Section-I

Answer each question in about 200 words each. Each question carries 5 marks.

1. Discuss the characteristics of Indian Police Organisation.

Ans: The Police Act of 1861 largely governs Indian police forces. The Police Act gives each State Government the power to establish its own police force. In addition to the Police Act, other legislation such as the CrPC also regulates the police system. Based on the Police Act of 1861, the Indian police have three basic characteristics:

1. The police force is organized, maintained and directed by several States of Indian Union;
2. The Indian police system is horizontally stratified like military forces organized into different cadres; and
3. The police in each State are divided vertically into armed and unarmed branches.

The Indian police organizational setup has virtually remained the same since past century. It is ironical that the Police Act of 1861 has hardly changed due to changes in and around them. Despite the new democratic, secular, socialistic, welfare and humanitarian values vouched for in the Constitution after independence in 1947, the Indian police, by and large follows the philosophy of Paramilitarism.

2. Write a note on Democratic Policing.

Ans: Democracy, whether viewed as a process or an end condition, is defined by broad values involving participation and formal rules about procedures such as elections. But for most persons most of the time these are removed from daily life. That is not true for the police, the agency of government that citizens are most likely to see and have contact with. All industrial societies use police to control crime and to contribute to public order. But the organizational conditions under which police operate, the means they use and the ends they seek vary greatly between democratic and non-democratic societies, even as there are overlapping areas involving the control function of policing.

One element in defining a democratic society is a police force that:

- is subject to the rule of law embodying values respectful of human dignity, rather than the wishes of a powerful leader or party
can intervene in the life of citizens only under limited and carefully controlled circumstances and is publicly accountable.

These conditions are inherent to police in a democracy. As inherent are ongoing myths. For example, It is a myth that all that stands between total chaos and social order is the police. Social order has multiple sources. These include socialization to norms, a desire to have others think well of us, reciprocity, self-defense and the design of the physical environment. Yet police are an important factor. Their importance increases with the heterogeneity and size of a society as well as with the more recent globalization of the world.

3. Discuss the Retributive theory of punishment.

Ans: Retributive justice is committed to three principles:

- “Those who commit certain kinds of wrongful acts, paradigmatically serious crimes, morally deserve to suffer a proportionate punishment.”
- It is “intrinsically morally good—good without reference to any other goods that might arise—if some legitimate punisher gives [those who commit certain kinds of wrongful acts] the punishment they deserve.”
- “It is morally impermissible intentionally to punish the innocent or to inflict disproportionately large punishments on wrongdoers.”

Retributive justice is of two distinct types. The classical definition embraces the idea that the amount of punishment must be proportionate to the amount of harm caused by the offence. A more recent version advocated by philosopher Michael Davis asserts that the amount of punishment must be proportionate to the amount of unfair advantage gained by the wrongdoer. Davis introduced this version of retributive justice in the early 1980s, at a time when retributive justice was resurging within the philosophy of law community, perhaps due to the failures of reform theory in prior decades.

A retributive justice system's assessment of blameworthiness (or lack thereof) can either justify punishment or serve merely to limit the punishments society imposes for other reasons.

4. What is Remission?

Ans: Remission refers to “the reduction of one’s sentence.” Remission can be granted to a prisoner for good behavior. E.g. He was sentenced to five years, but should serve only three with remission. In medical sciences, the term 'remission' refers to temporary disappearance of symptoms of a disease.

5. Write a note on Women Prisoner in India.

Ans: Citing the case of Maloti Kalandi, wife of Badal Kalandi who along with children was rescued from being trafficked, was handed over to the Tamulpur police station, Baksa district of Assam for safe custody. Instead of providing safety, Sub-Inspector Sahidur Rahman summoned the victim to his official quarter and raped her.