

Beatings, Beacons, and Big Men: Police Disempowerment and Delegitimation in India

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It is a truism that police in India generally lack legitimate authority and public trust. This lack is widely understood by scholars, policy analysts, and police practitioners as being rooted in the institution's colonial development as a means of oppression, and its alleged corruption and criminalization in the postcolonial period. The social facts of situational hyper-empowerment and the widespread decadence of police do much to explain their poor image and performance, but these explanations do not account for the fact that police in India are also structurally disempowered by cultural-political and legal-institutional claims to multiple and conflicting forms of authority that challenge and often overwhelm the authority of police. This structural disempowerment and its performances in everyday interactions between the police and the public constitute an ongoing social process of delegitimation of police authority in contemporary India. Following ethnographic analysis of this process of delegitimation, I explore the implications of focusing on police disempowerment for theorizations of the sources and capabilities of state legal authority more generally.

INTRODUCTION

One evening, I am accompanying police constables Sharma and Tiwari on patrol in a rural area about thirty-five kilometers outside of Lucknow, the capital of Uttar Pradesh (UP), the most populous state in India.¹ It has been an uneventful night, and after riding around on our motorbikes for about half an hour, we stop at a tiny tea stall along their usual route and are given a “complimentary” *chai* by the shopkeeper. We begin discussing some local black market exchanges that they are currently helping to investigate (mostly relating to property fraud and tax evasion), and they seem to enjoy gossiping about several of the well-known “bad characters” alleged to be involved in the underhanded dealings.

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1. Except in cases of persons whose names have been published elsewhere (e.g., Figure 1), names of persons and places have been changed to protect the confidentiality of interlocutors. When changing names, I preserve caste identity (e.g., Brahmin) and religious affiliation (e.g., Muslim), since these are crucial factors in the constitution of personal, professional, and political interactions in India. Interlocutors generally spoke with me in a mixture of both Hindi and English, but for readability, I have translated any utterances made in Hindi into English. I also make extensive use here of the long-established writing method of the “ethnographic present” that is prominent in anthropological works.

While we sip our steaming *chai*, the conversation turns to one of these characters, Arjun Trivedi, who holds a powerful position in the local Hindi-language press and hails from a wealthy family that owns a lot of valuable property in the area we are patrolling. I have met Mr. Trivedi a couple of times, and observed some local police and various dignitaries, including the mayor of Lucknow, attend his lavish parties. Sharma, who has been a constable with the UP Police for about thirteen years, makes a disgusted face at the mention of this vernacular media mogul, and launches into a story about an encounter he had with Trivedi about two years earlier.

I was on patrol one evening in *Paharganj thana*² and came upon a quarrel happening at the Trivedi family home on Mahatma Gandhi Road. Arjun Trivedi and two of his brothers were violently beating the youngest of their brothers—something about a loss of money. I tried to stop the beating, but the family would have none of it. Even their own mother said to me, “He is my youngest son, I gave birth to him, and I can beat him if I want to. What is it to you if I choose to beat him? It is not your concern.” The man was very bloody and clearly in pain, so I pulled him from under his brothers and told him to write an application and file a formal complaint at the police station. Then the three older brothers started beating *both* of us, cursing and yelling at me that it’s none of my business, it’s a family matter, not a police matter. Arjun Trivedi threatened me, saying, “Don’t you forget—we are the media. We can turn a snake into a rope, and can turn a rope into a snake.” They continued hitting and kicking us until we ran out of the house and rode my motorcycle to the station to file an application. When I told the SO [Station Officer] what had happened, he just laughed.

This recounting of the defiance and humiliation of a police constable might seem incredible or shocking in certain contexts, but it is not unique or even extraordinary in contemporary India. During my two years of anthropological fieldwork, I both witnessed instances of, and was told numerous stories about, police who tried to investigate a crime or intervene in some problem situation, but then had to beat a hasty retreat in the face of a challenge to their authority by a wide range of citizens. Many of these incidents are not reported in official legal records or the news media. Yet, not infrequently, headlines appear about police being ordered off the scene of a crime or a public disturbance when a suspect is associated with powerful persons; or about police being abused by various government officeholders or influential citizens (Times of India 2006a, 2006b). How do we understand this apparent inversion of the legitimate authority of police to use what Egon Bittner (1970) has called “non-negotiable coercive force” in the name of the law, order, and justice? This anthropological inquiry shows that, in fact, the legitimate authority of police to intervene or use force may be not only negotiable, but also undermined by broader cultural-political and legal-institutional forces and relations arising in certain contexts, especially in postcolonial settings like India.

2. *Paharganj* is a pseudonymic local neighborhood in Lucknow district, and *thana* is the Hindi word for a police station (large urban stations are sometimes called *kotwali*, and smaller outposts in both rural and urban areas are called *chowki*). Besides referring to the actual station building, the word *thana* is used to describe the entire jurisdictional area overseen by police assigned to a particular station. So, to say that something was happening “in *Paharganj thana*” means that it was occurring in the part of town under that police station’s watch, not that it was happening inside the actual station building.

It is a truism across India that police generally lack legitimate authority and public trust. This is not to say that people never look to the police for help, or that they never go to them to report and register crimes. However, such instances are not necessarily indicators that police constitute legitimate authority figures whom people trust will be of assistance in times of need. Unless someone has a personal connection with a police officer, if given the choice, she will usually first go to anyone else for help. She will bring in the police only for instrumental purposes, such as obtaining a First Information Report (FIR) as documentary evidence to be used to achieve some end, like an insurance claim. Generally, people will take pains to avoid the police, expressing fears that they will at best receive no help from feckless or indifferent police officers, and at worst experience coercive harassment.

Police at many times and in many places have had a poor reputation for various reasons, perhaps serving as “whipping boys” for a society’s greater ills (Pereira 2008), but police in contemporary India have had an especially poor image for decades, and it seems only to be getting worse (Sharma 1991; Verma 2005). News and entertainment media, as well as other modes of public culture, broadly portray police either as incompetent fools with inadequate tools, as little more than “yes men” to more powerful figures, or as brutal and corrupt “little tyrants” (Visvanathan and Sethi 1998; Jauregui 2010). One legal historian has even described the lower-ranking police in India, constables and sub-inspectors, who constitute more than 90 percent of the police force in each state, as a “despised minority” (Baxi 1982, 86). While this epithet is now more than thirty years old, it remains applicable today, especially since there has been little in the way of meaningful police reform in the postcolonial period (Patil 2008).³ Indeed, the Union Home Minister of India, P. Chidambaram, has been quoted as saying that the police constable is the “most reviled public servant” in India (Paul 2009).

In the limited amount of literature that addresses questions of police legitimacy in India—almost all of which has been produced by retired senior officers with varying amounts of scholarly training—the institution has been described as a “crumbling edifice” (Kapur 2003), and as manifesting systemic rot in Indian governance more generally (Dhillon 2005; Verma 2005). Even among police themselves there is widespread lack of faith in the institution and the individual actors who populate it (Ghosh 1981). This structure of feeling emerges strongly in cultural expressions by police themselves. One such expression is the mythical tale that many police told me about a self-styled “honest cop” who one day asked a group of his colleagues to indicate if they would trust their coworkers to take care of a family member (usually a female) who was in trouble. According to the story, no one raises his hand affirming his trust in fellow police. Police would tell this story when trying to illustrate how degenerate and indifferent the institution has become.

