



CRIMINOLOGICAL ANALYSIS OF ORDERLY SYSTEM IN INDIAN POLICE

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ABSTRACT

One fine day I will prevent my fellow citizens from grave and dangerous crime and give my hundred percent commitment for controlling and preventing crime in my area could be the aspiration of every policemen. What if they have been asked to clean the police vehicles and pickup and drop the relatives of higher officials and become the police servant for them?. In the form of police orderlies, several of young police personals deployed as servants and they are treated as undignified manner. In this paper, the author is going to analyze the background of orderly system and its impact on the police personals through criminological theories and suggest the means for eradicating this inhumane system in the Indian police.

KEY WORD: *police orderlies, police work culture, abolition of orderly system.*

INTRODUCTION:-

One fine day I will prevent my fellow citizens from grave and dangerous crime and give my hundred percent commitment for controlling and preventing crime in my area could be the aspiration of every policemen. What if they have been asked to clean the police vehicles and pickup and drop the relatives of higher officials and become the police servant for them?. In the form of police orderlies, several of young police personals deployed as servants and they are treated as undignified manner. In this paper, the author is going to analyze the background of orderly system and its impact on the police personals through criminological theories and suggest the means for eradicating this inhumane system in the Indian police.

HISTORY AND EXPANSION OF ORDERLY SYSTEM IN INDIA:

The term orderly is a French word it means a soldier, who is deputed to carry his officer's rations and pack horses to battle.¹ These orderlies also called as batman and batwoman .In India, orderlies also called as, sahayaks, buddies and helpers. Though state police manuals contain provisions about scale of orderlies still, these provisions have not defined who is orderlies And the duties of orderlies²



In nineteenth century, for controlling and preventing crime in British India, the British rulers have created Indian police system in India. At that time, orderlies were appointed to help the senior police officers for attending telephone calls, ensuring the personal security, maintaining the police uniform of the officers and to do some small task including collecting or conveying the messages on behalf of the senior

¹ <http://www.drishtias.com/editorial-analysis-Orderly-system-in-army>.

²Efforts of the government to abolish orderly system in the Indian army and police force, Indian lawyer. Available at <http://www.theindianlawyer.in/blog/2017/03/11/efforts-government-abolish-orderly-system-indian-army-police-force/>.

officers.³ During British era, Indian men were appointed as orderlies for white police men. The British police officers had treated them as slaves and the orderlies were asked to do menial tasks.⁴ It is worthy to note that during those periods, the distance between police office and residence of the police officers were very far and there were issues with communications; orderlies could take care of the speedy communication and ensure speedy action of police officials for the crime control.

Indian navy and Indian air force have given up this system however, this system is still continuing in Indian army and Indian police. The Army Chief General Bipin Rawat stated that “orderly system is important for the functioning of the Army during war and for deployment of forces in the field areas”. However, he has favored the abolition of orderly system in peace zones.⁵

Former police officer Karunanidhi, has stated that orderlies are needed for taking care of camp offices of the senior police officers for the better administration of criminal justice system. He further explained that the home of the senior officers actually act as the extended office of that senior so, to keep the record of messages as well as to transfer and communicate these messages to the seniors, these orderlies are recruited.⁶

D V Guruprasad, who is a former Director General of Police, stated that Right now, orderlies are misused by the higher police officers; orderlies are asked to do washing, cooking, taking superior officer's children to educational institutions as well as taking superior officer's family for shopping and other places.⁷ Some orderlies are also asked to do taking care of the pet dogs, clearing garbage, taking care of the garden of the senior officer.⁸

NUMBER OF ORDERLIES IN INDIA:

There is no clear cut data on orderlies across the countries. Some states like Tamilnadu and Andhra have claimed that such system is no more in their states. However, orderlies are there in these states too. Karnataka home minister had stated about 2900 police personals were engaged as orderlies in the state of Karnataka.⁹

In 2015, Gujarat state home Department has communicated in the Gujarat state assembly that Gujarat government has decided to continue the orderly system in the state of Gujarat and the all superior officers from Director General of Police to Sub Inspector of Police (rural) are eligible to get orderlies.¹⁰ In Gujarat, about 1500 police personals who are in the rank of police constables as well as head constables are

³D V Guruprasad, Abolish police orderly system, deccan herald 2016. Available at <https://www.deccanherald.com/content/552330/abolish-police-orderly-system.html>.

