

Law and Order

Coordination with the Police

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Law and Order

Definition

- State of society where vast majority of population respects the rule of law, and where
- The law enforcement agencies observe laws that limit their powers.
- Maintaining law and order implies firm dealing with occurrences of theft, violence, and disturbance of peace, and rapid enforcement of penalties imposed under criminal law.

Co-ordination with Police

- Maintenance of law and order is the responsibility of the police.
- Police need to take orders from the executive magistrate concerned
- Magistracy and police need to work in harmony
- However, in some rare cases, conflict arises between the two .

Cases of coordination

- Power of the executive magistrate partakes more of preventive character, if the police make an honest approach fully cooperate with them in cases under sections 107 to 123 CRPC, 129 to 133 CRPC, 144 to 147 CRPC.
- In cases of mob violence police need to use force to control the mob with permission of the executive magistrate, do not withhold permission unnecessarily.

Prominent cases of conflict

- Collector Kurnool vs Superintendent of Police Kurnool.1989
- Delhi Judicial Service Assn vs State of Gujarat and ors 1991
- Special Executive Magistrate Hyd.

VS

Asst. Commissioner of Police Sultan Bazaar and ors

- Asst. Collector Asifabad vs ASP Asifabad

Analysis of reasons for conflict

- Personality conflict.
- Ego conflict.
- Political reasons.
- Nexus with local mafia.
- Land deals and complicity of officers

Measures to be taken to harmonise relations

- Inculcate professionalism
- Professionalism includes continuous upgrading of knowledge of law
- Detach personality from office
- Maintain good relations, keep meeting formally and informally
- Respect each other

Measures to be taken to harmonise relations cont..

- Inform the good and bad of the officers to the other side supervising those officers
- Keep the superiors informed of any imminent conflicts
- Be firm and impartial
- Avoid being egoistic
- Shield the honest officers

Political pressure and Law and Order

- Never become a party to abuse the official machinery to the advantage of the ruling political party.
- Should you notice it, inform the top most authorities.
- Always build up record .
- Remove the fear of the regime in power .
- Be polite and firm while dealing with the politicians.

When conflict becomes unavoidable

- Make sure that you are not the cause of conflict.
- Give a little time to the other party to correct itself.
- Inform the superiors in writing.
- Should the other party not cooperate, try to meet their superiors (though it may look a little out of the way).
- Avoid the media as far as possible.

When conflict becomes unavoidable

Cont..

- Do a thorough exercise.
- Be extra clear about the rule position.
- Be thorough with the procedures laid down under the Contempt of Courts Act.
- Take action as per law.
- Never personalize the adverse relation arising out of the conflict.

Thank You.