CHAPTER VIII

Rural Police.

In ancient times in India the Village Communities were left to appoint and pay the village policeman as they pleased. Since the Mughal period the Zaminders (i.e. land lords) were responsible not only for collecting the taxes but also for maintaining law and order in the villages. The East India Company gave a legal sanction to this system by Section 21, Regulation XX of 1817 and it remained in force until 1870 when the responsibility was transferred from the Zaminders to the village community. "Village self-government was given a start in 1870 with the passing of the Chowkidari Act in that year." ¹

Even in the early decades of the 19th century, the problem of village watch and ward engaged the attention of the Government. The Village Chowkidari system was in a demoralised condition in Bengal. Order is the basis of progress. The Government was quick to realize that order was the key to all progress and if law and order was to be maintained in the rural areas, it was essential that the Chowkidari system should be reorganized. Hence, different Committees and Commissions were formed. The question of the nature of control over the village watch was one on which there had always been a great conflict of opinions in Bengal and out of this developed two theories regarding the position of the village watch in their relations to the
village community on the one hand and to the regular police on the other. One theory was that as the State was primarily responsible for the peace and security of the villagers, the Chaukidar was an integral part of the police organization and should be paid from Provincial revenues. The other theory was that the peace and security of the villagers was purely a concern of the village and the Chaukidars were, thus, essentially village servants. Therefore, the communities in whose interests the rural police worked should defray the charges of this establishment. The non-official Bengali opinion also preferred local control over the village watch and ward.

In 1866 Mr. McNeille was appointed to investigate the working of the Chaukidari system. He recommended that the Chaukidari system should be abolished and that the watch and ward should be kept in the hands of the Government. But the Government considered the proposal revolutionary and, therefore, rejected it.

In 1869 another Committee was appointed with Mr. River Thompson as the Chairman to consider the same issue. On the basis of its recommendation the Chaukidari Panchayat Act, 1870 was passed. The Act recognised the principle that the Chaukidars were more the servants of the locality than the agents of the Government; that they were employed for the protection of the lives and property of the villagers and should look to the village Community for the regular payment of their remuneration to which they were entitled; that every
village should have a Panchayat; that the Panchayat should appoint and maintain the village watch, supervise its activities, secure its regular payment and report all crimes to the police.

The main duties of a Chaukidar under the Act, as they had been under Regulation XX of 1817, were to inform the police promptly of all criminal attempts or occurrences in the village, as well as of the movements of bad characters, and to arrest proclaimed offenders. He was also to assist the Panchayat in the collection of the Chaukidari tax. In the rural areas watch and ward occupied a position of secondary importance. In the beginning, the appointment, punishment and dismissal of the Chaukidars were left in the hands of the Panchayats, but the tendency of the later legislation was in the direction of strengthening the control of the Government, i.e., the Police and the District Magistrate over the village watchmen.

A Committee was appointed with Mr. Munro as its Chairman to review the working of the Chaukidari Act of 1870, and the Committee found that the Panchayats had utterly failed to run the institution. Therefore, on the basis of its recommendation, Act 1 of 1892 was passed. Under this Act the power of appointing, punishing and dismissing Chaukidars, as well as of determining their numbers and fixing their salaries was vested in the District Magistrate who, with the sanction of the Divisional Commissioner, could delegate his
power to any Subdivisional Magistrate or to the District Superin­
tendent of Police. The Indian Police Commission of 1902-03
deplored the increasing tendency to departmentalize the rural
police and they recorded their opinion that "it is most important
to emphasize that the Chaukidar is the servant of the village
community." Benga! District Administration Committee of 1914
subscribed to the views of the Indian Police Commission of 1902-03
and was in favour of liberating the Panchayats from Police influence
and emphasizing the essential character of the Chaukidar as a
village servant although officially he might be under the control
of the Magistrate and the Police in regard to his police duties.
There is, thus, a policy of dual control, a compromise between the
two extreme theories already mentioned. To provide for a system of
rural police on these lines the Bengal Village Self-Government Act
(V of 1919) was passed. It amalgamated the functions of the Chaukidari
Panchayats (created by the Act of 1870) with those of Union Committees
(created by the Act of 1885) by creating Union Boards. It also
introduced a Circle Officer (which has now been replaced by the Block
Development Officer) to supervise, inter alia, the functions of a
group of Union Boards.

