
POLICING IN ASSAM, FROM COLONIAL CONTROL TO A RIGHTS-FOCUSED SYSTEM: AN ANALYSIS

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ABSTRACT

The study seeks to explore how policing shaped daily life in Assam. Communities in the region have lived through periods of conflict, displacement, administrative change, and shifts in authority. These experiences influenced how people viewed safety, justice, and the role of the police. The study responds to this context and presents policing not only as an institution but also as a system that affected ordinary lives across different periods.

The study aims to trace how policing grew from informal community roles to a formal structure under colonial rule and later to a state institution guided by constitutional values. The study explains why each stage of change mattered for people who depended on basic protection, fair treatment, and accessible systems. The study focuses on the major transitions that shaped present expectations from the police, including the shift from military-style controls to service-oriented duties and the growing focus on rights and accountability in the Assam Police Act 2007.

The study follows a doctrinal method. It examines laws, administrative records, historical documents, and official reports. It also uses secondary literature to connect legal developments with their social effects. The method supports a clear and grounded understanding of how policing in Assam evolved and how these changes influenced the relationship between the police and the public.

Keywords: Policing in Assam, Institutional Reform, Public Trust

Introduction

The State of Assam serves as a lifeline and link to the entire northeast. Thus, State police must be disciplined and sincere at the same time, it should be accountable to society and people. The Assam police's responsibility has been changed over time. The Assam police has shaped itself from an unorganised institution to an organised institution¹. If we see the Contribution of the State police, it could be found that the state police have brought peace in society while fighting insurgency. "Due to exceptional and commendable steps taken by Assam Police, several rebel and armed militant groups have laid down their arms and joined the mainstream, thus bringing in peace and harmony in the state". As mentioned by Tapan Kumar Deka then Intelligence Bureau (IB) Director². The police efforts in maintaining law and order and bringing peace in society is widely appreciated.³ It should be noted that today's Assam police has risen from "Jorhat Militia" to Assam Rifles and Assam Police⁴.

Genesis of Policing in Assam

A British-style military force was established to maintain "peace and order" and to defend the country's borders during the "reign of Kamaleswar Singha (1795–1811)."⁵ It was not, however, a regular, well-organized police force. In order to solidify their possession of Assam after 1862, the British deployed police forces in Assam in order to protect their interest in Assam. In the development of the State police, one of the milestones was raising the "Cachar Levy" in 1835 by 'the Civil Service Officer, in charge of Nowgong district, *Mr. Grange*, to guard new

¹ *History of the Assam police*, avowable on, <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today>, further see, *NIRMALEE KAKATI*, ASSAM POLICE: A HISTORICAL OVERVIEW, international Journal of interdisciplinary study, Vol 1, Issue 1, available on, <http://punereseach.com/media/data/issues/5701ec7913547.pdf>

² Assam Police's efforts in combating insurgency, fostering peace in state commendable: IB Director Tapan Deka, News report, reported on 10th Oct. 2023, reported by Times of India, available on, <https://www.indiatodayne.in/assam/story/assam-polices-efforts-in-combating-insurgency-fostering-peace-in-state-commendable-ib-director-tapan-deka-687298-2023-10-01#:~:text=Assam%20Police's%20major%20contribution%20has,and%20harmony%20in%20the%20state>

³ Dinesh Kotwal, The Contours of Assam Insurgency, Strategic Analysis: A Monthly Journal of the IDSA, March 2001 (Vol. XXIV No. 12), available on, https://ciaotest.cc.columbia.edu/olj/sa/sa_mar01kod01.html

⁴ L.W.Shakepar, History of Assam Rifle, Firma KLM P LTD, (1929), further See Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today available at: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today>

⁵ *History of the Assam police*, avowable on, <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today>, further see, *NIRMALEE KAKATI*, ASSAM POLICE: A HISTORICAL OVERVIEW, international Journal of interdisciplinary study, Vol 1, Issue 1, available on, <http://punereseach.com/media/data/issues/5701ec7913547.pdf>

settlements and tea estates.' It was comprised of '750 officers and men of different ranks, viz., Inspectors, Head Constables and Constables.'⁶

Between 1825-1826, cases of burglary, elopement of girls, and highway robberies were at their peak, with usual theft and cattle lifting. The crime rate was accelerating because police were absent in society, particularly in the rural areas. Neufville stated, "The introduction of a perfect or even tolerable efficient police in a country like Assam is altogether out of our power." David Scott thought that during the Ahom period, the desuetude of capital and inhuman corporal punishment resulted in such an increase of crime rates.