⁴Orderly system is driven by the feudal mentality of our privileged classes, Anand Neelakantan, New Indian Express, 2018. Available at <http://www.newindianexpress.com/magazine/voices/2018/jun/24/orderly-system-is-driven-by-the-feudal-mentality-of-our-privileged-classes-1831662.html>.

⁵Efforts of the government to abolish orderly system in the Indian army and police force, Indian lawyer. Available at <http://www.theindianlawyer.in/blog/2017/03/11/efforts-government-abolish-orderly-system-indian-army-police-force/>.

⁶ What's the issue in Orderly system of police?, PuthiyaThalaimurai TV, 2018. Available at https://www.youtube.com/watch?v=BbjxZ_VD7GY.

⁷D V Guruprasad, Abolish police orderly system, deccan herald 2016. Available at <https://www.deccanherald.com/content/552330/abolish-police-orderly-system.html>.

⁸Orderly system is driven by the feudal mentality of our privileged classes, Anand Neelakantan, New Indian Express, 2018. Available at <http://www.newindianexpress.com/magazine/voices/2018/jun/24/orderly-system-is-driven-by-the-feudal-mentality-of-our-privileged-classes-1831662.html>.

⁹https://www.business-standard.com/article/pti-stories/orderly-system-in-police-department-to-end-soon-parameshwara-117012001281_1.html.

¹⁰ <https://www.divyabhaskar.co.in/news/MGUJ-GAN-OMC-gujarat-government-not-favor-to-shutdown-orderly-system-in-police-department-5130520-PH.html>.

serving as orderlies. There are special orderly companies in Ahmedabad, Vadodara and Surat.¹¹ In Gujarat, The senior police officers who are in the rank of Director General of Police, Additional Director General of Police, Inspector General of Police and police commissioner allowed to have four orderlies. Deputy Inspector general of Police and Superintendent of Police are allowed to have three orderlies. Deputy Superintendent of Police are allowed to have two orderlies and Police Inspector and Sub Inspector are allowed to have one orderly.¹² However, some police officials are having more orderlies than what have been prescribed. In 2017, DGP P P Pandey had issued the direction to the police officers to relieve the police orderlies who are not been allotted to them.¹³

In Kerala, About 6,067 police personnel are used for other duties. Out of these, around 700 police personals are working as orderlies as well as security personals to the police officers, political party leaders without the proper procedure. These police orderlies also attached with former MLAs, ministers of almost all political parties.¹⁴

REPORTED CASES OF INHUMANE TREATMENT OF ORDERLIES:

In 2008, Karnataka police conducted a study on “A profile of junior ranks of Karnataka police — a survey of their attitudes, behaviour, mental makeup and stress levels” and submitted the report to the Karnataka state government. This report revealed that the police constables were under high stress because of the harassment from the higher officers and they were not given appropriate leaves even female constables were denied of proper rest during their pregnancy.¹⁵

The actual picture of orderly come to the public domain through the unfortunate incident of suspicious death of a police constable from Andhra Pradesh. In 2009, a police constable was asked to work in the house of senior police officer’s daughter at Delhi. He died while he was returning from Delhi. The constable had communicated to his wife that he had been asked to do all kind of domestic help. After this incident, the Andhra chief minister constituted a committee to look in to the matter. As a result Andhra Pradesh government issued a notification for abolishing this system in the state of Andhra Pradesh.¹⁶ There were about 15000 police personals working as orderlies in Andhra Pradesh till 2009.¹⁷

In a reported case in which A head constable had been used as cook by an additional director general of police in the state of Karnataka in the form of orderly. He had been deployed as cook by the same additional director general of police after his retirement from that post.¹⁸ In this case, the additional director general of police had not denied that the orderly constable had been used as cook.¹⁹

In June 2016, Karnataka police constables had planned to go for strike in the form of mass leave for protesting against their poor living conditions and inhumane treatment of orderlies by the senior officers and other issues. However, this proposed police strike had been tackled by the state government and higher police senior officials.²⁰ Later, government assured that orderly system will be abolished.

