CHAPTER - 2
HISTORICAL ASPECTS REGARDING POLICE SERVICES

2.1 INTERNATIONAL PERSPECTIVE

A police force is a constituted body of persons empowered by the state to enforce the law, protect property, and limit civil disorder.\(^1\) the powers of police include the legitimized use of force. The term is most commonly associated with police services of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. Police forces are often defined as being separate from military or other organizations involved in the defense of the state against foreign aggressors; however, gendarmerie are military units charged with civil policing.

Law enforcement, however, constitutes only part of policing activity.\(^2\) Policing has included an array of activities in different situations, but the predominant ones are concerned with the preservation of order.\(^3\) In some societies, in the late 18th and early 19th centuries, these developed within the context of maintaining the class system and the protection of private property.\(^4\) Some parts of the world may suffer from police corruption. The police force is usually a public sector service, meaning they usually get paid by the taxpayer. Alternative names for police force include constabulary, gendarmerie, police department, police service, crime prevention, protective services, law enforcement agency, civil guard or civic guard. Members may be referred to as police officers, troopers, sheriffs, constables, rangers, peace officers or civic/civil guards. Police of the Soviet-era Eastern Europe were (or are, in some cases, as in Belarus) called the militsiya. The Irish police are called the Garda Síochána ("guardians of the peace"); a police officer is called a garda. And although the word "police" comes from Greek (see next section), the Greek police is Αστυνομία (Astynomia). As police are often interacting with individuals, slang terms are numerous. Many slang terms for police officers are decades or centuries old with lost etymology. Polls have shown that Muslims and ethnic minorities are less likely to trust the police than the national average.\(^5,6\)

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5. U.S. Minorities Less Confident in Police, Small Business retrieved 5 December 2013
2.1.1 ETYMOLOGY

First attested in English c.1530, the word police comes from Middle French police, in turn from Latin politia,7 which is the Latinisation of the Greek πολιτεία (politeia), "citizenship, administration, civil polity".8 This is derived from πόλις (polis), "city".9

2.1.2 ANCIENT POLICE

Law enforcement in Ancient China was carried out by "prefects" for thousands of years since it developed in both the Chu and Jin kingdoms of the Spring and Autumn period. In Jin, dozens of prefects were spread across the state, each having limited authority and employment period. They were appointed by local magistrates, who reported to higher authorities such as governors, who in turn were appointed by the emperor, and they oversaw the civil administration of their "prefecture", or jurisdiction. Under each prefect were "sub prefects" who helped collectively with law enforcement of the area. Some prefects were responsible for handling investigations, much like modern police detectives. Prefects could also be women.10 of Wading (serving 1531-ca. 1557). The concept of the "prefecture system" would spread to other cultures such as Korea and Japan.

In Ancient Greece, publicly owned slaves were used by magistrates as police. In Athens, a group of 300 Scythian slaves (the αβδοχοί, "rod-bearers") was used to guard public meetings to keep order and for crowd control, and also assisted with dealing with criminals, handling prisoners, and making arrests. Other duties associated with modern policing, such as investigating crimes, were left to the citizens themselves.11

In the Roman Empire, the Army, rather than a dedicated police organization, provided security. Local watchmen were hired by cities to provide some extra security. Magistrates such as procurators fiscal and quaestors investigated crimes. There was no concept of public prosecution, so victims of crime or their families had to organize and manage the prosecution themselves.

Under the reign of Augustus, when the capital had grown to almost one million inhabitants, 14 wards were created; the wards were protected by seven squads

8. πολιτεία, Henry George Liddell, Robert Scott, A Greek-English Lexicon, on Perseus Digital Library
9. πόλις, Henry George Liddell, Robert Scott, A Greek-English Lexicon, on Perseus Digital Library
10. Whittaker, Jake. "UC Davis East Asian Studies". University of California, Davis. UCdavis.edu.
of 1,000 men called "vigiles", who acted as firemen and night watchmen. Their duties included apprehending thieves and robbers and capturing runaway slaves.

The vigiles were supported by the Urban Cohorts who acted as a heavy-duty anti-riot force and even the Praetorian Guard if necessary.

In the beginning, man lived in jungles. Family and society were alien concepts. As time passed, the people started living in groups to satisfy their physical requirements. This gave birth to the family unit. When a group of families began living in close surroundings, it became a village. The people within these groups gradually developed relations with one another because of mutual needs and interdependence, especially in matters of security.

The process of living together and having social interaction led to the establishment of society. In the newly created society, as the scriptures point out, people used to live peacefully, cooperating with one another. There was an atmosphere of social harmony and people had a helping attitude towards others. As there was no incident of quarrel, theft, cheating, etc., no machinery akin to the present day police was in existence. But, this ideal situation did not last long. As the population increased, people started to experience shortage of food, shelter and other things. The virtues like honesty, respect and love started giving way to the vices such as selfishness, greediness and hatred. As a result, incidents of stealing and looting others’ belongings to satisfy one’s own need and greed started taking place. Physically powerful and unscrupulous people, infatuated with the desire for pleasure and impelled by their muscle power, would attack the weak to snatch away food and other things. If anybody opposed they would assault and even kill the resisting person. Such exploitation of the weaker sections of society led to a tyrannical situation where the strong reigned over the weak in an unabated manner. The situation deteriorated to such an extent that the atmosphere of social harmony and security disappeared and an atmosphere of uncertainty and fear emerged. The anxiety about the safety of one’s person and property made the right minded people to think and search for a remedy.

2.1.3 MEDIEVAL POLICE

In Medieval Spain, hermandades, or "brotherhoods", peacekeeping associations of armed individuals were a characteristic of municipal life, especially in Castile. As medieval Spanish kings often could not offer adequate protection, protective municipal leagues began to emerge in the 12th century against bandits and
other rural criminals, and against the lawless nobility or to support one or another claimant to a crown.

These organizations were intended to be temporary, but became a long-standing fixture of Spain. The first recorded case of the formation of a hermandad occurred when the towns and the peasantry of the north united to police the pilgrim road to Santiago de Compostela in Galicia, and protect the pilgrims against robber knights.

Throughout the Middle Ages such alliances were frequently formed by combinations of towns to protect the roads connecting them, and were occasionally extended to political purposes. Among the most powerful was the league of North Castilian and Basque ports, the Hermandad de las marismas: Toledo, Talavera, and Villarreal.

As one of their first acts after end of the War of the Castilian Succession in 1479, Ferdinand and Isabella established the centrally organized and efficient Holy Brotherhood (Santa Hermandad) as a national police force. They adapted an existing brotherhood to the purpose of general police acting under officials appointed by themselves and endowed with great powers of summary jurisdiction even in capital cases. The original brotherhoods continued to serve as modest local police-units until their final suppression in 1835. The Fehmic courts of Germany provided some policing in the absence of strong state institutions.