What Scott had opined was not entirely correct because of the inefficient Police arrangement in the state. A Police establishment with a Daroga, Jamadar and a few constables was maintained at headquarters, and the revenue collectors like Choudhuries, Patgiris and others were given entire control over the Mofussil police. Maintaining law and order in an area was entirely the duty of the local people, and if they failed to detect or apprehend a criminal, a regular force was dispatched from the headquarters. And all these expenses were incurred by the imposition of collective fines from the inhabitants.

The Treaty of Yandaboo, which mandated the removal of Burmese forces from Assam and the bolstering of Sylhet and Chittagong's defences, ended the Burmese invasion. Following the Yandaboo Treaty's conclusion, Assam was formally added to the British Empire. David Scott as an agent of the Bengal Government furnished a lengthy memorandum where he proposed to restore the Ahom monarchy to its power on a tributary basis directly under the East India Company and to retain the Lower parts of Assam directly under the administrative control of the company. In the years leading up to Queen Victoria's proclamation of 1858, Assam was under British control.

In 1835, the 'Head of the Civil Administration of Nowgong,' Mr. Grange, established the Cachar Levy, the first unit of the new organization. In order to protect newly formed villages and tea plantations, this was necessary. At the time, a distinct force for civil governance was necessary. Similar to this, after three years, the *Jorhat Militia* was established to protect the boundary from Shan Militia transgressions, many of whose recruits came from the Shan

⁶ , NIRMALLEE KAKATI, ASSAM POLICE: A HISTORICAL OVERVIEW, international Journal of interdisciplinary study, Vol 1, Issue 1, available on, <http://punerresearch.com/media/data/issues/5701ec7913547.pdf>

population. In 1883, the Cachar Levy and Shan Militia were subsequently combined to form the Frontier Police. In 1891, the Frontier Police was renamed Assam Military Police, and in 1920, it was again renamed Assam Rifles.

According to Maniram Devan, the Judicial system of the British government failed in all its might to afford the satisfaction of the people. While citing his reasons behind the abovementioned statement, he assigned two reasons (I) the inefficiency of the police, (II) the smaller number of courts, and (III) the cost of proceeding in the court of law. Whether rural or urban, he believes that the police system of the country is wholly inefficient since it fails to protect the lives and property of the citizens.

An organised group of civil officials in a city, town, or district is called the police, and their main responsibilities are to uphold law and order, prevent and identify crime, and enforce it.⁷ Before the arrival of the British, the police force was not a distinct organisation with distinct responsibilities. In order to further its colonial interests, the British built the police organisation, and as a result, it was loyal to the British Government. Yet since gaining independence, there has been a significant change, and now, police are loyal to the state, its laws, and its constitution in addition to the government.

It is during the British period that the Policing in Assam was established; before that, there was no formal police force in Assam. When India gained its freedom in 1947, Assam was turned into a separate State and was considered as a part of union of India. It is both the State's and the Union's responsibility to maintain law and order. Considering the importance of the police, the framers of the Constitution enlisted it in both the State list⁸ and Union list⁹.

Police After 1860 in Assam

In the years leading up to Queen Victoria's proclamation of 1858, Assam was under British control. Thus, the Police Act of 1861 and the Criminal Procedure Code went into effect in 1862. In the state of Assam, initially, 11 police districts were established in response to the 1861 Police Act. They were as follows: Cachar, Darrang, Garo Hills, Goalpara, Kamrup, Khasi

⁷ George Rush, *The Dictionary of Criminal Justice* 271 (McGraw-Hill Education, New York, 6th edn., 2004).

⁸ The Constitution of India, sch. 7, Entry 2, list II.

⁹ The Constitution of India, sch. 7, Entry 2 and 2A, list I.

and Jantia Hills, Lakhimpur, Nagaon, Naga Hills, Sibsagar, and Sylhet.¹⁰ The police was split into four branches:

1. “*Civil Police*, entrusted with the general duties of police in the districts like maintenance of law and order and prevention of crimes and other miscellaneous duties.
2. *Frontier Police*, responsible for the protection of the border, a quasi-military force
3. *Municipal Police*, formed for maintaining law and order in towns it was later on amalgamated with the civil police in 1882
4. *Rural Police*, responsible for the law and order in the villages, the principal police force in the province was the city police with the strength in the year 1874,”

The Civil and Frontier police were the backbone of the Assam police force, with the Rural and Municipal police occupying a minor role. The primary police force in the province was the Civil police¹¹.

On March 5, 1878 as part of a reorganisation of the police force, it was further divided into two categories: “(i) Civil police for the performance of routine civic responsibilities, and (ii) the border or armed police for quasi-military activity.”¹² In 1920, the Frontier Police was renamed Assam Rifles¹³.