One of the compulsory functions of the Union Board was to
provide for the watch and ward in the villages. Both Chaukidiars
and Dafadars were nominated by the Union Board which was to pay their
salaries by local taxation, but the final decision as to the appointments and dismissal remained with the District Magistrate. This dual control still exists. Regarding the Dafadar and the Chaukidar there is no difference between the different sections and rules of the West Bengal Panchayat Act, 1957 and the relevant sections and rules of the Bengal Village Self-Government Act, 1919. The Act of 1957 is mainly based on the Act of 1919. The only difference is that at present the Government shares with the Anchal Panchayat half of the expenditure on account of the maintenance of Dafaders and Chaukidars. Under the Act of 1919 the Union Board had to bear the entire cost of the maintenance of the village watch and ward out of its local taxation.

To provide for the watch and ward in the rural areas is a function compulsorily imposed upon the Anchal Panchayat. The Anchal Panchayat is responsible for the maintenance and control of Dafaders and Chaukidars within its jurisdiction and for obtaining from them due service as imposed by the Act of 1957. Reproducing substantially Section 23 of the Bengal Village Self-Government Act, 1919, the Act of 1957 lays down a long list of the duties and powers of a Chaukidar.

The first duty of a Chaukidar is to inform the Officer-in-Charge of the Police Station and the Pradhan of the Anchal Panchayat of every unnatural, suspicious or sudden death that
occurs, of all offences that are committed and of all disputes that are likely to lead to a breach of peace in the Anchal.

Ghaukidars and Dafadars are empowered, without any order from a Magistrate or without any warrant, to arrest -

"(a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

(b) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

(c) any person who has been proclaimed as an offender under any law;

(d) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence, with reference to such thing;

(e) any person who obstructs a police officer while in the execution of his duty or who has escaped, or attempts to escape, from lawful custody;

(f) any person reasonably suspected or being a deserter from the Indian Army, Navy or Air Force; and

(g) any released convict committing a breach of any rule made under subsection (3) of section 565 of the Code of Criminal Procedure,
They are also empowered to interfere in any situation for the purpose of preventing the commission of any crime.

In addition to the exercise of the powers conferred on him, it is also the duty of a Dafadar or a Chaukidar to send reports to the Police Officer on the movements of all bad characters and the arrival of suspicious characters and supply any other local information as may be required by a Police Officer or the District Magistrate. He must obey the orders of the Anchal Panchayat in the matter of keeping watch and ward and specially in guarding the roads, wells and other properties under the control of the Anchal Panchayat. Moreover, he is to collect vital statistics such as the report of births and deaths, to serve processes, to assist the rate collector of the Anchal Panchayat, to give information to the Gram Panchayat of the outbreak of any epidemic disease and to carry out such other duties as are entrusted to him from time to time in accordance with the Act and rules thereunder.

