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SIKKIM POLICE - A STUDY OF ITS HISTORY, COMPOSITION AND CHALLENGES AHEAD Pritam Subba

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Abstract:

The State of Sikkim is the smallest state of India in terms of population, but due to its sharing international border with three countries makes it strategically important. Moreover, with ever increasing population, tourists and migrant workers, increase in traditional crimes and also new age crimes like cyber offences is on a rise. The Sikkim Police, a small but capable unit since its inception 125 years ago, has been playing a vital role in maintaining law and order in the state and to a large extent has achieved that objective. However, times are changing and with the new challenges the Sikkim police has to adapt and in fact stay step ahead in dealing with this evolving challenges. These will require introducing new forensics measures and technology to detect and collect evidences. However, the biggest challenges that the police are facing at present is increasing instances of cyber offences. Detection and prevention of cyber offences require specialised knowledge and specialised technological infrastructure.

Introduction:

The Police service in India has an integral role in maintenance of peace and order in the country. It has its origin during the British occupation of India. The *Indian Councils Act, 1861* is attributed to have introduced the police system in India, and in the modern structure and system till date holds the traits of the system introduced in 1861. The Act created a new cadre of police, called Superior Police Services, later known as the Indian Imperial Police. However after India became a republic in 1950, the Indian Imperial Police system was replaced by the Indian Police Service. The modern Indian Police Service was created under the Article 312(2) in part XIV of the Constitution of India.

Sikkim is nestled on the lap of Himalaya between 27° 5' N to 20° 9' N latitudes and 87° 59' E to 88° 56' E longitudes. Covering 7096 kms, the cross-section of the state measures 100 km from north to south and 60 km from east to west Sikkim is surrounded by vast stretches of Tibetan Plateaus in the north, the Chumbi Valley of Tibet and the Kingdom of Bhutan in the east, the Kingdom of Nepal in the west and Darjeeling district of West Bengal in the south³.

The state is richly endowed with rare and exotic flora and fauna, which includes 5,000 species of flowering plants, 515 rare orchids, 60 primula species and 36 rhododendron species. This makes it one of the leading states in the Northeast region in terms of production and supply of cut flowers to mainland consumer markets. Of the 6,000 medicinal plants in India, over 424 plants (including the famous Artemisia vulgaris that is used as an antiseptic) are grown in Sikkim.

Sikkim has several snow-capped peaks including Kanchenjunga, the world's third highest peak, that attracts a large number of tourists from across the globe⁴.

Sikkim, till April 1975, was an independent kingdom. It had its own armed forces to look after its internal and external security need. However, it can be assumed from the several invasions by Gurkhas of Nepal and Bhutanese armies from time to time, that the armed forces of Sikkim were not powerful enough to thwart external aggression⁵. However, evidences of problems related to internal security during the reign of Chogyal till the mid 1900's is not available.

Sikkim Police also has undergone sea of changes from its formative year under the Chogyal and British India in 1886 till the present times.

The Origin of Sikkim Police Force- A Brief History:

The reasons for establishment of Sikkim police can be traced back to the fact that, when Sikkim became the protectorate of British India under the Treaty of 1861⁶, there were several issues being faced by the

¹ Shahid M. Shahidullah, Comparative Criminal Justice Systems: Global and Local Perspectives (Jones & Bartlett Learning; Criminal Justice ed. edition (October 3, 2012)

² The Constitution of India, art. 312(2)

³ Sikkim Himalaya: unique features of bio geography and ecology, available at: http://sikkimforest.gov.in/Reports%20and%20Publ ications/Biodiveristy-of-Sikkim/1%20Biodiversity_1-12%20web.pdf(Last visited on August 10th, 2020)

⁴Ibid

⁵History of Sikkim, available at: https://www.sikkim.ch/english/history.php(last visited on August 20, 2020)