By the start of the 19th century, Assam referred as regions that were governed by the Ahom monarchy. With the passage of time, it was discovered that Assam state was in charge of a large region.¹⁴ Prior to being merged with the districts of Dacca, Chittagong, and Rajshahi Commissionership of Bengal in 1905, Assam was a part of the Province of Eastern Bengal under the name Province of Eastern Bengal and Assam.¹⁵

By 1912, a new battalion for the North-East Frontier had been authorised, and the Government had received a plan to divide the entire Military Police Force into four uniformed Battalions of

¹⁰Anup Kumar Ray, “Assam Police And Its Organizational Structure”1 Annual International Journal on Analysis of Contemporary Legal Affairs 230 (2021).

¹¹ Dr. Anup Kr. Ray, Assam Police and Its Organizational Structure, 1, AIJACLA, 229, 229-272, (2021),.

¹² Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today *available at*: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

¹³ L.W.Shakepar, *History of Assam Rifle*, Firma KLM P LTD, (1929)

¹⁴ Bijay Bhushan Hazarika, *Political Life in Assam* 1 (Gyan Publishing House, New Delhi, 2006).

¹⁵ Edward Gate, *A History of Assam* 389 (EBH Publishers, Guwahati, 2008).

similar size. In Shillong, a Fingerprint Bureau was established. A.E.H. Shettleworth, a special Superintendent of police, started the 'Criminal Investigation Department (CID)' in 1913. He was in charge of three operational branches: the Special Branch, the Fingerprint Branch, and the Investigative Branch. The position of Deputy Inspector General of Police (CID) was established in 1935, as R.R. Cuming was named the first DIG in response to the growing workload and volume of cases.¹⁶

The Civil Police Committee of Assam was established in 1929 under the leadership of Sir Syed Muhammad Saadullah¹⁷. After conducting a thorough study and listening to the views of various sections of the public, the committee drew a few important conclusions. The main reason for the unpopularity of the police force was that there was a large gap between them and the public. This was due to the frequent abuse of power by the policemen. The committee also noted that there was inefficiency and corruption in the police administration, which could only be addressed by recruiting educated youths. Therefore, the salary structure of the police department should be increased to attract educated persons.

In addition, the committee noted that there was a lack of training in the constabulary, which had a negative impact on the quality of the administration. The committee recommended that this class of police be trained for a year in a well-equipped training school. They also suggested that 50% of the subordinate ranks be filled by promotion after a departmental examination. They also suggested replacing the traditional red turban with a hat and focusing on a smart and neat turnout. The committee's recommendations got the attention of the government, but not much was done to improve the police administration. The constabulary's training had previously been neglected:

- (i) 'There was a significant gap between the public and the police;
- (ii) the police administration was rife with corruption and inefficiency;
- (iii) training of the constabulary was neglected;
- (iv) fifty percent of the lower ranks should be filled by promotion following a

¹⁶ Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today *available at*: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

¹⁷ Dr. Anup Kr. Ray, Assam Police and Its Organizational Structure, 1, AIJACLA, 229, 229-272, (2021)

departmental examination; and

- (v) The red turban tradition should be replaced with a hat.’

The government took note of some of these proposals and findings, including the modification of the police uniform and the departmental promotions through examination and compensation structure change but there was no structural change in terms of improvement of the administration.¹⁸

In 1942, the Assam Police encountered a completely new set of problems. Early in the year, it became evident that Burma’s future was in jeopardy due to the Japanese military's victorious march and inability to be halted. The Police were suddenly forced to take on the responsibility of requisitioning motor vehicles for use on the Imphal-Dimapur Road, and Superintendents of Police were given the order to produce a sizable quantity of motorized vehicles for the transportation of supplies, labour, etc., to Manipur and for the evacuation of Burma refugees to the railhead at Dimapur. The police force was quickly found to be insufficient to handle the new situation as the war advanced quickly towards Assam's borders. Throughout the year, various sanctions were requested and granted for the purpose of raising forces for the safeguard of the railways, the protection of aerodromes, and other security duties associated with the war, resulting in deploying the Assam Police to tackle the threats of internal security.