In France during the Middle Ages, there were two Great officers of the Crown of France with police responsibilities: The Marshal of France and the Constable of France. The military policing responsibilities of the Marshal of France were delegated to the Marshal's provost, whose force was known as the Marshalcy because its authority ultimately derived from the Marshal. The marshalcy dates back to the Hundred Years' War, and some historians trace it back to the early 12th century. Another organisation, the Constabulary (French: Connétable), was under the command of the Constable of France. The constabulary was regularised as a military body in 1337. Under King Francis I (who reigned 1515–1547), the Maréchaussée was merged with the Constabulary. The resulting force was also known as the Maréchaussée, or, formally, the Constabulary and Marshalcy of France.

The English system of maintaining public order since the Norman conquest was a private system of tithings, led by a constable, which was based on a social
obligation for the good conduct of the others; more common was that local lords and
nobles were responsible for maintaining order in their lands, and often appointed
a constable, sometimes unpaid, to enforce the law. There was also a system
investigative "Juries".

The Assize of Arms of 1252, which required the appointment of constables to
summon men to arms, quell breaches of the peace, and to deliver offenders to
the sheriffs or reeves, is cited as one of the earliest creation of the English
police. The Statute of Winchester of 1285 is also cited as the primary legislation
regulating the policing of the country between the Norman Conquest and
the Metropolitan Police Act 1829.

From about 1500, private watchmen were funded by private individuals and
organisations to carry out police functions. They were later nicknamed 'Charlies',
probably after the reigning monarch King Charles II. Thief-takers were also rewarded
for catching thieves and returning the stolen property.

The first use of the word police ("Polles") in English comes from the book

2.1.4 EARLY MODERN POLICE

The first centrally organised police force was created by the government of
King Louis XIV in 1667 to police the city of Paris, then the largest city in Europe.
The royal edict, registered by the Parlement of Paris on March 15, 1667 created the
office of lieutenant général de police ("lieutenant general of police"), who was to be
the head of the new Paris police force, and defined the task of the police as "ensuring
the peace and quiet of the public and of private individuals, purging the city of what
may cause disturbances, procuring abundance, and having each and everyone live
according to their station and their duties".

This office was first held by Gabriel Nicolas de la Reynie, who had
44 commissaires de police (police commissioners) under his authority. In 1709,
These Commissioners were Assisted by inspecteurs de police (police inspectors). The
city of Paris was divided into 16 districts policed by the commissaires, each assigned
to a particular district and assisted by a growing bureaucracy. The scheme of the Paris
police force was extended to the rest of France by a royal edict of October 1699,

12 Clarkson, Charles Tempest; Richardson, J. Hall (1889). Police!. pp. 1–2. OCLC 60726408
resulting in the creation of lieutenants general of police in all large French cities and towns.

After the French Revolution, Napoléon I reorganized the police in Paris and other cities with more than 5,000 inhabitants on February 17, 1800 as the Prefecture of Police. On March 12, 1829, a government decree created the first uniformed police in France, known as sergents de ville ("city sergeants"), which the Paris Prefecture of Police's website claims were the first uniformed policemen in the world.14

In 1737, George II began paying some London and Middlesex watchmen with tax monies, beginning the shift to government control. In 1749 Henry Fielding began organizing a force of quasi-professional constables known as the Bow Street Runners. The Macdaniel affair added further impetus for a publicly salaried police force that did not depend on rewards. Nonetheless, In 1828, there were privately financed police units in no fewer than 45 parishes within a 10-mile radius of London.

The word "police" was borrowed from French into the English language in the 18th century, but for a long time it applied only to French and continental European police forces. The word and the concept of police itself were "disliked as a symbol of foreign oppression" (according to Britannica 1911). Before the 19th century, the first use of the word "police" recorded in government documents in the United Kingdom was the appointment of Commissioners of Police for Scotland in 1714 and the creation of the Marine Police in 1798.

2.1.5 THE MODERN POLICE FORCE

The basis for the modern police force was laid down by reformers at the turn of the 19th century, on the basis of Benthamite philosophy. In 1797, Patrick Colquhoun was able to persuade the West Indies merchants who operated at the Pool of London on the River Thames, to establish a police force at the docks to prevent rampant theft that was causing annual estimated losses of £500,000 worth of cargo.15 The idea of a police, as it then existed in France, was considered an affront to the liberal English. In building the case for the police in the face of England's firm anti-police sentiment, Colquhoun framed the political rationale on economic indicators to show that a police dedicated to crime prevention was “perfectly congenial to the principle of the British constitution.” Moreover, he went so far as to praise the French system, which had reached “the greatest degree of perfection” in his

estimation. With the initial investment of £4,200, the new trial force of the Thames River Police began with about 50 men charged with policing 33,000 workers in the river trades, of whom Colquhoun claimed 11,000 were known criminals and “on the game.” The force was a success after its first year, and his men had “established their worth by saving £122,000 worth of cargo and by the rescuing of several lives.” Word of this success spread quickly, and the government passed the Marine Police Bill on 28 July 1800, transforming it from a private to public police agency; now the oldest police force in the world. Colquhoun published a book on the experiment, *The Commerce and Policing of the River Thames*. It found receptive audiences far outside London, and inspired similar forces in other countries, notably, New York, Dublin, and Sydney.¹⁶

Colquhoun’s utilitarian approach to the problem–using a cost-enefit argument to obtain support from businesses standing to benefit – allowed him to achieve what Henry and John Fielding failed for their Bow Street detectives. Unlike the stipendiary system at Bow Street, the river police were full-time, salaried officers prohibited from taking private fees.¹⁷

His other contribution was the concept of preventive policing; his police were to act as a highly visible deterrent to crime by their permanent presence on the Thames.¹⁸ Colquhoun’s innovations were a critical development leading up to Robert Peel’s “new” police three decades later.¹⁹

Meanwhile, the authorities in Glasgow, Scotland successfully petitioned the government to pass the Act establishing the City of Glasgow Police in 1800. Other Scottish towns soon followed suit and set up their own police forces through acts of parliament.²⁰ In Ireland, the Irish Constabulary Act of 1822 marked the beginning of the Royal Irish Constabulary. The Act established a force in each barony with chief constables and inspectors general under the control of the civil administration at Dublin Castle. By 1841 this force numbered over 8,600 men.

London was fast reaching a size unprecedented in world history, due to the onset of the Industrial Revolution.²¹ It became clear that the locally maintained system of volunteer constables and "watchmen" was ineffective, both in detecting and

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¹⁹ "Police: History - The Beginning Of "modern" Policing In England".
preventing crime. A parliamentary committee was appointed to investigate the system of policing in London. Upon Sir Robert Peel being appointed as Home Secretary in 1822, he established a second and more effective committee, and acted upon its findings.

