



WOMEN POLICE STATIONS IN HARYANA: A STUDY OF ALL WOMEN POLICE STATION AT KURUKSHETRA

Dr. Sunil Kumar

Assistant Professor, Department of Sociology, Kurukshetra
University, Kurukshetra, Haryana

Abstract:

The structural and functional aspects of the police system in India are similar to the colonial Irish constabulary the act of 1861 (Indian Police Act). At present, the Code of Criminal Procedure, 1973 and some other acts/rules the power and duties of the police. The image of police is not so bright since the general tendency of the male police Investigation Officers (IO's) is of hard core. Recently, the Government of Haryana has undertaken certain vital police reforms by introducing All Women Police Stations in each district, which, indeed, will infuse confidence amongst the women victims in getting their complaints registered without any hesitation at any of these women police stations by making the victims as comfortable as possible in their given state of trauma because the reported incidents will be investigated by women Investigation Officers (IOs) only. Normally, in semi-urban and rural areas, women police didn't get to conduct investigations but these newly appointed female staff in the police stations will change the ongoing trends and develop their skill to deal with the grievances as IO's and at other different levels. It will also enhance the ratio of women in police organization (which at present is very low i.e.6.7%). The present study attempts to analyse the nature and dimensions of the power, duties & administrative practices of newly appointed police personnel at women police stations in Haryana with special reference to Kurukshetra. It is anticipated that apart from grievance redressal, these police stations will help promote mutual understanding between police and public in special reference to women, when the police are failed to bring laurels in earning people's faith.

Key Words: AWPS, Cr.Pc, Investigation, SHO, Offences, Jurisdiction & Women Cell

Introduction and Background:

Police are designated as those civil forces of a state to whom entrusted the duty of maintaining public order and of enforcing regulations is as well as prevention and detection of crime. Initially, police was organized for the preservation of the state only, whereas, with the advance of time and human civilization, the responsibility of merely preserving the state the service of police began to indicate as an institution of civil service which entrusted the responsibility of preservation of law and order, prevention and detection of crime. In other sense, police are designated as an agency through which the enforcement and maintenance of law and order of a state or of a nation. The service of police organization is committed to render essential public service in normal as well as in adverse situations. It is the service of immense prestige and of greatest importance. They are the social agents empowered to enforce law and to ensure public and social order through the legitimized use of force. In short Police is supposed to be the custodian of law. Above all, in today's world police perform not only the function/services that defined for the prevention, detection and investigation of crime they are also fully engaged with the jobs which pertain to peace keeping. This emerging service of police brings them greater affinity with public for broader aspect of the service of humanities. Police service is the embodiment of the govt. and their range of duties is far wider than that of the other services of the govt. It is also stated that a country can well be judged by the quality of its police force and the quality of the police

itself is again measured by its cordial relation with the public to whom they serve. It is police who shape a state and a polity in general.

In India, the institutionalized police system came to force just after the outbreak of the historic Sepoy Mutiny in the year 1857 under the Indian Police Act of 1861 by the then British Regime. After independence, the Police were made a state concern¹ and are structured and regulated by the Police Act of 1861.

Though the entry of women in the police force in India was as in 1938 but till date their participation in this workforce is very low. The Model Police Act, 2006² and the 2009 MHA advisory stressed to set-up of a “woman and child protection desk” in every police stations possibly staffed by women police. Delhi, Kerala, Rajasthan, and Telangana are some of the states that have instituted helpdesks. The introduction of All-Women Police Station is was novel concept which attempt to provide a platform to the victim to lodge their complainants without any fear or hesitation. As per the latest government data, 13 States and Union Territories have no women police stations, including Delhi. According to the Bureau of Police Research & Development (BPR&D) data, there were just 502 women police stations across India as on January 1, 2013 in which Tamil Nadu had the credit of having maximum number of women police stations (196) whereby the first Women Police Station in Asia was started in Oct.1973 in Kozhikode City.³ In Haryana, the first-ever women police station was inaugurated on 28-08-2016 (on the eve *Rakshabandhan*-a festive occasion of siblings) in Panchkula. Earlier to that, there was a separate Crimes against Women Cell was functioning at every district level.

Methodology:

Present study has been carried out in a Women Police Station at Kurukshetra (one of 21 All Women Police Stations) to know about the structural and functional aspects Women Police stations in Haryana and to analyse the power and duties of police persons in all women police stations under the law in comparison to the exercise of the same in practice. The interview technique has been employed for collecting the relevant information from the cops working thereby.

