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INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/17859
DOI URL: <http://dx.doi.org/10.21474/IJAR01/17859>



RESEARCH ARTICLE

VILLAGE POLICE SYSTEM: ITS IMPLICATIONS FOR COMMUNITY POLICING IN MIZORAM

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Manuscript Info

Manuscript History

Received: 15 September 2023
Final Accepted: 17 October 2023
Published: November 2023

Key words:-

Patel, Police, Village Police System, Lushai Hills, Mizoram, Village Council, Village Defense Parties, Community Liaison Group

Abstract

Indian policing had been revolved around rural policing. In ancient India, each village had its own headman who protected the village with the help of village watchmen or patel. These watchmen were 'the real executive police' of the villages. During medieval period, the Mughal dynasty also adopted this indigenous village police system. The significance of village police system was also recognized by the British rulers. The Court of Directors of the East India Company and The Police Act, 1861 wanted retention of village police system. After independence, Government of India made attempts to revive rural policing system. The Model Police Act was passed in 2006 which directed the states and Union Territories to make new police laws incorporating, among other things, improved village policing system. The present paper was an attempt to study how the village police system had been revived in India by passing the Model Police Act, 2006 with special emphasis on its implementation in Mizoram. Mizoram, a small state in North East India, adopted the Mizoram Police Act, 2011 under which Village Defense Parties were established to provide better policing services to village residents. This Act revived the principles of village policing concept which had been lying dormant. It also provided for formal institutional mechanism of community policing in the state.

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Introduction:-

Since majority of Indian population live in rural areas, Indian policing is naturally rural policing. Though crime rate is lower in the countryside, if crime takes place freely, or law and order cannot be enforced in the villages, it can be said that policing strategy of a state has been failed (Bailey, 1969, pp. 385, 386). In some states of India, rural police are called 'Chowkider' or 'Patel' (Bailey, 1969, p. 388), in Mizoram there has been no such Patel. The Village Defense Parties (VDPs) established under Mizoram Police Act, 2011, have performed policing functions in their own jurisdictions. They are agents of regular police to operate in the villages. It is assumed that the physical availability of police on the street has a crime deterring effect in the community. If the criminals are aware of police presence they are usually believed to become hesitant to commit crimes and crime rate gets reduced (Zhao et al., 2009, pp. 275, 276). In addition, people feel safe when they see the police patrolling their residential area (Utne et al., 1981, p. 51). Judging by this yardstick, VPDs can be rightly regarded as a wing of police that acts as a substitute for police forces in the villages that are many miles away from the nearest police stations. This paper is an attempt to show how the villages in Mizoram are policed to ensure that order and security are maintained in the countryside.

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Objectives of Study:-

The main objectives of this paper are to study the evolution and development of village police system and the role of village police in India and Mizoram in particular. The research questions are:

- (1) How did the village police system evolve in India?
- (2) What is the role of village police system in Mizoram?

Methodology:-

This paper is a qualitative study relying on the secondary data like books, journals, articles, Acts, observations of researcher and other materials relevant to the subject. It is also historical and descriptive in nature as it is a descriptive account of the origin and evolution of village police system in India in general and in Mizoram in particular.

Village Police in Ancient India

Policing in ancient India was regarded as responsibility of the entire community (Griffiths, 1972, pp. 7, 8). Different writers offered their own narratives about the nature of village policing in India. According to one historical account, a Gopa was appointed to take care of policing in rural areas and each Gopa was in charge of a certain number of villages. Under the leadership of these Gopas there were watchmen who were responsible for village security (Griffiths, 1972, p. 10).

Another reliable narrative stated that Indian native police system was closely intertwined with land tenure system in that land owners were charged with responsibility of keeping peace in the community. Each village had its own headman who protected the village with the help of village watchman or patel who kept a closed watch over the conduct of villagers and movement of strangers. These watchmen were conceived as 'the real executive police' of the villages (Curry, 1932, p. 19). Though each village usually had one watchman or policeman yet in practice he was helped by all male members of the families and all members of village in times of emergency. If theft occurred in the village, it was his duty to detect and recover the stolen goods. If he could not detect or recover them, he would make up the value of such stolen goods from his pocket (Fraser, 1903, p. 4).

