Historical Aspect of Development of Police in India

Abstract

Police system as being an important pillar of criminal justice administration has always played an indispensible role in the society. The significance of this wing of administration have had a great place in the society from ancient to modern era. This article deals with the primary introduction of police wing from ancient to modern development perspectives. Throughout the historical development of policing, this cadre encloses in itself a great variety of organization, functions and a machinery of social control. Furthermore, this agency of the state has always been a matter of great concern among the various state reform agencies, politicians and the people of the society as well. The article deals with the history, position and functions of police cadre with regard to ancient and modern policing in India.

Keywords: Police, Function, Position, Society, Organization, Politeia, Criminal Justice Administration, Prison, Reformatory, Crime, Sinner, Disorder, Cooperation

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Introduction

Police as a functionary of criminal justice system has emerged as an important institution of control in the society. The primordial liability of police is to maintain law and order in the society, investigation and work according to the procedure established by law. The job of police is challenging and they perform multifarious responsibility in the society. Several times they have to perform ex-departmental liabilities as many times we see that they provide support to development authority, irrigation department, electricity department, hospitals, traffic, revenue, excise and tax departments and many others. Many times they contribute in mediation and disposal of civil and criminal petty cases like disputes of drainage, agricultural land, tenant-owner relationship, married couple relationship, ownership of property and others. Hence, the police system is an important functionary in a social system. From a sociological perspective, they play a significant role in social stability as it maintains equilibrium in the society.

The word 'police' have been derived from the Greek word *"Politeia"* or its Latin equivalent *"Politeia"* which exclusively means citizenship, state or the administration of the government. In other words, the police are a constituted body of persons, empowered by the State to enforce the law, protect property and limit civil disorder.[1] Police force has always been an indispensable part of the state organization in almost all civil society. Since, in ancient times India was divided in different parts ruled by several kings. Kings have had their own forces. They had also spies to collect intelligence and information for better administration of the state. With their help they used to dispose of cases and come to the verdict. However with the progress of the civilization and development of knowledge the dimension of the police work has increased many folds.

The history of the development of the police organization dates back since ancient times which find mention in the ancient Greek, Roman, Chinese and Indian texts[2]. The Indian historical scriptures of ancient times also have numerous mention of police system be it Mahabharata, Ramayana, Manusanhitta or the various religious or secular texts of Gupta dynasty, Maurya dynasty and Mughals. Most probably, the first police force comparable to present-day police was organized in 1667 under King Louis XIV in France, although modern police usually trace their origins to the 1800 establishment of the Marine Police in London, the Glasgow Police, and the Napoleonic police of Paris[3]. The first modern police force is also commonly said to be the London Metropolitan Police, established in 1829, which promoted the preventive role of police as a deterrent to urban crime and disorder.

Review of Literature

Sengupta[4] observed in her research that police as an organization and police officers as individuals were being manipulated, used and abused most of the time. Police still seems to be an instrument in the hands of a powerful lot which they used to satisfy their needs. However the socio, politico-economic scenario had changed from pre-independence to post independence era. She also concludes that work culture is poor due to lack of professional ethics and weak leadership. Chaudhary[5] strongly believes that the police department too has a very strong culture of people's habit, routines, rituals, conventions and the stories in the department. The fundamental of politics, hierarchy, bureaucracy and monopoly give rise to the culture of police department. Some of the dominant gains of culture in the department are not to take responsibility of actions, do not innovate out of fear of making mistakes, accept mediocrity rather than reaching excellence etc. Goldstein[6] (1977) enlisted the tasks of policing. He suggested that police force require the potential application of non-negotiable force. It should regulate conduct that is threatening to life and property; aiding individuals who are in danger of physical harm; protecting the constitutional right and assembly and freedom of movement. Kellings[7] illustrated that police department must be provided all tools of control and socialization which ultimately will lead them in shaping a unified culture and prevent corruption.

Aim of the Study

The aim of the study is to find the role of police in the society with respect to the historical development of this cadre in India. The author has also tried to get the realm of recent development of police cadre in the modern era, the recommendations of police commission report and establishment of auxiliary police force.

Development of Police in India

The modern police force has had a wide impact of its past throughout its history of development of society. In ancient India, the phenomenon of crime was considered as a sin and the doer of the crime was known as a sinner. The society gave punishment to every sinner. There were myths in our dharma system also and taking birth in lower caste was considered as a sin. The whole functioning of the society was governed by dharma. There was fear among the people against doing such actions which were opposed in the dharmaand, the threat of being marked as a sinner which prevented them from committing a crime. The concept of sin was described in Hindu vedic shastra which is the crux of the theory of offences[8].