Explanations by scholars, policy makers, and police practitioners about the Indian police’s lack of legitimate authority and public trust tend to fall into two main categories: (1) the institution has its origins in a colonial legacy of oppression, and (2) the

3. For an analysis of the history and ongoing process of police reform in India, see the various publications available at the Web site of the Commonwealth Human Rights Initiative (CHRI) as part of their “Police Reforms: India” project: http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=87&Itemid=98 (accessed 26 August 2012).

police have succumbed to the forces of corruption and criminalization that have plagued the governance of postcolonial India more generally. The historical complexities of police establishments in colonial India are beyond the scope of this article. However, it is common knowledge among those who have studied these issues in depth that the institutional bedrock across the country is the 1861 Police Act, which configured the functional emphasis of the police institution around coercive order keeping and crowd pacification, rather than public service and crime investigation (Bayley 1969; Gupta 1974, 1979; Arnold 1985, 1986; Campion 2003; Dhillon 2005; Verma 2005; Jauregui 2013). Regarding the second problem of institutional corruption, suffice it to say that the police in India are widely known for mass-level misconduct. This usually takes the form of discriminatory treatment of social minority groups—especially Muslims and persons of “lower castes” (Brass 1997; Rai 1998; Hansen 2001; HRW 2002; Khalidi 2003; Engineer and Narang 2006)—or of widespread violent harassment and participation in organized crime (Daruwala and Doube 2005; Subramanian 2007; HRW 2009). Charges of rampant corruption at all levels of government also shape conceptual frameworks for understanding the questionable legitimacy of most state representatives in India, from elected politicians to appointed bureaucrats (Baxi 1982; Dhillon 1998; Visvanathan and Sethi 1998; Singh 2000). One of the more commonly held notions among police and government officials themselves is that social problems of high unemployment, poverty, illiteracy, overpopulation, and resource scarcity combine to attract the “wrong type of people” to the police forces in India (NPC 1979; Jauregui 2010).

These explanations of historical decadence and hyper-empowerment in the form of excessive force, extortion, and the arbitrary and discriminatory exercise of authority are of course key parts of the puzzle of the police force’s apparent lack of legitimate authority across contemporary India. That said, such explanations do not fully account for the fact that police in India have long been structurally disempowered by various legal-institutional and cultural-political forces and relations. The apparent lack of legitimacy among police in India does not derive primarily from problems specific to “developing” or “transitional” democracies (Bayley 2006; Pino and Waitrowski 2006; Hinton and Newburn 2009), or represent simply an artifact of a weakened or “failed state” (Rotberg 2004). Nor is it necessarily indicative of a widespread belief among members of the public that police eagerly participate in a “culture” or “complex” of corruption (Olivier de Sardan 1999; Smith 2007). Indeed, my data demonstrate that legitimate authority is not a mere function of “belief” at all, as presumed by Weber in his discussion of authority as the probability of persons obeying commands because they believe in the legitimacy of the commander (Weber 1978, 213–16). Instead, what the Indian case shows us is that there is an ongoing *social process* of delegitimation of police authority that is constituted through everyday interactions expressing police disempowerment.

THEORY AND METHODOLOGY: TOWARD NEW MODES OF KNOWLEDGE PRODUCTION ABOUT POLICE LEGITIMATION

The relatively small body of empirical work analyzing police legitimacy is grounded in sociology and criminology and focuses on perceived procedural fairness (Bottoms and

Tankebe 2012). Moreover, it takes place almost exclusively in Western countries, especially the United States and the United Kingdom. Studies in this vein tend to conceptualize legitimacy in normative terms, as “a general feeling [among the public] of obligation or responsibility to obey authorities . . . [which reflects people’s] willingness to suspend personal considerations of self-interest and to ignore personal moral values because an authority or ruler is entitled to determine appropriate behavior within a given situation” (Tyler and Huo 2002, 102–03). These works perform quantitative analyses of public survey data to make the broad claims that (1) if people feel police treat them fairly according to the law, and with respect and dignity, then they are more likely to trust and obey police, and (2) this obedience serves as an index of police legitimacy (Paternoster et al. 1997; Sunshine and Tyler 2003). These studies further argue that the perceived “procedural justice” of police practice matters even more to shaping their legitimacy than things like the perceived fairness or favorability of the outcomes of said practice.

Such claims have been brought into question by scholars like Justice Tankebe, who has also performed a regression analysis of survey data testing the procedural justice hypothesis in the context of postcolonial Ghana, and garnered results rather different from those of Tyler and his followers (Tankebe 2008, 2009). Tankebe’s analyses show that “utilitarian factors” like perceptions of police “effectiveness” and reliability have a greater impact than procedural fairness on shaping public cooperation with the police. He theorizes that one reason for this difference from Tyler’s conclusion may be that many people in Ghana feel obligated by an “unofficial system” of traditional values and morals that is absent from modern law (cf. arguments about a “moral economy” of lower classes by Chandavarkar [2000] and Thompson [1971]). Tankebe further explains his findings in terms very similar to those used to account for the lack of police legitimacy in India, saying the lack relates partly to “the inability of most citizens to decouple the legitimacy of the postcolonial state from its colonial predecessor” (Tankebe 2009, 1282), and partly to the fact that “some sections of Ghanaian society consider police abuse as . . . a fact of life, inevitable, irresistible” (1279). This work is significant, not only because it demonstrates that police legitimacy may be linked with perceptions of things other than “procedural justice,” but also because it highlights the importance of cultural beliefs and the historical development and configuration of police organizations in relation to colonialism (on this latter point, see also Brogden 1987).

Another key work that emphasizes changes over time and sociocultural context in theorizing the legitimation of police authority is Robert Reiner’s (2010) discussion of shifts in the legitimacy of the police in the United Kingdom in light of both macro-level social changes and specific elements of police policy and practice during three distinct phases in the country’s history. According to Reiner’s analysis, the institution of the police went from being controversial in the early nineteenth century to being a widely admired component of British national identity and pride by the mid-twentieth century, thanks largely to the incorporation of the working classes into mainstream society. Then, from 1959 until about 1992, the institution underwent a period of delegitimation in the face of widespread corruption and brutality scandals, the rise or “return” of various forms of social inequality and exclusion, and fears of disorder stemming from riots inspired by youth culture and postindustrial politics. Now, Reiner claims, the UK police work in a context of pragmatic “post-legitimation” politics, characterized by

ambiguity and volatility in police representation and evaluation. He also highlights structural reasons for variations in police legitimacy, noting that “policing is an inherently conflict-ridden enterprise . . . In most situations there is somebody being policed against, whose assent to policing is bound to be brittle” (Reiner 2010, 69). Moreover, he emphasizes that police legitimacy fluctuates not only because of policies and practices related to the “rational accomplishment of instrumental objectives” (96), but also in light of the institution’s broader symbolic meanings in relation to social order and the deployment of violence.

Building on Tankebe’s critical attention to cultural differences and postcoloniality, and Reiner’s emphasis on historical transformations, structural differentiations, and symbolic representations, this analysis considers police legitimation in postcolonial India in a way that is at once historically informed and, unlike previous studies, grounded in longitudinal ethnographic methods and anthropological theories of authority and meaning making. I deploy tried and tested anthropological tools of thick description and interpretive analysis of everyday practice and discourse with a *longue durée* perspective (Sahlins 1976; Geertz 2000), to conceptualize legitimacy not as a state or condition that is present or absent, nor as something that increases or decreases in direct response to individual or institutional behavior, but as a continuous and precarious social process that emerges in dialogue with cultural-political and legal-institutional forces and relations that shift over time.

This processual conception of legitimation is rather different from Bottoms and Tankebe’s (2012) “dialogic” approach to theorizing legitimacy, which posits an abstract dyadic interaction between claims to authority by “power-holders,” on the one hand, and the recognition of these claims by “audiences,” on the other hand. This framing seems to presume power as something that is centralized, zero sum, and determined prior to the instantiation of legitimacy. Instead, based in part on the observation that power is “constantly engender[ed] . . . always local and unstable” (Foucault 1976, 93), I emphasize the multiplicity of power in the form of simultaneous and competing claims to different types of authority, and the ways that these competing claims interact in specific contexts to produce subjects with more or less legitimate authority over time. Moreover, I demonstrate that the process of delegitimation of police authority in India is not linked solely with “conventional” police problems of corruption and brutality, which are considered to be signs of these subjects’ apparent hyper-empowerment, but is also directly associated with everyday interactions that evince their disempowerment. It is my hope that this analysis will demonstrate the strength of ethnographic approaches for the comparative study of police authority, and will forge a path for new modes of theorizing legitimation and state power.

FROM POLICE AUTHORITY TO QUESTION, TO QUESTIONING POLICE AUTHORITY

The interaction related at the beginning of this article involving the humiliation and abuse of Constable Sharma by the Trivedi family is representative of widespread and longstanding patterns of interaction evincing police disempowerment that contribute to their delegitimation (Baxi 1982; Subramanian 1988). In legal terms, the Trivedi

family's aggressive defiance would violate Indian Penal Code (IPC) Sections 330/331 and 332/333, concerning assault to extort information/compel restoration of property, and assault to deter a public servant from duty (CrPC 2005, 323). However, the Trivedi family does not seem to be bothered much about these laws. In many other contexts, a police officer probably would have stood his ground and called for backup, confident in his authority to intervene with coercion if necessary (Bittner 1970; Muir 1977). Not only did Sharma feel compelled to duck and run, but he was then jeered by his boss. How do we explain these things? I aim to show here that such an outcome emerges from a complex of cultural-political and legal-institutional factors that allow certain forms of authority to trump that of a police constable.

