PART-1

HISTORICAL OVERVIEW
CHAPTER - 1
POLICE: A HISTORICAL PERSPECTIVE

The word ‘police’ is derived from the Greek word, politeia which means ‘government’. It refers to that segment of government, which deals with the protection of life and property, preservation of public tranquillity and maintenance of order, and the prevention and control of crime. Among the various agencies of government, police is the most visible community agency and is often in the ‘limelight’ of community scrutiny and evaluation.¹

Originally, the word ‘police’ was used in a wider sense to connote the management of internal economy and the enforcement of governmental regulation in a particular country. With the passage of time, the term began to be used in a restricted sense to mean an agent of the State to maintain law and order situation and to enforce the orders of criminal court.²

The term ‘police’ broadly connote the purposeful maintenance of public order, and protection of persons and property from the hazards of public accidents and the commission of unlawful acts. It specially applies to a body of officers, both civil and military, charged with the maintenance of public order and safety; and enforcement of the laws of the land, including the prevention and detection of crime.³ Thus police can be termed as an organised

² N.V. Paranjape, Criminology and Administration of Criminal Justice (1990), p. 110. The Willink Commission on police reforms constituted by the Government of United Kingdom also described the term ‘police’ as: “The police in this country are the instrument for enforcing the rule of law, they are the means by which civilized society maintains order, which people may live safely in their homes and go freely about their lawful business. Basically, their task is the maintenance of the Queen’s Peace—that is the preservation of law and order. Without this, there would be anarchy.”, J.C. Curry, The Indian Police (1977), p. 19. Sutherland’s definition of the term seems to be relatively apt and precise, which runs: “the term ‘police’ refer primarily to agents of the state whose function is the malignance of law and order and especially the enforcement of regular criminal code”, See E.H. Sutherland, Principles of Criminology (1973), p. 330.
body of civil servants whose primary duties are the preservation of order, the security of persons and the safety of property.4

Police system, as the state-controlled 'bureaucratic organisation of professionals' to ensure the essentials of civilized life, namely, law and order, protection of life and property, is a modern concept.5 This system exists in all the modern states, although its roots lie in the remotest past. Since time immemorial, it has existed in every society in one form or the other.6 The word 'police' are generally used to indicate the body of civil servants whose duties are prevention and detection of crime and enforcement of laws.7

The primary object of police as conceptualised by the present world is prevention and detection of crimes and the offenders and also maintenance of public order.8 The police, in these terms, can be understood to be the instrument for enforcing the Rule of Law. The police are generally regarded as the arm of the law; they have the main responsibility for preventing disorder, detecting crime and seeing that offenders are brought to trial.9

Now without delving into much controversies, for the purpose of this study, 'police' can be safely understood to be the persons under the government employed for maintenance of law and order in the human society, under the rule of law, in the course of which prime task cast upon them is suppression and detection of crime.

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7 The Kerala Police Act, 1960 incorporates an inclusive definition of the term, "Police" for the purpose of the Act, as under: “Police shall include all persons by whatever name known who exercise any police functions in any part of the State of Kerala and police officer means any member of the police force.”
8 Police is generally defined as the civil force responsible for maintaining public order. It refers to the three core needs of the society:
1. Protection and preservation
2. Integration and unity
3. Development and progress
9 J.C. Curry, op.cit., p. 17. Curry wrongly holds that the Indian police system is a creation of the British Government.
A. EVOLUTION OF THE CONCEPT OF POLICE

The origin of police can be traced to the time in the early human history when small nomadic groups sought the help of the strong and dependable man for watch and ward purposes and to guard against the attack of animals and the selfish human beings. As these groups organised themselves into tribes and settled down in small communities, they began to evolve rules and regulations for the protection of persons and property. Simultaneously, the agency for the enforcement of these tribal laws also originated. Thus, the earliest law enforcement agency was, perhaps, a kind of military police.

Policemen have existed since time immemorial and are found almost everywhere in the world. It is unfortunate that the exact details of police organisation in ancient India are not available and so different materials scattered in various scriptures and Shastras are to be stitched together to have a coherent picture of the police system.

The common belief is that police system in India is a British creation. It is not correct to assume that the concept of police is a foreign creation. There are indications that the ancient civilization of Egypt and Assyria had some machinery to enforce their laws for maintaining an orderly social structure. The Persian or Achaemenian Empire under Cyrus and Darius, which is remembered for its human approach to administration, is known to have promulgated the laws through law bearers. In Babylon, about two thousand years before the birth of Christ, effective laws were enacted by the great law-giver, Hammurabi, which could not have been enforced without an efficient police system. The Greeks gave the modern world, basic tenets for many laws. The Spartans are known to have had a good police system. Nothing much is known about the police organisation under the Romans during their early Republican period. There is a mention of "Questern Paraciddi" or trackers of murder, who were evidently policemen of early Rome, but their members were presumably few. Their only obligation seems to be to arrest the accused person and present him before the assembly. During the Augustus rule an organised police system was evolved in the Roman Empire. Augustus created mysteriously large bodies of Vigiles consisting of policemen and firemen. The famous Praetorian Guards consisting of ten thousand men controlled military and Vigiles. The Vigiles kept the Emperor informed about happenings in the domain. In France Charlemagne made his own contribution to Police System by introducing the Gendarmerie who was armed civilians to enforce the laws and keep the king's peace. Supra, n. 6, pp. 3-4.
importation and is a European innovation. There is reference in the Ramayana about the police as the regulative mechanism for peace and order. The ancient Indian lawgiver, Manu, refers to the police function prevalent in his times for the prevention and detection of crime. In the Code of Manu there are references of police system.

Manu classified police into two functional departments, namely, the criminal investigation department and the law and order wing. The criminal investigation department was subdivided into two units – one for collection of criminal intelligence and investigation of crimes and the other for collecting intelligence for the security of important dignitaries, prevention and prosecution of economic offences and undertaking espionage. Manu had suggested extensive use of the secret agents whose activities were of secret and confidential nature.

There are some hints of the existence of an indirect form of police system in B.C. 600-300. Similar hints can also be seen in the Yagnavalkyasmriti 100-300 A.D, the Naradasmriti (100-400 A.D) and the Katayanasmriti (400-600 A.D).

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13 During the Vedic Period of Indian history, we find examples of the police officers for the purpose of maintaining law and order. A policed society is also revealed in the Sanskrit, Pali and Prakrit literature. There are some references to the police in Rigveda. S.K. Chatterjee, "The Police in Ancient India", The Indian Police Journal (1961), p. 11-12.

14 Ibid.

15 One of the main duties of the ruler, according to these laws, was to restrain violence and punish the evil-doers. There is an interesting approval of the use of agents provocateurs (anathema, according to English ideas), and all the King's subjects were required to assist him in the criminal administration. J.C. Curry, op. cit., p. 19.

16 M.B. Chande, op. cit., p. 60.

17 Apastamba Dharmasutra prescribes that the king should see that there is "no danger from thieves in villages and forests", that he "should appoint in towns and villages officers and their subordinates, who are pure and truthful, for the protection of the subjects against thieves and who are to be made to make good what is stolen", that, "if the king does not punish the guilty, he incurs sin", that "in disputes judges should be men of learning, clever and fulfilling their duties"; and that witnesses were to tell the truth and were to be punished if they be untruthful", P.V. Kane, History of Dharmasastra Vol. III (1946), pp. 1-2 and 167.

18 Narada lays down further that, when animals or their property has been taken away forcibly, "experienced men shall trace it from the place where it has been taken," Surendernath Sen, Administrative System of Marathas (1925), p. 511.

19 These smritis state that such restitution was to be made by the officers and wardens of the country or the headman or the owners of pasture lands and forests. Losses on the roads were to be made good by the officers appointed to arrest thieves" or "the whole village" or "the surrounding five or ten villages". Ibid.
There are also instances to show that criminals were dealt by the village authorities. The Sukranitisara states that the Headman is to be alert in protecting the villages from thieves and robbers.

There is ample evidence of a security organization in the Harappan civilization. Indian merchants had established colonies in the far-flung parts of the then known world and undertook prolonged maritime journeys. They had evidently employed security guards to ensure smooth trading ventures. An interesting Harappan seal shows the figure of a man holding a stick, which has now been interpreted as portraying Dandadhar. It seems that this is the first pictorial representation of a ‘police man’. It is also pointed out that detection of crimes, arrest of the suspects, protection of civil population and prevention of illegal acts were the basic functions of the police.

**Police during Mauryan Period (320-548 AD)**

It is evident from the history of India that the ancient kings evolved an indigenous system of policing even before the British thought of a regular police system. Being a department of the State, Police system was well established during the Imperial Rule of the Mauryas and Guptas. Kautilya’s *Arthashastra* describes some important characteristics of modern police system such as vigilance and surveillance.