Significance of the Study:

Haryana is one of the developed state in India but it has worst gender ratio. According to the National Crime Records Bureau, it recorded 8,974 cases of crimes against women, including 3,501 cases of dowry harassment, 1,174 rapes cases and 230 cases gang rapes.⁴ With a view to improve the women-friendliness in the state, all-women police station has been established each district. It, indeed, would have its relevance as it will infuse a sense of confidence amongst the lady victims in getting their complaints registered themselves without any hesitation at any of these women police stations. Because there, all the staff is women and all the reported incidents will be investigated by women Investigation Officers (IOs). In India, in general and in Haryana, specifically, the general tendencies of the male police IOs is of hard core and canned style investigation. Apart from this, the women cops will also have a sense of empowerment, since they didn't get to conduct investigations in semi-urban and rural areas. One of the very purpose of the Govt. to set up such police stations as to increase the ratio of women staff which at present is very low (6.7%) and efforts were being made to raise it to 10% in a phased manner. The AWPS will also gain significance in

¹Article 246 of the Indian Constitution

² 113 Section 12(6), Model Police Act, 2006.

³ BPR& D, 2013.

⁴ Report of NCRB, MHA, 2000

promoting the mutual understanding between police and public in the prevailing state of apathy among the public towards the police especially context of gender justice. On the other hand, there are also several legal provisions that requires the presence of women cops as a matter of necessity and right in dealing with female victims or complainants, or conducting arrests of women. There are many international human rights instruments and standards who requires the inclusion of women in police system. One of them is the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW)⁵ which asserts that beyond prohibiting all forms of discrimination it requires State Parties to take appropriate measures specifically to eliminate discrimination in employment and to ensure equality between men and women in relation to *"the right to work as an inalienable right of all human beings"*⁶.

Jurisdictional Aspects:

The purpose of setting up All Women Police Stations (AWPS) in Haryana is to uphold the law related to protection of women fairly and firmly, to prevent occurrence of crime against women, to protect, help and reassure the lady victims of crime. Every Women police station (AWPS) has the jurisdiction over the locality the whole district. The complainants are at the liberty to have the both option as to report and get their complaints registered either in the nearby police stations or in the women police station at the district headquarters. Besides this, the complaints pending with the Crime against Women Cell have also been transferred to these stations. The AWPS are authorized to examine various unlawful offences/acts against women under different criminal laws such as stalking, foeticide, sexual harassment, stripping, voyeurism, snatching, elopement, seizing, assault, settlement provocation, un-natural offences, bigamy, abetment to suicide, domestic violence and child marriage, indecent trafficking, crimes under the Commission of Sati (Prevention) Act, Protection of Woman against Domestic Violence Act, the Information Technology Act (if the offence is against women), Protection of Children from Sexual Offences Act and other likewise cases. Substantially, AWPS works under the Police Act, 1861 and the Punjab Police Rules, 1934 as applicable to Haryana. Other rules are also followed as prescribed by the State Government from time to time such as The Punjab Financial Rules, Civil Services Rules, and Conduct Rules etc. Apart from all these, police also exercise powers under Criminal Procedure Code 1973(Cr.P.C.) and some of the major functions under Cr.P.C. including registration of First Information Report i.e. putting the criminal law into motion; search and seizure, conducting arrest, investigation of the cases, challenging of the cases and prosecution, granting bail and prevention and elimination of crime.

Powers/Duties of a Police Officer:

In Indian scenario, the power and duties of police have been mentioned under the Police Act of 1961 and the Code of Criminal Procedure, 1973 (Cr.PC), an overview of the same is as under-

⁵United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>. Adopted in 1979 and entered into force in 1981, this international human rights treaty is akin to a bill of rights for women that set out what constitutes discrimination against women and what is needed to end such discrimination.

⁶CEDAW, Art 11(1)(a). *This article continues: (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction."*

Under Police Act, 1861:

Under Section 23 of the Police Act, 1861, the powers of police officers are as below:- It shall be the duty of every police officer promptly to obey & execute all orders & warrants lawfully issued to him by any competent authority :-

- ✓ To collect & communicate Intelligence affecting the public peace.
- ✓ To prevent the commission of offences & public nuisances
- ✓ To detect & to bring offenders to justice & to apprehend all persons whom he is legally authorized to apprehend & for whose apprehension sufficient grounds exist. It shall be lawful for a Police officer, for any of the purpose mentioned in this section without a warrant, to enter & inspect any drinking shop, gambling house or other place of resort of loose & disorderly characters⁷.

