

Anthropology of Police Authority

VAPPALA BALACHANDRAN

This slim work of 160 pages (with 45 pages of “notes”) is daunting to read, although it starts blithely. The author, an American anthropologist, travels into the rural areas of northern Lucknow with her research assistant on a summer evening in June 2007. She is doing a 24-month field study of the Indian police as part of her research project commissioned by a group of American academic institutions. Accompanying her are two Uttar Pradesh (UP) policemen, both Brahmins, who are going into their *halka* (beat) on motorcycles.

The author chose to do fieldwork in UP since 2006 as it represented a “microcosm of how everyday local policing intersects with the fragmentation and fractiousness of sociocultural order and democratic politics” (p 17) of India. Also, UP police is the “Largest sub-national police force under a unified command in the entire world” (p 24). The narrative gets deeply philosophical as she tries to compare the state’s “*chalta hai* policing” (which she translates as: “so it goes; what can you do?”) (p 8) with the theoretical templates of Max Weber on legitimate force, Egon Bittner on coercion, David Bayley on police accountability, etc.

Provisional Authority: Police, Order, and Security in India by Beatrice Jauregui, *Chicago, London: Chicago University Press, 2016; pp ix+205, \$35/£24.50.*

Yet, her discourse is empathetic and not captious; it is, however, sensational. She learns about the workings of the police through field conversations and anecdotes. In no time, she manages to elicit amiable feelings from all ranks, who freely discuss their problems. Y K Yadav, Station House Officer (SHO) of Chakkar Rasta Thana (CRT), who allowed her free movement in his area, tells her that his caste had influenced his posting (pp 25–26). On that evening, Yadav had entrusted two assignments to his policemen. One was to ensure that all was peaceful near “Ma Devi Mandir” where tensions were feared. The second task was to detect “money laundering” by verifying whether the local farm proprietors were the real owners or surrogates of wealthy people who wished to hide their *kala dhan* (black money) (p 2).

Events progress languidly, with policemen bantering about casteism in the police force and joking about the Big “B”, a popular Bollywood actor suspected to have been possessing such properties (p 2).

This is interrupted by a “thunderous” noise of a truck engine. The senior cop nudges the junior, “*chalo, chalo, tumara hai*” (go, go get it), meaning that the prey is his to “extract a bit of money from the driver, perhaps ₹50–₹100.” But she notices the shadow of “something beyond their visible authority” when the junior reports that the driver is known to the CRT chief (p 3).

The common thread running through her narrative is such unwritten or unanticipated factors stymieing the exercise of “police authority” in legal or illegal situations. “Realities of police authority were far more complex than I thought, wrought with grey areas and apparent inversions or shifts in power that were often incredibly puzzling” (pp 7–14). As a result police behaviour swings from “hyper-empowerment,” marked with brutality on certain occasions, to “disempowerment” (as she calls it) when they abdicate legal responsibility under political or social pressure (p 16). Such situations arise every day in investigations and on public order issues. A senior officer told her, “Show me the man, and I’ll show you the rule.” She concludes that the police do their work under an “incessantly shifting order” (p 31). Hence, the police power is not permanent or long-term, but only “provisional.” This she calls “provisional authority,” which is also the title of the book (p 14).

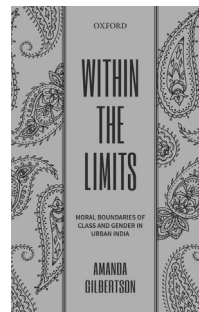
The norms of police behaviour, according to ideal models, are “rational” and