⁶Anglo- Sikkim Treaty, available at: https://www.britannica.com/topic/Anglo-Sikkimese-Treaty(Last visited on August 20, 2020

kingdom of Sikkim from Tibetan militia. Moreover, it was felt that due to the slow and steady increase in population of Sikkim, the increase in crimes was bound to happen. The actual reason, however, is attributed to the fact that in 1888 the Tibetans attacked Gnathang below the Jelepla pass but were pushed back by the British troops. However, such activities were becoming common and were regarded to pose a serious threat to the security of the kingdom. Thus, the first check post 6 police personnel were established on the 27th of Nov, 1897 at Aritar near Rhenock. This is regarded to the birth of a new force called the Sikkim Police.⁷

The duties and function of the police were not just the maintenance of internal peace and security of the Kingdom, but were multi-faceted. The police force was primarily tasked to perform the following functions, namely collection of land revenue and rent, treasure guard, Arrest and conveyance of offenders, carrying out orders of Durbar, maintenance security of the border following the withdrawal of the British troops from Gnathang.⁸

However, in relation to crimes committed in the kingdom, the police force was involved in investigation only serious offences. Generally, less severe offences were handled by the local landlords themselves, as this had been the practice for a long time. The police department were under the administrative control of Judicial Secretary, initially but later on got transferred to the General Secretary.

With India gaining her independence, there was a new wave of relationship changes between the Kingdom of Sikkim and India. In December 1950, by signing the "India - Sikkim Peace Treaty", Sikkim became India's protectorate⁹. Under this treaty the most of the affairs related to external activities were to be taken over by India. However, clause (2) of Article III of the treaty stated that" The Government of India will be responsible for the defence and territorial integrity of Sikkim. It shall have the right to take such m measures as it considers necessary for the defence of Sikkim or the security of India, whether preparatory or otherwise, and whether within or outside Sikkim. In particular, the Government of India shall have the right to station troops anywhere within Sikkim." This provision may be construed as an agreement that in certain cases Indian security forces may have policing powers within Sikkim and not just for defences against external aggression. However, even prior to the signing of the treaty, there existed a police force in Sikkim, albeit which performed functions other than the traditional functions of police at present. It may be interesting to note that in 1949 Indian officers were appointed under deputation to look after police force of Sikkim. Thus the first officer in the rank of Superintendent of Police was Shri. H.C. Dutta. He was posted in Sikkim for a short time of hardly a year. Shri Sheo Raj Singh came next in 1950 and continued till 1952.

After the merger of Sikkim with India in the year 1975, the Police Act of 1861 was extended to the state of Sikkim and Shri P.R. Khurana was the first Inspector General of Police of Sikkim.¹³

Sikkim Police - At Present:

The Sikkim Police department has come a long way since its inception from the time of it being a small force of the kingdom of Sikkim to the modern force in the state of Sikkim. According to the latest figures available at the official website of the Sikkim police ¹⁴, the strength of Sikkim police stands at about 3500 personnel. ¹⁵Its motto is to "Protect &Serve". It is one of the smallest Police force among the Indian states. The Sikkim police at present consist of the following units: ¹⁶

- District Police (North, South, East and West),
- Headquarters,
- State Reserve Lines,
- Special Branch,
- Crime Branch,
- Home Guards & Civil Defence,
- Communication & Computers,
- Fire and Emergency Service,
- Sikkim Armed Police,
- Training,
- Check posts.
- The India Reserve Battalion was raised in 1996 and has been deployed mostly outside the state.

⁷History of Sikkim Police, available at: http://sikkimpolice.nic.in/history.html(last visited on August 20, 2020)

⁹ Indo-Sikkimese Treaty, available at: https://www.britannica.com/topic/Indo-Sikkimese-Treaty(last visited August 20, 2020)

¹⁰Indo-Sikkim Treaty 1950, available at :https://sg.inflibnet.ac.in/bitstream/10603/150445/16/16_appendix.pdf(last visited on August 20, 2020)

¹¹ History of Sikkim Police, available at: http://sikkimpolice.nic.in/history.html(last visited on August 20, 2020)

¹²History of Sikkim Police, available at: http://sikkimpolice.nic.in/history.html(last visited on August 20, 2020) ¹³Ibid.