In India—and arguably in many other places—authority is not automatically or comprehensively endowed by a person's position as a state official or association with the law. It is configured through interactive performances that invoke cultural values related to familial hierarchies, cosmic wisdom, and group identity. Since the context is northern India, many might first wonder if this interaction was colored by caste. To an extent, yes, the Trivedi family's defiance of police authority may be directly linked with their caste, though it is not a simple case of a higher-caste family defying a lower-caste state official. The Trivedis are Brahmins, members of the priestly caste, but so is Constable Sharma, who could be identified as such by his nametag. A larger driving force than caste is that of shared understandings about the centrality of kinship to social life in India, and about the authority of familial elders. When the Trivedi mother says, "He is my youngest son, I gave birth to him, and I can beat him if I want to," she is invoking a specific set of cultural referents regarding kinship hierarchies that remain prevalent and powerful in contemporary northern India. Although anthropological scholars have correctly critiqued assumptions of a unitary, coherent, immutable structure of caste or kinship (Dirks 2001), it is undeniable that these modes of cultural categorization do exist in various forms to a significant degree across South Asia. Regional and historical variations notwithstanding, "attributes of hierarchy, purity and pollution, and group-based ties" strongly permeate everyday social relations across India (Cohn 1971, 117), and are often expressed through the idiom of kinship (Srinivas 1959; Dumont 1980).

Generally, intergenerational sequences and intragenerational birth order configure the authority of elders. Within a lineage, the parents' generation has authority over the children's, and within a single generation, elder siblings tend to supersede their younger brothers and sisters, an authority that carries over to the siblings' extended families. (For example, if you are the wife or child of a younger brother in a particular joint family, then you will usually have to defer to the wife or child of an older brother.) These rules of thumb extend to fictive kinship relationships as well, in the sense that people not related by blood usually relate to and even explicitly address one another using hierarchical kinship terms like "uncle," "auntie," "son," "daughter," "elder sister," "younger brother," and the like. In the instance related by Constable Sharma, the Trivedi mother is invoking not only her elder status in the family, but also a kind of cosmic authority associated with the goddess as the supreme mother of all. Through this invocation, she performs an authority over her biological sons, *and over Constable Sharma* as a kind of fictive son. She is making a claim to cosmological forms of authority that many believe trump any earthly law of the state. As she does this, the shape and stakes of the interaction shift tremendously.

The mother's utterances need not be deemed the sole cause or origin of the subsequent actions by the elder brothers, who turn from beating their youngest brother to beating the constable. However, one can certainly read the power and confidence undergirding their defiant and aggressive action against the police constable as strongly associated with her claim. Constable Sharma's attempt to intervene in the confrontation following the mother's statement may have been read by the Trivedi family as a defiance of moral laws of family-based authority, thus configuring their subsequent beating of the constable as a form of self-defense, or perhaps even divine justice.⁴ Moreover, the elder brothers' assertion of authority over the youngest brother is associated with what is known as *dadagiri*, a Hindi slang term for bullying or coercive behavior, characteristic of hoodlums and gangsters. The term *dada* signifies an elder brother, paternal grandfather, or "big man" in general. In combination with "-giri" (or "-gari"), a linguistic noun formant that means "one who practices," it connotes one whose practice exhibits the inherent authority of an elder familial male, for better or worse.

Kinship hierarchies are not the only form of extralegal authority invoked by the Trivedi family. As told by Sharma, when Arjun Trivedi stops his thrashing long enough to speak, he pronounces the dramatic line, "Don't you forget—we are the media. We can turn a snake into a rope, and can turn a rope into a snake." This appears to be a cynical declaration, by a mediator of public knowledge, of his power to control which information is fed to the common people; he may, if he wishes, falsely represent something harmful as harmless, or vice versa. But it is important to note that he describes his power using a popular mythological analogy of the "rope-snake," which is associated with a variety of Hindu philosophical traditions and myths. It refers explicitly to the profane illusion that the Self is distinct from the all-supreme God (for Hindus, *Brahman*), and is usually related as part of a mythical story of an ignorant man walking along a road in the dark who suddenly sees and is bitten by a snake; his fear and pain dissolve when a wise man with divine knowledge comes along and shines a light to reveal that the snake is, in fact, a rope (Doniger O'Flaherty 1986; Deutsch and Dalvi 2004).

With this cosmological reference in mind, we may read Arjun Trivedi's declaration in several ways, most notably as a suggestion that he has a God-like authority to reveal reality to, or hide it from, the ignorant and gullible public, and that this trumps whatever authority the police constable may have to intervene in a physical assault. Moreover, Trivedi intimates that the police constable's authority—and, *inter alia*, the state law's authority that he embodies—is illusory, like the ignorant man's rope-snake. The use of this specific analogy delegitimizes the institution of the police and the law it is supposed to enforce by metaphorically opposing them to some greater truth. It also diminishes the constable personally by invoking an analogy that equates him with the lowly man plodding through the dark where a rope-snake lurks, unable to comprehend the Trivedi family's true power, which lay not merely in their larger numbers, in their well-known wealth and fame, or even in their editorial influence, but also in their Brahmanical association with divine knowledge. Let us not forget that all the actors in

4. For other examples of ways in which people deny the criminal nature of their practices, as defined by legal codes, and defy state law not only *vis-à-vis* the police but also in court, see Cohn ([1965] 1987) and Berti (2010).

this drama are Brahmins—which in a way adds insult to Constable Sharma’s injury, since the Trivedis would probably chastise him as a fellow Brahmin who should be able to understand “the truth” about authority better than others not so fortunate to be born into this supposed highest form of humanity. This is what was meant in my previous statement that “the Trivedi family’s defiance of police may be directly linked with their caste, though it is not a simple case of a higher caste family defying a lower caste state official.”

It is not clear from Sharma’s account how much, if any, of this cultural reading explains why his boss, the *Paharganj thana* Station Officer (SO), further humiliated him by laughing at him when he brought the youngest Trivedi brother to the police station to file a formal complaint. For what it is worth, Sharma reports that the day after the incident, the SO apparently had a change of heart, for reasons that are (again) not clear. Sharma reports that when he returned to the Trivedi household:

This time my boss was with me. . . . Arjun was not there but his other two brothers who beat me were . . . and I took out all of my frustration, beating them single-handedly while the SO looked on. This is the importance of cooperation. If your officer is with you, you can do the work of four men. If he is not with you, even four men cannot do the work of one.

When I ask Sharma why he thought the SO did this, he said he does not know exactly, but that he did hear that the SO was on the phone with “a friend” who, upon learning of the incident, supposedly said: “Someone has beaten your constable and you are laughing? What kind of person are you? Go and seize those people who were hurting him and ‘force them under the truck’ [meaning: ‘beat them up and show them who is boss’].” The reason for the apparent change of heart obviously was not bound up with “the law”—it is not exactly legal for police to go beat someone in their own home. It seems most likely that it was an attempt to reassert authority and get revenge.

Even if I could have asked the SO himself about what happened, which I did not, it would have been extremely difficult if not impossible to determine exactly what was entailed in the SO’s laughter at Sharma. However, based on broader historical and ethnographic inquiry, my sense is that it probably had to do with: (1) the SO’s knowledge of the Trivedi family’s local influence and (2) his superior position in a complex and colonially derived police hierarchy vis-à-vis Constable Sharma. In addition to the Trivedi family’s invocation of cultural and cosmological claims to possess other types of authority, legal-institutional factors—and their imbrication with other forms of social hierarchy, especially class—also play an important role in processually disempowering and delegitimizing the police constable in this instance.

The police rank structure across states in India has remained essentially the same since it was created by the 1861 Indian Police Act. There are four basic ranks of lateral recruitment, each with its own sub-ranks. They are listed in here in descending order of seniority:

1. Indian Police Service Officer (recruited/trained nationally, deputed to states);
2. Provincial Police Service Officer (recruited/trained at state level);
3. Sub-Inspector (recruited/trained at state level);
4. Constable (recruited/trained at state level).