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20 The Brihaspatismriti (300-500 A.D) states that, "when there was trouble from robbers, each house was to send one able bodied armed man to the help of the village. Criminals were, in the first instance, dealt with by the village authorities. When the local force was not found adequate, police and military soldiers were sent by the higher authorities to apprehend dacoits. The purapals were in charge of administration of towns, who had to preserve law and order by means of police, secret agents and troops., Altekar, A.S., *State and Government in Ancient India* (1958), pp. 204,254 and 348.

21 This text mentions the Paratihara, a Sudra, as the guard at the gate of the village wall who should be of strong body, proficient in arms and humble., op.cit., p. 155.

22 *Danda* which symbolized the coercive power of the state, was adequately supported by moral and spiritual applications. It was never arbitrary or ruthless; and at the same time, it was the first basic postulation responsible for the birth of a police system., *Id.*, pp. 54-55.


Though the police had functioned in a rudimentary fashion since the Vedic period, the credit for creating a separate agency of police with the specific powers of administration, implementation and enforcement of laws and regulations, and for the prevention of crimes, their investigation, and the prosecution of criminals goes to Kautilya. Kautilya held the view of Yajnavalkya that detection, arrest and prevention of illegal acts were the main functions of police.\(^{25}\)

Kautilya, who framed an elaborate system of policing and laid down several grades of bureaucracy, could rightly be called the father of the modern concept of police. *Dandaniti* propounded by Kautilya in *Arthasastra* was the science of dealing with crimes and punishments. Later *Danda* became the essence of the Government. During the Mauryan period, the agrarian population was drifting towards towns. Some of these uprooted people took to crime and threatened the city elite. In *Arthasastra*, references are there to show that during that period, administrators were forced to impose stringent curfew since there were professional thieves in operation. Such a crime situation was required to be tackled through the police officers, soldiers and security agents, who served as detectives.\(^{26}\)

The Maurya Empire was truly a Police State. Police duties were performed by a large number of individuals of various categories including government servants of numerous departments.\(^{27}\) The frontiers of the kingdom were to be fortified and protected and the officials appointed for the purpose were known as *Antapal*. Military assistance was afforded to the police force when it was needed.\(^{28}\)

\(^{26}\) M.B. Chande, *op. cit.*, p. 55.
\(^{27}\) Giriraj Shah, *op. cit.*, p. 4&18.
\(^{28}\) Sukla Das, *op. cit.*, pp. 84-85.
Kautilya advises the King to have his spies controlled by reliable and capable ministers. The *Arthasastra* contains amazingly interesting accounts of the work of individual spies, whose names are given and whose subterfuges and disguises are described.²⁹

The chief police officer during the time of Kalidasa was the *Nagaraka*. Generally a *Nagaraka* was assisted by constables (*Raksinah*). The duties of the *Nagarakas*, who later came to be known as *Kotwal*, have been defined in detail by Kautilya. As per contemporary municipal laws, masters of houses were to report the arrival or departure of strangers and wayfarers and catch persons of doubtful character and those possessing destructive weapons. Suspicious persons were to be arrested and punished. Even persons throwing waste on the street were to be punished. The *Nagarakas* were expected to maintain law and order and look after the administration of jails and check up daily the defence of the city. He had to take into custody of the lost property. Elaborate arrangements were made for protection from fire.³⁰

The *Danvarika* was the warden of police. He was responsible for keeping strict vigilance on the management of the Royal Palace. Similarly, *Antervansika* was probably a lady officer whose function was to maintain vigilance on the ladies of the Royal household. The *Dandapal*, the *Durgapala* and the *Antpala* were probably military officers but they used to discharge a good deal of police functions as well. The *Dandapala* later on came to be known as *Dandaparika* when he was treated as a total police officer. Similarly, *Durgapala* came to be known as *Kotapala* and was a police officer. The *Antapala* was not only the warden of the frontier but also was the guardian for the safe up-keep of the roads. He was responsible for making the


roads free of robbers; the Atavikas were the forest tribes who made very good police soldiers particularly for operation in the forest area.\(^{31}\)

The policing system of Kautilya was on two distinct lines; i.e. civilian departments entrusted with police powers and a cadre of regular police officers.\(^{32}\) He had conferred police powers on almost all the departments, which had public dealings.\(^{33}\)

**Police Administration in South India**

In contrast to the earlier Hindu Kingdoms, the organisation of the police received considerable attention in the medieval Vijayanagar Empire. There were two types of police, Royal police and People’s police. In the provinces, the Nayakas who were responsible for the preservation of order in their jurisdiction appointed Kavalgars. They were drawn from the criminal tribes and their duty was to prevent thefts. They appointed in turn Teliyaris who were liable to be punished if they did not discharge their duties properly.\(^{34}\)

The police system during Asoka’s reign underwent a change after the Kalinga conquest. The Mouryan system of administration which was


\(^{32}\) The cadre of regular police officers comprised of the rural and urban branches, which functioned on similar lines. The hardcore was composed of three-tier system; namely:

1) essentially for the rural areas – Pradesta,
2) for urban area – Nagarka, and
3) at the top of rural and urban areas – Sthamikas.

The most junior rank was the Gopaa. Police headquarters were located in the capital with representative police officers in all principal centres and important villages. These were stationed in the midst of 800 villages (Shaniya); 400 villages (Mukha); 200 villages (Kharavatas); and 10 villages (Sangrahana). Samaharta was a senior officer of the Central Government and variously characterised as Home Minister, Finance Minister, and the Administrator headed by the law and order machinery with a countrywide jurisdiction. The suppression of crime and maintenance of law and order was his ultimate responsibility. He had several competent secret agents to report on criminals and anti-social elements, including dishonest officials. He asserted the royal writ. The officers concerned with the maintenance of law and order, investigation of criminal cases and the punishment of criminals worked under him.

\(^{33}\) Ibid.

previously based on rigorous police and espionage organisation was now tempered and moderated by the Buddhist philosophy, piety and non-violence. During the reign of Asoka the *Mahamatras* were the highest executive officers in a province responsible for overall peace and order. *Pradesikas* were under *Mahamatras* and they were responsible for collection of revenue and maintenance of peace, law and order as well as for administration of justice. *Rajjukas* ranked next to the *pradesikas* with absolute powers in matters of rewards and punishments. The *Ayuktas* were a kind of village police and they were responsible to *Rajjukas* and *Pradesikas*. The *Prativedakas* were responsible for collection of intelligence regarding the affairs of the state and those of the people.  

After Ashoka, *Kusanas* were the link between Mauryans and Guptas and they tried to modify the administrative machinery by intermingling the traditions of India and the political ideas, which they inherited from the Central Asia. The officers were the compatriots or close relations of the rulers.  

*Administration under the Guptas*  

During the Gupta period the police officers were named as *Dandika, Chauro, Dhanmika* and *Dandaparika*. They had only police duties and they were subordinates to *Dandika*. *Nagar Shreshthi* was responsible for peace and security of the city. Inscriptions of the later Gupta period refer to police officers like *Chatas* and *Bhatas*. A new officer known as *Rabasika* or *Rahasaga* was in-charge of the secret and confidential matters.

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37 *Dandaparikas*, also called *Dandodharanikas* were officers, responsible for maintaining peace and order in the country.
Police under Islamic Rulers

The Islamic rulers evolved a police system which consisted of a large police force of detective police, spies and postal officials. The Sultan appointed faujdars who exercised control over the military police and carried out Sultan's orders within their respective jurisdiction. Another important official was Amir-i-dad, who performed both executive and judicial functions. Muhtasib was an officer entrusted with religious, municipal, police and all other heterogenous duties. A Kotwal was a minor luminary under the Muhtasib, who performed police duties in the cities. He performed the routine duties of the police department including the patrolling of the city at night, guarding of the thoroughfares, maintenance of records of all arrivals and departures of strangers etc. Amir-i-dad controlled the Muhtasib, the Kotwal, and the police.

Vitality and strength into this system was infused by Sher Shah in the early 16th century by retaining the traditional principle of the local responsibility. He held the village headman responsible for the safety of the area within his village. It can, therefore, be said that the Sultanate period of Indian History was marked with the rudimentary characteristics of the modern police system.