The Assam Police assisted local forces and set up intelligence screens when the Japanese assaulted the Naga Hills and Manipur during World War II. They also backed the Allies, notably the Chinese and Americans. The Police had to reprimand more than 5,100 temporary workers, which resulted in huge workload increases. The Central Government contributed to the Department's rising costs because of its services to the Defence Department.¹⁹

Post Independence

In 1947, with the constitutional changes, there were two important changes in the Assam Police. These are “the transfer of the Sylhet district to Pakistan and the complete separation of

¹⁸ Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today *available at*: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

¹⁹ Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today *available at*: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

the administration of the Assam Rifles from the Police.”²⁰

As India gained its independence, the police administration underwent significant upheaval, and the British system was not maintained. The Inspector General headed the police administration in 1947, and there were two Deputy Inspector Generals, one for the CID established in 1935 and the other for the Administration established in 1945. The two biggest effects of independence on the Assam Police were:

First, the departure of British officers, which left a void in the high administration due to the lack of experienced and qualified officers, and second, the separation of the Assam Rifles from the Assam Police, which was done so for lack of efficiency.

The independence kept the police occupied, and the lack of sufficient training resulted in several difficult issues, which was another repercussion of the unrest. There was a backlog in police administration at the time due to the issue of inefficiency in both the trainer and the trainee. After a while, the Assam Police recovered their strength by managing their reputation. The size of the Assam police in the aftermath of independence was around 8000, down from just 3352 in 1874 when Assam was split from Bengal, which is not a particularly successful achievement. British laws, regulations, and discipline laid the groundwork for progress that came about gradually.²¹

The country's division presented the Police with several issues in 1949, leaving little time for training and crime prevention. Demands from other agencies and security needs along the Pakistani border exacerbated the force's shortcomings, which included a lack of superior officer posts and an insufficient armed police force. The issues were exacerbated by the rise of violent cults. The Assam Police upheld their reputation throughout this trying time, despite these obstacles.²²

From 1950 to 1951, many Anti-terrorist operations were conducted, with assistance from the Army and the Assam Rifles, and it was discovered that more steps were needed to address the deficiencies. The government also established a police reorganisation committee in 1952, but

²⁰ Nirmalee Kakati, “Assam Police: A Historical Overview” 1 issue 1 *Pune Research World: An International Journal of Interdisciplinary Studies* 5 (2016).

²¹ Anup Kumar Ray, “Assam Police and Its Organisational Structure” 1 *Annual International Journal on Analysis of Contemporary Legal Affairs* 236 (2021).

²² Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today available at: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

the proposals could not be fully implemented due to a lack of funding. A significant number of new police stations, outposts, and other structures were built, and both armed and unarmed police officers were employed in greater numbers. The Wireless and Fire Service groups were also recognized during this time.²³

Branches of Assam Police

With the expansion and growth of the police organisation in the post-colonial era, numerous new branches were established to meet the expanding demands of lawfulness. The peculiar situations that began to arise in the state, such as the massive invasion of foreigners from beyond the border, caused a real inequity in the segment structure of the state and jeopardised public security. The Assam Police has the following divisions:

- (i) “Assam Police Radio Organisation (APRO);
- (ii) Battalions;
- (iii) the Bureau of Investigation (Economic Offences);
- (iv) the Assam Police Border Organisation;
- (v) the Special Task Force;
- (vi) the Criminal Investigation Department;
- (vii) State Fire Service Organisation;
- (viii) the Special Branch;
- (ix) the Assam Police Housing Corporation Limited;
- (x) All Women Police Station; and
- (xi) Establishment of Forensic Science Laboratory.”²⁴

²³ Anup Kumar Ray, “Assam Police and Its Organisational Structure” 1 *Annual International Journal on Analysis of Contemporary Legal Affairs* 235 (2021).

²⁴ Government of Assam, Home and Political, Assam Police, From the Ahom Kings to Today available at: <https://police.assam.gov.in/about-us/detail/from-the-ahom-kings-to-today> (last visited on April 3, 2023).

Organisational Structure of Police department in Assam

The Government of Assam's Department of Home Affairs has direct jurisdiction over the Assam Police. The following branches make up the Assam government's home department:²⁵

- I. Home (A) Division;
- II. Department (B) of Home; and
- III. Department (C) of Home

The Home (A) Department is divided into two Directorates:

- (i) “Office of the Director-General of Police; and
- (ii) Office of the Director of Forensic Science Laboratory, Assam.”

The Home (B) Department is divided into three Directorates:

- (i) “Office of the Director-General Civil Defence and of Commandant General of Home Guards;
- (ii) Office of the Inspector General of Prisons; and
- (iii) Office of the Director of Fire Service.”

The Home (C) Department is divided into two Directorates.

- (i) Director of prosecution; and
- (ii) Assam Police Housing Corporation Ltd.