Village Police in Medieval Period

During medieval period, the Mughal dynasty continued to adopt this indigenous village police system. The villagers were still entrusted with the duty to prevent minor crimes. But the village headmen and their subordinate village watchmen were never remunerated from state revenue (Curry, 1932, pp. 19-22).

Village Police During British Rule

The significance of rural police system as an apparatus for ensuring security was recognized even by the British rulers. Village patels were required to furnish information to darogahs who were the police officers of a particular area, i.e. the equivalent of modern sub-divisional area. The Court of Directors of the East India Company wanted to retain village police while doing away with darogah system. The Court of Directors argued that village police system was based on the customary practices of ancient India (Curry, 1932, pp. 26-28). Section 21 of the Police Act, 1861 also wanted retention of the village police unit (Police Act, 1861).

The Police Commission of 1860 constituted by the Court of Directors recommended that village police should be retained and placed under the control of District Superintendent of Police (Curry, 1932, pp. 32, 33). Contrary to this, the Police Commission of 1902-03 suggested that they should not come under regular police. Then village police and village headmen were put under the administrative control of District Magistrate or Collector. Since village had been the basic unit of administration in India, its headman was the right person to control village police. He was not only the supreme administrator or agent of government as revenue collector but also head of the police. It was this idea which inspired Section 45 of the Criminal Procedure Code or Act XXV of 1861 which enjoined the village head to communicate to regular police any matters relating to crime, offences and movement of criminals in the village. The village head and his police should never be considered subordinate or inferior but equal partners of regular police (Fraser et al., 1903, pp. 31, 32). Thus, village police system was found in different parts of British India such as Madras, Bombay, United Provinces, Central Provinces, Berar, Punjab, Burma, Assam, and Bengal. The Police Commission of 1902-03 recommended that village police might be remunerated either in cash or by 'rent-free' land. The police expenditure of the village, on the whole, was expected to be borne by the villagers themselves (Fraser, 1903, pp. 33, 34).

Village Police in Mizoram in Pre-Independent Period

Mizoram, formerly known as Lushai Hills comprising different independent little villages ruled by their own respective chiefs, was annexed by the British into British Indian Empire as a result of the 'Chin-Lushai Expedition' of 1889-90. Immediately after its conquest, Lushai Hills was bifurcated into two administrative areas, viz. North Lushai Hills which was put under the Control of Assam, and South Lushai Hills District that became a part of Bengal. Political Officer was appointed to man the administration of North Lushai Hills while the Southern Lushai Hills was administered by Superintendent. However, in 1898 the two districts were amalgamated into one administrative unit known as Lushai Hills District and it was a part of Assam province with Superintendent as its head (Prasad & Agarwal, 1991, pp. 3, 4).

The governance of the newly formed Lushai Hills District was vested in the Chief Commissioner of Assam, and the Superintendent acting as an agent of Chief Commissioner. The Superintendent was empowered to appoint new chiefs and remove them, and to determine rule of succession when the incumbent chief passed way. He could form new villages by splitting the existing one and determine the numerical strength of the village population (Lalrinmawia, 1995, p. 57). But the Government of India ordered the Superintendent to give as much freedom as possible to the village chiefs and their councils to manage their own safety and internal affairs (Prasad & Agarwal, 1991, p. 4).

As to police administration, as per the provision of the Police Act, 1861 and the Assam Military Police Regulation, there should be regular Lushai Hills Police. The head of this police was the Superintendent assisted by other officers appointed by the Chief Commissioner of Assam. But as stipulated by the Police Act, 1861, the general control of the Lushai Hills Police was vested in the hands of Assam Inspector General of Police (Lalrinmawia, 1995, pp. 57, 58).