The concept of the rule of law and the administration of justice has been known to exist in India ever since the Vedas came to be recognized as the very epitome of dharma. The Rig Veda makes a specific mention of thieves (taya or satyas) and robbers (taskars). This concept of crime was further developed by Manu. In fact, *Manusmriti* was the first exposition of the Hindu legal system, and proclaimed the fundamental law governing social relations. Manu classified crimes under eighteen heads. These

included assault, defamation, theft and robbery, and adultery, violence, gambling and betting. According to P. V. Kane, the police problems of most ancient village communities of India were confined mainly to cattle theft, murder and adultery. Dogs were used to chase the thieves. Katyayana defined theft as an act which deprived a man of his property clandestinely and openly, by day or by night[9]. During the Epic period (1400 to 800 B.C.) there is reference in the Balmiki Ramayana, which gives us glimpses of policemen on patrol duty. In Ramayana, there is mention of "Dandayudharanapi" which means policemen on beat duty. In Chapter 59 of the "Santiparva in the Mahabharata it is mentioned that the state of nature was a state of perfect bliss and that people became unrighteous with the passage of time."

Chapter 67 of the Shantiparv presents, just a contrary speculation "by describing the state of nature as a state of war, in which, every man's hand was raised against every other man." These two views of the Mahabharata are said to be based on ancient traditions in which assumption regarding the origin of the law and order under a sovereign power flow into such divergent channels[10]. The Arthshastra also gives glimpses of the administration of the state over its subject. There were regulation specially enacted for the benefit of the treasury of the state and a strong attack to curb the crime. There was also mentioning of various kinds of punishment for different kind of crime.

Policing in India flourished during the Maurya dynasty which was known as the era of enlightment and an efficient police system had grown. Kautilya describes the administration of criminal law as Kantaka Sadhana, the clearing of thorns, which means the eradication of the dangerous elements by criminal laws and police regulations. In fact, a highly complex system of administration came to be established at the time of the Mauryas (300-200 BC). The main aim of the state was the all round welfare of the people. During Ashoka period, in the police system there were Mahamatras, who were the highest executive officer in the province and their liability was to maintain peace and order in the society. During Gupta dynasty, the police existed as a separate organization which is confirmed by Vishakhdutta's Mudrarakshasha. The effectiveness of criminal law has been explained through kalpasa and dandapasa, which means holder of the executive and judicial authority. The police system also flourished during the Ashoka period. It was quite novel and unique in history and it aimed at the creation of an advanced type of socialistic state which was the idealism of chakrabarti (monarch) as envisaged in the Buddhist canonical works[11].

During the medieval period, the mughal emperor Sher Shah effectively organised different branches of the Criminal Justice Administration including the police. Kotwal was the head of the city police in urban areas during his time. The task of Kotwal was to administer certain municipal duties and to enforce public morals. He was also the head of the criminal court of a Sarkar. Kotwal had to perform the routine duties of the police department, who corresponded roughly to the SahibiShurtah of the

Caliphs. The Kotwal's force patrolled the city at night and guarded the thorough fares. He used to work in co-operation with the inhabitants. In every quarter, Kotwal usually appointed a leading man as warden; the work of such person was to check that no criminals were harboured by the people. A register had to be maintained by Kotwal that contained information of the inhabitants of every quarter. Kotwal kept himself informed of their activities and means of livelihood and took cognizance of every new arrival and departure. The jurisdiction of Kotwal also extended to rural areas. He also acted as a Committing Magistrate. He was not a military officer and his force was essentially civil in character. During this period, criminal code was severe and punishments were deterrent. The Kotwals were assisted by Naibs or Deputies. Kotwal's orders were appealable to the district Kazi. Chowkidar were appointed to look into the work of village police[12]. During the medieval period the mughal ruler recruited a wide network of scouts to conduct their administration efficiently. They were known as Barid[13].

During British period, Indian police was reorganized because there was need to flourish trade and empire and which could not be possible without control over law and order. Till 1972, the empire of East India Company had been established in Bombay, Kolkata and Madras presidency. Lord Cornwallis, was the then Governor General of India and he took out the work of police from Zamindar and handed over it to his officers. Darogas were appointed in many parts of a district. The responsibility of the Daroga was to control over law and order under the subordination of district judge. The Kotwal was appointed to look into the affairs of urban areas. But this system abolished later in 1814 after not getting the desired result and the traditional police sytem restablished[14]. Many steps were taken by the British government for the establishment of the effective policing in India. These were Rural Police Reorganization in 1813[15], Madras Presidency Regulation in 1816[16] and 12th regulation of Bombay Presidency in 1827[17].

