE POLICE AS AN AGENCY OF CRIMINAL JUSTICE**

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The word 'police' is derived from the Greek word "*Politeia*" or its Latin equivalent "*Politeia*" which broadly means citizenship, state or the administration of the government. The word police therefore means a system of government or the power of the state. In the modern usage, the word police came to be used to refer to an agency of the state to maintain security and peace and to enforce the criminal law. Police force has always been an indispensable part of the state organization in almost all civil society of the world. Since ancient times there has been some agency all over the world to apprehend criminals and produce them before the king or the officers having judicial powers. The King also had his own spies to collect intelligence and information for running the state and for the better administration of the state. However, with the progress of the civilization and

development of knowledge the dimension of the police work has increased many folds. With the advancement of the society, complexity of the police job has increased in many folds.

In modern context police can be defined as an organization that is an agency of government to enforce various laws, maintain public peace, order and security, control traffic, provide security to the citizens, protect the individual's rights as per constitution, specially provide security to the weaker sections of the society and maintain order in the society. Police have to act as an intelligence agency, collecting intelligence for internal security and criminal intelligence for crime prevention, crime detection, and crime control. As a part of criminal justice system police has to investigate criminal cases and bring criminals before the court of law for justice. The police have to perform multifarious duties, functions and roles in a civilized society forming a major arm of governance.

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## 2.4 POLICE ORGANIZATION

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The history of the development of the police organization dates back to ancient times which find mention in the ancient Greek, Roman, Chinese and Indian texts. The Indian Historical reference of ancient times also have numerous mention of police system be it Mahabharata, Ramayana, Manusanhitta or the various religious or secular texts of Gupta dynasty, Maurya dynasty and Mughals. The first police force comparable to present-day police was established in 1667 under King Louis XIV in France, although modern police usually trace their origins to the 1800 establishment of the Marine Police in London, the Glasgow Police, and the Napoleonic Police of Paris. The first modern police force is also commonly said to be the London Metropolitan Police, established in 1829, which promoted the preventive role of police as a deterrent to urban crime and disorder.

The colonial British government in India established the modern police system in India. It was obvious that the various police commissions established by the British and the police act of 1861 had important contributions in the development of police system in India. However, the colonial interest of the British Empire had great imprint over the organization and structure of police system in India.

### Check Your Progress I

**Note:** Use the space provided for your answers.

- 1) What is the role of police in any civilized society?

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2) Discuss the origin of the police in India.

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## 2.5 THE ORGANIZATION OF POLICE

Police forces are usually organized and funded by some level of government. The level of government responsible for policing varies from place to place, and may be at the national, regional or local level. In some places, there may be multiple police forces operating in the same area, with different ones having jurisdiction according to the type of crime or other circumstances. For example, in the UK, policing is primarily the responsibility of a regional police force; however specialist units exist at the national level. In the US, there is typically a state police force, but a municipality may have its own police force. National police agencies also have jurisdiction over serious crimes or those with an interstate component.

### Characteristics of Indian Police Organizations

The Police Act of 1861 largely governs Indian police forces. The Police Act gives each State Government the power to establish its own police force. In addition to the Police Act, other legislation such as the CrPC also regulates the police system. Based on the Police Act of 1861, the Indian police have three basic characteristics:

1. The police force is organized, maintained and directed by several states of Indian Union;
2. The Indian police system is horizontally stratified like military forces organized into different cadres; and
3. The police in each State are divided vertically into armed and unarmed branches.

The Indian police organizational setup has virtually remained the same since past century. It is ironical that the Police Act of 1861 has hardly changed due to changes around them. Despite the new democratic, secular, socialistic, welfare and humanitarian values vouched for in the Constitution after independence in 1947, the Indian police, by and large follows the philosophy of Para-militarism.

The constitution of India provides that the police is the state subject. It is therefore, that the responsibility of the state to maintain peace and security within their territorial jurisdiction. There are, however, certain situations which authorize the Centre to intervene in the law and order problems of the State because the Centre is under a duty to protect the States from internal disturbances. Primarily it is the duty of the State Government to maintain the civilian police force. Besides the State police force there are certain police force establishments at the Union level, such as the Border Security Force, the Railway Protection Force, the Central Reserved Police Forces, or the Central Industrial Security Force.

The police set up in India is essentially divided into following broad categories:

1. The general police which looks after the general police work and assist in crime investigation, detection Crime control and it is also involved in law and order maintenance and enforcement of law.