Police under Mughals and Marathas

The ideas which we have already seen to be the basis of Indian indigenous police system survived unchanged in the Mughal times. The Mughals followed by the Marathas developed an organised system of policing. During the Mughal period, police duties were entrusted to an officer, called

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40 Supra n. 14, pp. 19-22.
42 J.C. Curry, op.cit., p. 20.
Kotwal, who being the chief of the city, had not only to maintain peace and order in the city but was also in charge of the entire town. He was a Royal favourite because he was the head of the official spy organisation in the city. 43

The administration of the province was under the Subedar, assisted by Faujdars, who were in-charge of sub-divisions. The Mughal Faujdar was responsible for both revenue and police administration of his jurisdiction, and as such was the nearest parallel of the present-day District Magistrate. Faujdar was assisted by Thanedars, charged exclusively with the police duties. 44 The Marathas also adopted the same pattern of maintaining the urban police by the State. Neither the Mughals nor the Marathas, however, introduced novel innovation in organizing the rural police. 45

The Marathas, however, evolved a system based on a synthesis of the Mughal and the early Hindu models. There were panchayats with their own watch and ward and judicial machinery under paternal supervision. It was upto the police to device its own procedures of investigation of the accused in order to extract the truth from him. 46

British Period

The British inherited several indigenous police systems from their Mughal and other contemporary predecessors. They organized it and developed it on a more or less uniform pattern throughout India. They tried

43 The details of this functionary have been given in the Ain-i-Akbari, Supra n. 14, pp. 23-24.
44 Ibid.
45 They merely maintained the traditional system of local responsibility for local crimes and made the village headman and his subordinate watchmen (the chowkidars) responsible for the prevention and detection of crimes in villages. The local responsibility survived even after the assumption of political power by the English East India Company. Giriraj Shah, op. cit., p. 8.
46 References of using the ordeals in ancient times by the investigating agencies is found in Kane’s Dharmasastra. There are also references of third degree methods used by the police in extracting the confessions in Kautilya Arthasastra. The use of third degree methods by police in ancient and medieval India in investigations cannot be denied. In absence of any laid down procedures, such procedures involving torture seem to have been used by the police in investigations of crime. Kamal Saini, police investigations: Procedural dimensions, Law and methods (2000) pp. 10-11.
different experiments in different provinces to have a police system suited for their purpose.  

The period of British rule saw the emergence of a centralised police force based on provinces and aided by the armed components of the same force. The permanent settlement which was introduced in parts of the country brought with it a system of police subordinates being in charge of small areas in the countryside.  

The history of police administration in British India between 1757 and 1860 was a long series of experiments passing through three distinct phases, viz., (a) the formative phase (Bengal, 1757-1792); (b) the second phase, 1793 to 1835; and (c) the third phase, 1836 to 1860.

Warren Hastings was the first British statesman who made a serious attempt to institute a system of police in India. Those police personnel who were found guilty of neglecting their duties were dismissed or fined. In 1774, he restored the institution of Faujdars for the suppression of violent crimes and for the communication of intelligence, with the help of Zamindars. He established a separate office to receive and collate the information collected by the Faujdars. This office was the 'germ from which sprang the fully developed police system of modern India.

A body of militia was formed, which served as night-watches against robbery. It performed duties which now appertain to the civil police. The police was entirely confined to each district under the Collector and there was no general supervision whatsoever, there existed no regular communication from one district to another or to any central office on the

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48 Karnal Saini, *op. cit.*, p. 11.
49 The Regulation No. 35 dated 21 August 1872; Also see J.E. Colebrooke, *Supplement to Digest of Bengal Regulations and Laws* (1887), pp. 7, 13.
50 Curry, *op. cit.*, p. 25.
several points of police business which so imperatively required co-ordination of thought and action.\textsuperscript{51}

By 1761 dacoits had the protection of the Zamindars and other Local Officials. Crime and violation of public order had assumed a critical proportion necessitating urgent remedial measures and action. Therefore Warren Hastings proposed to restore the posts of Foujdar\textsuperscript{52} for controlling crime. Zamindars were required to assist the Foujdras. As these arrangements were not found satisfactory on 6 April 1781, the office of faujdars was consequently abolished and his duties were transferred to European Magistrate who was a covenanted servant of the East India Company.\textsuperscript{53} Cornwallis, the then Governor General of Bengal, took the administration of Criminal Justice out of the hands of Deputy Governor, who was a native Zamindar and established four Councils of Circuit.\textsuperscript{54} Each district was divided into police jurisdiction under the charge of supervising officer called Darogah.\textsuperscript{55}

In 1771 this system was styled the Bhandari Militia, and in the same year it was reorganised and more definitely employed on police duties. As the results were not satisfactory, in 1778 the Grand Jury demanded a thorough reform of the Police. The first appointment of an executive Chief of Police followed in 1779 with the title of ‘Lieutenant of Police’. At that date there was a Superintendent of Police in Calcutta.\textsuperscript{56}

Following Cornwallis, both Wellesley and Bentinck tried to cope with the flood of crime. Wellesley held an inquiry into police affairs in 1801,

\textsuperscript{51} M.B. Chande, op. cit., pp. 73-74.
\textsuperscript{52} The post of Foujdar was abolished in the past regime.
\textsuperscript{53} Curry says that all the faujdars except one at Hugly, were withdrawn., Curry, op. cit., p. 26.
\textsuperscript{54} A statutory measure was taken to remove the control of the Police from the Zamindars and created posts of Magistrates of districts.
\textsuperscript{55} The charge of a Darogah was about 20 to 30 square miles – He had under him 20 to 30 armed Burkundales and all the village watchmen were also under his control. In cities or towns the office of Kotwal was continued and each ward was placed in charge of a Darogah. These reforms did not lead to any appreciable improvement in the situation.
\textsuperscript{56} J.C. Curry, op. cit., p. 24.
and in 1806 Bentinck appointed a committee to consider the possibility of improving the police system in Madras. In 1808, the post of Superintendent of Police, analogous to the later Inspector General of Police, was created.\(^{57}\)

By 1813 things had reached such a pitch that the intervention of the Court of Directors was rendered necessary, and they appointed a special committee of their own. On receipt of the committee’s report, they issued orders in 1814. These orders, while condemning the *darogah* system, insisted on the maintenance of the old village police as the best means of ensuring internal peace.\(^{58}\) However in Bengal, the *darogah* system was retained in an improved form.\(^{59}\)

Elsewhere in India at this time the Police under the District Magistrates were inadequately supervised and they had no superior officer with personal responsibility for keeping crime within bounds and an adequate organization for the purpose.\(^{60}\) The District Magistrate had other functions and he did not personally supervise the investigation of important and serious offences. These district police, which had partly grown from the *darogah* system and partly from the subordinate revenue establishments, were commonly known as the *barqandazi* police.\(^{61}\) The *barqandazi* police were inefficient in dealing with crime. They could not even be entrusted with more

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\(^{57}\) The object was to have an officer at the capital of the province who could co-ordinate the activities of district police authorities for the purpose of crime control and prevention of public disorder. In 1808, House of Commons appointed Select Committee to enquire into the affairs of the East India Company. The report issued in 1812, extensively dwelt upon the state of crime and police particularly in Bengal. The general conditions throughout British India were not very much different. It admitted at the very outset that the establishment of efficient police was the object of first importance. Some of the recommendations of the Bird Committee were accepted and acted upon. The separation of police functions from revenue and judicial area was implemented and a District Superintendent of Police was provided for each district solely for supervision over the police. The organizational restructuring of the police and better salary conditions had to be languished for another twenty years and the regular police force was continued to be small and ineffective. M.B. Chande, *op. cit.*, pp. 72 & 73.

\(^{58}\) Their most far-reaching direction was one by which the duties of District Magistrate and control of the police were transferred from the District Judge, with whom they then rested, to the Collector. J.C. Curry, *op. cit.*, pp. 27-28.

\(^{59}\) Sir Thomas Metcalfe circulated a number of questions throughout India to study the efficiency of Police and appointed a committee in 1838 to consider the replies. This Committee found that the chief cause of inefficiency was inadequate supervision.

\(^{60}\) The name came from the Persian words *barq* and *andaz* and means ‘a thrower of lightning’.
than a small number of arms, so they were useless for such purposes as
escorting treasure, guarding treasuries and suppressing disturbances. Troops
had to be employed on these duties, and this, of course, reacted unfavourably
on military efficiency.62

In the Madras Presidency, Thomas Munro continued the indigenous
system. Since several defects of this system were brought to light, in 1851, the
police system was reorganised on Napier's model63 that had proved successful in
Sind. The basis of the Sind Model was adopted elsewhere in India. As a result,
the police systems developed in the various provinces were not exactly uniform,
but they have acquired certain similarities by the middle of the 19th century.64

The Bombay Government took over the administration of the
territories of the Peshwas in Poona in 1817. At first the functions of judge,
magistrate and head of the police were combined in the hands of one man. In
1826 the duties of judge and magistrate were separated.65 At that time the
Sadar Fouzdari Adalat, or chief criminal court, was constituted with powers of
general control over the police.66

This system worked largely through informers and spies. As this
system worked so well, it was extended to Patna, Benares and Bareilly. It
continued to flourish until the end of the 'twenties', when the office of
Divisional Commissioner was created. The powers of superintendence over the

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62 J.C. Curry, op. cit., p. 32.
63 In 1843, Sir Charles Napier annexed Sindh province. He realised that only under a recognised
organisation, the police could function properly and produce desired results and he took, as his
model, the Royal Irish Constabulary. Napier's system was based on two principles: firstly, the
police must be completely separated from the military and they must be an independent body to
assist the collectors in discharging their responsibilities for law and order but under their own
officers. There was an Inspector General of police for the entire territory, with superintendents in
each district. The superintendent was responsible to the Inspector General as well as Collector. This
experiment was successful and its broad framework was used to recognise police administration.
The main principles of Napier's model were not altered even by the police Commission of 1860,
which designed the present police force for India. Aparna Srivastava, op. cit., p. 8.
64 Giriraj Shah, op. cit., p. 9.
65 By Regulation XII of 1827 effect was given to the orders of the Court of Directors (the orders of
1814), and the police system was made to conform in all essentials so that of Madras.
police of a number of districts were then transferred to the new Commissioners, while the executive charge of the district police was left in the hands of the collector, who had now acquired the functions of District Magistrate.