For the vast majority of police, there is little to no upward mobility through the four ranks. Even within the ranks, promotion is slow and highly politicized, especially on the lower rungs of the ladder; but most police will be promoted at least once before retiring. Constables comprise more than 90 percent of the police of any state in India, and this numerical majority constitutes the “face” of the police. They are colloquially called “cutting edge” cops, alluding to the “edge” of the imagined chasm between the state and civil society. They also constitute “always a marginalized lot . . . in a state of utter neglect” (Dhillon 2005, 591) or, to again invoke the words of Upendra Baxi, “a despised minority,” not a numerical but a social minority. In addition to the expected hardships of the job—meager salaries, even by working-class standards (cf. Parry 2000, 41), harsh living and working conditions—as one of the institution’s “colonial hangovers,” constables are also expected quite often to perform nonmandated domestic duties for senior officers, which include everything from serving tea and tending gardens or farm animals, to accompanying children to school, picking up groceries, and cleaning house (Ghosh 1981; Subramanian 1988; Jauregui 2010).⁵

Police constables in India identify with all types of caste and religious backgrounds, but generally come from relatively poor families in rural villages or small towns. They are the lowest-ranking and least authoritative members of the police force, generally allowed only to carry out orders given by their superiors. Constables are legally prohibited from initiating, leading, or engaging in any activity related to criminal investigation or maintaining order without direct instruction by a sub-inspector or higher-ranking officer. According to the UP Police official rules and regulations, “their principal duty is the prevention of crime.” Yet there are no clear directions for how they are supposed to carry out this duty except to “be courteous and considerate . . . wear the prescribed uniform . . . [and when] instructed to make inquiries . . . [do so and then] make a report to the officer-in-charge [of the station]” (Kabir 2005, 31–32). According to UPP Regulation 49, even a head constable temporarily in charge of a police station when a sub-inspector is unavailable, may not investigate or “exercise the powers of an officer-in-charge of a station under Section 157 of the Code of Criminal Procedure except in a case of extreme urgency” (29). From this vantage, perhaps the SO’s laughing at Sharma derived largely from his bewilderment that the constable would try to assert an authority that is questionable at best, nonexistent at worst. It is as though Sharma had transgressed the boundary of his own power as a police functionary—a boundary always already ill defined and arguably ill conceived by the law itself.

In light of these remarks, the difficulties of the constable position, as illustrated by the end of Sharma’s story about the Trivedi family, become quite stark.

5. Besides a starting base salary of only about US\$100 per month, constables also (1) lack adequate resources for completing required work, for example, dangerously old weapons and vehicles, little to no electricity at police stations, inadequate office supplies, and so forth; (2) lack subsidized or affordable housing and uniform provisions—they usually have to buy replacement uniform parts out of pocket; (3) work long and undefined hours of duty—there is no concept of “shift work” except for police assigned specifically as security guards, usually for twelve hours at a time; (4) are frequently transferred and forcibly separated from their families; (5) are not recognized for doing “good work”; and (6) must regularly use personal funds for professional duties such as buying fuel and hiring private vehicles for patrol, transporting suspects and evidence, compensating informants, and other necessities of police work—to say nothing of other, more insidious demands, like being forced to do domestic labor for senior officers (Jauregui 2010).

You see, this is our problem in general. . . . If we try to intervene in a situation before a formal application of complaint is filed at the police station, then senior officers come down on us and say, "Who gave you permission to go there and do that?" But if we come upon a situation like this and do nothing, then they will say, "You knew what was happening, why didn't you stop it? That is your duty, and you have neglected it." So we never know how to act, because we are pressed from both directions, like wheat being made into flour. People do not respect us.

Crucially, this is not a simple matter of rank and seniority in an official government hierarchy. The official subaltern position of constables interacts with broader sociocultural categories of persons described most often in terms of class, and with distinctions between people from the *gaun* (village) versus people from the *shehar* (city). I conducted my field research among all ranks of police, and repeatedly heard senior officers describing the constables they command as, among other things, "lazy, lying cheats . . . a mob in uniform . . . where most of the corruption and criminality in the force happens." Senior police also characterize constables generally as simpletons plagued by "the village mind" or "a rural psyche," who believe and act on "backward" beliefs, "primordial" affines, and "feudal" systems of authority and exchange. According to one Senior Superintendent of Police (SSP): "They have no sense of the nation, which is what we are protecting." There is a clear implication that this "nationally immature" majority of the police force is considered to be made up of persons who are not merely lower in rank, but also inferior in substance as political subjects, to say nothing of being inferior as legal authorities. Note also the following passage from a report by India's first and only postcolonial National Police Commission (NPC), staffed mostly by senior officers.

The wage scale of this cadre [of the police—i.e., the constabulary] has been *equated with unskilled labour for historical reasons*. The police, therefore, attract only a very unsatisfactory kind of candidate who has not been able to get any other job. A police force composed of such *poor specimens of humanity* cannot rise very much above the lowest common denominator of its constituents and the effect on the quality of police service provided to the people is disastrous, to say the least. (NPC 1979, 2.11, emphasis added)

The still strong conception of the masses of constables in India constituting mostly "poor specimens of humanity" is propounded most heavily by their own senior officers, who tend to come from higher socioeconomic classes, with a greater quantity and quality of education, resources, and social networking capabilities. This class conflict within the police compounds the various other factors contributing to their delegitimation, including but not limited to the cultural forces and relations discussed above. The "historical reasons" alluded to in the quote from the NPC report may be summarized as the demand by British colonial administrators for a veritable army of obedient constables to control the enormous masses of indigenous subjects, and they tended to recruit this army from the lower classes—the mostly illiterate and unskilled echelons of India's indigenous population (Arnold 1985). Thus, Indian constables' low status and concomitant troubles with perpetual delegitimation are in large part attributable to a history of the combination of their formal subordination with other forms of social inequality, as well as to culturally based invocation of forms of authority external, and arguably superior, to state law.

SIGNS OF THE STATE: CONTROLLING POLICE AND POLITICAL BODIES

Lest one assume that the sort of obstruction and mortification experienced by Constable Sharma happens only to the lowest-ranking police, let us consider another incident that occurred in Lucknow while I was conducting fieldwork there in 2006. I did not witness the actual event, but I observed its wide publication in the local news, and later interviewed the main officer involved. This time, the police official in question was of a relatively senior rank, a Deputy Superintendent of Police (DySP) named Rajesh Sahni, who held the post of Circle Officer (CO), overseeing several police stations in a subdivision of Lucknow district. On the evening of May 30, 2006, the CO was inspecting a busy traffic checkpoint in Chowk, an older section of the city. In the course of this duty, he tried to stop a jeep, which was carrying five youths, all brothers, and which was topped by the flag of the then-ruling Samajwadi party and a red beacon light (*lal batti*)—two clear signs of the vehicle occupants' association with the state government. The use of beacon lights is legally restricted to public servants in certain elected and appointed offices. Even so, persons not officially allowed to use them often do so, especially (unaccompanied) family members or other associates of a state official. Anyone can buy an unauthorized beacon on the black market, and unless a person is stopped at a checkpoint, generally no one is the wiser. This type of forgery and mimicry of the cultural signs of state power is a longstanding and ubiquitous problem across India, and especially in UP.

At the time of the incident in question, the UP state government had just called on the police to launch a campaign against the unsanctioned use of beacons atop vehicles. When the jeep carrying the five brothers was stopped by police, they protested, flashing the beacon and engaging the hooter as aggressive signals that they should be allowed to pass. This caused CO Sahni, the senior officer at the site, to intervene. When he reiterated that police would not let them pass without inspection, the brothers, all of whom, rather strangely, were dressed in the same outfit of blue shirt and white pants, reportedly claimed to be the foster sons of Janeshwar Mishra, a leading figure in the Samajwadi Party. They presented police with an album of photographs that showed them posing with various Samajwadi Party leaders and other supposedly very important persons (VIPs), and they threatened the CO with "dire consequences" if he did not let them pass.