Royal Assent to the Metropolitan Police Act was given, and the Metropolitan Police Service was established on September 29 1829 in London as the first modern and professional police force in the world. Sir Robert Peel, widely regarded as the father of modern policing, was heavily influenced by the social and legal philosophy of Jeremy Bentham, who called for a strong and centralized, but politically neutral police force for the maintenance of social order, for the protection of people from crime and to act as a visible deterrent to urban crime and disorder. Peel decided to standardise the police force as an official paid profession, to organise it in a civilian fashion, and to make it answerable to the public.

Due to public fears concerning the deployment of the military in domestic matters, Robert Peel organised the force along civilian lines, rather than paramilitary.

To appear neutral, the uniform was deliberately manufactured in blue, rather than red which was then a military colour, along with the officers being armed only with a wooden truncheon and a rattle to signal the need for assistance. Along with this, police ranks did not include military titles, with the exception of Sergeant. To distance the new police force from the initial public view of it as a new tool of government repression, Peel publicised the so-called 'Peelian Principles', which set down basic guidelines for ethical policing:

- Every police officer should be issued an identification number, to assure accountability for his actions.
- Whether the police are effective is not measured on the number of arrests, but on the lack of crime.

23 "Policing Profiles of Participating and Partner States". POLIS.
24 "Modern Police Force".
25 "A BRIEF GUIDE TO POLICE HISTORY"
Above all else, an effective authority figure knows trust and accountability are paramount. Hence, Peel's most often quoted principle that "The police are the public and the public are the police."

The 1829 Metropolitan Police Act created a modern police force by limiting the purview of the force and its powers, and envisioning it as merely an organ of the judicial system. Their job was apolitical; to maintain the peace and apprehend criminals for the courts to process according to the law. This was very different to the 'Continental model' of the police force that had been developed in France, where the police force worked within the parameters of the absolutist state as an extension of the authority of the monarch and functioned as part of the governing state.

In 1863, the Metropolitan Police were issued with the distinctive Custodian helmet, and in 1884 they switched to the use of whistles that could be heard from much further away. The Metropolitan Police became a model for the police forces in most countries, such as the United States, and most of the British Empire. Bobbies can still be found in many parts of the Commonwealth of Nations.

2.1.6 EVOLUTION OF POLICE

Policing in any country under any system of governance and during any period of time has always been a responsibility of the ruler. The State emerged to ensure security and peace to the individual. In order to realize these objectives, the State created an administrative system of which the police is an important component.

The Oxford dictionary defines police as an official organization whose job is to make people obey the law and to prevent and solve crime. The Police being an integral organ of the State, it would be worth discussing the evolution of the State before describing how did the police develop into its present form.

2.2 INDIAN PERSPECTIVE

2.2.1 EMERGENCE OF DHARMA

In order to get relief from the prevailing chaotic situation and constant danger, as described above, the peace loving and right minded people decided to frame a code of conduct for the whole society. This self-imposed code, known as Dharma, later came to be known as the law. Following the norms of Dharma, people once again started living in harmony and peace. As there was no institution such as the State or

31 Dan Zambonini (October 24 2009). "Joseph Hudson: Inventor of the Police and Referee Whistles".
33 Oxford Advanced Learner’s Dictionary, p. 976
King, the authority behind *Dharma* was believed to be divine power and fear of God. The existence of such an ideal ‘stateless society’ is graphically described in the *Shanti Parva* of the *Mahabharata* as under: *There was neither kingdom nor the King, Neither punishment nor the guilty to be punished. People were acting according to Dharma And thereby protecting one another.*

The above verse gives a clear picture of an ideal stateless society, which appears to have been in existence in the hoary past. Such a society was the most ideal for the reason that every individual scrupulously acted according to the rules of right conduct by the force of his own culture and habit and not out of any fear of being punished by a powerful superior authority like the State. Consequently, there was mutual cooperation and protection.

The sanction which enforced such implicit obedience to *Dharma* was the faith of the people in it as also the fear of incurring divine displeasure if *Dharma* was disobeyed. If any body disobeyed *Dharma* by deviating from the right path and by violating the code of conduct, he was said to have committed sin for which God was to punish him in some way. When people observed that a man who had committed sin was not punished in his life time, they would say that the man would get severe punishment at the hands of God after death. This type of belief gave birth to the theory of hell and heaven (*swarg* and *narka*). The people would often say that, after death, a sinner would go to hell and suffer miseries forever, whereas a righteous person would go to heaven and enjoy eternal life. This belief is still prevalent in India among the people whose religion propounds the theory of rebirth.

However, the absence of any enforcement agency for implementation of the norms of the code of conduct (*Dharma*), emboldened the devious people to indulge in sins (crimes).

The theory of getting punished after one’s death also became ineffective as many other theories, which did not believe in the idea of re-birth and opposed the concept of hell and heaven, came in vogue. The fact of a sinner not getting punished in his life time and the belief that there was nothing after one’s death, gave a wrong message to the people. As a result, not only the muscle men, under the influence of lust and greed, but also the unfortunate havenots, hard pressed by poverty, started thinking that when a sin could go unpunished then why to suffer for want of various needs. This inclined people towards finding ways to satisfy their need as well as

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as greed even by committing crimes against their fellow beings.

2.2.2 ORIGIN OF THE STATE

While the faith in the utility of Dharma and belief in God continued to exist in society, the actual state of affairs started deteriorating. Once again, a situation arose when some persons, out of selfish worldly desires, began to openly flout Dharma and became immune to the fear of divine displeasure. This resulted in the prevalence of large scale injustice and fear to one’s person and property. Now, the right minded and peace loving people again got together and thought for creating an authority which could enforce the code of conduct i.e. Dharma. Efforts made in that direction led to the creation of the institution of State.\(^{35}\) The person who was adjudged or believed to be physically and mentally most powerful were made head of the State. He later came to be known as the King.

There are various theories of the origin of State. According to the theory of divine origin, the State was the creation of God and the rulers ruled as the representatives of God on earth. As priest-cum-king, the ruler would be obeyed and revered by the people. In the Mahabharata the idea of the divine origin of the State is evident. The Jews had similar views regarding the origin of the State. The Christians also believed in the similar doctrine. In the Bible it is stated: “Let every soul be subject unto the higher powers. For there is no power but of God; the powers that be are ordained by God.”\(^{36}\) Kautilya, who as the prime minister to the powerful Magadha Emperor Chandragupta Maurya, also explains in his famous treatise, the Arthasastra, that people suffering from anarchy, as illustrated by the proverbial tendency of bigger fish devouring the smaller ones, elected a man to be their King, and allotted to him one-sixth of grains grown and one-tenth of merchandise as sovereign dues. The King took up the responsibility of assuring and maintaining the safety and security of his subjects.