2. The special arm force are paramilitary force which are there to assist the general police in maintaining the law and order and performing specialize duties like border securities, large scale riots, election duties, VIP and Industrial security, disaster relief and general public order maintenance.

Apart from these basic categorization there are specialized police services which take care of particular policing jobs like -

- a) Railway police
- b) Intelligence Police agencies
- c) Traffic police
- d) Women Police
- e) Border Security Police
- f) Specialized Investigative Police Agencies
- g) Armed Reserves
- h) Specialized Security Agencies

The above category exists at State level as well as at the Central level. The following chart, mentions the different police organizations in India and their geographical jurisdiction.

#### The Police Organizations in India

Police Organization	Jurisdiction
<b>State Police Services</b> <i>(with internal specialized divisions)</i>	All states of the Indian union. Jurisdiction extends within the respective states.
<b>Central Police Organizations</b>	
<b>BSF</b> ——— <b>Border Security Force</b>	National – not confined to particular state. But restricted to specific responsibilities.
<b>CRPF</b> ——— <b>Central Reserve Police Force</b>	—do———
<b>ITBP</b> —— <b>Indo-Tibetan Border Police</b>	-do———
<b>RPF</b> ——— <b>Railway Protection Force</b>	-do———
<b>SSB</b> ——— <b>State Special Branch</b>	-do———
<b>BPR&amp;D</b> ——— <b>Bureau of Police Research and Development</b>	- do———
<b>SPG</b> ——— <b>Special Protection Group</b>	- do———
<b>NSG</b> ——— <b>National Security Guard</b>	- do———
<b>CBI</b> ——— <b>Central Bureau of Investigation</b>	- do———
<b>IB</b> ——— <b>Intelligence Bureau</b>	- do———

<b>DCPW</b> ————— <b>Directorate of Coordination, Police Wireless</b>	- do—————
<b>NCRD</b> ————— <b>National Crime Records Bureau</b>	- do—————
<b>NICSF</b> ————— <b>National Institute of Criminology and Forensic Sciences</b>	- do—————
<b>NPA</b> ————— <b>National Police Academy</b>	- do—————
<b>Assam Rifles</b>	Specific region
<b>Special Protection Group- SPG</b>	National Jurisdiction based at national Capital –Premier Security Agency.
<b>National Security Group- NSG</b>	-do—————

### Administrative Control under State Government

The constitution confers exclusive power on the States to control and regulate the functioning of the police as the maintenance of law and order and police are State subjects. The Central Government is concerned only with the administration of Central Police Organizations mentioned in the table. Though the Constitution of India enumerates police as a State subject in the List, it includes a long list of allied and quasi-police subjects in the Union List. For e.g., preventive detention, arms, ammunition, explosives, extradition, passport etc. are the sole responsibility of the Central Government. It also determines the selection and service conditions of all India Police Services. The selection and conditions of service of lower ranks is within the power of the State Government.

### Structure

The structure of Police administration has derived its basic format from the traditional Mughal administration which was later on adopted and reformulated by the British colonial govt. in India. The police structure has undergone very few changes after the British left India in 1947. The bulk of the police personals in the country are related to the State police services. Rest of the police personals come from various central police organizations.

The DGP reports to the Home secretary, a career civil servant belonging to the IAS. The Home Secretary is accountable directly to the Chief Secretary, the head of the civil service, and subsequently, to the Minister in charge of the Home Department, an elected functionary who forms part of the Cabinet that is responsible to the State Assembly.

Till a few years ago, an officer of the rank of Inspector-General of Police headed each force. The level was upgraded to Director-General mainly to widen the career prospects of IPS officers and, incidentally, to take into account the greater responsibility thrust on the higher echelons in the context of heightened political and social tensions. At the bottom of the pyramid is the Police Constable (PC), who constitutes the ‘cutting edge’ of the force. Between him and the DGP, there are nine levels of officers.

## The Police Headquarters

Each state has a police headquarter at the apex of the police administration which is headed by the DGP who looks after the administration of the police force of the entire state. The Police headquarters is constituted of several specialized police departments which look after different specific functions of police. The various police departments or branches at the headquarters are generally headed by one Additional Director General of police. There are generally the following branches:

1. Criminal investigation department
2. Intelligence
3. Railway
4. Administration
5. Training
6. Special armed force
7. Provisioning and planning
8. Telecommunication
9. Complaints
10. Special crime record bureau or computer
11. A.J.K (Adim jati kalyan, branch for weaker section)

As we have seen earlier that police station is the basic unit of police. All sector officers are there for supervising, guiding and assisting police officers of police stations.