¹⁴Sikkim Police, available at: http://www.sikkimpolice.nic.in/(last visited on August 20,2020)

¹⁵ Ibid

¹⁶ Sikkim Police, available at: http://www.sikkimpolice.nic.in/workstructure.html (last visited on August 20,2020)

These units are further divided into sub units for operational purposes and specialisation. The Sikkim Police presently has 27 Police Stations and 45 Outposts – a far cry from an almost inconspicuous beginning that the organization had a hundred years ago. 17

Modernisation of Police Force:

Police forces of the states come within the purview of the state governments. The provision for the same is incorporate under Entry 2 of the State list of the constitution. Thus, the status, strength and quality of police forces all over the country is not uniform. The same may be attributed to the fact that the state government allocates budget for the police forces in each state and the allocation of budget greatly influences the modernisation and effectiveness of the police force.¹⁸

The Union government however, with the view of modernising the police force in the country have been providing additional resources under the Modernisation of State Police Force scheme (MPF) since 1969¹⁹. The primary objective of the scheme was to ensure gradual strengthening of the State's police force both man power wise and infrastructure wise to slowly reduce the dependency on Central security forces to meet any security challenges faced by the State's. The focus of the scheme is to strengthen police infrastructure at cutting edge level by construction of secure police stations, training centres, police housing (residential), equipping the police stations with the required mobility, modern weaponry, communication equipment and forensic set-up etc.²⁰

The 14th Finance Commission recommended the increase the share of central taxes to states. This let the central government to decide that the MPF scheme would be delinked from central funding from 2015-16 onwards and the states were to fund the modernisation process from their own resources.

Prime Minister N. Modi while addressing the 49th Annual Conference of Directors-General of Police / Inspectors-General of Police and heads of all Central police organisations called for making the police a "SMART' force - Strict and Sensitive, Modern and Mobile, Alert and Accountable, Reliable and Responsive, Techno savvy and Trained."

This vision of the PM Modi was reiterated by the Home Minister Shri Amit Shah during the passing out Parade of police officers at Hyderabad on 25th August 2019. He went further and stated that the SMART police will play a vital role in achieving the goal of making India a five trillion-dollar economy. This according to him is possible only when the law and order situation in the country was stable and peaceful.²²

Sikkim Police and Modernisation:

Sikkim police is one of the smallest police force in the country with about 3500 active personnel.²³ Sikkim is a peaceful state with occurrence of heinous crimes are few and far in between. However, with the changing dimensions of crimes the police force is required to change accordingly to ensure that they are one step ahead of the modern-day criminals. These will require introducing new forensics measures and technology to detect and collect evidences. However, the biggest challenges that the police are facing at present is increasing instances of cyber offences. Detection and prevention of cyber offences require specialised knowledge and specialised technological infrastructure.

The concept of SMART Police was envisaged by NITI Ayog, to consist of the following reforms in the existing police structure:

- Firstly, improving the capacity and infrastructure of police forces,
- Secondly, revisiting the constitution of police forces in the country through legislative/ administrative changes, and
- Thirdly, technological scaling-up²⁴.

In the context of Sikkim, on 11th May 2012, the then CM of Sikkim, Mr. Pawn Kumar Chamling, during an interactive session with the police personnel had highlighted the importance of police force to move ahead with time. He has stated that" Modernizing Sikkim Police will make state crime-free".²⁵

¹⁷List of Police Station available at: https://sikkim.gov.in/KnowSikkim/statistics/list-of-police-stations(last visited on August 20, 2020)

¹⁸ Modernisation of Police Forces available at: https://www.prsindia.org/theprsblog/modernisation-police-forces(last visited on August 20,2020)

¹⁹ MPF Scheme, available at: https://www.mha.gov.in/division_of_mha/Police%20Modernisation%20Division/modernisation-of-state-police-forces-mpf-scheme (last visited on August 20, 2020)

Modi Wants SMART Police, available at: https://www.thehindu.com/news/national/portray-police-positively-modi/article6649115.ece(last visited on August 20,2020)
 Srinivas M, "Smart police force can achieve Prime Minister Modi's vision, says Shah", Telangana Today,25th Aug 2019 available

²² Srinivas M, "Smart police force can achieve Prime Minister Modi's vision, says Shah", Telangana Today,25th Aug 2019 available at:https://telanganatoday.com/smart-police-force-can-achieve-prime-minister-modis-vision-says-shah