Meanwhile, when civil police force was formed in 1898-99 as a subsidiary to the Military Police in the then Lushai Hills District (Chatterjee, 1985, pp. 129, 130), policing in the villages was left entirely in the hands of the village chiefs and the council of elders. The altruistic and agile village youths were always willing to extend help to the chief to meet any problems or dangers facing the villagers. They were always ready to rise equal to the occasion. Since villages were in the zero-sum situation threatened by the possibility of being attacked from neighboring villages, they acted as shields and protective walls for the villagers (Siana, 1991, pp. 18, 19). On being request by Chief Commissioner of Assam to prepare draft rules for police administration in North Lushai Hills in 1897, Porteous, the Superintendent of Lushai Hills at that point in time, proposed establishment of village police consisting of the chiefs, elders, and other village functionaries. This village police would perform common police functions and maintain law and order in the villages. Finally, on the basis of this suggestion, Sir Henry Cotton, Chief Commissioner of Assam, adopted draft rules for Lushai Hills in October, 1897. In terms of this draft rules, it was the duty of village chief and his elders to report to the Superintendent about the incidence of all serious crimes and murder in the village. In order to maintain peace and security in their village all the residents were expected to render help and assistance to the regular police as and when necessary (Lalrinmawia, 1995, pp. 102, 103). The Police Commission of 1902-03 found that in hilly areas of Assam (including Lushai Hills), this village policing system functioned well because it was in accord with the tribal customs and practices (Fraser et al., 1903, p. 28). It is thus clear that even though there were no executive police of any sort in the villages of Lushai Hills District like other parts of British India, Section 21 of Police Act, 1861 and Section 45 of Criminal Procedure Code or Act XXV of 1861 conceived the idea of self-policing villagesystem in the Lushai Hills Districts.

Rural or Village Policing in Post-Independent Period

An indigenous policing circle, i.e., village chiefs and their elders or 'Upas' acting as village police, suffered setback with the abolition of the institution of chieftainship. Owing to the persistent attempt of Mizo Union-led District Council ministry, Assam Legislative Assembly passed the Lushai Hills District (Acquisition of Chief's Rights) Act in 1954. Earlier Lushai District Council passed the Lushai Hills District (Village Councils) Act in December 1953 for the establishment of modern local self-government institution, i.e., Village Council (Malsawma, 2002, pp. 4-25). As a result, the institution of chieftainship was replaced by Village Council. Today the Lushai Hills District (Village Councils) Act, 1953 and even its latest amended version, Lushai Hills District (Village Councils) Act, 2014 does not contain any provision requiring members of the Village Council to perform police functions in the villages.

After the creation of Village Council in Mizoram, there was a hiatus in the growth and development of village police system in Mizoram. The novice local self government institution of Village Council was longer obligated to perform the function of maintenance of law and order in the village. In addition, though Section 3 (1) (f) of the Sixth

Schedule to the Constitution of India authorized District Council to maintain village or town police (Basu, 1989, p. 1078), yet the idea of such police was never materialized. After the Parliament of India passed the North-Eastern Areas (Reorganization) Act in 1971, the Mizo District Council was elevated to the status of Union Territory on 21st January, 1972 (Singh, 1994, p. 154). The then existing Assam Police that served in the hitherto Mizo District Council was rechristened as Mizoram Police with I.J. Verma as the first Inspector General (Lunglei DEF-Mizoram Police, 2023).

At the beginning, Mizoram Police had four units and six Police Stations and about 200 personnel (E-Book 2019-2020, Mizoram Police, p. 25). These six police stations were Aizawl, Champhai, Demagiri, Kolasib, Lunglei, and Saiha. The total number of population as per the 1971 census in Mizoram was 332,390 and there was one policeman for every 1661.95 citizens. Besides, one policeman would take care of 105.435 square kilometers. This 200 strong police were responsible to maintain law and order, provide security and protection to the residents of 229 inhabited villages (Census 1971: Census Handbook Mizoram, 1972, p. vi). Unfortunately, police-citizen ratio in Mizoram at that time was below the level recommended by UNO which was 222 policemen per lakh citizens or one policeman for every 450.46 persons (Chaturvedi, 2017, p. 1).

The Mizoram Police Act, 2011 and Rural/Village Policing in Mizoram

The Mizoram Police Act, 2011 revives the spirit and principle of village policing concept which has been the fountain of justice and security in the social control history of Mizo society. It enables members of the community to share burden of the police to maintain law and order.