### District Police Administration

Each state is divided into a number of districts for convenient civil administration. The head of the District Police Force is the Superintendent of Police (SP) who is accountable to the District Collector in matters of preservation of peace and control of crime. The SP controls a large number of police stations (PS) - the lowest formation of the local police machinery. Each station is headed by a Station House Officer (SHO) who could be of any rank, but is invariably a Sub-Inspector (SI) in a rural area, and an Inspector or Deputy Superintendent (DSP) in a town. The extent of geographical area covered by each police station varies from State to State. On an average, a rural station covers 100 sq. miles and an urban station, 25 sq. miles. The SHO is in charge of the administration of the Police station, the operation of their staff, and other duties relating to detection, investigation, and prevention of offences. Under the Police Act of 1861, other officers of a higher rank than the SHO may exercise the same powers as an SHO within their local area of appointment.

### Police Station

A Police Station is the nodal office of the Police through which the Police Department carries out its statutory duties of prevention and detection of crime and maintenance of law and order and all other allied functions within the ambit of these two broad categories of work. Additionally, it serves as a 24- hour,

365 days a year contact point for victims of crime or more correctly, interface point between police and public. To carry out these vital functions, a police station consists of a building, official and residential premises, manpower and equipment. However for a Police Station to exercise any legal powers, it has to be notified by the Government with its exact geographical jurisdiction and location of the Police Station. As per the Criminal Justice System existing in India, legal powers to initiate any action against crime is dependent upon the place of occurrence of the incident. Hence for any Police Station to exercise any legal action, the crime should have occurred in an area, which should have been notified as the area of jurisdiction of that Police Station. Further, the State Government and not the Director General of Police exercises this power of notification.

### **Police Commissionerates**

A distinctive feature of the Indian Police is the commissionerate system that prevails in major cities. Before Independence, this was available only in the three Presidency towns of Bombay, Calcutta and Madras. Gradually, this has been extended to several others, including the nation's capital, New Delhi. This system provides for a greater freedom to the police from the Executive Magistrate in the matter of crowd control and issue of licenses, such as those required for buying arms and running cinema houses and hotels. In a typical commissionerate, the Commissioner (normally of the rank of Additional DGP in major cities and IGP/DIG in the smaller ones) is assisted by one Additional and several Joint Commissioners, each of whom looks after a geographical area or a specific function, such as law and order, crime, traffic, etc. Next come the Deputy Commissioners (equivalent to a District SP) who have Assistant Commissioners, Inspectors and Sub-Inspectors and the constabulary working under them.

In the Police Commissioner system, a senior experienced and a mature police officer is directly in charge of policing and has complete authority over his force and is functionally autonomous. He is directly accountable to the Government. Under the system, the public need not to run to two different authorities i.e., District Magistrate and Superintendent of Police, to process their application for licenses, permits etc. This avoids delay and inconvenience to public.

### **The Armed Police in India**

The civilian police system in India has basically two divisions. The general police functions are performed by the district force or the general civilian police. There is a provision of having a special armed group in each state which is generally called the Special Armed Force which is available for handling grave incidents which threaten public peace and require professional handling. The special armed reserve is available for this purpose at the headquarters of each district under the operational control of SP. The special arm reserves are well trained to cater to jobs demanding extreme physical fitness and mental toughness. There are situations when even the armed reserve at the district headquarter may be insufficient. It is tackling such really serious public order problems that there is the provision of keeping special armed reserves in every state at the disposal of the Director General. The special armed reserves are organized into a number of battalions headed by a Commandant who is of the rank of SP. Generally, a special armed force may have a force of around 1000 police personnels.

## **The Criminal Investigation Department**

A special group of investigators called the Criminal Investigation Department (CID) is available at every state police headquarters to take the investigation of grave occurrences, such as a political murder, large scale rights, bank robbery involving large sum of money or theft of precious art etc. This wing is also used for conducting inquiries into allegation of misconduct by police personal and other police agencies.