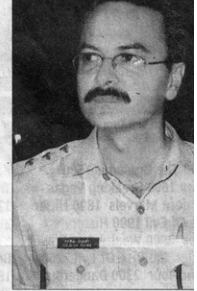
CO Sahni did not comply with their demands, and stood in front of the jeep to prevent them from moving as they reportedly revved the jeep's engine menacingly. The next thing the officer knew, the car was hurtling toward him. To save himself from being run over, Sahni jumped onto the hood of the jeep. The driver sped away, with Sahni still on the hood. The uniformed officer had to cling for his life to a rod on the front of jeep as it zoomed around Lucknow, beacon flashing, hooter blaring, and Samajwadi Party flag fluttering all the while. After about two kilometers of racing among thousands of gawking pedestrians, past the UP High Court building and through the central city shopping district, among other places, the jeep reportedly squealed to a stop in front of the camp office of the SSP of Lucknow district, and dumped the CO on his boss's doorstep. The five boys were confronted by some journalists, police, and members of the public who were at the police station, and were then detained (Figure 1).

AUDACIOUS ATTACK ON CITY'S LAW & ORDER



ouths who dared to do it.

FEROCIOUS FIVE RIDE ROUGHSHOD



CO Chowk Rajesh Sahni.

...go for a drive with a fluttering CO Chow

HT Correspondent
Lucknow, May 30

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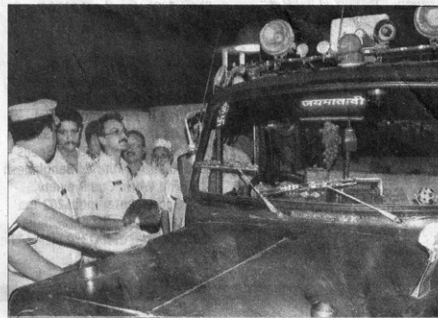
IN AN incident that sent shock waves in the city, five identically dressed youths drove a precariously perched CO Chowk Rajesh Sahni on the bonnet of their jeep, with a ruling party flag in place, straight into the SSP office on Sapru Marg on Tuesday evening.

They covered the distance, two kilometres to be precise, from Qaiserbagh to the SSP office (where they finally dumped the CO) just like that, sending onlookers in a state of daze, wondering what on earth was happening to the struggling cop.

The CO's only fault was that he dared to object to the jeep occupants using red beacon and hooters and then asking for the papers of the vehicle.

Significantly, SSP GK Goswami instead of dealing sternly with the goons, who claimed themselves to be the grandsons of Ram Manohar Lohia, raised objection to media persons demanding action against the ferocious five.

The youths were, however, later taken into police custody and pushed behind bars at the Hazratganj police station. A pair of salwar-kameez and a register containing details about 'transfers and postings' of policemen and names of girls were recovered from the jeep.



The vehicle of the youths seized by cops

PHOTOS: DHEERAJ DHAWAN/HT

The youths belong to Kanpur.

The sequence of event went something like this. CO Sahni was carrying out checking of the vehicles at Kaiserbagh bus station crossing at 6 pm. His men happened to stop a red-beaconed jeep blowing hooters at the crossing. The occupants, however, refused to reply to the query of the cops, forcing the CO to intervene. The youths instead of explaining things to the CO started threatening him with dire consequences.

He was talking to the grandsons of Chief Minister Mulayam Singh's mentor Lohia, the CO was told. They even showed an album carrying their pictures with some top ruling party leaders.

The CO, who had by then had enough, turned down all of their explanations and asked a constable to take the vehicle to the police station. That is when the youth on the driver's seat started the vehicle. To stop them from moving, Sahni came right in front of the

Dressed to kill

ALL THE five youths wore identical shirts and trousers, socks and belts. They were identified as Harshward Prithviraj, Rajwardhan, Narayan and Uday Pratap. The youths also claimed that they were foster sons of top BJP leader Janeshwar Mishra.

Their father Ravish Chandra Katiyar is proclaimed scoundrel in a case registered at a Kanpur police station since 2003.

A case under obscenity too was pending against one of the five accused Rajwade at the same police station.

HTC, Luc

jeep. He told the youths th
were committing a serious
But the warning fell on de
and the driver did the uni
able.

To save himself from crushed, Sahni jumped and landed on the bonnet of the vehicle. He remained like that during the rest of the journey (that ended at the SSP office) through the thoroughfares of the city. (We can well imagine the horrors that Sahni must have created in the minds of the people who witnessed the incident.)

FIGURE 1.
Front-Page Story About What Came to be Known as the CO Abduction Case.
Hindustan Times, Lucknow Edition, May 31, 2006. Reproduced with permission

In addition to asserting their associations with current ruling party leaders, the brothers also claimed to be the grandsons of the renowned Indian Independence freedom fighter and socialist, Ram Manohar Lohia. They made all sorts of appeals, including that their beacon was state sanctioned and that they thus should not have had to stop at the police checkpoint, both of which claims were false.⁶ While the boys were detained and the investigation was in process, journalists learned that police neglected

6. Even if the beacon was officially sanctioned, they would not have been allowed to drive around with it unaccompanied by the person for whom it was sanctioned; moreover, having a beacon does not legally entitle anyone to move past checkpoints unchecked without prior authorization.

to include certain charges (like attempted murder) on the official charge sheets, and media reports speculated that some senior officers, presumably working on behalf of the ruling party, were deliberately dragging their feet and hindering the investigation. It was later learned that the boys' claims to be related to Lohia and friendly with Samajwadi Party senior leaders were not even true, and the brothers were charged with, among other things, attempted murder, assault or the use of criminal force to deter a public servant from discharge of his duty, kidnapping in order to murder, and insult intended to provoke a breach of the peace. They were criminally prosecuted in a highly spectacular and unusually swift manner, and received sentences of ten years in prison just over three months following the incident. This was perhaps the swiftest justice I witnessed during the entire period of my fieldwork.

While this particular event was high profile and relatively extraordinary, it should not be dismissed as an isolated or inexplicable occurrence perpetrated by "rowdy youth" or "common criminals." Like the encounter between Constable Sharma and the Trivedi family, it is indicative of patterns of interaction in which the authority of police to intervene is questioned—or perhaps more pointedly, overrun. The fact that the boys ultimately did not get away with their dangerous caper is important, and perhaps even encouraging; but the fact that they thought they *could* get away with it raises the question of what sort of cultural climate would foster such an assumption. Further, we must ask what the consequences would have been had they actually been the dynastic descendants they claimed to be. Would their punishment have been as harsh? Would there have been any punishment at all? The outcomes of countless other cases across India, in which politically connected people, especially relatives of elected officials, routinely evade punishment for all types of crimes, suggest that the answers to these questions would be a resounding "No." These boys assumed that claiming to be associated with powerful figures, and deploying signs of the state like beacon lights and hooters, would suffice to give them impunity. Something far more systemic than the recklessness of youth, and more specific than the vague "breakdown of law and order" that is often invoked by political leaders, laid the foundations for this assumption. And it relates in no small measure to what police in UP often characterize as "the VIP problem," and more broadly to what has come to be known in common parlance as the "criminalization of politics" in postcolonial India.