Factors leading to an Enactment of Mizoram Police Act, 2011

In order to review recommendations of the previous police commissions/committees constituted by Government of India like National Police Commission (1977-81), Ribeiro Committee (1998), Padmanabhaiah Committee and Malimath Committee, Government of India formed a review committee under the chairmanship of R.S. Mooshahary known as Mooshahary Committee in December 2004. The Mooshahary Committee shortlisted 49 recommendations of the previous commissions that must be implemented by the states. It recommended, among other things, that village police system must be revived and reformed. The Committee also recommended that new police act was essential to replace the old Police Act of 1861 which had been the only police act in the country so far. Accordingly, Police Act Drafting Committee known as Soli Sorabjee Committee was created to prepare Draft Police Act and consequently, the Model Police Act having 16 chapters was enacted in 2006 (Rajya Sabha Secretariat, 2022). Chapter VI, Sections 61 to 86 of the Model Police Act, 2006 dealt with the village police system (The Model Police Act, 2006).

Thus, in due deference to the Model Police Act, 2006, Mizoram Legislative Assembly passed 'The Mizoram Police Act' (Act No 3 of 2012) in 2011, to streamline the organization and structure of police. It receives Governor's assent on 19th December, 2011 and comes into effect on 12th January, 2012. The main aim of this Act is to provide for an excellent policing system in the state. Sections 45 to 58 under Chapter VI of the Mizoram Police Act, 2011 provides for the establishment of village police throughout the territory of Mizoram (The Mizoram Police Act, 2011).

Police presence in the Village

With a view to making police ubiquitous, Section 47 of the Act states that each Station House Officer (SHO) or Officer-in-Charge (OC) of the police station shall visit all villages falling in his jurisdiction at frequent intervals as may be determined by Superintendent of Police (SP). The main objectives of this visit are maintenance of close contact with villagers, and to evaluate citizens' attitude towards the police. Moreover, Section 48 requires that all police officers including SP shall venture to visit villages within the district at frequent intervals. The objectives of this visit include to assess the crime situation, problems of law and order, and physical violence perpetrated by militants in the villages; and to feel public pulse on the effectiveness of police (The Mizoram Police Act, 2011).

Village Defense Parties (VDPs)

Police are stationed only in cities, towns, and a few selected villages. In the absence of law enforcement agency, villages are more likely to fall prey to criminal activities which put law and order under constant threat. And given the limited number of police force it is not possible to station formal police officer in all villages of the state. What is essential is to devise certain law enforcement agency that will maintain peace and security in the villages. Thus, to police the villages, Village Defense Parties (VDPs) are established under the Mizoram Police Act, 2011.

The Mizoram Police Act, 2011 provides that each VDP shall consist of not more than 15 members appointed by the Superintendent of Police after consulting Community Liaison Group. The members of VDP are appointed only from among the persons who are innocent or having no criminal charge or conviction. But those persons who are axed from their jobs by their employers on grounds of immoral behavior or corrupt practices, and members of political parties are not eligible to become its members. There may be more than one VDP in the bigger villages depending upon the size of the population and area of the village. Its tenure is fixed at three years but old members are eligible to re-appointment subject to the condition that at least one-thirds of its members shall be new members. No person who is above 60 years of age shall be appointed or re-appointed to be members of VDP (The Mizoram Police Act, 2011).

The main aims and objectives of VDPs are to conduct regular patrol, to take measures for prevention of crime, and to help regular police in the proper discharge of their functions. The VDP members are not given monthly salary because membership is voluntary. Nevertheless, the OC or SHO may provide members with such tools and 'pocket money' as may be specified from time to time by state government (The Mizoram Police Act, 2011).

Community Liaison Group (CLG)

Section 57 of the Mizoram Police Act, 2011 empowers Superintendent of Police to establish Community Liaison Group (CLG) in each Police Station to give advice to police. Each CLG shall comprise of members who are eminent citizens, former government servants, and heads of educational institutions within the territorial jurisdiction of Police Station. Each Village Council or Panchayat Samiti shall send two members nominated from their members to the CLG. The function of CLG is to review the status of policing in the area and identify policing problems. The OC or SHO shall prepare policing policy and action plan for the area on the basis of this analysis. The CLG shall meet at least once every three months. The Sub-Divisional Police Officer, OC and Circle Inspector shall participate in its meeting (The Mizoram Police Act, 2011).