¹¹ <http://dnasyndication.com/showarticlers.aspx?nid=KuZFwnrl/92TWHWlq4iiazawL44o6y9kJQ7Q7a1HzQ0=>.

¹² <http://dnasyndication.com/showarticlers.aspx?nid=KuZFwnrl/92TWHWlq4iiazawL44o6y9kJQ7Q7a1HzQ0=>.

¹³ <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/dont-deploy-guards-as-orderlies-dgp-orders-his-officers/articleshow/57760154.cms>.

¹⁴ <http://www.newindianexpress.com/states/kerala/2018/jun/19/700-police-personnel-serving-as-orderlies-in-violation-of-guidelines-1830115.html>.

¹⁵ <https://www.thehindu.com/todays-paper/tp-national/tp-karnataka/Police-force-stretched-study/article15357467.ece>.

¹⁶ <https://www.deccanherald.com/content/19980/orderly-system-may-abolished-ap.html>.

¹⁷ <http://www.sify.com/news/andhra-government-abolishes-orderly-system-in-police-news-national-jjrv4Cjaecasi.html>.

¹⁸ Dr S Krishnamurthy, Ips vs State Of Karnataka, Karnataka HC, 2014. Available at <http://indiankanoon.org/doc/113030155/>.

¹⁹ Ibid.

²⁰ Karnataka cops prepare to strike: There's a lesson in this for India, First Post, 2016. Available at <https://www.firstpost.com/india/karnataka-cops-prepare-to-strike-theres-a-lesson-in-this-for-india-2818566.html>.

In June 2018, a police orderly had been manhandled by the daughter of the additional director general of police in Kerala. The police orderly Gavaskar stated that the daughter of ADGP has verbally abused him and hit him on his neck and shoulder with her mobile. On the basis of his complaint, a case has been registered against her. However, Gavaskar also been subjected to the counter complaint by the daughter of ADGP.²¹ It is strange to note that the complaint of orderly police officer has been considered after 10 hours from the time of initiation of the complaint whereas, the complaint of the daughter of the senior police official has been considered immediately by the police department.

CAUSES FOR MISUSE OF ORDERLIES:

Orderlies are deployed by various higher officers on the basis of the regular prescriptions in the respective state police manuals. Some state police manuals still contain the details about the scale of orderlies. However, these state police manuals don't prescribe the nature of duties which the orderlies are supposed to be performed. Though general parlance, the orderlies are supposed to help the senior officers with regards to police functions. However, in reality, they are become the servant of the senior police officer. In spite of inhumane treatments on orderlies, these things had not become subject of discussion at large. After 2000, the inhumane treatment of orderlies got the attention of government and public except of state of Tamilnadu. There are several reasons which resulted in the continuation of orderly system in this country.

The author of this paper believes that the following factor could contribute the continuation of orderly system in India,-

NORMS OF DEFERENCE:

Austin Turk stated that unless the subordinates learned to submissive to the orders of their superiors then, their behaviors will be considered as criminal acts and they will be labeled as criminals.²² According to the views of the author, the orderlies are the inferior officers so, they might decided to learn the norms of deference and subjected themselves to the authority of their respective superior officers. Since, these orderlies are under the supervision of the higher officers, they have to obey and complete the tasks whatever it may be. If these orderlies are not obeying the orders of the senior officers, they will be targeted and their police career will be affected. The author believes that, the norm resisters may not be there in the orderly community. If any orderly tries to show his resistance then, he will be penalized.

OPPORTUNITY FOR CAREER ADVANCEMENT:

In India, if a person is joining as a police constable, he could be promoted up to head constable rank as per the regular scheme of police recruitment and practice. If an orderly who could gained the faith of the senior officer then, he may be get any promotion or other professional advancement which may beneficial to him. The author believes that some of orderlies might use orderly services as an opportunity to meet the senior officers and create good impression about him and avail some career benefits. The author feels that this is an innovative method of the orderlies for achieving their goals.

NEUTRALIZATION OF THE INHUMANE DEPLOYMENT OF ORDERLIES:

Police higher officials are stating that since, they are having higher work load and their home it self is consider as the camp office, they required some helping hand for taking care of some minor police affairs of them. Some police officials could very well say that there is no specification of duties of orderlies; as per the rules he should simply obey the orders of the senior police officials. Some police officials might claim of normality as orderly system is been practiced very long period. Some seniors could use this means for ventilating his agony when he was worked as orderly.