The theory of social contract expounds that the State is the outcome of a social contract. According to this theory, the people, being frustrated at the prevailing chaotic situation, decided to agree to create an institution and conferred on it the authority to manage the affairs affecting their day to day life. This theory, travelling a long way in the history of political thought, received comprehensive treatment in the

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\(^{35}\) Irrespective of the assertion of some people that State came into existence in Sixteenth century when the political association was endowed with sovereignty, the term ‘State’ is used here to denote a political entity free from external control and having coercive powers over its subjects.

\(^{36}\) Ray, Amal, Political Theory, p.76.
writings of Hobbes, Locke and Rousseau. This theory finds a prominent place in the political thinking of both the East and the West. Kautilya’s *Arthasastra* has made a pointed reference to it.37

According to the evolutionary theory, the State is the product of a very long, slow, but continuous historical process of evolution, in the course of thousands of years, in which, numerous factors, forces and elements played their respective roles. “The State”, observes Garner, “is neither the handiwork of God nor the result of superior physical force, nor the creation of the family.”38 It is the product of a gradual and continuous process of social development out of a grossly imperfect beginning through crude but improving forms of manifestation towards a perfect and universal organization of mankind. Irrespective of the belief of different people in different theories of origin of the State, it appears to be common in all the theories that a chaotic situation had arisen and the people to get rid of such a situation decided to create an institution and confer on its head the powers of governance. The institution so created, by the people later came to be known as the State and its head as the King. As to the nature of kingship, Panicker opines:

“The kingship thus established was essentially a secular office, meant for the protection of the people, who accepted the sovereignty of the king. The king was by no means absolute in his powers. He was subject to the sacred law, had to maintain and uphold the social order, to enforce justice and receive in return the obedience of his people and a share of their produce.”39

Thus, the State came into being for the protection of the people from external aggression as well as from internal disturbances and to punish those who violated the norms of *Dharma*. As the very purpose of establishing the State and the authority of the King was the protection of life and property of the people, the King organized a system and created an agency to enforce *Dharma* (the law) by protecting the good and punishing the wicked.

This system later came to be recognized as the criminal justice system and the agency as the police. The present day criminal justice system, which broadly includes the police, bar, Court and prison as its components, still follows many of the ideas and principles developed during the initial phase of civilization.

37 Ibid. p.59
2.2.3 EVOLUTION OF POLICE

In every phase of history of India the rulers developed and used the agency, which at present is universally known as the police, in accordance with their needs and circumstances. For the sake of convenience, we may divide the whole process of evolution of the police into three phases, viz. ancient, medieval and modern.

2.2.4 ANCIENT INDIA

As a law enforcing agency ensuring order, the origin of the police in India can be traced to the earliest Vedic period of Indian history. The two Vedas, the Rig-Veda and the Atharva-Veda, eloquently mention about certain kind of crime and punishments known to Vedic India. The Kings in ancient India had their own network of secret intelligence and tried to remain well-informed about the nature and incidence of crimes and the award of adequate and proportionate punishment to criminals.

We have detailed accounts of police organizations and police activities during the Mauryan and Gupta periods. The ancient writers and poets of Sanskrit, Pali and Prakrit languages seem to have special knowledge about the administration of order and justice prevailing during that period. There was no independent police department with exclusive functions of detection and control of crimes but there existed several agencies pursuing a coordinated policy for the maintenance of law and order in the society.

Kautilya has recorded full development of police in his Arthasashtra yielding systematic information about investigation, patterns of crime, punishments, etc. The Arthasashtra mentions that the police during ancient India was divided into two wings, namely, the regular police and the secret police. The regular police consisted of three tiers of officials: The pradesta (rural) or the Nagaraka (urban) at the top, the rural and urban sthanikas in the middle and the rural and urban Gopas at the bottom. In the course of his description of the pradesta’s duties, Kautilya tells how an inquest was held in case of sudden death. This involved a post-mortem examination of the body as well as thorough police investigation. In Kautilya’s work the secret police is divided into two categories namely, the peripatetic and the stationary.

Manu Smriti mentions about the art of secret intelligence prevalent in ancient period for prevention and detection of crime. The instructions prescribed for the King to detect offences with the help of soldiers and spies in Manu Smriti, and mention of

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41 Manusmriti
 informant and investigating officer in *Katyayana Smriti* also suggest that an agency like modern police existed during that period to assist the King in administration of justice. The police stations of today originate from the ancient *sthanas*. Manu recommended that police stations, or may be police pickets, should be established one being intended for two, three, five or a collection of several villages.\(^{42}\) A person who was appointed by the king to detect commission of offences was called *suchaka* (Investigation Officer).\(^{43}\)

The special responsibility of the King in the matter of controlling crimes, detection of crimes and punishing offenders has been stressed in *Manu Smriti*. According to it persons who commit offences or who conspire to commit offences are generally found in assembly houses, hotels, brothels, gambling houses, etc. and therefore the King must post soldiers and spies for patrolling such places and in order to keep away thieves and antisocial elements. It also permits the King to appoint reformed thieves who were formerly associated with such doubtful elements and through them detect and punish offenders.\(^{44}\) During the Gupta period the police officers were known as *chauroddharanik* as their principal preoccupation was catching the thieves. During the Palas one finds their existence as well.\(^{45}\)

Some of the important principles pertaining to the police developed during ancient India are as under:

1. The information or complaint about the offence committed by any individual could be made by any citizen and not necessarily by the person injured or his relatives. The person, who on his own accord detected commission of offences and reported to the King, was known as *stobhaka* (informant). He was entitled to remuneration from the King for giving first information.\(^{46}\)

2. Perjury, i.e. the act of giving false evidence was considered a serious offence and therefore, punishment was prescribed for it.\(^{47}\) The entire wealth of a person who cited false witnesses out of greed, would be confiscated by the King, and in addition, he would be exterminated.\(^{48,49}\)

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42 Ibid., pp. 318-23 (quoting Manu IX 264-67, Katyana 33-34).
43 Choudhuri, Dr. Mrinmaya, *Languishing For Justice*, p. 106.
49 Ibid., p. 385-386.
3. Failure of duty towards society was taken very seriously. Any person who failed to render assistance according to his ability in the prevention of crime would be banished with his goods and chattel.\textsuperscript{50} Double punishment was prescribed for those who fail to give assistance to one calling for help though they happen to be on the spot or who run away after being approached for help.\textsuperscript{51}

4. Right of self-defence existed during ancient India. A person could slay without hesitation an assassin who approached him with murderous intent. By killing an assassin the slayer committed no offence.\textsuperscript{52} A person had a right to oppose and kill another not only in self-defence but also in defence of women and weak persons who were not in a position to defend themselves against a murderous or violent attack.