The popular terms "VIP problem" and "criminalization of politics" are often deployed as causal explanations for specific incidents, including what came to be known as the "CO abduction case" just described. However, I would argue that it is precisely the so-called VIP problem and the criminalization of politics that *must be explained* before we can understand what happened to CO Sahni. Moreover, the conditions of possibility for such incidents, and for the forms of authority invoked, and for the categories of persons produced, must be understood specifically in relation to the disempowerment and delegitimation of police authority. I would argue further that what appears to be the flouting and overriding of a weak state law and its enforcers by many people in India is, in fact, a manifestation of broadly held desires to harness and possess the powers of state law, and that people perform these powers through deployment of contextually specific signs of dynastic associations and embodied authority (cf. Hornberger [2013] regarding a similar dynamic in South Africa, though one apparently

less tied to kinship-based authority). In other words, it is not that people in India disregard the law; on the contrary, they understand how powerful a tool it is, and make a conscious effort to utilize it as and when possible.⁷

The Trivedi family case offered one example of how appeals to kinship hierarchies and cultural constructs of reality and knowledge may be invoked in the Indian context as trumping the supposedly universal legitimate authority of the police to intervene in a situation “that ought not to be happening and about which someone had better do something now!” (Bittner 1974, 30). The CO abduction case represents another example of how culturally based notions of the authority embodied in familial elders—as well as in, quite literally, a collective of human bodies—configures relations between the police and the public, throwing into question the true sources and capabilities of state legal authority. The five boys claimed to have relationships not only with persons currently holding political office, but also with a historical figure, a national leader who helped direct a game-changing political movement to rout British colonists, and who further served as iconic inspiration and active mentor to the formation in 1992 of one of the most powerful political parties in UP, the Samajwadi Party. The party’s primary founder and figurehead, Mulayam Singh Yadav, happened to be in his third (nonconsecutive) term as Chief Minister (CM) of UP at the time of the CO abduction incident. The boys based their assertion of the right to bypass police authority directly on this alleged kinship with historical figures and the political masters of the moment because this kinship indexes their incarnation of the kind of dynastic authority that still permeates much of Indian democratic governance. This dynastic authority is still embodied most prominently in the Gandhi family, who descend directly from India’s first prime minister (PM), Jawaharlal Nehru, and who at the time of this writing continue to lead the Congress Party, which is historically associated with the political elites who led the Indian independence movement, and thus with India’s national sovereignty.⁸

In addition to blood ties to an influential lineage, one of the most important and widespread indicators of authority in India is being surrounded by a large number of people, especially security personnel. Rahul and Priyanka Gandhi (former Prime Minister Nehru’s great-grandchildren) and their mother, Sonia Gandhi (widow of former PM Rajiv Gandhi, who was assassinated in 1991), have Special Protection Group (SPG) security, the same level of security as the current prime minister and president and three years previous prime ministers and presidents, even though the Gandhi mother and daughter do not hold office and Rahul is not the PM or even CM but a member of parliament (MP).⁹ MPs and other political VIPs, including those elected at the state level as members of the legislative assembly (MLA), usually have a different type of security, called “categorized” security, which is provided by the state police. The official categories and sanctioned allocations of police personnel for VIP security, which

7. See also Cohn ([1956] 1987) for an analysis of hyper-litigiousness and what he calls “legal speculators” in colonial and postcolonial India.

8. Despite being one of the two dominant parties at the national level, the Congress Party is dwarfed by region-specific and caste-based parties in many Indian states, including UP, where they were again embarrassingly defeated in the February 2012 General Assembly elections.

9. SPG security is generally reserved for persons holding the highest national offices.

TABLE 1.
Categorized Security Typology

Security Level	Number and Type of Police Personnel Allocated
X	3 police (1 armed guard, 1–2 residential guards, & drivers)
Y	10–12 police (6 armed guards, 4–6 residential guards, & drivers)
Z	26+ police (10+ armed guards, 10–12 residential guards, & drivers)
Z+	36+ police total

Source: Interview with senior officer at the head of the UPPSHQ, 2007.

were related to me by the head of the UP Police Security Headquarters (UPPSHQ), are as set out in Table 1.

I was told that MPs, MLAs, and state government cabinet ministers generally get X-level security, although other senior police officers have claimed in interviews that many if not all ministers actually have Y-level security or higher (Kumar et al. 2008). An interlocutor from a well-known political household in Lucknow told me that several members of his own family managed to get Z-level security simply by making a back-room deal with an associate of the UP Chief Minister.

It seems to be common knowledge that the actual number of police personnel deployed for VIP security far exceeds the sanctioned allocations (Jauregui 2010). Soon after I interviewed the head of the UPPSHQ, I managed to procure documents from the Lucknow district SSP office—the office responsible for actually organizing and deploying police personnel as security within the district—which showed that more than 200 civil police personnel were posted at the residence of then CM Mulayam Singh Yadav. This number does not include additional armed police, who fall into another official category of personnel; it also does not include any privately hired security, which many VIPs make a point to have. One newspaper article headline later claimed that the UP CM who succeeded Yadav in 2007, Mayawati, had an exorbitant security apparatus of “350 cops, 34 vehicles” (Pradhan 2008). Several police told me that Mayawati had applied for SPG-level security, claiming there was a conspiracy to assassinate her, but that her request was denied by the central government in Delhi. They also reported that she demanded police to force shops to close and order people to go inside their houses and avert their gazes when her convoy would move through town. Some have called her paranoid, and lamented that her actions “trample upon the civil liberties of common people” (*ibid.*). Others claim that her fear is warranted. Still others have made statements like, “Mayawati thinks she is a feudal *maharani* [queen], who does not allow lesser mortals to get anywhere close to her” (*ibid.*).

As with any threat assessment, it is extraordinarily difficult to decide what is credible and, indeed, threats to the lives of public figures and their families in India are often very real. But inextricable from any actual “necessity” of security, and arguably outweighing it much of the time, is the cultural compulsion in India to perform one’s power to the outside world. This is done not only with beacon lights, and by meeting and having one’s photo taken with political leaders, but also, à la Julius Caesar, by surrounding oneself with an entourage of “fat men” and embodying the authority of one’s position through visible displays of the ability to displace other bodies. You show

that you are a “big man” (or woman) by having as large an entourage as possible. Quite literally, the more bodies (and other material objects, like vehicles, houses, and guns) guarding the space you occupy, the more respect and deference you may presume to demand. This is especially the case if the bodies are wearing police uniforms or carrying arms because these are themselves signs of state authority.

VIP security is not merely a matter of an actual need for protection, but is in fact a marked *projection* to the outside world. It appears to be a kind of inversion of what Jean and John Comaroff have called a police-projected “metaphysics of disorder—the hyper-real conviction, rooted in everyday experience, that society hovers on the brink of dissolution—[which] comes to legitimize a physics of social order” (Comaroff and Comaroff 2006, 293–94). The Comaroffs make a cogent case that in South Africa the police play an active role in instilling the fear of disorder to bolster a belief among the public that police are uniquely placed to maintain the “thin blue line that, imaginatively, stands between anarchy and civility . . . [and] underscores the fragility of order” (Comaroff and Comaroff 2006, 293–94; cf. Robb Larkins 2013). In India, other power holders like elected officials, judges, political party functionaries, and some wealthy elites *use police as props* in performing their power to the world as persons who must be protected in order to continue the fight against the “breakdown of law and order” that allegedly plagues Indian society. Crucially, as these authority figures project and perform their authority by surrounding themselves with police, they may situationally empower police (to use force if necessary), but they also disempower and delegitimize police as institutional subjects, presenting them as little more than puppets in a play directed by others. Instead of people perceiving police as enforcing or beholden to the law, they see police reduced to yes-men, robotic soldiers serving kingly and queenly leaders, who are the “true” sources of authority. This also stands in stark contrast to what police ethnographer Peter Manning (1997, 2003) discusses in the Anglo-American context as the dramaturgical performance by the police of governmental control through media spectacles and in their everyday actions on the streets. While this kind of spectacular performance of maintaining order certainly occurs in India as well, much of the “theater” of police practice actually performs the breakdown of control and order, and the disempowerment of police, who are at best conduits of the power of others, and at worst pawns in a game in which they have little to no real agency or decision-making capability.

There is a constant and predictable politics of VIP security, with news headlines revealing, and police duty registers concealing, the frequent removals from and additions of police security to various VIPs. Removals of VIP security are often proclaimed loudly in the media, usually at times when political leaders want to appear to be rooting out cronyism and corruption. Additions of VIP security are usually kept as quiet as possible, supposedly for reasons of confidentiality and protection. However, police themselves joke that additions of security often have more to do with a “keeping up with the Joneses” propensity than with anyone’s actual need for protection. One police official told me the story of a politician, who had been allotted three police officers as security, noticing that a colleague had twelve security guards. The first politician felt slighted, as though the government leadership were telling the public that he was less important than his colleague. He then applied for an increase in security personnel, which he was not granted because he did not have enough *pahunch* (“reach” with

influential people). I watched a similar appeal for more security happen in the office of the UP Director General of Police (DGP), the top cop in the state. The DGP did not grant the request, claiming this was because it was not necessary, not because the requestor was not well connected enough.

But more often than not, according to the district police in Lucknow with whom I spoke about it, a request for more security is granted, not necessarily because there is a credible threat, but because there is a fear by police—or by leaders of the current ruling coalition—that if the politician's request is denied, he may “cause a nuisance” of some sort. For a police officer, this nuisance may result in the backroom arrangement of his transfer to an undesirable post, or some other form of “punishment,” which persons associated with the state government have virtually unlimited capacity to do, thanks to the routine invocation of specific legal powers that will be discussed below.