²³History of Sikkim Police, available at: http://sikkimpolice.nic.in/history.html(last visited on August 20, 2020)

²⁴ Building smart police in India: Background into the needed police force reforms available at: https://niti.gov.in/writereaddata/f iles/document_publication/Strengthening-Police-Force.pdf(last visited on August 20, 2020)

²⁵ Modernising Sikkim Police force available at: http://sikkimnow.blogspot.com/2012/05/modernizing-sikkim-police-will-make.html?m=1(last visited on August 20, 2020)

Modernisation of the police force I Sikkim is pertinent to ensure that the tag of most peaceful state is maintained and also taking into account that Sikkim shares international borders with three countries and national border with the State of west Bengal.

In this regard the direction of the apex court in *Prakash Singh's* case²⁶ holds prominence as the Apex court has laid down several guidelines to ensure that the police force is in tune with modern times in various aspects. The Court directed the setting up of three institutions, namely:

a)State Security Commission which would lay down the broad policies and give directions for the performance of the preventive tasks and service oriented functions of the police; b)Police Establishment Board comprising the Director General of Police and four other senior officers of the Department which shall decide transfers, postings, promotions and other service related matters of departmental officers and men; and c) Police Complaints Authority at the district and state levels with a view to inquiring into allegations of serious misconduct by the police personnel.²⁷

In total six directions were given to the states that was to be implemented. When we look into the compliance status of Sikkim regarding these directions, we find that all the six directions have been compiled with.²⁸

According to the Data on Police Organisations, Bureau of Police Research and Development, 2016²⁹, Sikkim has allocated 4.8% of its total State budget, which is higher than 17 states in the country in 2016.

Service Condition of the Sikkim Police:

The constitution, organization, superintendence and administration of Sikkim State Police is governed by the Sikkim Police Act, 2008³⁰. Prior to the integration of the Sikkim police force as a single unit it was divided into three different services namely (1) Sikkim Police Force, (2) Sikkim Armed Police Force and (3) Sikkim Vigilance Police. All the three forces were governed by separate service rules. However, the three services integrated as a single service under the Sikkim Police Force (Recruitment, Promotion and Seniority) Rules, 2000. The main purpose was to ensure the uniformity in relation to the recruitment and promotion of personnel in all three services.

The general provision in connection with the police force, designation, appointment, list of offences by police officers etc. are contained in the Sikkim Police Act of 2008. The Act consists of 187 sections. Apart from this Act, a three-volume manual was also published in the year 2013 to compile the various regulation related to the constitution, organization, superintendence and administration of police force in the state.

Composition:

The Volume I of the manual³¹ lays down that "The Sikkim Police consists of the Director General of Police and such numbers of Additional Director Generals of Police, Inspector General of Police, Deputy Inspector General of Police, Superintendents of Police, Additional Superintendents of Police, Deputy Superintendents of Police, Inspectors, Sub Inspectors, Assistant Sub Inspectors, Head Constables, Constables and Followers as sanctioned by the State Government."³²

Recruitment and Pay and Allowances:

The recruitment of personnel for non-gazetted post in the police force of the state is done through a state-level Police Recruitment Board/Committee by a transparent process, adopting well-defined systems and procedures. However, the State government may via notification, may prescribe the Sikkim Public Service Commission as the authority for recruitment to the post of Sub Inspector if in its opinion it is necessary to do so in public interest.

The composition and strength of the IPS or the State Police service is dependent upon the determination of the central government in consultation with the state and determination of the state government respectively. The recruitment, pay, uniform, probation, training, promotion and service conditions of the members of the Indian Police Service are governed by rules framed by the Government of India. Matters relating to their recruitment, pay, uniform, probation, training, promotion and service conditions are governed by rules framed by the State Government.³³

The recruitment to the Indian Police Service and to the State Police Service in the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the Sikkim Public Service Commission respectively. The pay, allowances, service and working conditions of police personnel is to

²⁶Prakash Singh and Others v. Union of India and Others(2006) 8 SCC 1

²⁷ Building smart police in India: Background into the needed police force reforms available at: https://niti.gov.in/writereaddata/files/document_publication/Strengthening-Police-Force.pdf(Last visited on August 20, 2020)