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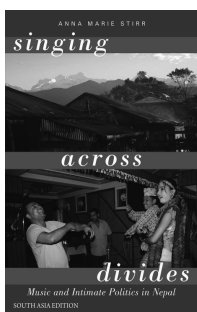
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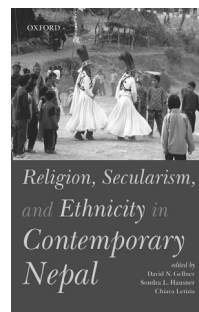
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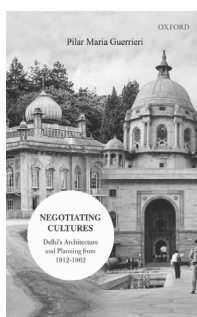
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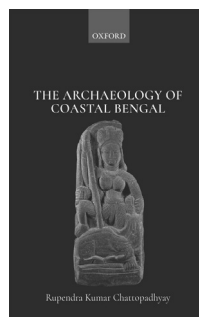
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“impersonal” based on codified rules that are free from politics. The responsibility of a legal bureaucracy is to establish institutions to “limit excessive conduct” of the police and “generate accountability” to the public. But, in UP, several key elements in the field are “continually shifting” based on when the power structure shifts.

For this, her police interlocutors blamed the hangover of the oppressive “Royal Irish Constabulary” on which Indian police was modelled (p 19). The police “were cordoned off from the community” in “police lines, parade grounds, horse stables to protect elite or VIP interests” (p 20), instead of promoting liberal and democratic criminal justice or community policing. Senior officers frankly admitted that they were cut off from the common policemen, not having spent “much time at the thana” (p 21).

The author felt that political interference dominated all facets of the working of the police force. She wanted to do “top down” research by first meeting the state police head, the director general of police (DGP), but was told that he would not meet her unless political pressure was applied (p 22). She could visit the police training academy in Moradabad only with political connections. Yet, she received help at intermediate levels, especially at the CRT, which allowed her to accompany their investigation squads. She even witnessed the counting and redistribution of petty bribe collections for the day, as though that was the normal police life. However, she also adds that a significant portion of this collection was used not for private gain, but for mundane work expenses not provided by government, like office supplies and petrol.

Practice of Jugaad

She uses the word *jugaad* constantly in her narrative. *Jugaad* connotes different things on divergent occasions, like resourcefulness, improvisation, recombination, and virtuosity (pp 34–45). Unlike “corruption,” which is negative and illegitimate, *jugaad* represents a “potentially transformative mode of sociality, a means of opening up possibilities through improvisation.” For the privileged, it would mean bending the laws or working

around the problems. But, for the less privileged, it would mean a “means to their survival.” She claims that *jugaad* is etymologically related to “*yukti*” in Sanskrit, which means dexterity or discovery. *Jugaad* is practised everywhere, for “backdoor” student admissions in universities, influencing appointments of teachers, obtaining construction contracts, or getting recruited as police constables for ₹2 lakh to ₹3 lakh per head. Police in India have to practice *jugaad* routinely, almost every day, as their “authority is negotiable and subject to the shifting of boundaries.”

In Chapter 3, Jauregui explains how a crime undergoes transformation even while writing the first information report (FIR) (pp 60–82). A person arrested for cutting a metal border fence for selling as scrap is charged for pickpocketing. The reasons are many. First, the police have no facilities to store the metal fencing. Then, the accused has to be produced before the magistrate within 24 hours. Further, the chances of conviction are less since no witness would have seen the crime being committed. So, all they do is to procure a small razor blade and produce it as evidence. She describes another case about a man who confesses to have killed his grandfather’s brother. But, the police draw up a false seizure report showing recovery of weapon as pointed by the accused to suit Section 27 of the Indian Evidence Act. She concludes that the police treat law as “manipulative” and “manipulable,” a kind of *jugaad* (p 71). An officer defended this by saying, “If you are punishing the *asla aparaadhi* (real criminal), then what does it matter where the evidence comes from?”

She notices several such deviations, some small, but others serious. A young Muslim man doing shopping with a young Hindu woman was hauled up, harshly interrogated, and charged for kidnapping.

The apparent ordinariness, prevalence, and repetition of such problematic engagements reveal a great deal about the legal, moral, and ethical frameworks within which police perform what they understand to be their professional duties.