Under Criminal Procedure Code, 1973:

Main powers/ duties of a police officer under various sections of Cr.P.C. are as below⁸:-

- ✓ Section 36 Powers of superior Officers of Police.
- ✓ Section 41 When Police may arrest without Warrant
- ✓ Section 41A Notice of appearance before police officer
- ✓ Section 41B Procedure of arrest and duties of officer making arrest Procedure of arrest and duties of officer making arrest
- ✓ Section 42 Arrest on refusal to give name & residence
- ✓ Section 46 Procedure of Arrest
- ✓ Section 47 Power of Police officer to search of a Place entered by a person sought to be arrested.
- ✓ Section 50 Arrested person must be informed the grounds of Arrest & right to bail.
- ✓ Section 51 Search of Arrested Person
- ✓ Section 52 Power to seize Offensive weapon.
- ✓ Section 53 Examination of accused by medical Practitioner at the request of Police.
- ✓ Section 55 Procedure when Police Officer deposes his subordinate to arrest without Warrant
- ✓ Section 57 Arrested person not to be detained more than 24 hours
- ✓ Section 58 Police to report apprehensions
- ✓ Sec 61-90 Processes to compel appearance
- ✓ Sec 91-105 Processes to compel the production of things
- ✓ Section 100 Procedure of search of closed place.
- ✓ Section 102 Powers of Police Officer to see certain Properties
- ✓ Sec.106-124 Security for keeping the peace and for good behaviour.

Powers of Police Officers to Arrest the Person for Prevention of Crime:

- ✓ Sec 149-153 Preventive action of the Police.
- ✓ Sec 154 Registration of FIR on disclosure of cognizable offence.
- ✓ Sec 160 Police officer's Power to require the attendance of Witnesses
- ✓ Sec 165-166 Search by Police Officer
- ✓ Sec 172-174 Procedure of Investigation

Findings: Since, in Kurukshetra, all the cases being previously heard by Women Cell of the police were transferred to its women police station; the investigation is currently

⁷ Police Act, 1861

⁸ Criminal Procedure Code, 1973

going on in those cases. Most of the complaints being received are those of marital disputes, or family issues, including some arguments with husband's family and a few cases of rape also have been reported to be received. The complaints are largely from married women and have received a few complaints from girls. According to the police sources, as many as 10-15 complaints are received on a daily basis. On most of them, the cops proceed for counselling of both the sides, followed by further action. From Assistant Commissioner of Police (ACP) to SHO to *Munshi*, all the work is being done by women. It has been found that AWPS has not sufficient staff. There are around 4 women constables, one Assistant Sub-Inspector, two Sub-Inspectors, headed by SHO and an ACP but no additional male staff since they are required for checking of male accused and their arrest. They have to take help of male personnel from other police stations to cause arrest during late night and even in rural areas. The women police personnel are also conducting surprise checks at various public places, talking to girls and women, inquiring about any harassment they face and generating awareness to ensure adequate safety of women in general. Since the entire force being, women complainants are not hesitant to share their problems of that nature which they may not be able to share with male cops. They are more forthcoming and feel free and safe, when they see all women in uniform. Apart from complainants, there are some women who visit the police station to seek advice on different issues. While talking with one of the complainants, it was traced out that lady cops found to be more sensitive and effective in dealing with the complaints related to matrimonial issues especially in the complaints pertaining to domestic violence. While interacting with the staff on a comparative aspect of female police with men, most of the personnel responded that till date there is predominance of the male in this department and the policing has the masculine image which resists them to come out of the underestimation of their capabilities. It was also reported by some women personnel working there that the policing job for female is not much respectful as compared to other professions and women in general also remains reluctant to join police. Even the women staff in police rather prefer a desk job than outdoor/field duties.

Conclusion and Suggestions:

In setting up All Women Police Stations, the Haryana Government has attempted to ensure a conducive domain which would help them to have a sense of courage amongst the victims for reporting unlawful acts against women and the examination/investigation of such complaints by just ladies police officers who have been empowered to exercise powers under the Criminal Procedure Code. It is anticipated that the problem of under-reporting of incidents of crime against women will be solved up to some extent as the AWPS do provide the female victims to share their problem in an enabling environment. Side by side, the setting up of the counselling centers within the AWPS is also a significant step to settle the gender problems. It will also be a makeover to the traditional caned style interrogative image of police. The presence of women in policing (AWPS) is, indeed, a reforming step to make the criminal justice system more gender responsive.

It is suggested that representation of women to be increased by adopting several measures such as 33% reservation, special recruitment drives, a common cadre for men and women, and better facilities for women as per their gender needs.

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