The impact of these performative pressures on the police institution, and on individual police officers, is quite negative in several ways. Enormous numbers of police personnel are diverted from needed service to the general public. One investigative report cites the example of a routine evening patrol by local police in the state of Chhattisgarh being interrupted for more than an hour because a state minister wanted to visit a local temple and “required” extensive security (Kumar et al. 2008, 39). “These state ministers and judges call up whenever they like and essentially steal a bunch of police and a motor transport unit for themselves,” one officer told me. Indeed, the very first time I visited a Lucknow police station, I was struck by how empty it looked. Almost immediately, the SO launched into a tirade about the severe staff shortage. He claimed that this shortage was due mainly to personnel being called away from the station for VIP or “law and order” duty, and that this was a constant problem. He also made it a point to show me the station registers for that day, which showed that almost fifty police had been assigned to the CM's residence. “They are sitting around doing nothing,” he said, “and the CM is not even there right now, so it's a complete waste of manpower.” The SO claimed that even on its best days, this large urban station functioned at less than 50 percent capacity. I found this situation to be the same, and arguably even worse, at the rural police station where I ended up conducting most of my everyday fieldwork. The SO of that station was constantly being called away from his post for both “law and order duty” (i.e., crowd and traffic control for big events or for security during legislative sessions) and “VIP duty” in Lucknow.¹⁰ Every time he was ordered to go, he would take with him not only many police officers but also weapons from the armory and the single jeep allocated to the station by the government, leaving a skeleton staff of one to five persons (out of a sanctioned staff of thirty-five) and few resources to serve the local constituencies, some sixty villages with over 100,000 inhabitants, spread over more than 100-square kilometers.

But perhaps even more detrimental than depriving the police institution of already scarce resources is that the high visibility of the “VIP problem,” and its hierarchical framing of the relationship between the police and the political leaders, present the police to the public as little more than a kind of private army for influential elites—to say nothing of the possible internalization of this sensibility by police themselves. This

10. Law and order duties are not exactly the same as VIP duties, but there is a lot of cross-over, especially in a political-legislative center like Lucknow.

gives a different spin to the idea of the “privatization” of security that has become a prominent point of discussion among legal sociologists and others over the last decade or so (Forst and Manning 1999; Caldeira 2000; Avant 2005). As indicated above, rather than representing an idealized impartial state law, the police appear to be mere tools, mechanical servants of, in colloquial terms, “the political masters” of the moment. One senior officer goes so far as to say that he believes the state government leaders have a personal stake in “keeping us down, and a kind of vendetta against the police as an institution.”

“How so?” I ask.

“Because were we to function properly, and enforce the law, this would lead to many of their [political leaders’] convictions in court and would take away their power. So they want to weaken the police, or at least to keep us weak enough so that they cannot be touched by the law. This is why our reputation is as bad as it is” (cf. Witsoe 2011; Robb Larkins 2013).

This type of disempowerment of the police is not unique to postcolonial India. Its manifestations in routinized modes of police delegitimation, as discussed here, are culturally and historically distinct, but also worthy of comparison and contrast with similar problems across time (e.g., among early twentieth-century US police) and in all parts of the globe.¹¹ If police are understood as subject to forms of authority other than state law, then how can the average citizen view the law as having much meaning beyond its possible manipulation as a means to some end? As mentioned previously, this is not to assert that the majority of people in India dismiss the law, or have insufficient respect for it. Indeed, people in India often expend an inordinate amount of time, attention, and even money on invoking or adhering to state law (Cohn [1956] 1987; Eckert 2005; Berti 2010; Jauregui 2010). Nor do I mean to imply that a law that was “right in spirit” when it was codified has been “corrupted” in practice. Rather, law, like any other “social text”—that is, not merely a written code, but a set of practiced concepts that produce meaning—is always already mutable, interpretable, and configured by context.

Add to all of this the fact that, as indicated earlier, many powerful persons in India also have their own hired hands working alongside whoever may have been allotted as police protection by way of the state government. In practice, this means that police are often compelled to work closely with persons who have interests other than the “public good” in mind, including underworld strongmen, a very different kind of “big men.” This represents a key node in what is colloquially called “the nexus” of criminality and governance in India, which leads many persons, not least the police themselves, to intense cynicism and even despair. Says one senior officer: “If we are forced to work with known criminals, how are people supposed to respect us or the law?”

A corollary of the VIP problem as one of the cultural-political forces contributing to the disempowerment of police, and their concomitant delegitimation as authority figures, is what has come to be known in India as the “criminalization of politics.” In the CO abduction case, when it was still a possibility in public discourse that the five brothers who humiliated the police officer were from a politically powerful family,

11. See Owen (2013) and Rotimi (2013) for a discussion of experiences of vulnerability and poor public image among police in Nigeria.

people repeated the age-old lament that government has been corrupted and overrun by criminals. Indeed, people discuss the problem constantly, obsessively (Comaroff and Comaroff 2006), especially in the periods surrounding elections, both national parliamentary elections (*Lok Sabha* or the lower house) and state legislative assembly elections (*Vidhan Sabha*). But there is substance to people's complaints and the reports are disturbing. As I continued my fieldwork in UP during the nation-wide *Lok Sabha* elections in early 2009, it was reported that at least 28 percent of Indian Members of Parliament had been charged with crimes,¹² almost half of them categorized as "heinous" crimes of murder, rape, extortion, *dacoity* (banditry), inciting and participating in riots with weapons, robbery, assault, and kidnapping (Times of India 2009). These charges were not limited to persons in particular political parties or particular states, but spread across the country, and the most of the figures in 2009 had increased since the 2004 parliamentary elections (NEW and ADR 2010).¹³

An analysis of the causes and consequences of this alleged criminalization of politics, and of the ways in which criminality is defined and conceptualized, is beyond the scope of this article.¹⁴ Suffice it to say that even when someone has been charged with one or more crimes, if he is also considered a local "big man" known for helping people in need—or for engaging in activities benefitting the community, like building a temple, funding schools, getting people stable paying jobs, providing desperately needed loans, or indeed "fixing" people's enemies when the police and courts seem inadequate to the task—then he is likely to appear to a large number of needy persons to be more good than not. Indeed, a distinctly benevolent "criminal type" has emerged and begun to permeate the Indian government and the democratic state itself in a very open fashion (cf. Siegel 1998). This type of official does not fit the profile of Walter Benjamin's "great criminal," who is feared by the state but secretly admired by the public for threatening the state law's status quo, which deprives people of their autonomy and agency by controlling the legitimate deployment of violence (Benjamin 1978). Rather, this sort of criminal lawmaker in India, who actually infiltrates the state machinery and the idea of governance itself, reveals the law to be not an impartial rationalized route to justice, but a mechanism available to a multitude of interested subjects in various forms and to differing degrees (Cohn [1956] 1987; cf. Martin 2013). The most publicly visible and accessible embodiments of this manipulable law are police.

Jeffrey Witsoe—an anthropologist who has conducted fieldwork with politicians in the state of Bihar, a region long known as the "Wild West" of India on account of

12. I write "at least" because when the report was published, the affidavits for only 535 of the total 543 elected MPs had been made available.

13. At the state level, it was reported that in the Uttar Pradesh General Assembly elections of 2007, the percentage of candidates *fielded* by political parties who had been charged with crimes was even greater than the national average of officials who had already been *elected*. The Uttar Pradesh Election Watch (UPEW) found that in this criminalization contest, "the Samajwadi Party leads with roughly 35% of its candidates facing many charge-sheets, followed by Bahujan Samaj Party with 32 per cent, the Bharatiya Janata Party has about 30 percent and the Congress 20 [percent]" (PRLog 2007). These figures increased even further in Uttar Pradesh General Assembly elections of 2012, with "SP (27) or 59%, BSP (18) or 38%, BJP (15) or 32%, and INC (12) or 30%" (UPEW 2009).