5. Offences and misconduct committed by police officers, Jail Superintendent and other public servants were taken very seriously and severe punishments were prescribed.\textsuperscript{53}

\textbf{2.2.5 MEDIEVAL INDIA}

Though a few Hindu kingdoms existed during the medieval period, the country was mostly dominated by the Muslim rulers. The King, who was known as Sultan or Emperor, was assisted by his minister. The rulers during the medieval period emphasized the importance of administration of criminal justice and introduced reforms to improve the judicial machinery.

The Sultans of Delhi revived and re-established some of the police traditions and functions of ancient India. The \textit{Kotwal} was the key police official. The normal duties of the \textit{Kotwal} and his men included patrolling the thoroughfares at night, guarding vantage points, maintenance of records of all arrivals and departures of strangers and other routine functions. The \textit{Amir-i-dad}, assisted by \textit{Muntasib} used to supervise and coordinate the police work of the \textit{Kotwals} working under him. Balban introduced the system of espionage to find the truth about criminals. Sikandar Lodhi initiated several reforms in the criminal justice system.

With the advent of Babar in 1526, the administration of order began to take shape on Indian soil. The Mughal rulers, especially the later Mughals, were deeply
concerned with the problem of internal security of the empire. During Akbar’s period
the head of the provincial government, known as Subedar or Nazim, had a number of
Fauzdar under him to administer the police functions. The principal duties of a
Fauzdar were (a) guarding of the highways and arresting of robber gangs; (b)
suppression of all disorders and smaller rebellions;

c) realization of state dues from defaulting villages; and (d) over-awing
opposition by show of force. The Fauzdar had Thanedars as his subordinates. The
nomenclatures “Fauzdar” and “Thanedar” are still in vogue in India.

The Ain-i-Akbari, written by Akbar’s minister, Abul Fazal, provides us a
glimpse of the organization and functioning of the police.

The Kotwal was the police prefect of the city. A Kotwal was allowed a large
establishment and was given salary by the State out of which he had to also maintain
his subordinate personnel.54 The Kotwal was a very powerful man who had to be
present at all royal durbars. He acted as the chief of the city police, as a magistrate
and a municipal officer. His major police functions were to arrange the watch and
ward of streets, to post men at places of public gathering, to look out for pick-pockets
and mischievous elements, to control distillation and sale of liquor, to look after
prisons and also to execute royal sentences.

Sher Shah Suri55 was of the opinion that stability of the government depended
on justice and that it should be his greatest care not to violate it either by oppressing
the weak or permitting the strong to infringe the laws with impunity. Heads of the
village councils were recognized and were ordered to prevent theft and robberies. In
case of robberies, they were made to pay for the loss sustained by the victim. The
Shiqahdars who had until now powers corresponding to those of Kotwals were given
magisterial powers within the parganahs. Police regulations were drawn up for the
first time in India.56

During the Muslim rule in India the policing of the cities and towns was
entrusted to Kotwals and of the countryside to Faujdars. Judiciary and Police were
placed under the Chief Sadr and Chief Qazi both offices being held usually by the
same person.57 The Mughals had established the kotwali system in the cities and the
chowkidari system in the villages. The Court of Fauzdar tried petty criminal cases

54 Ibid., pp. 389-390.
56 Kulshre shtha, V.D., Landmarks in Indian Legal and Constitutional History, p.21.
concerning security and suspected criminals. Kotwals were also authorized to decide petty criminal cases. Contrary to the practice under Hindu law, all crimes were not considered injuries to the State under the Islamic penal law. The offences were classified under three heads, namely, (1) Crimes against God, (2) Crimes against the State, and (3) Crimes against private individuals.\textsuperscript{58} The institution of Kotwal came to an end with the crushing of 1857, the first war of freedom, by the British. The last Kotwal of Delhi, appointed just before the eruption of the first war of freedom, was Mr. Gangadhar Nehru, grand father of Pandit Jawaharlal Nehru, India’s first Prime Minister.\textsuperscript{59}

Among the Hindu kingdoms, the Vijayanagar empire, from AD 1336 to 1646, was the most famous. Krishnadevaraya was the greatest of the rulers of this dynasty. The example of Vijayanagar and their system of adjudication of the criminal justice indicate the functioning of a full-fledged judicial system.\textsuperscript{60}

In the Maratha kingdom, Shivaji’s revenue officers such as Sar-subhedar, Subhedar, Havaladar, Kamavisdar, Mukadam or Patil (village officers) were also responsible for maintenance of law and order within their jurisdiction. Havaladors were also responsible to protect the forts.

During the Peshwa rule, elaborate police organisation existed in Subha or Prant. Sar-Subhedars and Subhedars were responsible for law and order in their territories as well as security on the highways, for which police forces were kept under their control and supervision.

The District and Pargana police was under the mamlatdar and the expenditure was incurred from revenue of the territory. Pargana police had also a force consisting of mounted police and foot police. If the rich men or traders required special police protection, expenditure was recovered from them. Village police work was entrusted to the Patils or the Mukadams.\textsuperscript{61}

Abul Fazul, Minister of the Emperor Akbar, shows that the Mogul system of police followed closely on the lines of that indigenous to the country. The system of mutual security is almost identical with that which existed in England in Anglo-Saxon times and was continued by the Normans: - " The kotwals of cities, husbahs, towns and villages, in conjunction with the royal clerks, shall prepare a register of the houses

\textsuperscript{58} Kulshreshtha, op. cit., p.23; Choudhuri, op.cit. pp.69-70.
\textsuperscript{59} History of Delhi Police, www.delhipolice.nic.in , as on 04.03.2006.
\textsuperscript{60} Singh, Dr. D.R., “Evolution of Criminal Justice”, Indian Journal of Public Administration.
\textsuperscript{61} Joshi, Dr. P.L., Nagpur Police Through Ages, pp. 23-26.
and buildings of the same, which registers shall include a particular description of the inhabitants of each habitation. One house shall become scrutiny for another; so so that they shall all be reciprocally pledged and bound each for the other. They shall be divided into districts, each having a chief or spics shall be appointed to each district, who shall keep a journal of local occurrences, arrivals and departures, happening either by day or night. When any theft, fire or other misfortune may happen, the neighbours shall render immediate assistance; especially the prefect and public informers, who failing to attend on such occasions, unless unavoidably prevented, shall be held responsible for the omission. No person shall be permitted to travel beyond, or to arrive within, the limits of the district, without the knowledge of the prefect, the neighbours or public informers.

Those who cannot provide security shall reside in a separate place off abode, to be allotted to them by the prefect of the district and the public informers. *A certain number of persons in each district shall be appointed to patrol by night the several streets and environs of the several cities, towns, villages, etc., taking care that no strangers infest them, and especially exerting themselves to discover, pursue and apprehend robbers, thieves, cut-purses, etc. If any articles be stolen or plundered, the police must restore the articles, produce the criminal, or failing to do so, become responsible for the equivalent."