Assam Police Act, 2007

The Assam Police Act, 2007, was drafted considering the Model Police Act, 2006 which brought about a drastic change in the administration of Policing in the state. The Model Police

²⁵ Anup Kumar Ray, “Assam Police and Its Organisational Structure” 1 *Annual International Journal on Analysis of Contemporary Legal Affairs* 237-238 (2021).

Act was drafted by the Central Government with the view to tackling the shortcomings of the Police Act, 1860, and considering the recommendations of the various Committees and Commissions set up for Police Reform. Assam is among 17 states that have passed a new law the Assam Police Act 2007. After the Act was passed there are number of amendment was made in the Assam Police Act 2007. The recent Amendment is made on October 22²⁶.

The Assam Police Act lays down the objective and necessity as why this Act was important to enact. The Objective of the Act is to make an *impartial and efficient Police Service, safeguarding the interests of the people*²⁷. If we require efficient police who safeguard the interests of society, then of course we need police which is *professionally organised, service-oriented, and accountable to the law*. The Act stresses the behavioural aspect and creates an obligation on police personnel to respect the right of the individual and act with *to rule of law*. In this context, we can recall what type of police we had, for example Fraser Commission (Indian Police Commission of 1902-03) stated, in 1902, about the Indian police, “generally regarded as corrupt and oppressive and utterly failing to secure the confidence and the cordial cooperation of the people”²⁸. As we have seen previously a number of times various courts have made adverse remarks against the police²⁹. The present Act highlighted the necessity of making the police for *more efficient instrument for the prevention and detection of crime*. This Act also considering future challenges in 21st centuries preparing for technological/ hi-tech by *redefine the role of the police taking into account the emerging challenges of policing and security of the State*, the Act further highlighted the commitments with respect “*good governance, and respect for human rights and empower the police to enable it to function as an efficient, effective, people-friendly and responsive.*”

Basic Feather of the Police Act 2007

Scope of the Acts

The Police Act of 1861 is not the sole law governing police functions. The maintenance of public order and the criminal justice system is regulated by various laws, including the ‘Indian

²⁶https://legislative.assam.gov.in/sites/default/files/swf_utility_folder/departments/legislative_medhassu_in_oid_3/menu/document/the_assam_police_amendment_act_2022_assam_act_no.xliv_of_2022.pdf

²⁷ The Preamble of The Assam Police Act 2007

²⁸ Sudhir Pratap Singh, Five Simple Yet Powerful Reforms to Make Indian Police Force Effective, available on <https://thewire.in/government/five-simple-yet-powerful-reforms-to-make-indian-police-force-effective>

²⁹ Tulumoni Duarah vs The State Of Assam And 2 Ors, Crl.Pet./607/2016, available on <https://indiankanoon.org/doc/197930312/>

Penal Code (IPC), Criminal Procedure Code (CrPC), Indian Evidence Act,' and several special statutes. Apart from these provisions, the Indian Constitution and other special laws, such as the Unlawful Activities Prevention Act, Control of Organized Crimes Act, Scheduled Castes and Scheduled Tribes Act, and Police Regulations in every state, provide clear guidelines and instructions regarding the exercise of police powers and duties.

The Assam Police Act 2007 aims to encompass all aspects of police administration³⁰ and is a standalone, self-sufficient law that does not rely on any other legislation for its implementation. It is a positive development that can serve as a suitable alternative to the previous law.

Distinction of Superintendence and Administration

Under the previous 'Police Act,' the superintendence of the police was vested in the State Government³¹ and it exercised its power to control the police through the Inspector General. The administration of the Police was vested in the 'Inspector-General of Police' and in such 'Deputy Inspectors-General and Assistant Inspector-General,' as the State Government considers fit under Sec 4 of the 1861 Act.

While under the "Assam Police Act 2007, Superintendence of the police is vested in the relevant state government under Section 3." The state government is responsible for ensuring an efficient, effective, responsive and accountable police service. Superintendence is limited to promoting "professional efficiency of the police" and ensuring that "[police] performance is at all times in accordance with law as per section 43 of the Act. Administration of the police vests in the Director General of Police under section 10 of the 2007 Act. The government cannot interfere with the Director General's powers except in accordance with prescribed rules under Section 6. The powers of administration will include under section 42:

If we compare the similarity of both Acts, we find that both Acts has created a Single police force³². with members liable for posting to any branch, including specialized wings. The entire police establishment will be constituted and operated according to the 2007 Act. At the same time, we observe that there was no clear-cut provision as police personnel may be appointed at any branch or wing under the 1861 Act. Further, the 1861 police Act categorises police

³⁰ For example see the Section 47, 48 of the Act, further chapter V of the Act provides Policing in the Context of Public Order and Internal Security Challenges