## **The Intelligence Wing in Indian Police**

Every government requires an agency that keeps track of the activities of anti-social and anti-national elements, who aim at fomenting disaffection against the lawfully constituted government and disrupting normal life. Also needed is a facility to monitor public opinion or the performance of the government so that quick corrective action is initiated to prevent a breakdown of law and order or economic stability. This twin role is fulfilled by the Intelligence branch at district and state levels. It is sensitive group, which has to be manned by personnel with proven integrity and ability for collecting information in an unobtrusive manner. On matters of mutual interest, such as terrorism, VIP security, religious feud (especially Hindu-Muslim conflict), the State Intelligence coordinates with the Intelligence Bureau (IB) of the central government.

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## **2.6 POWERS AND FUNCTIONS OF POLICE**

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The police as law enforcement officer are required to serve the community by protecting all persons against illegal acts which is consistent with high degree of responsibility required as per the law. The police functions are multifarious and multidimensional. The powers given by the law to the police makes the police one of the most important elements in the initiations of criminal justice process and at the same time makes the police completely responsible as an agency working towards social cohesion and public peace. The functions of police in the modern democratic society have multiplied and the role expectation has also increased. Major functions of police can be listed through the following points :

1. Promote and preserve public order;
2. Investigate crimes and where appropriate, to apprehend the offenders and participate in subsequent legal proceedings connected therewith;
3. Identify problems and situations that are likely to result in commission of crimes;
4. Reduce the opportunities for the commission of crimes through preventive patrols and other appropriate police measures;
5. Aid and cooperate with other relevant agencies in implementing appropriate measures for prevention of crimes;
6. Aid individuals who are in danger of physical harm;
7. Create and maintain a feeling of security in the community;
8. Facilitate orderly movement of people and vehicles;
9. Counsel and resolve conflicts and promote amity;

10. Provide other appropriate services and afford relief to people in distress situations;
11. Collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security;
12. Perform such other duties as may be enjoined on them by law for the time being in force;
13. To protect constitutional guarantees such as right to free speech and assembly;
14. To assist those who can't care for themselves; the intoxicated, the addicted, the mentally ill, the physically disabled, the old and the young;
15. To create and maintain a feeling of security in the community; and
16. Regulation and control of private morals and public decencies of life.

The primary functions of police are the prevention and detection of crime and to maintain public peace and order in the society. The rights and duties of the police to inflict punishment are limited. Since, their job is to pick up criminals from the society they play vital role in bringing the offenders to the justice. The major functions which the police is lawfully required to perform can be discussed in the following heads :

a) **Patrolling and Surveillance**

Patrolling is the visible police function for the purpose of general watch and word. Patrol and surveillance provide the most direct and effective means of preventing crime. A police beat is a given route or area to be covered by constable on patrol. In a town, it usually means streets and building in a given locality while in a rural area it may comprise one or more villages or a stretch of road. Patrolling police officer keep a general watch over a particular beat in order to prevent crime. In insurgency area, armed police units do routine patrolling either on foot or on vehicles depending upon the locality. Police patrolling is also an exercise in area dominance by the law enforcement agencies especially where there are acute law and order insurgency related problems.

Surveillance is another important function of police which is based on anti crime branch. Each police station generally has list of criminals and anti social elements which requires special watch. Surveillance activity involves various method of keeping such watch.

b) **Preventive Functions and Arrest**

One of the important tasks assigned to the police is to make arrest of law breakers and suspected criminals and to take them into custody in order to prevent crime. The preventive powers of the police are contained in the Code of Criminal Procedure which also defines legal elements of such power. The police may arrest a person on a warrant issued by a competent court. An arrest made on a warrant is in fact, a case of arrest made by the Court through police. But at times, the circumstances may require the police to make an arrest without warrant. The police may arrest without warrant when they apprehend the commission of a crime or when they have reason to believe that crime has been committed by the suspected person.

The police can arrest and take into custody vagabonds, habitual rogues, persons with doubtful antecedents, of those who are conditionally released from jail or person for the sake of maintenance of law and order within their territorial jurisdiction.

The police has the powers to release an accused on a bond with or without surety in case there is no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a magistrate.

**Check Your Progress II**

**Note:** Use the space provided for your answers.

- 1) Highlight the organizational structure of police in India.

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- 2) Enlist the powers and function of the police.

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**2.7 LET US SUM UP**

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This Unit deals with the organization, structure, powers and functions of Police System. The structure of different police system existing in the country and their operational aspects is elaborated in this unit. The powers of the police in context of the criminal law and procedure are discussed in connection with the role of police in overall Criminal Justice System. Closely related to the power are the functions of police in context of the governance of the country and the role of police in implementing the law of the land are also covered in this Unit.

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**2.8 FURTHER READINGS & REFERENCES**

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