²⁹Modernization of police Force, available at: https://www.prsindia.org/blogcomment/583779 (last visited on august 20, 2020)

³⁰ The Sikkim Police Act, 2008 (Act No. 15 of 2008)

³¹Sikkim Police Manual Vol I, available at: http://sikkimpolice.nic.in/e_library/Sikkim_Police_Manual/Sikkim_Police_Manual_Vol_1.pdf (Last visited on August 20, 2020)

³²Sikkim Police Manual Vol. I, 2013, Chapter I Clause 1.2(1)

³³Sikkim Police Manual Vol. I, 2013, Chapter I Clause 1.10(1)

be according to the rules that are to be prescribed from time to time. However, such pay shall be based on account of the difficult nature of the duties of police personnel.

It is to be noted that promotion to the post of Inspector is to be only on the basis of promotion from the rank of sub- inspector³⁴. Earlier when the police services were divided into three services, there was lack of uniformity regarding promotion in all their services. As a result of which a petition was filed against such lack of uniformity. The case finally resulted in the integration of all three services as the Sikkim police service.³ The manual provides in detail the process of filling up of the vacancies from clause 47.9 to 47.17³⁶

The Manual states that the police officer, with certain exceptions, is on duty all the time. However, a one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to them.³⁷

Duties of the Police officer's:

In general, the duties of the police officer are stated as follows:³⁸

- Investigations
- Crime prevention and preservation of peace and security
- Crime detection work
- Order maintenance and security jobs
- Enforcement of Social Legislation, Minor, Major and Special Acts
- Collection & Dissemination of Intelligence
- Democratic and election related duties
- Natural calamities, disaster management and emergency duties
- Maintenance of Police Records
- Public Relation duties
- Assistance to other departments
- Miscellaneous duties and function

Penalties – Procedure and Appeal Provisions:

The provisions related to the departmental action, penalties and appeal against such punishments have been laid down under Chap. 56 of the Sikkim Police Manual Vol. III. The rules regarding departmental disciplinary action against the police officials are separate for the IPS cadre and the State police force. All India Services (Discipline & Appeal) Rules, 1969 and the latter under Sikkim Police Force (Discipline and Appeal) Rules, 1989. The punishment varies according to the gravity of the offence categorised as minor offences and major offences. The punishment may range from extra duty, censure, fine, suspension to even dismissal from services.³⁹ Once the police officer has been found guilty of any offence charged, he/she may make an appeal, preferably within 45 days from the date such order is passed, against it, where the order is passed by the Director General of Police, to the State Government, and where the order is passed by an officer subordinate to the Director General of Police, to the officer next higher in rank in the police hierarchy who passed such order⁴⁰. Sikkim Police and Challenges Ahead:

Sikkim being a territorially sensitive state due to its geographical location with it sharing its border with three countries has its shares of challenges at an international level as well as locally. Sikkim has a large number of migrant workers from different parts of India as well as from the neighbouring country of Nepal. These workers are required to be registered with the labour department of Sikkim; however there are large numbers of these workers who are still not reregistered. Answering to a question raised during the session of Sikkim Legislative Assembly, as to how many migrant labourers have been registered in Sikkim till March, 2022, the minister in charge of the Labour Department, Shri MN Sherpa relied that a total of 1, 35, 197 migrant labours registered as on March 31, 2022. 41 These numbers are bound to grow with Sikkim being an attractive destination with higher wages and work prospects. So with such high level of influx of migrant workers it becomes a challenge for the Sikkim Police to ensure maintenance of law and order. Many of the workers might not give correct information about their permanent address, even their actual name and other information. As such, any illegal acts committed by them will become a herculean task for the police just to identify and apprehend the culprit.