³¹ Section 3 of Police Act 1861

³² Assam Police Act, 2007 (Act 20 of 2007), s. 3. Also, the Police Act 1861, Section 2

officials such as Police Officers, Special Police Officers³³, Village police officers³⁴, Additional police officers³⁵

Creation of the State Police Board

Provision for State Police Board, the Police Act 1861 does not provide for the formation of a State Police Board, whereas the Assam Police Act, 2007 states a State Police Board³⁶: The State Government shall form a Police Establishment Board. The member of board be

- a. Director General of Police of the State
- b. Two senior officers as members

It should be noted that this provision has been modified, and the constitution of members of the board is not the same as it is mentioned in the Model Police Act 2006³⁷. As per the Assam Police Act 2007, the Board shall accept complaints from police officers regarding illegal orders and recommend suitable action. It shall also recommend officers for posting and transfer, including a panel of names for ‘the rank of Assistant/Deputy Superintendent of Police.’ Additionally, it shall recommend postings and transfers for officers up to the rank of ‘Inspector to the Director General of Police of the State.’ If “the complaint involves higher authorities, it shall be forwarded to the State Security Commission.”³⁸

³³ Section 17 of Police Act 1861

³⁴ Ibid, Section 21

³⁵ Ibid, Section 13

³⁶ Assam Police Act, 2007 (Act 20 of 2007), s. 44.

³⁷ If we see the Model police Act 2006, Section 42 talks about composition of member and its reads as

- (1) The State Police Board shall have as its members:
 - (a) the Home Minister as its Chairperson;
 - (b) the Leader of the Opposition in the State Assembly;
 - (c) a retired High Court Judge, nominated by the Chief Justice of the High Court;
 - (d) the Chief Secretary;
 - (e) the Secretary in charge of the Home Department;
 - (f) the Director General of Police as its Member-Secretary; and
 - (g) five non-political persons of proven reputation for integrity and competence (Independent Members”) from the fields of academia, law, public administration, media or NGOs,
- (2) The composition of the Board shall reflect adequate gender and minority representation, and will have not less than two women as members.
- (3) No serving government employee shall be appointed as an Independent Member. (4) Any vacancy in the State Police Board shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant

³⁸ Section 45 of the Assam Police Act states about Functions of the Police Establishment Board.

Recruitment Process

The State Government determines the Police Force's organization and numbers. A state-level Police Recruitment Board.³⁹ If we see the 1861 Police Act, we find that section 7 of the Act gave power to make arrangements as they wanted to recruit personnel of the Police in the state police force. However, the 2007 Act clearly mandates for creation of a police recruitment board. Now state government does recruitment to non-gazetted ranks through a transparent process. The recruitment of the gazetted officer is taken from the Indian Police Service and the Deputy Superintendent of Police, State Public Service Commission. Police personnel are accountable to the law and responsible for protecting people's rights. They must follow codes of ethical conduct and integrity. Pay, allowances, service, and working conditions are prescribed by rules. It should be noted that there is little deviation from the 2006 model police Act, as the 2006 model police Act provides qualification and age limit under sections 24, 25, and 26. However, the 2007 Assam Police Act provides desecration State Government⁴⁰.

Police Accountability and Performance Appraisal

'The Police Act, 1861' totally fails on the grounds of any accountability for the acts of the Police. The police under 'Act 1861,' hold "no accountability to anyone of the police." Under the Assam Police Act 2007, "the Police organization has been made more accountable to the public by incorporating specific provisions."⁴¹ It should be noted that the Model police Act 2006 has made various levels of accountability and performance appraisal, for example, Section 54, says "Promotion to each rank in the Police Service shall be based on merit, including seniority, qualifying examination, and performance evaluation in respect of each officer." The 'Director General of Police,' with the approval of the State Government, frames the evaluation criteria for each rank of police personnel. Further, various provisions have been included for accountability⁴²

³⁹ Assam Police Act, 2007 (Act 20 of 2007), s. 4.

⁴⁰ Ibid, Section 27

⁴¹ The Assam Police 2007, Section 40 (C) direct State Bord to "Identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include; operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards".