2.2.6 DURING BRITISH RULE

When the East India Company took over the reigns of administration from the Mughals, the law and order situation in the empire was at a very low ebb. The police organization conniving with criminals and harboring offenders in return for a share of the booty was a challenge to the ingenuity of the foreign traders. The problems of internal security and protection of their commercial establishments invited their best attention. They evolved a concrete policy of gradual but piecemeal reforms in the organization and working of the police machinery in India. The British policy of gradual and piecemeal reforms was characterized by the processes of continuity and change in the evolution of police administration in the company’s territories. They retained the village system but relieved the Zamindars of their liability for police duties. They quite laboriously and ingeniously built over a period of time the superstructure of a modern police, without much disturbing the indigenous police system. The police as it exists today took its actual shape during the British period.
The British rulers in India took a detailed review of the existing criminal justice system of which the police was an essential component. Warren Hastings could observe the defects and inequities of the existing system of criminal law and the machinery of criminal justice. He, however, could not venture to uproot the Muslim criminal justice system and tried to tread a pragmatic path and adopted the device of experimentation with the triple policy of the preservation of heritage as far as possible, reorganization where inevitable and improvements where inescapable.62

Lord Cornwallis was the first British administrator who tried to improve the police system. He appointed a Superintendent of Police for Calcutta in 1791 and thereafter, extended his efforts to the mofussil. He was of the opinion that the interests of the Company’s government and that of the people were interconnected and therefore, protecting the interests of the people and ensuring the happiness and prosperity of the people was necessary to the Government even from the point of view of its own stability and permanency.63 He took police powers out of the hands of the zamindars of Bengal, Bihar, and Orissa and ordered, in 1793, the District Judge to open a police station for every four hundred square miles and to place a regular police station officer over it.

This officer was known as the Daroga. The Kotwal continued to be in charge of the police in the town.64

The Daroga system introduced by Cornwallis was designed to represent the might of the government in the rural areas where the Zamindars were previously exercising police powers. The system was, however, undermined and the new arrangement was stretched too thin. It did not measure up to expectations. Crime continued to mount and the social conditions became even more unsettled. To reform the police, the Governor General in Council defined and specified the duties and powers of the Daroga under Regulation XX of 1817 which is regarded as the first Police Manual ever drawn up for the guidance of their conduct.65

Lord Cornawallis, it is pity, had no model for a police system either at home or abroad. Even about five decades later, in 1839, the report of the Police Commission in England “continued a melancholy picture of the state of the English Police”. Police administration in England was, before the reforms of Sir Robert Peel, very nearly as

62. Choudhuri, op. cit., p.73.
63. Ibid. p. 157 (quoting the minutes of Cornwallis dated February 11, 1793).
64. Choudhuri, op. cit., pp. 110-112.
65. Ibid.
much open to criticism as it was in India. To cope with the situation, Sir Robert Peel introduced his Metropolitan Police Force in London by special Parliamentary statute.  

Lord Cornwallis in 1792 introduced a uniform pattern for the first time, abolished the *Zamindari* and *Thanedari* systems and organized a separate police force under a District Magistrate in Bengal. The districts were now divided into police station jurisdictions and a *Daroga* was appointed by the Government in each of these police stations with an establishment including a *Moharir*, a *Zamadar* and ten *Burkundazes*. This plan was later examined by three different committees on police reforms. All these committees were of the opinion that village police should be given more powers and responsibilities than what they had enjoyed so far. The District Collectors in addition to their revenue duties, were made the administrative head of the police organization, an arrangement which still continues to prevail in India except in the areas for which Commissioners of Police are appointed.

In 1808, the government introduced special and expert control over police administration through a new chief now to be designated as Superintendent of Police for the divisions of Calcutta, Dacca and Mursidabad in Bengal. The middle decades of the 19th century witnessed a greater systematisation and institutionalisation of policing in Calcutta. William Coats Blacquiere, a charismatic city magistrate, inaugurated a network of spies or “*goendas*”. In 1845 a committee under J.H. Patton brought key changes in police organisation which now began to be modeled on the London Metropolitan Police. A Commissioner of Police was appointed with powers of a justice of peace to preserve law and order, detect crime and apprehend offenders.

In the city of Bombay, the system of policing had begun with the establishment of a police out post by the Portuguese in 1661. When the East India Company acquired Bombay in the year 1669, Geral Aungier became the Governor of the City and is considered the founder of the city’s present police force. He organised the Bhandari Militia with *Subhedars* headquarted at Mahim, Sewree and Sion. In the year 1779, James Tod was appointed as “Lieutenant of Police. In March 1780, the office of the Lieutenant of Police was annulled and office of Deputy of Police was created in its place. Subsequently, the designation was changed to Deputy of Police.  

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67. Kolkata Police, www.kolkatapolice.org.in, as on 04.03.2006.
and High Constable. In the year 1793, the post of Deputy of Police and High Constable was abolished and in its place post of Superintendent of Police was created. Mr. Simon Halliday was the first Superintendent of Police, who continued till 1808.  

The Governor in Council, under the provisions of the Indian Police Act of 1856 (XIII of 1856) had appointed Mr. W. Crawford as the Commissioner of Police for the “Town and Island of Bombay” on 13 October 1856. He was permitted to continue to perform his duties as Senior Magistrate of Police also. In the year 1864, the posts of Senior Magistrate of Police and Commissioner of Police were segregated and Mr. Frank Souter took over as the independent Commissioner of Police on 14 November 1864.  

In Madras, in 1816, the Superintendent of Police was taken out of the hands of the Judges and was placed under the Collectors, who had the indigenous village police under their control. This was soon followed by other provinces. In Madras Presidency, the process of police reorganization commenced with the enactment of Regulation XI of 1816 which rescinded Regulation XXXVI of 1802. Impressed by reforms in police administration in Sind, the Madras Government in 1885 appointed the Torture Commission which examined the then existing organization of Madras Police.

The Commission observed: “Police, we consider, do involve a duty entirely distinct from the magisterial. It is to all intents and purposes in its nature executive and although not absolutely incompatible with that of a magistrate.”

The enquiry into the organization and working of police in the presidency of Bombay began as early as 1813. A police committee was appointed that year and its recommendations were put into operation in 1827. Under Regulation XII of 1827, the orders of the Court of Directors became effective and the Collector, the Mamlatdar or the Tehsildar and the Patel in Civil hierarchy were authorized to employ all the revenue servants of the village on police duties. This placed criminal justice and the police under the supervisory care of the Saddar Fauzdar Adalat. The Collector became the head of police administration in the district.