Role of VPDs in Village Policing

The total number of population in Mizoram is 10, 97,206, out of which 5,25,435 live in rural areas and 5,71,771 settled in urban region. There are 830 villages, of which 704 are habited whereas 126 are uninhabited villages (Directorate of Economics & Statistics, 2020).

There are 86 Police Stations (PSs) and 26 Police Outposts (POs) across the state of Mizoram. There are 10 PSs and 2 OPs in Mamit district, 8 PSs and 4 OPs in Kolasib, 22 PSs and 4 OPs in Aizawl, 6 PSs in Champhai, 6 PSs and 2 POs in Serchhip, 8 PSs and 2 OPs in Lunglei, 10 PSs and 4 POs in Lawngtlai, 6 PSs and 6 POs in Siahla, 2 PSs in Khawzawl, 4 PSs in Saitual, 4 PSs and 2 PO in Hnahthial district (Directorate of Economics & Statistics, 2020). However, as per the Data on Police Organisation 2021, there are 26 Police Stations in rural areas and 14 in urban areas, and 4 special purpose Police Stations (Bureau of Police Research and Development, 2021). There are 273.80 civil police, 160.74 armed police, and 656.20 total police (civil and armed police combined) per lakh of population in Mizoram (Bureau of Police Research and Development, 2021).

Given the above information regarding police statistic, it is clear that police forces cannot be deployed in all the 704 inhabited villages during normal period. Moreover, despite the existence of legal provisions under the Mizoram Police Act, 2011 requiring OCs or SHOs, and Superintendents of Police to visit as many villages as possible at some intervals to study the criminogenic environment and policing pattern of the village, it is observed that their visit has been few and far between. Furthermore, police are seldom sent to the villages on regular duty to protect the people and their property from the criminals.

The strength of Mizoram police as on 1.1.2021 is 7940 against the sanctioned post of 11286 (Bureau of Police Research and Development, p. 78). There is one police man for every 107.21 persons, and each police man takes care of 1.87 sq. km (Bureau of Police Research and Development, pp. 44-46). In view of the continual absence of regular police combined with the rough terrain of the landscape and problems of transportation and community in the state, VDPs have come to occupy a key position in village security structure. There are 278 active VDPs having 5228 members (Zosangliana, 2022) that provide security services to the people of villages and of town and cities. They act as voluntary village or local un-uniformed police. Thus, policing in the rural areas and at local level in towns and capital city of Aizawl has been the responsibility of all villagers. The VDPs can be considered as equivalent of neighborhood watch groups that are community policing institutions in different countries of the world. The main activities of VDP are directed towards fighting against crimes, drug abuse or peddling, illegal

selling and brewing of liquor, and helping police in the villages. Thanks to the efforts of VDPs, peace and tranquility prevail in the villages.

Problems of VDPs

However, VDPs are suffering from several drawbacks. First, their powers and responsibilities under the Mizoram Police Act, 2011 are quite vague so much so that they always resort to physical violence to deal with local criminals. VPD excessism has often been complained by people. For instance, VDP in East Lungdar was reported to have tortured one man, Lalthanmawia (Mavala) who was accused of trying to rape one minor girl in the village on 25th July, 2016. Later the accused succumbed to the injury on 1st August, 2016 at the Hospital (Gooner, 2016). Second, the members of VDPs are not given sufficient training in criminal law. Third, due to lack of financial support from state government, they cannot function actively throughout the year.

Conclusion:-

Since about half of the total population of Mizoram lived in the rural areas, state government had accorded significant position to the concept of rural policing by enacting suitable legislation. This concept of rural policing was thus an epitome of Mizo communityself-policing traditions. The British police policy showed due respect to it by charging the chiefs and their village officials with some police powers such as reporting serious crimes and murder to District Superintendent. But surprisingly with the introduction of Village Council in the post independent period village leaders (members of Village Councils) were no longer officially entrusted with police power. Fortunately, the moribund principle of village police had been resuscitated by Government of Mizoram in 2011 by passing the Mizoram Police Act.

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