⁴² The 'State Police Board' established under draw up a Strategic Policing Plan for a five-year period duly identifying the objectives of policing sought to be achieved during the period and setting an action plan for implementation. The plans shall be prepared after receiving inputs on the policing needs of the districts from the District Superintendents of police who, in turn, formulate the same in consultation with the community. The State Police Board shall regularly evaluate the performance of the police organization in each district, as well as the

Negligence of duty by a police officer and Punishment

The 1861 police Act is silent about the negligence of the police personnel and it has been incorporated under Section 7 of the Act. Which means, there would be a separate set of laws and regulations prepared by the state government for dealing for Dereliction of duty. The 2007 Assam Act under Section 98, mentions certain negligence of police personnel and for that, police personnel may be held accountable as per the Act. The Act makes the following act as negligence of duty.⁴³

- A. “wilfully breaches or neglects to follow any legal provision, procedure, rules, or regulations applicable to members of the Police Service; or
- B. without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or
- C. is found in a state of intoxication, while on duty; or
- D. malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or
- E. uses criminal force against another police officer, or indulges in gross insubordination;”

Further, the 2007 Assam Police Act described offences such as illegal Arrest, search, seizure, and violence committed by a ‘police officer shall be punished with imprisonment along with a fine and with up to two thousand.’ Act further mentions what would be illegal: Arrest, search, seizure, and violence⁴⁴ as follows: -

- I. “without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched, any building, vessel, tent or place;

state police as a whole. When conducting an evaluation, the Board should be assisted by an Inspectorate of Performance. This Inspectorate shall be headed by a retired Director General of Police and made up of serving or retired police officers, social scientists, police academics and crime statisticians. The members of the Inspectorate shall be appointed by the government from a list of candidates prepared by the State Police Board

⁴³ Section 98 of the Assam Police Act

⁴⁴ Section 99 of the Assam Police Act

- II. unlawfully and without reasonable cause seizes the property of any person;
- III. unlawfully and without reasonable cause detains, searches, or arrests a person;
- IV. unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person;
- V. subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour;
- VI. holds out any threat or promise not warranted by law;”

Now, if we see that most of the grievances of the general public have been considered and made punishable offences now it has become easy for victims to complain against such police officials in the court of law. Further, we compare the provisions of the Assam police Act with the Model Police Act we find that the Model Police Act defines offence more widely. For example, Section 199 (e) mentions that a police officer “guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public” shall be liable to punishment⁴⁵.

⁴⁵ Section 199 of Model Police Act says, 199. ‘Dereliction of duty by a police officer’

“(1) Whoever, being a police officer:

(a) wilfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or

(b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or

(c) is found in a state of intoxication, while on duty; or

(d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or

(e) acts in any other manner unbecoming of a police officer; shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine or both.

(2) Whoever, being a police officer:

(a) is guilty of cowardice; or

(b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days; or

(c) uses criminal force against another police officer, or indulges in gross insubordination; or

(d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything; or

(e) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public.”

The 'Assam Police Act' allows the state government to divide its police personnel between the Urban and rural areas. As per Section 7, areas with of 10 lakhs, the State Government can establish a police system capable of handling complex problems of crime, public order, and internal security.⁴⁶ The system will have a 'unitary chain of command, professional competence, functional specialization, legal authority, and accountability.' Further state government has been given wide power to create a Police District.⁴⁷ The State Government, in consultation with the 'Director General of Police,' can declare any area within the State as a Police District. The Superintendent of Police will administer the police throughout the district and can be assisted by 'additional, assistant, or deputy superintendents as necessary.'

Railway Police⁴⁸: The State Government can create special police districts for railway areas by issuing a notification in 'the Official Gazette.' The State Government can also appoint a 'Deputy Inspector General of Police to supervise the functions of the Railway Police across the whole state.'

State Intelligence and Criminal Investigation Department:⁴⁹ The State Police Organization has a 'State Intelligence Department for collecting, analysing, and disseminating intelligence, and a Criminal Investigation Department for investigating specified offenses.' Each department is headed by an officer of or above the rank of Inspector General of Police. The Criminal Investigation Department has specialized wings for different types of crime, each headed by a Superintendent of Police. The State Government will appoint an appropriate number of officers from different ranks for both departments based on the volume and variety of tasks.

Accountability of Police

Police Accountability Commission⁵⁰: To ensure police accountability, a State-level Police Accountability Commission is to be established within three months of this Act. It will investigate public complaints supported by sworn statements against police personnel for serious misconduct. The Commission will consist of a Chairperson, Members, and necessary staff. Its members must be appointed by the State Government and will have a term of three

⁴⁶ Section 7 of the Assam Police Act

⁴⁷ Assam Police Act, 2007 (Act 20 of 2007), s. 9.

⁴⁸ Assam Police Act, 2007 (Act 20 of 2007), s. 16.

⁴⁹ Assam Police Act, 2007 (Act 20 of 2007), s. 17.

