

DUAL CONTROL OF LAW AND ORDER ADMINISTRATION IN INDIA : A STUDY IN MAGISTRACY AND POLICE RELATIONSHIP

Haridwar Rai

THE District Officer as District Magistrate is the chief executive authority in the district. In this capacity, he is responsible for maintaining the public peace, tranquility and order and administering criminal justice in the district. The district police and magistracy function under his supervision and control for the purpose. He is the coordinator and motive power of these two organs of the criminal administration. The prevention and detection of crime and the trial of wrong-doers are the conjoint statutory duty of the two under the harmonizing influence and unified direction of the District Magistrate.

The district police force functions as the executive arm of the District Magistrate. It is an organized civil force representing the concept and practice of the maintenance of public peace, safety and seemly order, and denoting the operative agency for ensuring these essentials of a civilized living. To this end, the police are invested, under the law, with protective, detective and restrictive powers of wide ramifications touching the liberties of citizens at innumerable points in their lives. They are given wide powers of arrest with or without the warrant of a magistrate, as the case may be. They have been charged with the duty to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to apprehend and detect offenders and to bring them to justice. They have to obey and execute orders and warrants lawfully issued to them by a competent authority. They can lay any information before a magistrate and obtain summonses, warrants, search warrants and other legal processes against offenders. The District Superintendent of Police can be vested with powers to regulate public assemblies and processions. The police have to keep order on the public roads, in the public streets and at all other places of public resort. They have been empowered to take steps to prevent obstructions, inconvenience, annoyance, risk, danger or damage to the members of the public. Thus, the police work is basically a law enforcement calling.

The head of the police force in the district is the Superintendent of Police, a member of the Indian Police Service, who works under the

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