This tendency to manipulate law is configured by “unofficial modes of

sociality and power plays,” either by “under-reporting” crime or by decisions based on “hunches and biases.” Her fieldwork coincided with the UP Vidhan Sabha elections when the political leadership wanted to “under-report” crime. The police complied with this by taking advantage of Section 95 of the Indian Penal Code, which says that a “slight harm” is no crime. But, she saw “countless people” being turned away from police stations who were bleeding or maimed. This, she calls “*jugaad* legitimization.”

The other method of reducing crime that she witnessed was that of “*samjhana*,” whereby the SHO “mediates” between two warring groups (p 80). She says,

While police routinely perform such acts of their own accord, and often in service to their own interests, they are also frequently called upon by others as jack-of-all-trades orderlies to do every dirty job that comes along.

She admits that this “role multiplicity” (detective–investigator, guardian–protector, traffic director, crowd controller, dispute mediator, peacekeeper, law enforcer, interrogator, first responder, etc), together with extreme resource scarcity, results in “indeterminacy of legality and legitimacy inherent in police practices” (pp 81–82).

Perpetrator and Victim of Violence

Chapter 4 (“Expendable Servants”) (pp 83–112) is a blunt analysis of the policy of using police for “the morally and physically dangerous duty of maintaining social order through potential or actual use of violence.” She feels strongly about it since more Indian policemen die on duty every year than the coalition forces in war-ravaged Iraq or Afghanistan (p 88). Yet, there is little public interest or sympathy on the dangers they face or on the grievances they have, except ritual ceremonies like the “Commemoration Day” observed every 21 October (p 88). On other occasions, the public are deeply resentful when they use violence. “This paradoxical condemnation-cum-valorisation relates to the specific ways in which police may be figured as servants of violence” with “hyperbolic heroism on one end and trivialising scorn on the other” (p 89). The use of torture in

everyday police life during interrogations struck her “time and again by the utter banality of it,” as it is not hidden but quite visible to the public eye, including visitors like her (p 90).

Violence is “structured and demanded by both the police and the broader public” and “routinised and openly visible.” It is also defended by many as “a means to prevent disorder and realise justice.”¹ An example is the public’s “ambivalent response” to “encounter killings,” which are, in fact, nothing but “carefully planned and collectively executed” extra-judicial killings. These are hailed by the media as police successes against “notorious criminals,” and police officers are decorated with medals for gallantry (p 92). The author quotes Inspector Pradeep Sharma “who holds a record body count of well over one hundred encounter killings,” telling media that he never enjoyed killing. However, the victims of those mobsters whom he had killed, he says, “look at me like God.”²

A further refinement of this thesis is what she experienced during her visit to a training school, where she was allowed

to address junior police officers in Hindi. She was told by a police cadet that police work was not only a “service” but also a “sacrifice,” which involved long separation from their families, frequent transfers, low pay, intense stress, poor medical attention, depression, and anger (p 101). A further risk involves their being made into *bali kaa bakra* (sacrificial goat), when politicians or bureaucrats make them use violence to preserve order resulting from problems created by others (p 103).

A policeman is an “expendable” servant, simultaneously condemned and compensated by the very public that orders his provisional authority to deploy violence. She perceived this even during the memorial ceremonies honouring the dead:

Hundreds of constables, disciplined and decorated, standing and marching in blazing sun while scores of serving and retired senior officers sat as spectators on plush couches in the shade ... the quick dismissal of the police widows following their complaints about inadequate “ex gratia” compensation—all these strike a dissonant chord blaring a disquieting message: the extinguished police officers were supposedly celebrating were in fact generally undistinguished. (p 106)

She highlights the distance between the senior officers and policemen:

Most police expended through bodily death serve at the lowest rank of constable ... the death of “cutting edge” is officially remembered in a ninety-minutes, once-per year, collective memorial service ... the vast majority of police who die each year do not even make it onto the honor rolls ... because their deaths are categorized as unrelated to duty. (p 107)