In 1844, there was a marked increase in the incidence of property offences with violence and once again it was advocated to unify the functions of the Collector, the Magistrate and police in the same functionary, i.e. the District Magistrate. In 1848, Governor of Bombay also took steps to re-organise the policing of the province. In September 1859, The Madras Police Act was passed by the Government of India and the broad principles enunciated in it were accepted for almost universal application throughout the country.

**Police Commission, 1860**

As a result of the revolt of 1857 the British felt the need to develop a uniform police administration for the whole of British India. Accordingly a Police Commission was appointed in 1860. The Commission was directed to examine all systems of police existing in India.

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67 The leading features of all these ameliorative measures were:

- Police became a distinct department under the direct supervision of the Government, its members of all grades were divested of judicial functions and were under the exclusive control and management of their own officers;
- The District Magistrate was to be kept fully and intimately informed and acquainted with the distributions and administration of the police. The police should execute all his lawful commands. But he will not interfere with the internal economy and arrangements of the district corps for which its own officers were to be responsible;
- The revival of the village police was also envisaged under the direct supervision of the district Police and disbandment or reduction of para-military police; M.B. Chande, *op. cit.*, p. 77.

68 Act XXIV of 1859.


71 The Commission was directed to draft proposals subject to the following general principles:

- The Indian Police to be subject to the Civil Government, and its duties to be civil, not military;
- Its functions to be (a) protective (as to the public) and repressive (as to the criminal); (b) detective; police and judicial functions being separated;
- The organisation and discipline of the force to be similar to that of the Indian Army and to be centralized in the hands of the executive Government;
- The pay of the lowest ranks to be superior to that of an unskilled labourer;
- The interior economy of the force to be in the hands of police officer;
- There was only to be one force in any locality, not one under the police officer and one under a Magistrate;
- The village police to be used primarily as sources of information and not employed on executive duties, J.C. Curry, *op. cit.*, p. 33.
The Commission recommended that a Civil Police Force should be formed in every part of India on the model of the British Constabulary Forces, and that it should be organised on a provincial basis. The police powers of Commissioners should be abolished and for each province an Inspector-General of Police should be appointed to be responsible to the provincial government for the control of the provincial force. The duties of the latter should be the maintenance of the peace, the prevention and detection of crime, the escorting and guarding of prisoners and treasure. The village police should be supervised in all their public duties by the Superintendent of Police with a view to making them a useful supplement to the regular constabulary.  

The indigenous village police institutions, which the British took over from their predecessors, were modified to suit the changing circumstances but its importance gradually diminished. The British Government developed a hierarchical structure for the police organisation and personnel management. The police administration that was evolved by the British during 1861–1902 did play an important role in the maintenance of British Empire in India. Above all, it became the basis on which the police organisation in Independent India was built.  

The Police Commission, *inter alia*, recommended that:

a) The police under each local government or administration should constitute one force and be under the officer to be styled Inspector General of Police in whom should be vested the control over the organisation, the responsibility of maintaining it in a state of efficiency by proper attention to its training and discipline, internal economy and its general re-arrangement through its own officers;

b) In the large districts there should also be a European Officer to assist the District Superintendent of Police;

c) The subordinate police force should be comprised of (a) Inspector of Police (European/Eurasian or native) (b) Head Constables (c) Sergeants who would be subordinate to the Head Constables and (d) Constables who should be divided into three grades of pay;

d) The force in each district should be divided into appropriate police sub-divisions;

e) The Head Constable was to be in charge of police parties located at Station Houses;

f) Wherever practicable, men of the police force should be enrolled from the province in which they serve;

g) Residential quarters should be provided at the cost of the State and that accommodation of the families of the police should be discretionary with the local government;

h) Suitable but inexpensive, uniforms should be provided for all grades of the police under each local Government and the uniforms should be furnished to all officers of police below the rank of Inspectors at the cost of the State, M.B. Chande, *op. cit.*, pp. 78-79.

Changes through the Indian Police Act of 1861

The Police Act of 1861 was the first endeavour to introduce a law-enforcing agency with a uniform structure in the greater part of India. Though this Act was a major departure from the old system, it retained some of the features of the old system. The darogha, for example, was retained, under the name, the Sub-Inspector of police. The police system created by the Act of 1861 has been retained in independent India. 74

Under this Act the entire police establishment under State Government was deemed to be one police force. The administration of the police was vested with the Inspector General of Police and such Deputy Inspectors General and Assistant Inspectors General as the State Government may deem fit. The Indian Police Act 1861 was enacted on the model of the Madras Act, making the police at the district level function under the control and direction of the Chief Executive of the district, the District Magistrate. The police force since then remained an instrument in the hands of the State Government. 75

The insistence on prompt obedience and execution of all orders lawfully issued by any competent authority underlines the total submission of police to executive authority and provides immense scope for the executive to use police for implementing decisions which may not be spelt out in any law, rule, or regulation. An average policeman would deem an order to be a lawful

74 Apama Srivastava, op. cit., p. 8.
75 This position is very clearly reflected in the manner in which police role, duties, powers and responsibilities have been spelt in the Police Act of 1861. According to section 23 of the Act, police are required to: prevent the commission of offences and public nuisances; detected and bring offenders to justice; apprehend all persons whom the police are legally authorised to apprehend; collect and communicate intelligence affecting the public peace; obey and execute all orders and warrants lawfully issued to them by any competent authority; take charge of unclaimed property and furnish an inventory thereof to the Magistrate of the District, and be guided by his orders regarding their disposal; keep order on the public roads, through fares, ghats, landing places and at all other places of public resort; and prevent obstructions on the occasions of assemblies and processions on the public roads, Giriraj Shah, op. cit., p. 121.
order provided it comes to him from some one above in the hierarchy. He would not have sufficient knowledge and freedom to check whether there is any enabling provision in any law for such an order to be issued. The present position is very much the same.\textsuperscript{76}

The repressive role of the police, spelt out in the Police Act of 1861, was further stressed by the Indian Penal Code and Criminal Procedure Code which were also enacted in 1861.\textsuperscript{77} Such laws were enacted to enable the police to suppress nationalist aspirations and political dissent to preserve the British rule in India. The police force as well as the entire criminal justice was designed to preserve and perpetuate the exploitative colonial structure created by the British. British would not have liked 1857 to be repeated. They therefore, armed themselves carefully with various enactments and a strong police force. This is evident from the comment made by the Police Commission, set by Lord Curzon in 1902, which opined:

\begin{quote}
The Police is far from efficient, it is defective in training and Organisation; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence of the people.\textsuperscript{78}
\end{quote}

The Government of India was not prepared to accept the strictures passed by the Commission. Instead of that it qualified the remarks of the Commission by recording that, “…there were honest and efficient officers of all grades, and the lamentable picture of police inefficiency and corruption was not of universal experience”.\textsuperscript{79}

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\textsuperscript{76} Aparna Srivastava, \textit{op cit.}, p. 8.
\textsuperscript{77} In both the codes, the duties of the police in case of offences against the security of the state and maintenance of peace and public order were given precedence over the basic police duties of investigation and trial of criminal of fences.
\textsuperscript{78} Aparna Srivastava, \textit{op cit.}, p. 16.
\end{flushright}
Thus the British had carefully designed a police force that was repressive in nature. They neither tried to bring any reform, nor to improve the image of the police. As the nationalist movement gained momentum, the police were used increasingly to suppress their own countrymen. They had to wield lathis and use firearms against their compatriots only to protect an alien rule.80

**European Military Officers as Police Officers**

In 1864, Inspector General of police was used to be generally an I.C.S. or a Military Officer. In 1885 an Inspector General of Police was appointed as police administrator. The immediate administration of the Madras City Police was, subject to the authority of Inspector General of Police, vested in the Commissioner of Police. In Bombay, the office of the Police Commissioner had been abolished in 1860 on the ground that its existence 'had produced friction in the administration' and the duties of the post were transferred to the Revenue Commissioner. This arrangement continued till 1881. For the reorganization of village police, necessary steps were taken through suitable legislations between 1870 and 1883 in the various provinces of the country.81 In 1866, the Calcutta Police Act was enacted. The Act entrusted the administration of Police to the Commissioner of Police, Calcutta.