Moreover, the Rules of the West Bengal Panchayat Act provide that a Chaukidar is to patrol regularly the beat allotted to him by the Anchal Panchayat and to be present in that beat throughout the night. The Chaukidars and Dafadars are required to appear at the Office of the Anchal Panchayat at least once a fortnight and at the Police Station at least once a month. They are to assist the police in the execution of their duties.
Thus the Chaukidar or Dafadar has to discharge his numerous duties enumerated in the Act as a policeman, as an ordinary servant of the Government, and also as a servant of the local community. The Act imposes upon a Chaukidar or a Dafadar the duties which only a whole-time servant can possibly be expected to perform. As a village policeman he has to work whole day and night. But the Chaukidar is underpaid. The Government of West Bengal gives him only Rs. 27.50 per month and only very recently Government has decided to give him Rs. 46/- per month. The Anchal Panchayat pays him as its fund permits. But they are generally in arrears and are seldom paid regularly. At best he may own a small piece of land with a slim yield which is not in fact sufficient for maintenance of his family. So he has to accept or is rather forced to accept day labour to supplement his income. His poor economy makes him constantly worried and kills in him all initiative and drive required of him. There is a funny instance worth citing here that a Chaukidar caught a thief at night but later it was identified that the thief was a Chaukidar of another beat. He has no old age pension nor any benefit of provident fund and gratuity. In a free welfare state a public servant like the Chaukidar cannot be expected to discharge his duties honestly and efficiently when he is underfed and his future is bleak. There is a general feeling in West Bengal that the Chaukidar is underpaid and that there has been an increasing tendency to treat him as a whole-time servant. Indeed the Chaukidars and
Dafadars are now to all intents and purposes whole-time servants and thus entitled to whole-time "living wages". A substantial all-round increase in the pay of the Chaukidars is necessary if a higher standard of efficiency, intelligence and physical endurance is to be expected of them.

Every Anchal Panchayat is to maintain under its control a number of Dafadars and Chaukidars for general watch and ward, prevention of crime, protection of life and property and for other relevant functions. It pays them, out of its fund, according to its ability and secures from them due performance of the duties imposed upon them. But in this regard Anchal Panchayat has not been given adequate and sufficient powers. The rural watchmen are to work under the control and supervision of the Anchal Panchayat but the mode of their appointment and the conditions of their service are not such as to encourage them to submit to its control. No Anchal has any power to offer appointment to a Chaukidar or a Dafadar. It can only nominate a person for the post of a Dafadar or a Chaukidar. This nomination roll is to be made by the Anchal Panchayat in a meeting and it is to be submitted to the District Magistrate through the Inspector of Panchayats. The actual power of appointing a Chaukidar or a Dafadar is vested in the District Magistrate. The District Magistrate does not, however, discharge this function himself. He can delegate his authority to an officer to do this and generally he authorizes
the Sub-Divisional Officer to do this. So the nomination roll prepared by the Anchal has to be sent to the Sub-Divisional Officer. The latter makes an enquiry through the Block Development Officer and through the Officer-in-Charge of the local Police Station regarding the merit of the nomination. After proper enquiry the B.D.O. and the Police Officer submit their individual reports to the S.D.O., and the S.D.O. who acts on the basis of these reports. Thus the S.D.O. may refuse, on the strength of these reports to act up to the nomination made by the Anchal in regard to the appointment of a Chaukidar or Dafadar. There are many instances that on the basis of these reports the nomination of the Anchal Panchayat was rejected.

Dismissal or removal of a watchman cannot be effected by an authority subordinate to that by which he was appointed. As the Chaukidar and the Dafadar cannot be appointed by the Anchal Panchayat, so they cannot be dismissed by the Anchal. An Anchal Panchayat may recommend the dismissal of a watchman for gross dereliction of duty, and submit the case to the S.D.O. through the Supervisor of Panchayats. But in order to be effective the recommendation must be accepted by the S.D.O. who in practice attaches much more importance to the opinion of the B.D.O. than to the remarks made by the Anchal. Moreover, the S.D.O. is empowered to dismiss a watchman on his own initiative and responsibility. Thus the Anchal Panchayat has no exclusive authority either to appoint or to dismiss a watchman.
The Anchal Panchayat may, of course, punish a Chaukidar or Dafadar if he is guilty of any wilful misconduct in his office, with a fine not exceeding one quarter of a month's salary. But the S.D.O. can fine a watchman to the extent of one month's salary.15

Again, the Anchal Panchayat allocates to each Chaukidar a reasonable beat and, if there is more than one Dafadar, it determines under whom he shall serve. Even in this matter an Anchal cannot exercise its power independently. This division of work among the watchmen is subject to the approval of the S.D.O.16 The Anchal may require Dafadars and Chaukidars to appear at muster parades at its office once a fortnight. But this is also subject to the consent of the S.D.O.17