In the newly conquered territory of Sind, now in Pakistan, Sir Charles Napier, in 1843, set himself to the task of introducing a police system on the model of Royal Irish Constabulary. As per his plan, while the police force was to continue under the

69 Ibid.
authority of the Collector, yet in each district they were to be supervised by an officer
whose sole duty was to control and direct them. Napier created a separate police
organization directed by its own officers. Direction throughout the area of Sind was in
the hands of the Inspector General of Police and in each district with the
Superintendent of Police. The latter was accountable to the Inspector General of
Police as well as the District Collector.\textsuperscript{70}

The Napier experiment in Sind impressed Sir George Clark, the Governor of
Bombay, who in 1847 decided to re-organise the police of his presidency on similar
lines. In 1848, Clarke appointed full-time European Superintendents of Police in
many districts. In 1853, the police in Bombay was remodelled on Napier’s lines.\textsuperscript{71}
The leading characteristic features of the model were three, namely, (i) every
district was to have a Superintendent of Police who while generally subordinate to the
District Magistrate was to have exclusive control over the police establishment in his
district; (ii) every Tehsil was to have a native police officer; and (iii) the supreme
control over police administration of the province, which was formerly exercised by
the ‘Fauzdar Adalat’, was now to be transferred to the government of the province.

After the annexation of the Punjab in 1848, the Punjab Police was also re-
organized on the lines contemplated in the Sind plan. Two kinds of police forces were
created. One was an unorganised body of Burkundazes under the Deputy
Commissioners in the districts and the other, regular police corps under the control of
the Chief Commissioners.

The latter was to be employed exclusively as jail and treasury guards and at
such other places and on such duties previously performed by the army. The Punjab
pattern initiated a similar process of police reorganization in the provinces of U.P. and
Bengal.

All these reforms in the major provinces of the country in the pre-mutiny
period laid down the foundations of the police organization which was later to forge
an identity of its own and grow in stature after the termination of the company rule on
Indian soil. The revolt of 1857 drew the attention of the Government of India to the
urgency of police reorganization. Accordingly, a Commission was appointed in 1860
to study exhaustively the police needs of the government. Its main recommendations
were embodied in the Police Act of 1861. The aims enshrined in the Act were to

\textsuperscript{70} Ibid.
\textsuperscript{71} Choudhuri, \textit{op.cit.}, 112-13.
re-organize the police and to make it a more efficient instrument for the prevention and detection of crime. This Act is still in force in India.\footnote{Ibid.}

The indigenous system of police in India was very similar to that of Saxon England: both were organized on the basis of land tenure, and just as the Thane in the time of King Alfred was required to produce the offender or to satisfy the claim, so in India the zamindar was bound to apprehend all disturbers of the public peace and to restore the stolen property or make good its value. Under the large zamindars were a number of subordinate tenure-holders, all of whom were required in their degree to perform police duties and to bear for the areas of their charges the responsibilities which rested upon the zamindar for the whole estate; and, finally, there was, as a rule, the joint responsibility of the villagers, which could only be transferred if they succeeded in tracking the offender to the limits of another village. This village responsibility was enforced through the headman, who was always assisted by one or more village watchmen. These latter were the real executive police of the county. Although there was, as a rule, only one watchman for the village, he was, when necessity arose, assisted by all the male members of his family, by the other village servants, and in some cases by the whole village community. His duties were to keep watch at night, find out all arrivals and departures, observe all strangers, and report all suspicious persons to the headman. He was required to note the character of each man in the village, and if a theft were committed within the village bounds, it was his business to detect the thieves. If he failed to recover the stolen property, he was obliged to make up the amount of the value of it so far as his means permitted, and the remainder was levied on the whole village. "The exaction of this indemnity," wrote Mountstuart Elphinstone, "is evidently unjust, since the village might neither be able to prevent the theft, nor to make up the loss, and it was only in particular cases that it was insisted on to its full. Extent; but some fine was generally levied, and neglect or connivance was punished by transferring the inam of the patel or watchman to his nearest relation, by fine, by imprisonment in irons, or by severe corporal punishment.

This responsibility was necessary, as besides the usual temptation to neglect, the watchman is often himself a thief, and the patel disposed to harbour thieves, with a view to share their profits. To ensure greater protection than the village police were able to afford, payments were often made to the leaders of plundering tribes to induce them to prevent de predcations by their followers, a system which obtains to this day.
in many parts of the peninsula. In large towns the administrations of the police was entrusted to an officer called the "kotwal," who was usually paid a large salary, from which he was required to defray the expenses of a considerable establishment of police. In Poona, for example, the kotwal received Rs. 9,000 a month, but he had to maintain a very large establishment of peons, some horse patrols, and a considerable number of Ramosis, while he was also answerable for the value of property stolen. His appointment, however, was considered a lucrative one, as the pay of his establishment was very low, and both he and his subordinates supplemented their salaries by unauthorised exactions from the inhabitants.

2.2.7 POLICE COMMISSION OF 1860

The revolt of 1857 shook the very roots of the administration of law and order in India. It made the imperial government realize the inadequacy of police machinery and the urgency of a unified and organized police system for the entire country. The Court of Directors of the East India Company in its dispatch dated 24 September, 1856 accepted a fairly liberal and progressive common plan of reorganization of the police in British India, specially as the Government was worried over the mounting cost of the police, particularly the Military Police. This was the background, in which the Government of India appointed a Commission to enquire into the whole question of police administration in British India and to suggest ways and means for an increase in police efficiency and to recommend sizeable reduction in the excessive expenditure involved in maintaining the police force.

The Police Commission of 1860 brought-forth its report in the course of a few months and its recommendations had a very far-reaching effect. The Commission inter alia recommended the following:

1. Abolition of the Military Police as a separate organization, which in the Commission’s view was neither necessary nor desirable.
2. The constitution of a single homogeneous police force of civil constabulary for the performance of all police duties, the general superintendence of which was to be vested in the respective State Governments.
3. Police was to be organized on provincial basis with an Inspector-General of Police in charge of the ‘general police district’ on the pattern of Royal Irish Constabulary.
4. A district-based police system in which each of the district establishments was to be headed by the Superintendent of Police who was to function under the general control and supervision of the District Magistrate.

5. A subordinate police force was to consist of Inspectors, Head Constables, Sergeants and Constables.

6. The Commission recommended retention of village police though it labelled it to be both inefficient and corrupt;

The major recommendations of the Police Commission of 1860 were incorporated into a Bill which was passed into a law as Act V of 1861. The Police Act of 1861 was adopted in all provinces except Bombay Presidency. Here Regulation XII of 1827 continued to govern the Police. It was only in the year 1885, that an Inspector General of Police was appointed for Bombay Presidency though his counterparts were created in most of the provinces in or around 1861. The basic structure of the police organization as it exists in India today is based on the Police Act of 1861.