In 1879 the appointment of Military officers was discontinued. Police Officers were to be recruited from other branches of the service, such as Deputy Collectors and subordinate judges. In 1892 it was decided that certain proportion of Officers for the Indian Police should be recruited from the competition test being held in England for the Indian Forest Service, as an experimental measure.82

Special Acts were passed in every area of civil disturbances.83 For similar reasons a separate detective department was formed to control the Thagi

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83 The Bengal Military Police Act of 1892 and various alike provincial Acts were passed for creating an organization of para-military force for effective suppression of civil disturbances.
menace. In 1887, a system of competitive examination for higher appointments in the police was introduced mostly for Europeans although it was felt at the same time to take in some Indians in the Superior Police Service. A few appointments in the rank of the Assistant Superintendent of Police were, therefore, thrown open to selected Inspectors, but it was rarely given effect to. Certain backward areas like the Punjab Frontier Districts, now the North-West Frontier Province, were not ready for the new constabulary; and the old barqandazi police and even one or two semi-military irregular forces survived here and there. The essence of that system was that police organization should be by provinces and that within the provinces police should be recruited, trained, disciplined and controlled by their own British officers. 84

There is one great advantage in the organization of the Police Force on a provincial as opposed to a more local basis. It makes for co-ordination and economy. Co-ordination is of great importance for the purpose of dealing with criminals whose operations extend over large areas. This is obviously the case with individual criminals, and, a fortiori, with the gangs of robbers called dacoits with whom the Indian Police are constantly called upon to deal. 85

In place of the district system with the Police subject to general control by the District Magistrate, the City Police Forces are under the direction and control of a Commissioner of Police who is directly subordinate to the Provincial Government. They are administered under separate Police Acts applicable to each city. 86

In 1887, due to financial stringency, a substantial reduction was made in the police force resulting in an increase in crime and general inefficiency. By 1900, it was manifest that the system introduced in 1860, had failed to remain efficient. Therefore, in 1902, Viceroy Curzon ordered the formation of Indian Police Commission for the whole of India to make careful

84 Supra n. 81, p. 80.
85 I.C. Curry, op. cit., pp. 36-47.
86 Id., p. 48.
enquiries into the maladies of the Policing System of India, and suggest suitable measures for their overall improvement. When this Commission was appointed, the Police Act of 1861 had been in operation for forty years and the basic reason for police brutality, obtaining confessions, had ceased to exist as many as thirty years before.  

**Indian Police Commission 1902-03**

The Government of India examined the recommendations of the Police Commission and passed orders on the Report of the Commission on 21\textsuperscript{st} March 1905.

The Commission made a comprehensive enquiry into the working of the police, recruitment and training, strengths, pay efficiency etc. It made several recommendations that were implemented in the different provinces and phases through a number of enactments, rules and regulations for the improvement of procedures in many matters.  

\footnote{M.B. Chande, *op. cit.*, p. 83.}

\footnote{The Commission accepted the organizational set-up prescribed by the 1860 Police Commission and recommended that the post of Inspector General of Police should be filled by a selected District Magistrate and the province should be divided into ranges, each range under a Deputy Inspector General of Police. The Commission also postulated: (i) that the police force should consist of (a) an European service to be recruited entirely in England (b) a provincial service to be recruited entirely in India. There should be an upper subordinate service consisting of Inspectors and Sub-Inspectors and lower subordinate service consisting of Head Constables and Constables; (ii) that there should be a single Police Act for the whole of India; (iii) that each district should be divided into circles consisting of 5 to 8 police stations, except in case of large towns, the area which should form a circle and that an Inspector should be put in-charge of each circle to supervise the police work; (iv) the strength of the police force was to be increased according to the yardstick fixed for that purpose; (v) in the presidency towns there should be Commissioner of Police (under the Inspector General of Police or independently under the government) and he should retain much wider powers than were accorded to the District Superintendent of Police; (vi) that the Provincial Training School should be established in every large province; (vii) that the responsibility of the District Magistrate for the criminal administration of the district must be preserved and that he should have authority over the police, but this authority should be of the nature of general control and direction and not detailed intervention; (viii) that it was of paramount importance to develop and foster the existing village agency for police work. The Commission also projected the principle that residential quarters should be provided for the police at the cost of the state. Another interesting observation of the Commission was that "no separate class of clerks, writers or ministerial officials shall be allowed in the police and that all duties connected with writing and accounts be performed by the enrolled men of the forces", M.B. Chande, *op. cit.*, pp. 85-87.}

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The Government of India examined the recommendations of the Police Commission and accepted them with modifications with a view to improve administrative work even at the village level. The village Chaukidar was placed under the Nambardar so that the village affairs may be handled without referring petty matters to the police officers. The supervision and control of the village headman was the responsibility of the Collector or the Deputy Commissioner and their subordinates. The pay scale of the lower rank of policemen was raised. The recruitment of the Sub-Inspectors was to be directed to include certain percentage of the Head Constables of the staff. Some training facilities were also provided to the Constables and Head Constables in the Central Schools maintained by the Government. The posts of the Inspectors were to be filled in by selection out of the rank of Sub-Inspectors giving latitude of direct appointment up to ten per cent only. The recruitment to the post of Assistant Superintendent was to be made through a competitive examination in England open to young men of 18 to 20 years of age who would later on be promoted as Superintendents after getting training for two years at an English residential university with a Board of Indian Studies before joining the assignment. But, training for one session at a training school for police officers was necessary. The posts of Deputy Superintendents were also created for the same functions as that of Assistant Superintendents.

The Government also decided that a selected District Magistrate should hold the post of the Inspector General. A Criminal Investigation Department was also created at the provincial level and the Railway police was placed under the same Deputy Inspector General who was entrusted with the work of Criminal Investigation Department. The District Magistrate remained as the Head of the District in the matter of the Criminal Administration. The character and the pattern of police administration

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89 The Government passed orders on the Report of the Commission on 21\textsuperscript{st} March, 1905.
remained as before because the recommendations of the Police Commission Report of 1902 did not make any material change.\textsuperscript{90}

\textit{Post-independence Period}

A new era began for the people of India with independence in 1947.\textsuperscript{91} In the post-independence period there is a hangover of the British days when the police force was distrusted and considered as something distant from the citizens.\textsuperscript{92} A National Police Academy was established in 1948 for the initial and advanced training of I.P.S Officers.\textsuperscript{93}

A Biennial Conference of the Inspectors General of India (1958) and an Annual Conference of the Deputy Inspectors-General, C.I.D was introduced to discuss matters relating to the police and suggests measures for improvement in the police work. As a result of the discussion in these conferences, the idea of forming a ‘Police Science Congress on the lines of the Indian Science Congress’ was mooted in 1958. It was felt that a congress of this type would enable police officers to enrich their knowledge and broaden their outlook. Accordingly the First Police Science Congress known as ‘All India Police Science Congress 1960’ was held in Patna from 25\textsuperscript{th} August to 26\textsuperscript{th} August 1960, discussed on the police organisation and administration, crime, applications of Science and Technology in police work and community participation, took note of the social changes taken place in the country.\textsuperscript{94}

An analysis of present police set-up and working reveals the fact that one of the main hurdles in the way of Police adopting to its new role that of a catalyst of social change is the Police Act of 1861 – the Bible of the

\textsuperscript{90} R.K. Bhardwaj, \textit{Indian Police Administration} (1978), p. 4.
\textsuperscript{92} R.K. Bhardwaj, \textit{op. cit.}, p. 1.
\textsuperscript{93} Initially, it was named as Central Police Training College. It was, later, renamed as National Police Academy and finally it was known as Sardar Vallabhbhai Patel Police Academy. Giriraj Shah, \textit{op. cit.}, p. 12.
Indian Police. The Police Act of 1861 is totally redundant in the present context. It should be replaced by a new Police Act which would re-define the role, duties, powers and responsibilities of the Police.

B. KERALA POLICE: A HISTORICAL PERSPECTIVE

Travancore was divided in to many small kingdoms as a result of the century long battle which lasted from A.D 988 to A.D 1120 between the Cholas and Cheras. In the absence of an organised central authority, the land was divided into small areas known as desoms ruled by Desavazhis. Local groups known Tharakuttam, Nattukuttom etc. assisted the Desavazhi in administrative matters and these local authorities curtailed the autocratic functioning of the Desavazhis to a certain extent.