In 1842, after conquering over Sindh, Charles Napier did several modifications in the existing police system. He appointed Police Superintendent in the district and Inspector General at the level of the state. The police superintendent in the district along with Inspector General was liable towards the Collector in the district. This successful experiment was repeated in the next regions of India. The National Police Commission of 1860 has adopted the fundamental principles of Napier's police system[18].

After Indian Independence Movement of 1857, the governance of India was took out from the East India Company and came in the hands of British parliament and queen of England. The then Governor General, Lord Canning appointed Police Commission of 1860 under the headship of M. H. Court. The recommendations given by this commission were as follows:-
1. The control of Indian police will be under civic ruling and its duties will also be civic.

2. The organization and discipline of police force will be like Indian army and the work will remain be centralized in the hands of the government.
3. The internal economy of the force will be in the hands of police officers[19].

On the recommendations of the commission, the British parliament passed Indian Police Act, 1861. This act was implemented on dated 22.03.1861 in British India[20].

After, Indian independence, most of the part of the Police Act, 1861 were accepted in the current Indian Police System. It is sad that the repressive police system established to meet out the imperialist interest of the British government was accepted with no major change in our Indian democracy. Also, the Indian Penal Code and Criminal Procedure Code passed in 1860 and 1861 helped in maintaining the British Empire crushing the National spirit[21].

After Independence, the Indian police system succeeded in tackling many socio-political upheavals, meeting out the new challenges and giving strength to new democratic governance[22]. Peace and order became the subject of the state in Indian constitution. The seventh schedule (State List) of Indian constitution deals with the public order, police, prison, reformatory and many other institutions like this[23]. The central government was concerned with the administrative system of police and the Central Bureau of Investigation and Central Intelligence Bureau became the subject of central government. The President of India appoints the officers of Indian Police Services while the central government has administrative control over police personnel[24]. Police department in India is subject to the Ministry of Home Affairs, Government of India. Besides the many other works, this ministry has rights to control the local administration. Many other departments and police force were merged in this ministry from time to time. In 1964, Central Vigilance Commission (CVC) and in 1965 Assam Riffles were established under this ministry. This ministry has also control over Director General for citizen security and Homeguard organization. In 1957, the president of India gave approval to the Railway Protection Force Act under which Railway Protection Force was organized for the security and easy conduction of railway properties[25]. Border Security Force (BSF) was established in 1965. The task of this force was to do surveillance permanently on the border of Pakistan and Bangladesh. Border Security Force (BSF) is an armed force and hence many internal security tasks are also given to it. In 1969, Central Industrial Security Force (CISF) was organized to provide security to industries of public sector. Again in 1983, this force was transformed in to an armed force[26].

After Independence, in 1970, the central government took a major step to study and research the needs of the police department and established Bureau of Police Research & Development (BPR&D). The task of this bureau was to develop a system for increasing the use of science and technology and to find out the immediate solution on police problems. The headquarter of this bureau is located in Delhi. Besides the administrative work BPR&D also publishes 1.

Police Research & Development Magazine 2. Crime in India 3. Indian Police Magazine 4. Accidental Deaths and Suicides 5. Research Reports and news and reports on cases related to police work, reviews and other magazines and books[27].

In 1971, a committee was organized by the Government of India for the reformation in police training under tha headship of M. S. Gore. The Gore committee report gave several recommendations in his report. In 1975 the National Police Academy was shifted from Mount Abu to Hyderabad and it was reorganized by its new name 'Sardar Ballabh Bhai Patel National Police Academy'[28]. The state governments have liability to give training to police personnel because police is the subject of the state. The central government is liable to give training to the officers of Indian Police Service and Central Police Forces. National level training centres in India are- Sardar Ballabh Bhai Patel Police Academy (Hyderabad), Central Detective Training School, V. S. F. Academy, Tekenpur (Madhya Pradesh), Internal Security Academy (Mount Abu, Rajasthan), I. T. B. P.High Altitude Training Centre (Mussoorie), National Institute of Criminology and Forensic Science (New Delhi)[29].

Conclusion

In conclusion, it can be drawn that the Indian police system have had a long past and in every period they had almost same liabilities and they were a tool of machinery of the state. In India, except the paramilitary forces of central government, police is entirely a state concern[30]. This system works under the control and surveillance of respective state governments.They cater the needs of the state whether it is political, economic, law and order to run the society conveniently. Although, these era witnessed many modifications in the cadre but the role of this cadre was more or less same in each era to achieve the objectives of the state. However, in modern society, the role of the police wing has been diversified in its nature and type and many auxiliary and paramilitary forces have been established by the state and central government. There have been several reforms in the cadre from time to time and many committees have been appointed on various issues and they have given many recommendations. Many recommendations have been implemented and still there are many recommendations which are needed to be implemented till now for the betterment of this cadre.

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