2.2.8 POLICE COMMISSION OF 1902-1903

The appointment of the second Police Commission was another significant step taken by the British for developing the police system of India. The preceding Commission of 1860 and the subsequent enactment of the Police Act of 1861 on the basis of its recommendations were found deficient in several aspects. Inefficiency and corruption in the ranks of police force were woefully rampant and the personnel recruited in the organization continued to be untrained and ill-equipped for the job. To streamline this rambling structure and to reform policies in the area of personnel administration, a thorough probe became necessary. In 1902, Lord Curzon, the Governor-General in Council, with the approval of the Secretary of State for India appointed the second All-India Police Commission. The Commission found a great deal to criticize. It observed:

"The police is far from efficient; it is defective in training and organization; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial co-operation of the people."

The recommendations of the Commission, besides being of far-reaching importance, were based upon a consensus obtained among the senior administrators and police officials, who jointly contributed to the labours of the Commission. Some

73 The Police Act, 1861 (Act No. 5 of 1861).
of the major recommendations offered by the Police Commission of 1902-03 were as under:

1. A criminal investigation department was to be established in each province with a Deputy Inspector General of Police as its administrative head to control and supervise its organization and working.

2. The province as a unit of administration was to be divided into several ranges and each such range was to be controlled by a Deputy Inspector General of Police to be appointed for the purpose.

3. The office of the Superintendent of Police of the district was to be strengthened. A Deputy Superintendent of Police was to be appointed to assist him.

4. A separate and independent police organization to be known as Railway Police was also to be constituted on the basis of the existing jurisdiction of the provinces.

5. The Divisional Commissioner was no more to interfere directly in the day-to-day affairs and working of the police administration.

6. A cadre of Sub-inspectors was to be raised for the first time in India and they were henceforth to be distinguished from their former counterparts, namely, the Darogas, the Thanedars and the Kotwals.

7. An armed police force was to be constituted at the headquarters of each district to serve as a reserve police force to handle emergent situations and other special kinds of police jobs of an ad hoc nature.

   The institution of the village headman was to continue. He was to perform the rural police duties through the deployment of village watchman, who in turn were not to be the members of the regular police force of the State. The main recommendations of the Commission were generally adopted. The police system modified and improved on the basis of the recommendations of the Police Commission of 1902-03 continued when the British left India on 15 August 1947.

2.2.9 POLICE IN INDEPENDENT INDIA

On independence in 1947, India inherited a well defined police system, mainly developed during the British period. But, the situation changed after the Constitution of India came into force on 26 January 1950 as protection of the Fundamental Rights of the people became one of the most important functions of the police. Obviously, a significant change in attitude and style of functioning of police was urgently needed.
In order to bring about improvement in the police system many States appointed State Police Commissions, enacted State Police Acts and compiled Police Manuals. A National Police Commission was appointed in 1977 under the chairmanship of Mr. Dharam Vira, a former Governor. The Commission studied extensively various aspects and functions of the Indian police and brought out eight reports. The recommendations of the Commission have not yet been implemented. However, despite all these efforts, the police system in India continues to be based on the Police Act of 1861 and the recommendations of the Police Commission of 1902 without significant changes.

2.2.10 POLICE AFTER INDEPENDENCE

A new era began for the people of India with independence in 1947. Floodgates of aspirations were opened when the Constitution of India was adopted and enacted on 26th November 1949. A constitution which aims to secure to all citizens social, economic and political justice, liberty of thought and expression, equality of status and of opportunity would certainly result in heightened expectations of a hitherto exploited and suppressed population. The principle of universal adult suffrage adopted by the framers of the India constitution guarantees every citizen of India the right to vote. (Who has attained the age of eighteen years).

A change in the legitimacy of the government perceives a change in the legitimacy of the government organs, must create an awareness of this change. Their role in the changed context requires adaptive changes; expects them to be responsive to the aspiration of the people and accountable for their actions to the elected representatives of the people. In the new set-up, they are part of the development administration and as such, they are expected to maintain peace and thereby contribute their share to national reconstruction. The question arises: what should the police in this changing society be like? Certainly not oppressive and passive towards social change. They are no more Agents of colonial masters. As an organ of democratic government, which is committed to welfare of the people, they are expected to show a ‘service to the people’ attitude. They must realize that now their role is that of a public servant.

When in 1979 the policemen in Jalandhar went out of barracks to protest against slapping of one of their colleagues no one realized that this would flare up into

a unprecedented countrywide police agitation. Equally unexpected was the gradual shift in the thrust of the agitation from misbehavior of politicians to more substantive issues like law wages and other organizational and administrative anomalies.

This was the reason why the Centre as well as the affected States could not easily quell the agitation on the pretext of Indiscipline.

The agitation resulted not only in most of economic demands of the policemen having been granted, but also in appointment of the first National Police Commission.

The present organizational structure, recruitment policy and training programmes for various ranks need reconsideration and redesigning. Even a cursory glance at the levels of recruitment, the powers and functions of various ranks and the types of duties that the police have to perform would make visible the inconsistencies and anomalies prevailing in police system in all over India.

To appreciate the basic problems of the police and the necessity for introducing adaptive changes in the role of the police organization, it is essential to indentify the organic relationship between the state and society on the one hand, and the police on the other. The state represents a societal consensus for legitimate use of sovereign authority through institutionalized agencies collectively called Government. The police, being one of the governmental agencies, perform tasks necessary for maintaining the legitimacy of the state authority entrusted to it by the society. The state, police and society are thus, organically interlinked systems. The legitimacy of the police, therefore, in any society is dependent upon the state. The Police draw their authority from state power. Their role and functions would naturally be determined by the nature of the state authority. In a democratic set-up, the police have to perform the crucial task of the reconciliation of authority with liberty. In a welfare state, the police assume functions of a social service organization in addition to their basic duties of prevention and detection of crime and maintenance of law and order.\textsuperscript{75}

2.2.11 GUJARAT STATE POLICE ORGANIZATION

On May 1st month of the year 1960, Greater Mumbai (Maharashtra) was separated from the state and the new state came into existence as a separate state of Gujarat police have been working with the new profile. And as head of the I.G.P. Ranking officials were appointed. In the year 1982, the Director General of Police to upgrade the space and renamed the new position as chief of police.\textsuperscript{76}

\textsuperscript{75} Police in Changing India, By Ajay K. Mehta. P.12.
\textsuperscript{76} wikipedia.com
In Gujarat State mainly The Bombay Police Act 1951 and The Bombay Village Police Act, 1867 and The Bombay State Reserve Police Force Act 1951 and their Rules are applicable. For smooth police administration there are three volumes of GUJARAT POLICE MANUAL framed in 1975. This is my attempt to study the present Police Organizations, the law applicable to them, their duties and their problems to fulfill their duties in better interest of society.