During the reign of King Anizham Thirunal Marthanda Varma (1729-58) the importance of an organised and centralised administration and the need for enhanced armed forces to maintain was keenly felt. He utilized Marava Force effectively to put down up raisings. The duties of police were also carried out by such armed forces. During that period a military comprising of 30,000 Nair soldiers (10,000 permanent and 20,000 temporary soldiers) was available under the leadership of Marthanda Pillai. On the death of Marthanda Pilla, Dilanoi, the Command-in-chief of the forces, provided the Travancore forces with arms and ammunitions and taught them

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95 The Act, was designed due to situational constraints existing about a century ago, that of creating a police force to provide the Government, with a body of men recruited and drilled on the army pattern, yet costing less and expert in 'pulling down' mass movements – an instrument for perpetuating British Raj. The situation today is totally different. In a democratic polity, the role of the police is that of a social agent. Obviously their service oriented functions should be highlighted, which are meant to provide relief to persons in distress situations.


98 Its origin was in the form of private armies kept and maintained by the Nair Matambimar or nobles who proved the reigning monarchs with troops in times of war. These armies were called the Nair Brigade because they comprised mostly people from the Nair caste., A.Sreedhara Menon, A Survey of Kerala History Kottayam (1969), p. 259. The Nayar Brigade owed its inheritance to the still more ancient and compact military organisation is called the Chaverpata or the ‘Suicide Squads’ which came into vogue during the eleventh and twelfth centuries., P.N.Kunjan Pillai, Studies in Kerala History (1934), p. 284.

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modern modes of warfare. He also collected guns, swords etc. for the forces. Moreover he appointed the people of his country as officers and such reorganised forces were paraded along the streets.99 The successor of Marthanda Varma, Karthika Thirunal Rama Varma, gave much importance to tax collection and related duties and built up an elaborate bureaucratic set up under the leadership of Divan or Dalava. He divided the kingdom into various parts and put authorities like Valiya Sarvadhikaryakar in charge of each part. Under them worked Sarvadhikaryakar, Karyakkar 100 and Pravarthikar who carried out law and order and judicial functions. Sarvadhikaryakar had absolute power over industry, administration of justice, collection of tax etc. All law and order issues, cases of murder, robbery and theft were handled by those local authorities with the active participation of local people. Security forces and important people of the locality collectively tried to find out culprits. If they failed to find out thieves along with the stolen articles, they had to make good for the loss by themselves.101

The Emergence of Police Force

It was in 1809 that the police establishment in Travancore Started as kaval during the reign of Ummini Thampi. He became the Divan of Travancore in March 1809. He selected 200 men with no specific qualifications as Kaval.102 Rani Gauri Lakshmi Bhai (1810 - 1815) succeeded Balarama Varma in 1810. She dismissed Diwan Ummini Tampi who had become unpopular and appointed Resident Col. Munro as Diwan in 1811. 103

He reformed the police set up. With the clear vision of a statesman, Col. Munro (1811 - 1814) perceived at once that the confusion and corruption

100 Karyaksars were officers at the Taluk level.
102 Ummini Thampi became the Divan with the support of Resident Macaulay after the suicide of the Divan Veluthampi Dalava. It was as a precautionary measure against the brewing public unrest against the British that the Kaval was organised., K.Ramesan Nair, op.cit., pp. 68-69.
103 A.Streedhara Menon, op.cit., p. 319.
in which the country was steeped arose from the unhappy combination of civil, military and judicial functions in the kariakars. 104

With the Divanship of Col. Munro the Nair militia was totally reorganised. The police duties which had till then been discharged by the military were entrusted to a separate police corps, while the Nair militia was kept as a parallel force for doing sentry and escort duties. 105 He raised the number membership in the police force from 200 to 500 and the karyakars were deprived of their judicial and military power. Their official designation was changed to Thahsildar. 106 The Police was entrusted with the task of maintaining law and order and apprehension of criminals. 107

Colonel Munro made it mandatory that all persons arrested by the karyakars to be handed over to the police. He prevented the karyakars from imposing penalty and from inflicting torture on such persons by keeping them in custody. This led to the conflict between the karyakars and the Officers. 108 He severely punished the officers who were found to be corrupt, negligent and involved in immoral activities. 109 He changed the name of Karyakars into Tahasildars and transferred their police powers to some newly appointed officers called Tana Nayikkans. 110

Travancore was divided into 16 Sarvadhi stations with an equal number of Tana Naiks. This improvement caused the withdrawal of the peons from all the Proerties, retaining the same strength of police as before. 111

107 Nagam Aiya, op.cit., p. 379.
109 Kizhakke madathil Govindan Nair, Charithrathinte Edukal Vol. III (Manuscript) p. 86.
110 Tana nayikkancmr had the duty of investigation of cases and bringing offenders before court, SankunnMenon, id., p. 284.
111 The state of police in Travancore 1798 - 1828, Cover file No.15420 Stressing the importance of the police in the administration, Munro said, “No form of government could be more calculated to obtain a complete command over the person and property of the people or more fitted for the purpose of oppression and of war”, The Travancore Land Revenue Manual, Vol. IV p. 199.
Munro allowed the inhabitants of the locality and government servants to apprehend thieves and rogues and to deliver them over to the local Tana.\textsuperscript{112}

Col. Munro was succeeded by Col. M.C.Dowell (1819 - 1820) and Col. Newill (1812 - 1827) as Residents. During this period, nothing innovative took place in police administration. Tahsildars were given police and magisterial powers through regulation VI of 1010 M.E / 1835 A.D\textsuperscript{113}, and they were known under the new title ‘Kotwals’.\textsuperscript{114} Tana Naiks, Thana Peons, Sampratis, Provertikars, Desakavalkars, Village Watchers etc. were to work under the Tahsildar.\textsuperscript{115}

General Cullen, the British Resident (1840 – 1860s) appointed sub-officers like the Pillamars and Sevakkars and formed separate town police units. The years 1854 - 55 marked a turning point in the history of Travancore police administration. Two new revenue divisions were formed.\textsuperscript{116}

\textsuperscript{112} Section 15, *Chattavariyolas* of 1811, Showcase Record, No. 412, Central Archives, Trivandrum.

\textsuperscript{113} In 1835 Swati Tirunal Rama Varma (1829-1847) asked Kandan Menon, the then Tahsildar of Malabar to frame a code of laws in civil and criminal matters in line with British enactments. The code drafted by him was the first Code of Regulation in Travancore. It was put into the statute book which came into force in 1010 M.E / 1835 A.D., P. Velu Pillai, *Swati Tirunal Maharaja* (1933) (translation) p. 22.

\textsuperscript{114} This word is derived from the word Kottapala ie, “citadel keeper”, Suniti Kumar Chatterjee, “The Police in Ancient India”, *The Indian Police Journal* Centenary 1861 - 1961 Issue, pp. 11-18.

\textsuperscript{115} V.Kristno Row, Description of the Administrative System of Travancore in the year 1844 - 1860 (1860), p. 93.

\textsuperscript{116} The two revenue divisions were the northern and southern divisions. The Northern division comprised Shertalai, Vaikam, Ettumannoor, Piravam, Kottayam, Changanassery, Thodupuzha, Meenachil, Moovattupuzha, Kunnamthanad, Alangad and Paravur Taluks while the Southern Divisions included Thovala, Agastiswaran, Kalkulam, Eranil and Vilavankode Taluks. Two Diwan Peishkars were appointed in each ranges and they were given the power of general control and supervision in all magisterial and police matters, subject to the order of the Diwan as head of the administration and as Chief Magistrate. They were empowered to act as Collectors, Magistrates, as well as Superintendent of Police within their respective areas. The head revenue officers of the ranges were the Tahsildars. They were also empowered to act as Sub Magistrates and heads of police in the Taluk. Besides, there were 32 other Sub Magistrates and police Ameens whose powers and functions were co-extensive with those of the Taluk Sub-Magistrates. Some ‘extra’ and ‘assistant extra’ police officers assisted the Magistrates and Sub-Magistrates. More over, there were police officers, such as Kotwall, Ameenadar, Vicharippukar, Police Naik, Jemadar, Havildar and Duffadar for apprehending criminals and for preventing and detecting crimes., T.K.Velu Pillai, *The Travancore State Manual*, Vol. IV (1940), p. 7.
Towards the end of 19th century itself the rule or dominance of British East India Company was well established in many places. The centralized police and judicial system introduced in such places influenced Travancore also. With the establishment of Judicial Courts in 1811, the process of revamping of the system continued incessantly. During the period of Colonel Munroe himself two Diwan Peshkars were appointed and in 1854 two more Divan Peshkars were appointed and the state was divided into four revenue divisions. Each Revenue Division was under the control of a Divan Peshkar who was vested with the powers of the present District Collector, District Magistrate and District Police Superintendent, all combined in one.