²¹http://www.ptinews.com/news/9809899_Kerala-govt-to-stop-orderly-duty-system-in-poli... 09-Aug-18

²² Lanier M, Henry S and Anastasia D, Essential Criminology (Westview Press 2000)..

JUDICIAL DECISION ON ORDERLY:

In *Dr S Krishnamurthy, Ips vs State Of Karnataka*,²³ Karnataka high court held that deploying orderly as a cook could not attract section 13 of prevention of corruption Act. In this case, a police constable was deployed as orderly and he had been given the task of cooking by an Additional Director General of Police. The ADGP continued this practice after his retirement from the post of ADGP and become the registrar of Bangalore University. The High court held that absence of special rules about the duties of orderly, the ADGP cannot be charged for the commission of any offences under prevention of corruption Act and quashed the FIR which had been filed against him. However, the author believes that using a police constable as a cook is amongst to clear cut professional misconduct and deploying a police office in a menial private job could give pecuniary advantage to that police official and The work which (cooking) was given to the orderly is not falling under the category of “police duty”.

Governments measures for abolishing orderly system in Indian police:

In 1979, across the country state police officers went on strike for various demands including forming an association for police personals and hike in salary and allowances. Abolition of orderly system was one among the dominant demand in that strikes. Looking at the situation, the Union home minister convened a conference with all chief ministers on June 1979. In that conference all the states were principally agreed to hike wages and allowances of constables and abolition of orderly system and recognizing police associations. However, the orderly system has not completely abolished in India till now.²⁴

Former Director General of Police SS Khandwawala was very keen on abolishing orderly system in Gujarat police. He had tried to create a special cadre of orderlies which is differ from police force. Former DGP R B Shreekumar also in favor of this plan and he had forwarded this to IPS association in several times. However, it was not accepted by majority of police officers.²⁵ However, the state government is not in favor of this move.²⁶

Though Tamilnadu state claimed itself as a pioneering state for the abolition of orderly system in police on 1979 still, orderlies are existing one or another form in the state. Madras high court has mandated the Tamilnadu police department to furnish the details about the number of orderlies. Tamilnadu police replied that after 1979, there has been no deployment of orderly in Tamilnadu police. However, the court stated that there are orderlies working with the senior police officers as well as politicians.²⁷ As per the reports, about 6000 police personals are working as orderlies.²⁸

In March 2017, Karnataka state government had issued a notification for abolishing orderly system in Karnataka state. Karnataka government has started giving allowances to the senior police officers for appointing helpers for doing their camp office tasks. However, in reality, about 3000 orderlies are still there and there is no apt relief to these orderly constables. Taking cognizance of this, Karnataka state information commissioner asked the home secretary to submit the action taken report on the abolition of orderlies.²⁹ In June 2017, Advocate SudhaKatwa has filed a complaint before the Karnataka state police complaint authority against 81 police officers who are allegedly deploying orderlies for their domestic purpose in spite of

²³Dr S Krishnamurthy, Ips vs State Of Karnataka, Karnataka HC, 2014. Available at <http://indiankanoon.org/doc/113030155/>.

²⁴V. Bhaskara Rao and T. Narasimha Rao, Police strikes in india, The Indian Journal of Political Science, Vol. 41, No. 3 (September 1980), pp. 507-520.

²⁵<http://dnasyndication.com/showarticlerss.aspx?nid=KuZFWnrl/92TWHWlq4iiazawL44o6y9kJQ7Q7a1HzQ0=>.

²⁶<https://www.divyabhaskar.co.in/news/MGUJ-GAN-OMC-gujarat-government-not-favor-to-shutdown-orderly-system-in-police-department-5130520-PH.html>.

²⁷<https://timesofindia.indiatimes.com/city/chennai/dont-file-false-info-madras-hc-on-orderly-report/articleshow/63475629.cms>.

²⁸<https://www.dtnext.in/News/City/2018/03/22024344/1065968/Over-6000-work-as-orderlies-in-Tamil-Nadu.vpf>.