The salaries of the Chaukidars and Dafadars are determined by the Anchal Panchayat with the previous approval of the District Magistrate.18 The annual cost of equipment for Dafadars and Chaukiders (including conveyance charges for the same) are fixed by the District Magistrate but the cost is borne by the Anchal Panchayat.19 An Anchal Panchayat may decide to increase or reduce the number of Chaukiders. Regarding these questions the Anchal Panchayat may place its views before the District Magistrate but they are not binding upon him. In these matters he is guided by the views of the Officer-in-Charge of the local Police Station and the Block Development Officer rather than by the decisions of the Anchal Panchayat.
Regarding the control of the village police, sometimes we find the relation between the Pradhan and the Police Station strained and consequently the position of the village police becomes delicate. Here the position of a Chaukidar is just like that of a husband in a family where the mother and the wife are always in conflict. In these circumstances the watchmen take the opportunity of vitiating further the strained relation between the Anchal and the Thana. Some Chaukidars try to satisfy both the masters but are often frustrated. Other watchmen prejudice the Pradhan against the Police Officer, and instigate the Police Officer against the Pradhan. They neglect their duties to the Anchal Panchayat on the plea that the Thana authorities keep them otherwise engaged and neglect the work of the Police Station on the pretext that the Pradhan makes too much demand on their time. There is a general complaint in the rural areas that Chaukidars do not go on their nocturnal rounds regularly, and are completely indifferent to watch and ward. We have been told by many Pradhans during field investigation that the Chaukidars and Dafadars are not obedient to the Anchal. Rather they are devoted to the Police Station. The Anchal simply bears the burden of their salary out of its meagre fund but it exercises only a nominal control over their activities. At present the position of the village watchmen in their relation to the Anchal on the one hand and to the Police Station on the other is unenviable. It is indeed an uncomfortable job to serve two masters. The only solution lies in putting an end to this dual control.
Chaukidary system was established in Bengal under peculiar historical conditions. The British Government wanted to establish firm control from grass-root to Whitehall and, therefore, made necessary arrangements to establish roads and other communications between rural and urban areas, and introduced the Panchayat and the Chaukidary system in the rural areas under complete government control, i.e., of the District Magistrate in the seventies of the last century. But gradually, under the pressure of the public, this control was replaced by the dual control of the Government and the local community over the village watch and ward. Today it is an anachronism. In a free democratic country villagers are expected to maintain law and order in their own areas and their representatives assembled in the Anchal Panchayat should, therefore, be invested with the full responsibility in this matter. If the Government is unable or unwilling to do so, the Anchal should be entirely relieved of this responsibility and the police entrusted with it. "Responsibility is null when nobody knows who is responsible." To divide responsibility is either to destroy or to weaken it.

The system of dual control over the Chaukidars has completely failed in West Bengal, and there is no justification for its continuation. This is the view of the majority of the persons including some Police Officers interviewed during field investigation. Since the position of the Village Level Workers is firmly established
and the network of Intelligence Services is well maintained by the Police, it is perhaps possible to abolish the dual control.

The system of dual control has no doubt been accepted by the great majority of the officials but there are quite a few officials and many non-official persons who would like to dissociate the Chaukidars from the Panchayats and place them entirely under the control of the Police keeping the activities of the Anchals strictly confined to matters connected only with the local self-government. The Anchal Panchayats have to undertake and guide the Panchayats in respect of development work. The average income of an Anchal Panchayat out of its own sources is between Rs. 3,000 and Rs. 4,000, a large portion of which is spent to pay the salary of the Chaukidars. In view of this fact it is not possible for most of the Anchal Panchayats to contribute much to the development work of the constituent Gram Panchayats. It is high time that the entire financial responsibility for maintaining the watch and ward in the villages was taken out of the shoulders of the Anchal Panchayats and shifted to the State Government because the State Government is the sole custodian of law and order and the recipient of the largest amount of revenue in the State. The Corporations and the Municipalities are not to spend anything out of their own funds for the protection of the life and property of the rich inhabitants. But the Anchals are to bear half of the expenses incurred for the
maintenance of the rural police for the protection of the life and property of the poor villagers. It is indeed a paradox. No other local authority in India has been entrusted with Police functions. Therefore, the Government of West Bengal should bear the entire responsibility of the rural police.