Modernisation of Police

Indian Police Act of 1861 applicable to the British India attracted the attention of many provinces. In Travancore Divan Ramaiyankar was appointed for preparing a report on the basis of Indian Police Act. The reorganisation of police in Travancore based on Ramaiyankar Report was completed in 1881. The police department was started under the leadership of Mr.O.M. Benseley, the first Superintendent of Police of Travancore. He held the charge for 30 years and can be considered as the father of Travancore Police. In 1910 F.S. George became the Superintendent of Police and he was succeeded by C.B.Kanningham. During his tenure the designation of Superintendent of Police was changed to Commissioner of police and most of the powers of police officers of today were first envisaged in this reorganisation of 1919.117 The first major outbreak in Travancore started with the student agitation of 1921. William H Pitt who was the Police Commissioner of Travancore at that time started the Criminal Intelligence Department in Police. L.A.Bishop, the successor of Pitt introduced many reforms of far reaching consequences in police. With the appointment of his

117 K.Ramesan Nair, op.cit, p. 161.
successor Narayana Pillai, natives began to be appointed as police Commissioners. The main function of police at that period was tackling the freedom struggle. In 1939 large scale reorganization took place and the post of Inspector General was established and the first I.G.P of Travancore was Khan Bahadur Sayid Abdul Karim Sahib Suhrawady. The general Executive, Criminal Intelligence, Reserve Forces, Special Police, Traffic Section etc. were also formed during that period. The strength of police in 1947 was 3626 and Chandrasekharan Nair was appointed as Inspector General of Police. He took charge as Inspector General on August 21st 1948. Before the reunion of Travancore-Cochin State there were 3674 permanent and 2001 temporary personnel in Travancore Police.

**Police in Cochin State**

Chera Empire has been known since the 15th century A.D. Feudal system corresponding to that in Europe was in vogue at that time. Though the king was considered the absolute ruler of the state, the rule of each province was in the hands of each prabhu. Each province was divided into many Desams, the rulers of which were known as desavazhis. The state was divided into many nadu. Each nadu was under the control of naduvazhi. Each nadu consisted of people of different communities. Most of the naduvazhis of 16th century were nairs and they enforced law and order in the areas in their jurisdictions very effectively. The control of the army was vested with nair pramanies and in order to train the nair youths, kalaries were set up in each desam. The military men were known as chengathakkar and they performed the duties such as protecting travellers and merchants, guarding forts etc. It can be presumed that "chengathukkar" had performed the duties of military and police.

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The powers of landlords and naduvazhis declined during the 18th century and the entire state was divided into 10 kovilakathum vathilukal (taluk). Their number was reduced to 6 in 1840. Due to the reduction of the number of Kovilakathum vathikukal and the decline of powers of local administrators in 1907, the king became more powerful and the bureaucracy was also strengthened. Sarvadhi kariyakar, menon, khizhikkar, muthalpidikkar, niyogakkar etc. became power centres. As the country was divided into taluks, each taluk was under the rule of each karyakar. In addition to tax collection they performed the duties of police and judicial officers. In 1812 Colonel Munroe took charge as Divan of Kochi and he introduced some radical changes in the administrative set up. He appointed a thananaik. In each taluk under a thananaik a police system known as thanadar was introduced. thanadar performed the duties such as booking of thieves, recovery of thondy articles, seizure of smuggled goods etc. by roaming around the area. Many proclamations and Hukumnamas were promulgated between 1812 and 1816 to notify the duties and powers of courts and police in Cochin State.

Rama Varma (1864-1888) being a reformist ruler appointed George Gunther to study and submit a report for the reorganisation of police and on the basis of Gunther’s report first regulation in 1883 known as ‘Puthiyaniyamam’ came into force and an independent police department was formed in 1883. Gunther became the first Superintendent of Police in Cochin State. Another major reorganisation took place in the year 1908 and three Zones were created. The police-people ratio was maintained as 1:1523 at that

121 The Kovilakathum Vathilukal were Kanayannoor-Kochi, Mukundapuram, Thrissur, Thalappilly, Chittoor and Kodungalloor.
124 also known as Daroga.
Superintendent of Police in Cochin State, Gunther was followed by R.B. Fargoosen (1895-99), R.T.D Louis (1900-91), Subba Rao (1901-06), A.J. Fargoosen (1907-10), M.A. Chacko (1911-20) and H.W.M. Brown (1920-22).

In 1921 the official designation of the Superintendent of Police was changed to Commissioner of Police and Brown was the first Police Commissioner of Kochi. The posts of Inspector and Sub-Inspector were named D.S.P. and Inspector respectively in ME 1105. A separate wing for traffic came into existence. At that time the Department consisted of 97 Officers and 580 men. Due to the premature death of Brown in 1922 the Police Department had no head for a few days. After 22 days T.M. Krishnan, District Judge of Thrissur was appointed as the head of Police Department.

In 1935 Village Vigilance Committees similar to those of Travancore were organized in Kochi also and they helped a lot in the functioning of police. Village Vigilance Committees similar to those of Travancore were organized in Kochi also. These committees were reorganized in 1935. Special care was taken to elect deserving persons in these Committees. Thus there were 267 Committees and 808 members altogether. The reorganization of the Village Committees continued in the next year also. It soon became evident that these committees were helpful in maintaining a cordial relationship between the police and the public. The duties of each category in the police were clearly defined in the Cochin Police Manual published in 1941.

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128 Ibid.
Between 1941-42 the agitation started in police and major reshuffling occurred. As a result in 1942 a company of Armed Reserve Police was shifted to the Nair Brigade and the Motor Transport Wing was shifted to Emakulam and traffic wing was kept under the direct control of Police Commissioner. In 1946 the Fire Force Wing was affiliated to the police.\(^{130}\)

During 1947-48 periods a category of Deputy Commissioner was also created. Kochi was divided into Ernakulam and Thrissur districts and each district was placed under the control of a Deputy Commissioner. Categories of certain Inspectors were terminated. Instead a category of an Assistant Commissioner was created. Khan Sahib Muhammed Roshen continued as Commissioner till 1945. For the next one year Khan Sahib Mohammed Habeebdeen was appointed as commissioner. Gopalakrishna Menon who followed Habeebdeen continued as the Commissioner till the merger of Travancore-Kochi.\(^{131}\)

The Cochin Police had very cordial relationship with the neighboring Malabar and Travancore Police. There are reports that they helped each other for arresting offenders. Though the Cochin police worked more or less in the manner of Travancore Police it is notable that they did not change the official name of the head of Department as Inspector General of Police as in Travancore.\(^{132}\)

**Police in Malabar**

As in Cochin and Travancore law and order was maintained in Malabar by the Naduvazhi and Desavazhi with the help of Nair soliders.\(^{133}\) But after the invasion of Tippu, the situation changed and many Naduvazhis

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\(^{131}\) Ibid.


left Malabar resulting in utter chaos. In the year 1800 a primitive police known as *Silbandi Police* was constituted along with some other types of police called ‘kolkar, dafedars and jamedars’. In the next year the *Silbandhi police* was disbanded. Later Captain Watts trained 500 armed police men and they took over the police duties from the existing wing and an additional 1200 *Kolkar* were also trained for police duties. After dismissing the Unit in 1810, Malabar Police came into existence. It can be seen that the Britishers were behind the formation of police establishment in Travancore, Cochin and in Malabar, and the reorganisation also took place almost in the same period.

In 1816 a new system was introduced in Malabar and the control of police in a village was vested in *Village Adhikari*, taluk police in Thasildars and the police in important cities in *Police Amins*. All these have to function under the control of District Magistrate. In this system the sipoys under the revenue department also performed the duties of constables. In order to rectify the loopholes in the system, the British India Government sanctioned the post of British Military Officers, and under them a police force was constituted consisting of 31 native officers, two buglers and 150 sipoys.

The frequent revolts against the administration of the British by the patriotic Mopalas and the murder of Malabar District Magistrate Connolly in 1855, proved the inadequacy of police force. It was in pursuance of the report the Torture Commission in 1855 that decision was taken to establish a special police department in Madras presidency. On the basis an order in 1857, the police department was reorganized by creating the posts of one Chief Commissioner, 20 District Superintendents of Police and 20 Assistant

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137 *Supra*, n. 134.
Superintendents of Police. William J. Robinson of Madras Civil Service who was well-versed in the study of British Police was appointed as the first Chief Police Commissioner in 1858. The whole presidency was divided into 3 ranges and Malabar belonged to southern range. For smooth functioning, Malabar was divided into two divisions-North Malabar and South Malabar with Tellichery and Calicut as headquarters respectively. In 1906 it is estimated that Malabar Police had 188 police officers, 1278 police men and 106 police stations.