14. A deep and wide-scale analysis of the criminalization of politics across South Asia is currently underway under the auspices of a collaborative research program funded by the European Research Council and the Economic and Social Research Council of the UK.

its reported poverty, illiteracy, governmental corruption, and violent crime—has ethnographically studied the discourses and practices of some of these benevolent criminal leaders, and concluded that the criminalization of politics is largely a function of the particular form that the empowerment of lower-caste groups and individuals has taken since the late 1980s (Witsoe 2011). He argues that many lower-caste persons have come to perceive that practices deemed “corrupt” or “criminal” had helped to build and maintain upper-caste dominance in government and society at large for decades, perhaps even for centuries. As members of the historically disenfranchised lower castes gained positions of power over time—especially with the help of government reservation (affirmative action quota) policies—they co-opted, tolerated, and sometimes even celebrated practices deemed corrupt and criminal as expressions and means of upward mobility.¹⁵ Building on the foundations of Witsoe’s argument, we might say that there has been an expansion and fragmentation—some might call it a “democratization” or “vernacularization” (Michelutti 2009)—of authority in post-colonial India. Clearly, the cultural-political context in which police must operate is characterized by such contestation, contradiction, and diachronic mutation that they often have difficulty navigating the shifts and confusions of the everyday wielding of authority.

But the so-called criminalization of politics, and its effects on police, are not solely functions of a corrupted empowerment of lower-caste groups. The police in India are *legally subject* to whichever “big men” or women happen to be presiding over the government, largely thanks to two national-level legal documents establishing an overarching power of “the state government” over the subordinate institution of “the police.” These documents are: (1) the list of State Powers in the Constitution of India, and (2) Section 3 of the 1861 Police Act. Without getting caught up in the byzantine labyrinth of constitutional amendments, case laws, and executive orders that accompany it, officials in UP commonly gloss the first document as follows: “According to the Indian Constitution, ‘law and order’ is a state subject.” The actual language of the relevant part of the Constitution states that “Public order . . . in aid of the civil power” is a state government power, not a union government power.¹⁶ In sum, when it comes to directing and delimiting the keepers of public order, that is, the police, the state government has ultimate sovereignty.

This sovereignty is intensified by Section 3 of the 1861 Police Act, which says:

The Superintendence of the police throughout a general police district shall vest in and shall be exercised by the State Government to which such district is subordinate, and except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the State Government to supersede or control any police functionary. (Kabir 2005, 276)

15. Cf. Eckert (2005, 211), who argues that particular forms of legitimation of state violence actually configure “the police as the agency responsible for that central function [of order and security, who] become the *protector of society against ‘politics’*” (emphasis added).

16. The rule is listed under Point 1, List II, Seventh Schedule (Article 246) of the Constitution of India. The only exception to the rule is in a national state of emergency, in which police may be part of a general deployment of security agents.

The sovereignty of each state's government over its police force is not unusual or inherently insidious; but because this sovereignty is co-configured with the instabilities and uncertainties associated with the VIP problem and the criminalization of politics discussed above, it subjects police directly to these insidious forces, not only at an unofficial cultural level, but at the official legal level as well. Many political leaders and other sorts of "big men," like Arjun Trivedi, seem all too happy to use their power to manipulate police at will, sometimes with the full force of the law behind them. What this means is that while "on the books" police officials are supposed to be protected from dangers like arbitrary transfers and illegal or unethical orders, in practice they are subjected to these and other pressures on a routine basis. If "orders from above" or the "powers that be" demand, for example, that police personnel guard an empty house instead of going about their regular duties, or compel a police officer to file false charges against someone and fabricate evidence, usually the officer will do as he is ordered, or face harsh consequences that may go far beyond professional inconvenience or stagnation. Many police officers who have worked "against the grain" have reported being threatened; in some cases, attempts have been made on their lives. This is not to claim that there are no legal checks and balances, or that an individual's "moral fiber" will never suffice to resist the pressure to act in illegal or unethical ways. Certainly, there are individual police crusaders against corruption and vocal proponents of reform (Dangwal 2004; Patil 2008). However, strategic appeals to legal language by politically savvy or powerful persons, in combination with the cultural and political pressures described and explained above, have produced, and continually reproduce, a structurally disempowered and delegitimated police force.

CONCLUSION

In contemporary India, it has become commonplace for a wide variety of people to challenge the authority of police to intervene in certain problem situations by invoking other forms of authority based in cultural-political and legal-institutional forces and relations. Appeals to kinship and other social hierarchies, manipulation of perceptions of reality, association with powerful figures, and appropriation of signs of state authority often serve to make the police in India appear both inadequate and ignoble. Popular explanations of this appearance tend to include vague declarations of the widespread "breakdown of law and order." This anthropological engagement aims to provide a more nuanced explication, of what exactly this so-called breakdown entails in the Indian context, and of the implications it may have for understanding, specifically, police legitimacy and, more generally, state legal authority.

Most explanations of an apparent lack of legitimacy by police—in India and in many other places—center on the various ways in which police may be hyper-empowered and (mis)use their authority for illegal or morally questionable ends, for example, using excessive force, extorting favors or material goods, or exercising their legal authority in arbitrary or discriminatory ways. Nothing that has been analyzed here denies that these sorts of things happen in India; unfortunately, they happen quite routinely (Daruwala and Doube 2005; Patil 2008). However, and perhaps surprisingly for some, while police in India may be situationally hyper-empowered, they are at the same time structurally

disempowered. This disempowerment, which remains an understudied and undertheorized social fact, manifests in everyday interactions in which persons challenge police authority by appealing to a multitude of other forms of authority. In specific instances and cumulatively over time, and in combination with other factors contributing to the bad reputation of the police, this disempowerment serves to delegitimize the institution of the police, and arguably to delegitimize state law more generally.

Ethnographic analysis of police disempowerment as a crucial factor in police delegitimation opens new doors for theorizing the sources and capabilities of state law and of authority in general. The Weberian concept of “domination” or “authority” (*Herrschaft*) as “the probability that certain specific commands (or all commands) will be obeyed by a given group of persons” because of their “belief in [the authority’s] legitimacy” (Weber 1978, 212–13) remains prominent in contemporary sociology and criminology (Tyler and Huo 2002; Sunshine and Tyler 2003; Bottoms and Tankebe 2012). But this foundation of legitimacy in “belief”—along with Weber’s famous ideal that the deployment of legal and legitimate violence is the monopoly of the modern state, generally embodied in the police (Bittner 1970; Muir 1977)—has long been the subject of critique in certain strands of anthropology, cultural theory, and critical historiography. Much of this critique has been inspired by Michel Foucault’s view of power not as something grounded in social “belief” (which is extremely difficult, if not impossible, to measure), but rather as something far more fluid, decentralized, and produced in practice. In Foucault’s words, power may be conceived as “the moving substrate of force relations which, by virtue of their inequality, constantly engender states of power, but the latter are always local and unstable” (Foucault 1976, 92–93).

However, I am less interested in power *per se* than in the processes of cultural, political, and legal production of legitimate authority over time in specific contexts. These processes remain undertheorized in most self-identifying Foucauldian analyses, which tend to treat the all-encompassing (and still ill-defined) category of “power” as paramount, often reifying power as a thinking, acting subject rather than theorizing its relationship with forces of legality and legitimacy.¹⁷ This article calls for studies that move beyond totalizing claims about power, and instead analyze the experiences and perceptions of state agents, their interactions with various publics, and the attendant cultural, political, and legal forces that configure authority and obedience in everyday life. As demonstrated in this discussion of police in India, the exercise of authority in actual practice is not always what it would seem to be in the abstract or as defined by law. Subjects who seem hyper-empowered by law or by other sources of authority may in fact be so only in specific instances, while overall they are quite disempowered or lacking in legitimate authority. This compels us to consider what “the state” and its various representatives are actually capable of, and how these capabilities vary across time and space. It also forces us to rethink what the most compelling or effective sources of authority are in any context. This is what makes close ethnographic examination of how these things work so important. It is my hope that social scientists and theorists who utilize both quantitative and qualitative approaches to studying police, criminal

17. In fact, many Foucauldian analyses seem to regard legality and legitimacy as little more than epiphenomena of power relations. See, for just one popular example, Agamben (1998), regarding sovereign power over “bare life.”

justice, the state, and electoral politics will continue to do more comparative work, better accounting for the history of colonialism in development of these institutions, and incorporating ethnographic insights like those revealed here into their analyses of the workings of authority.

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