⁵⁰ Assam Police Act, 2007 (Act 20 of 2007), s. 70.

years. The Commission will have the power to inquire into allegations of serious misconduct and will be able to summon witnesses, examine them under oath, receive evidence on affidavit, requisition public records, and issue authorities for witness or document examination. The Commission will have a Chairperson and three members, including a retired High Court Judge, a retired police officer, a person with legal or civil society experience, and a retired officer with experience in public administration.

District Accountability Authority⁵¹: The State Government may set up a District Police Accountability Authority in each Police District or group of districts to investigate complaints of serious misconduct against police personnel. The Authority shall have a Chairperson and three Members chosen from retired persons with judicial experience, retired senior police officers, retired senior civil servants, and eminent individuals from civil society. The Government shall appoint the Chairperson and Members, and their terms and conditions of service shall be the same as those of the Police Accountability Commission. The District Police Accountability Authority may forward complaints of serious misconduct to the Police Accountability Commission, and complaints of misconduct to the District Superintendent of Police or the Director General of Police if the accused is of a higher rank. The Authority can also advise to expedite the inquiry or report cases to the Commission if the inquiry is unduly delayed. For complaints against officers below the rank of Assistant/Deputy Superintendent of Police, the Authority can call for a report and issue appropriate advice or a direction for a fresh inquiry if there are delays or violations of natural justice in the disciplinary process.

Conclusion

The study shows that policing in Assam has passed through several shifts that influenced public trust, daily security, and the role of the state. Early systems placed responsibility on local groups, which led to uneven protection and limited access to authority. Colonial structures introduced new controls but did not respond to the needs of communities. These systems focused on order and revenue, which deepened the distance between police and the public. Post-independence reforms brought new expectations, yet they struggled with limited resources, weak training, and conflicts in the region. Over time, the police carried heavy security duties without matching support. These conditions shaped public experience and left

⁵¹ Assam Police Act, 2007 (Act 20 of 2007), s. 84.

long-term effects on confidence in law enforcement.

The Assam Police Act 2007 introduced a more organised and rights-oriented model. The Act recognised the need for clear procedures, transparent recruitment, and stronger accountability. It also acknowledged the importance of a trained force that understands the social setting of the state. The Act responded to demands from courts, committees, and civil society for a system guided by fairness, service, and responsibility. This provided a shift from earlier structures, which often lacked clear checks on misconduct. The study shows that legal reform created a foundation for better policing, yet progress depends on consistent implementation.

A major observation from the study is the recurring gap between law and practice. Rules often exist on paper, yet daily functioning reflects old habits shaped by colonial control, hierarchical culture, and political pressure. These habits influence interactions with citizens and the quality of investigation, documentation, and response. The study finds that public expectations rise when laws promise fair treatment, but disappointment follows when processes remain slow or unresponsive. Bridging this gap requires sustained work, stable leadership, and public engagement.

Another finding is the need to strengthen training and professional development. Many officers handle complex issues such as border movement, insurgency, demographic change, and social conflict, yet training does not always prepare them for these tasks. Officers require clear guidance on evidence collection, community engagement, and rights-based procedures. Without this, even strong laws fall short.

Based on these findings, the study offers the following suggestions.

First, training programmes should move beyond basic instruction and include regular refreshers, practical exercises, and modules on rights, technology, and communication. Training institutions require investment in faculty, curriculum design, and evaluation. A well-prepared officer responds better to public needs and maintains higher professional standards.

Second, recruitment should remain transparent and merit-based. The state should expand outreach to encourage applicants from diverse communities across Assam. A force that reflects the population builds trust and improves access to justice for groups who have faced exclusion.

Third, the accountability bodies created under the 2007 Act should receive clear support, staff,

and independence. Their reports should be available to the public in simple language. When people see that complaints receive fair review, trust improves and misuse of power declines.

Fourth, police stations need better infrastructure. This includes basic facilities, secure storage of case materials, digital systems for records, and accessible spaces for women, children, and older persons. A safe and organised station environment improves both staff efficiency and public confidence.

Fifth, community-police forums should meet regularly in each district. These forums create a space for dialogue, identify local problems, and reduce tension. They also help officers understand how different groups experience safety and fear.

Sixth, the state should review older rules that conflict with the aims of the 2007 Act. Outdated procedures slow down reform and create confusion. Clear and updated rules support uniform practice across districts.

Seventh, research units within the police should study crime trends, social changes, and administrative gaps. Evidence-based planning helps the force prepare for new challenges and reduce dependence on ad-hoc responses.

If these measures receive steady attention, policing in Assam will move closer to the model promised in the 2007 Act. The structure for reform already exists. The next step is consistent effort that strengthens professionalism, fairness, and public trust.