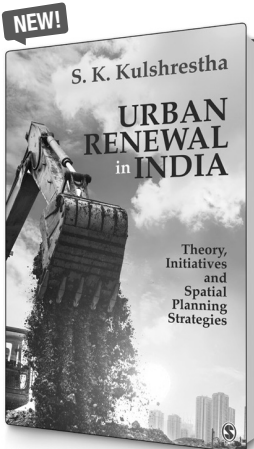
Quoting the 2014 figures of the National Crime Records Bureau, she says that such deaths, even if it is 1% of the total police strength, is “still an outrageously large number of fatalities,” especially when 235 or 6% of the total deaths were due to suicide. She has shown photographs of the abysmal living conditions of the constabulary, and says that several constables are malnourished and suffering extensive periods of illnesses due to lack of rest and treatment (pp 109–10). She quotes the Human Rights Watch report of 2009, which says that the constables were exploited, that their meals were unhealthy, and that funds allotted for them were taken away by their seniors. Thus, the police also suffer from “slow violence of public apathy and abandonment” (p 111).

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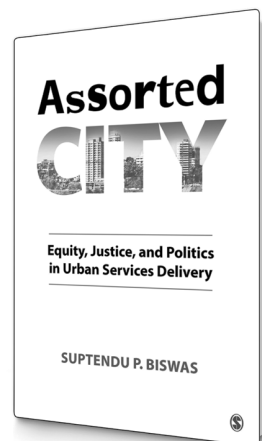
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In the next chapter (pp 113–37), Jau-regui examines police work when elections were notified in 2007, after which the chief election commissioner removed all politically appointed police chiefs. She says that transfers of police officers are often interpreted as expressions of “favour or disfavour toward the individual being shifted.” This clashes with the principle of “Weberian bureaucracy,” which incorporates a “calculable rule” and legal guarantees against arbitrary dismissals or transfer. This creates two sets of employees: those who are “within the system” on considerations of their caste or monetary payment, and others “outside the system.” Even those outside the system become powerful during elections when the normal caste- or money-based preferential group is sidelined.

However, she rightly concludes that such frequent transfers have negative impact on the officers themselves and on the society at large, interrupting or damaging criminal investigations and preventive security:

The sociocultural fabric of the police institution is being continuously shredded and re-woven by wayward weavers working a machine with too many moving parts, and producing a messy patchwork of mismatched and knotted materials, gaping holes and fraying threads. (pp 126–27)

In her final analysis, she identifies four features of the Indian police for its evaluation with global institutional norms: violence, bureaucracy, discrimination, and corruption (p 145). The government, and the society at large, utilise the police for potential or actual violence, which might be legal or legitimate. But, for the police, it creates an intractable problem. This is also true for their families, associates, and communities, as this violence is interpreted differently under varying conditions. Bureaucracy inflicts discipline on the police, which is resented as “exploitation” by many junior officers who complain about “broken promises, alleged abuse, and unmet demands.” She records that there were at least 17 major police uprisings of subordinate policemen in the country (p 148). The third point is the imbrication of police authority with social inequality, or their treatment of minorities, lower caste Hindus, or Adivasis who have been victims of “over-policing” and “under-policing,” simultaneously based on “electoral-cum-identity politics, local influence and socio economic exchange.” The fourth is corruption: “Police practices across India are routinely synonymized with corruption” (p 152).

At the same time, police life and work are “also characterized by extreme insecurity” not merely because of hazards

from criminal or lawless elements, but more so because of the “provisionality of their state authority,” the “slow violence of their own welfare being ignored” by their government, which produces “vicious cycles of inability, instability, inequity, and iniquity.” She concludes:

The tension wrought between these aspirational and mistrustful relations, where a politics of hope meets a politics of cynicism, configures and reproduces state authority as insecurity incarnate. And the police constitute the primary figure of this state on insecurity. (p 158)

This reviewer feels that this book is one of the best resource materials that can contribute towards a policy for genuine police reforms.

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NOTES

- 1 This writer remembers one Bombay commissioner of police telling his inspectors in charge of the police stations in the 1970s that they should be the “unquestioned goondas” in their jurisdiction.
- 2 Inspector Pradeep Sharma of Mumbai police, who was suspended, prosecuted, and dismissed for the 2006 “encounter-killing” of Lakhman Bhayya, was acquitted in 2013. He has been reinstated in the police force.

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