In 1885, a special task force was formed consisting of persons of high caliber with strength of one British officer as Inspector, a bugler, 4 sergeants, 4 Head Constables and 80 Constables. Malappuram as the Headquarters of the Malappuram Special Police. They were a specially selected and trained lot with Malappuram as the Headquarters. Though they succeeded in suppressing the riots of 1896, this police proved to be inadequate to control the Mopala rebellion of 1921-22. Therefore, the then South Malabar District Police Superintendent, Hitchcock organised a new police force in the model of British Army and thus the Malabar Special Police (MSP) came into existence in 1921 with 6 companies comprising of 6 British officers 8 Subedars, 16 Jamedars, 60 Havildars and 600 Constables. Hitchcock himself was the first commandant. Of the six companies one was terminated in 1932 and the rest were reorganised as 4 companies. During the Second World War, the number of companies became 16. After the MSP strike in 1946, the number was reduced to 12 companies. At the formation of the Kerala State, 6 MSP companies were handed over to Madras State and the

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139 Supra n.134, p. 340.
141 The waves of independence struggle that swept across the different parts of the country reached the shores of Malabar also in the 1920s, Karim, Chainthra padanangal (1984), p. 661.
142 Hitchcock who was closely associated with the rebellion of Malabar was designated to with the history of the riot, Madavan Nair, K, Malabar kalapam (1971), p. 1.
remaining 6 companies were retained in Kerala Police. In the year 1957, 3 more companies were added to MSP during the *Vimochana Samaram*.¹⁴³

**Police in Travancore - Cochin State**

After the formation of Travancore-Cochin state, the law and order situation was not satisfactory for a short period. After effectively tackling the situation the attention was diverted to the re-organization of the police force.¹⁴⁴ Through the pattern of the police set-up was almost similar in both states, there were some differences. For instance, inspectors were in charge of police stations in Travancore whereas Sub-Inspectors were in charge of stations in Cochin. As per an order on 1-7-1950, the station charge was given to Sub-Inspector. 37 posts of Circle Inspectors were created in the state. But in Cochin, the post of Divisional Inspector was created above Sub-Inspector. As Travancore-Cochin state merged with Indian Union, the state force lost its independent existence and it became part of Union forces and deployed outside the state. As a result of this, the internal security of the states was vested with armed reserve force.¹⁴⁵ In 1951, the representatives of the Union Public Service Commission (UPSC) visited the state and selected Shri. N. Chandrasekharan Nair, M. Gopalan, Srinivasa Iyer, K. Sreenivasa Rao, Krishna Pillai and T.K. Bhaskara Marar to the Indian Police Service cadre. Thus the practice of IPS officers occupying high posts in the Police Department started.¹⁴⁶

**Police in Kerala**

In consequence of the formation of Kerala State, certain parts of the Travancore-Cochin state were taken away and added to Madras State and

¹⁴⁶ K. Ramesan Nair, *op. cit.*, p. 201.
certain others were added to Kerala. Kasargode area and Malabar became part of Kerala. In police department also major changes occurred. The entire police establishments in Malabar and Kasargode were added and 8 police stations and 16 outposts of Southern Travancore were detached from Kerala Police. The entire State was divided into two Zones-North and South. The northern part of Kerala starting from Kottayam became North Zone, and Kollam, Thiruvananthapuram Districts, CID and Railways were included in South Zone. Each Zone was placed under a Deputy Inspector General of Police and N. Chandrasekharan Nair was appointed as the first Inspector General of Police of Kerala.147

After the formation of Kerala State, in order to prepare a police manual, the post of a Superintendent of Police was created and Sri. T. Paul was appointed in that post. On 1st November, 6 companies of MSP were added to Kerala Police and V.N. Rajan was the Commandant. The strength of police force except MSP and Fire Force as on 1956 was 11312.148 The policy of the government was that the police should not unnecessarily interfere with the strikes of workers and other organised classes while fighting for their just rights. “More politeness and exercise of less force” should be the slogan of the police while dealing with the public. Prevention of crimes, tracing of culprits, maintenance of law and order etc. Should be the job of the police. About this new policy, A.K. Gopalan, the staunch Communist leader observes - “It was not easy to change the traditional colonial attitude of the police. The government has started to educate the police in their attitude towards the public. This could not be fully implemented. But the police policy made it clear that the police could not be sent to suppress workers in order to protect managements and to arrest agriculturalists in order to protect the wealth of the Zamindars. Similarly, it was decided that the police would not be

147 *Id.*
indiscriminately used to suppress the popular movements". After the retirement of Chandrasekharan Nair as Inspector General of Police another post of Inspector General of Police was created as Special Inspector General of Police. Traffic, Taxation, Palace Guards, Armed Reserve Police including MSP and SAP, Fire Service, Store Articles, Sports, Police Training School, Finger Print Bureau, C.I.D, Special Branch and Railways were placed under the direct supervision of the Special Inspector General of Police. Special Branch, Crime Branch and Fire Service were recognised as in other states and the re-organization was completed in 1958.

In 1961 the entire Railway Police was kept under a Superintendent of Police with Headquarters in Thiruvananthapuram. On 14 September 1961, a Mounted Police Unit was constituted with 25 horses in Thiruvananthapuram. In 1962 a Special Police Unit was created in Thiruvananthapuram City under the control of a Police Commissioner. Thiruvananthapuram Rural Police District was formed by adding Railway Police with the remaining part of Thiruvananthapuram. Forensic Science Laboratory was formed in Medical College Thiruvananthapuram in the same year. In 1964 Fire Force wing was detached from Police Department and a separate department was formed under a Director. The Police was place under a Superintendent who was in charge of the Crime Branch. Consequently the work load of Rural Police Superintendent was considerably reduced. That duty was also given to the Police Commissioner. An assistant Commissioner was appointed to assist the Commissioner.

In the early hours in the morning of the 22nd November 1968, a group of young people, who had broken away from the Communist Party

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149 Id.
150 K. Ramesan Nair, op.cit. pp. 211-212.
151 In 1961 two very important events occurred in the Police department. The entire Railway Police was placed under one Superintendent as per G.O. No. 137/Home (A) which was formulated on 20th March 1961 and came into force on 1st April 1961.
armed themselves with lancers, daggers, knives and explosives attacked the Pulpally police station. As the police was on the alert they could not carry out their operation. But after two days, they retaliated. They murdered a wireless operator and injured a Sub Inspector and other police men. The event in fact, made the police aware of the necessity to rise to occasion. After a period of 13 months after the Pulpally police station incident, on 8th December 1969 at about 2 A.M the Kuttiady police station was also attacked. One of the attackers died in the incident. In the same year the post of Vigilance Director was created and appointed an Inspector General to that post. Shinkara Velu, Inspector General of Police who succeeds M. Gopalan started Model Police Station and made some effective measures to facilitate police-public relations. As the creation of the Model Police Station was found to be highly successful steps, were taken to establish similar model stations in other parts of the State also. Police officers in the rank of Dy.S.P and below were instructed to create at least one model police station in their jurisdiction and clear guidelines were formulated regarding the conduct of police people. Such guidelines contained a blue print as to how to behave with people who contact police men over the telephone. The police men were instructed that they should address people who call them over phone with greetings like good morning, good afternoon, good evening, good night etc. The guidelines also insisted that the conduct of policemen should be polite and that investigation of cases should be expedited. Police officers in the rank of Dy.S.P and above were instructed to visit the model police stations quite often and to give necessary instructions to those in charge of such station. In 1973 a Special Cell for crime investigation was created under fairly senior officers of the rank of I.G or D.I.G and in the same year the first women Police Station in India was opened by the then Prime Minister Smt. Indira Gandhi at Kozhikode.152

152 Id., pp. 222-237. In India it was in Travancore that women were appointed for the first time in police. That was in the year 1939. In the beginning they were called special constables. Perhaps the first women police station in the world is that which was established in Kozhikkode on 27th October 1973. In this station investigations were conducted and steps were taken only in cases wherein women were involved M.Prabha, Nammude Police (1983), p. 60.
The primary aim of these cells was to monitor and co-ordinate police work with regard to weaker sections of society. They looked into the complaints against police officers about their commission or the omission with regard to cases under the Civil Rights Act. They monitored investigation and prosecution of such cases and collected relevant statistical data. One of the aims of such cells was to collect intelligence and identify pockets in which civil rights are being abused or are likely to be abused. They were supposed to suggest ways and means to State Government to bring about tangible improvement in the implementation of these Acts. These cells have certainly given momentum to the departmental thinking and the working but they have not succeeded in the implementation of the 'will of Constitution in it’s letter and spirit'.

The designation of the Head of Police Department was changed to Director General of Police (DGP) in the year 1981 and T.Anadhasankara Iyer was appointed the first Director General of Police of the State. The long cherished uniform change of Head Constables and Constables took place on 4.11.83. The first women IPS Officer Sreelakha took charge in Kerala Police in 1987 followed by Sandhya in 1988.

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154 *Id.*, p. 243.