²⁹<https://www.thehindu.com/news/cities/bangalore/orderly-system-claims-and-counter-claims/article18957063.ece>.

Karnataka government's order on abolition of orderlies. She has filed her complaint on the basis of information received by her under the right to information Act.³⁰

Parliamentary standing committee on home affairs recommended that since the orderly system affects the moral of the police, it must be abolished. The committee also urged that a direction is to be issued to all police forces not to use police personals as orderlies and these personals could be deployed for other vital functions including crime prevention.³¹

Second administrative reforms commission and sixth pay commission suggested for the abolition of orderly system in police. In 2013, while answering question about the police reforms, the home minister of UPA government had told that orderly system should be abolished in police; instead of police personals, helpers could be deployed by the senior police officers. He further stated that implementation of these police reforms rest with the respective state government because, "police" is a state subject.

DISADVANTAGES OF ORDERLY SYSTEM:

Since, young people are compelled to work as orderly could discourage them to continue their police career. The menial work and inhuman treatment could increase their mental pressure and make them to do deviant acts including corruption. In Tamilnadu last ten years alone about 230 police officers have committed suicide during their tenure.

It indirectly help the senior police officers to indulge in such human right violation and spoiling of young and energetic police force. As per the police manual orderlies are supposed to be deployed for public purpose which is connected to police service but in reality they are deployed as the drivers, cleaners, cook for the families senior police officers and other people including politicians and others.

As per the statement of Union home minister, there is shortage of 5 lakh police personals in various forces, if the current young police officers also deployed as orderlies it could further increase shortage in the police personals. The author believes that orderly system in the police and other armed forces is creating under employment in the police forces.

Since, higher police officers are given orderlies, they are using them for doing their domestic work and through this, they are wasting the government exchequer.

CONCLUSION AND SUGGESTIONS:

The author is not against rendering assistance by the police personals to the senior officers with regards to the police services; he is condemning the menial services which have been given to the police constabularies. Inhumane treatment and doing menial jobs to the families of senior officers could create frustration and mental agony to the young police constables. The author feels that the orderly system is depriving the right to live with dignity of the police officers.

We are discussing about how police personals are behaving with common man; they should not speak louder and rood; police should be the friend of the common man. However, how many young police officers are working happily is really uncertain. the police personals who are having high strain in the form of doing menial tasks for their senior, will show their frustration towards the common people too. So, this orderly system must be abolished.

The abolition of orderly system should not in the paper; it must be in practice. Some states have started giving helper allowances to the higher police officers still, they are deploying police personals for their domestic work. The author believes there must be police structural and sub cultural change is required

³⁰ <https://timesofindia.indiatimes.com/city/chennai/hc-miffed-at-police-denial-of-orderly-system-says-15-doing-duty-at-officials-houses/articleshow/63472914.cms>.

³¹³¹ Orderly system is driven by the feudal mentality of our privileged classes, Anand Neelakantan, New Indian Express, 2018. Available at <http://www.newindianexpress.com/magazine/voices/2018/jun/24/orderly-system-is-driven-by-the-feudal-mentality-of-our-privileged-classes-1831662.html>.

for the abolition of orderly system. The author would like to suggest the following measures for abolishing orderly system completely,-

Firstly, all state government unanimously end the orderly system in their respective states through notification or appropriate means.

Secondly the police officer who so ever found guilty of deploying orderly must be given penalties including stopping his promotion, pension and demotion etc. if such misbehavior is also against a scheduled cast and scheduled tribes and other marginal sections including women then, such police officer must be given the penalty of imprisonment. The family members of the senior officer who misbehaved with any police personal or gained any domestic work from the junior police officer in the form of orderly should be also punished.

Thirdly appropriate provision must be inserted in the respective police manuals which should reflect the intention of the government on the abolition of orderly system. For example, Karnataka state government has abolished the orderly system in the state of Karnataka whereas, Karnataka police manual still contains the details about police orderlies.

Fourthly, Create special helpers or appoint special helpers who are similar to the helpers of judges and other government officials through a special recruitment and these helpers should not be no way connected to police and taken from police force.

Finally, regular surveillance of police records by the government agency is necessary to ensure that there won't be any misuse of junior police officers by the senior police officers.