The instances of crime, which were not heard of before in the state, has been happening frequently especially in and around the capital town of Gangtok. Incidents of chain snatching, mobile phone snatching and

³⁴Sikkim Police Manual Vol. III, 2013, Chapter 47 Clause 47.5(1)

³⁵State of Sikkim and Others v. Adup Tshering Bhutiaand Others [Civil Appeal No. 2446 of 2014]

³⁶Sikkim Police Manual Vol. III, 2013 Chapter 47 Clause 47.9- 47.17

³⁷Sikkim Police Manual Vol. III, 2013, Chapter 47 Clause 47.4(1)

³⁸Sikkim Police Manual Vol. I, 2013, Chapter I Clause 1. 11(5)

³⁹Sikkim Police Manual Vol. III, 2013, Chapter 56

⁰Sikkim Police Manual Vol. III, 2013, Chapter 56 clause 56.40(1)

⁴¹ Reported in a news clip "135197 migrant labourers registered with the Labour department in Sikkim: SC Video", available at : https://www.youtube.com/watch?v=Qh-Hx0CAcuE(Published on April 3rs 2022)

house breaking has been on a rise⁴². Sikkim police have been swift and effective in solving these cases and nabbing the culprits but with the increase in such crimes and limited man power the challenges is set to increase. Sikkim is also facing a new and even more deadly threat in the form of cyber crimes. Every other day we hear about incidents of cyber crime especially bank fraud, ATM fraud and hacking happening in the state. It may be due to the fact that significant percentage of the population are still not computer and technology savvy and are therefore an easy target for cyber criminals.⁴³

Conclusion:

Police forces are the most important element is maintaining peace and security of a state thereby ensuring peace and safety of the country. Policing is not a modern concept but is an ancient one. 44However, just like the characteristics, kinds and seriousness of crimes has gone a sea of changes, the policing system is also required to keep abreast of such changes to effectively prevent or tackle when such problem arises. If we look at Indian scenario police forces generally suffer from various shortcomings, like lack of modern training, lack of knowledge about technological and scientific advancement in the areas of crime detection and solving, corruption, used as a political tool, lack of sufficient funds etc.

Sikkim police force, to a great extent, does not suffer from majority of this shortcoming. However, there are certain lacunae's that needs immediate rectification and also adoption of certain new strategies to further improve the performance of its police force.

The Sikkim police force is one of the smallest in the country, but with the increasing population there always is the danger of increase in crimes either minor or serious offences. Moreover, the duty to look after the traffic situation in the state also falls upon the police force thereby further reducing the number of police personnel available for maintaining peace and security in the state. Thus, while taking into consideration the police and citizen ratio in the state, it would be advisable to regard traffic officials as supplementary to the police force. This will help create true data of the required number of police personnel and accordingly appointment maybe made.

Cybercrimes are on rise. Police personnel should all be well aware about the basics of cybercrimes, its kinds and prevention methods. Cybercrimes unlike traditional crimes requires different diagnostic and investigation techniques. Correct and pertinent steps taken at the earliest may help in prevention or identification and prosecution of the culprit. For this every police official should have a meaningful training to deal with such cyber problems.

People friendly approach should be adopted by police officials. If the public has a negative view of the police then they may be wary of approaching the police. Thus, a pleasing demeanour will go a long way in ensuring greater trust among the public.

The government should also ensure that the police forces are not hindered in their work. They should not use as a tool for political vendetta. There have been several allegations of even the premier investigative agencies like the CBI being used as a political tool⁴⁵. This casts an aspersion on the fairness and effectiveness of police forces.

The challenges ahead for the Sikkim Police are growing. Nevertheless, they have proven time and again their efficiency and resiliency and have played a vital role in making and keeping Sikkim as one of the safest State in the North East and whole of India too.

⁴² Three unknown miscreants snatches mobile at Hospital Dara; More than Rs 10 lakh stolen from home at Namnang, available at: https://sikkimreview.com/news/three-unknown-miscreants-snatches-mobile-at-hospital-dara/(last visited on September 30th, 2022)

Understanding nature of Cyber frauds in Sikkim, available at: https://www.thesikkimchronicle.com/understanding-cyber-frauds-insikkim-and-its-nature/(last visited on September 30th, 2022)

⁴⁴Police available at: https://en.wikipedia.org/wiki/Police#History(last visited on August 20, 2020)

⁴⁵ Shekhar Gupta, Modi-Shah's BJP has taken India's politics of vendetta to a new level, The Print,31 August, 2019 available at: https://theprint.in/national-interest/modi-shahs-bjp-has-taken-indias-politics-of-vendetta-to-a-new-level/284807/(Last visited on August 20, 2020)