Apart from these functions, the Chaukidars are to collect vital statistics in the villages (e.g., report of births and deaths). These statistics are not of local interest but of common interest to the whole of West Bengal. Therefore, the State Government should bear the full financial responsibility for the Chaukidars. Considering the whole aspect of the dual control it has been advocated by many that if funds permit, the Anchals should employ a separate body of employees to do their work, while Chaukidars and Dafadars should be left exclusively for police work, and with other matters relating to the District Administration.

The rural watch and ward can, of course, be better and more conveniently looked after by the Anchal Panchayats than by the State constabulary because the rural police is "a man of the village, not enough of an official to be alien from or obnoxious to the villagers and enough of an official to be amenable to system and reliable for duty." Furthermore, the regular constabulary are not qualified either by their number or their constitution to acquire local information. The villagers never distrust or dislike a Chaukidar, but rather
consider him a useful person and a necessary adjunct to the constitution of the village. At present the Anchal Panchayats are to share the expenses of the Chaukidary system but their control over the rural police is neither exclusive nor very substantial. The Dafadar and Chaukidars are, in fact, more the agents of the Police Station and the District Administration than of the Anchal Panchayats. It is, therefore, quite reasonable that the State Government should take over the entire financial responsibility for the maintenance of the rural police. In the present state of finance it is unlikely that such a suggestion should be entertained by the Government. The cost of rural police force in West Bengal amounts to approximately 2.41 crores of Rupees annually.

All round development of the village community and thereby the nation is the objective of the Panchayati Raj. If justice is not maintained and crimes are not prevented, no development work can succeed. A small litigation may lead to a greater conflict, and absence of justice in petty matters may lead to frustration. Therefore, the Panchayats have been given the power to administer justice in petty criminal cases and civil suits. In addition, they should be given authority to maintain law and order because law and order is the basis of progress. If the village watchmen are efficient and well trained, they can help the Panchayat maintain law and order within its geographical area and thereby create a base for real community development.
The village watchmen must, of course, be efficient and well-trained. But during field investigation it is found that most of the village watchmen are underfed and fatigued. The village watchmen are "generally recruited from the lowest stratum of society and many of them are illiterate and aged persons who are generally cultivators living within their beats." Therefore, an attempt should be made to enlist literate, healthy and active young men aged between 21 and 30 years, and the contribution of the Government towards their pay should be sufficiently raised so that such men may be attracted. Again, "the title of Chaukidar and the Chaukidari uniform are said to carry with them a definite stigma," and no self-respecting young men are expected to serve in the village police unless that stigma is removed. If the prestige of the Chaukidar is to be heightened, a change in designation and uniform is badly necessary.

During field investigation it is also found that the Chaukiders are woefully ignorant of their duties and powers enumerated in Section 53 of the West Bengal Panchayat Act, 1957. Considerable improvement in this matter might be expected if some form of instruction could be imparted to the Chaukiders and Dafadars regarding their duties. Training camps may be organised at the Block level. Service conditions along with the prospect of promotion of the Chaukiders and Dafadars should be clearly defined, and the village police should be made a feeder service to the regular police and to the Class IV staff of the Government establishments.
REFERENCES:


4. Defadars or head Chaukidars have existed since 1894, and the Bengal Village Self-Government Act, 1919 placed them under the control of the Union Boards to the same extent as the Chaukidars. Their chief duty was to supervise the work of the Chaukidars. Besides, they acted as the connecting link between the Chaukidars and the Police Station.

5. Section 46(a), The West Bengal Panchayat Act, 1957.

6. Section 53(1), Ibid.

7. Section 53(1)(ii), Ibid.


9. Rule 60, Ibid.

10. Rule 61(b), Ibid.

11. Rule 61(d), Ibid.


15. Rule 94, Ibid.

16. Rule 77, Ibid.
17. Rule 80, Ibid.
18. Rule 58, Ibid.
19. Rules 73 and 74, Ibid.