CHAPTER I
INTRODUCTION:
1.1 HISTORY OF POLICE:

There is no particular documented evidence of the existence of a separate agency for maintaining law and order during the Pre-British period, but scraps of information here and there in different classics of the country point to the existence of the police. There are good accounts of police administration during the Maurya, Gupta and Chola periods. The reports of Megasthnes and Kautilya’s Arthashastra are the two authentic sources that give details of administration in the Mauryan period. This system continued without much change until the advent of Muslim rule.

The evidence about police administration during the Muslim period is as scarce as about the earlier period. The first piece of information appears in the fourteenth century, i.e. the Sultanate period. Then the official at the apex was the Amir Dad or Viceroy. But the person entrusted with the responsibilities of police administration was the Muhtasib. He was an Inspector-General of police, a Chief Engineer of public works, as well as an Inspector of Moguls. He used to delegate police duties in the cities of the Kotwals.

When the British came to India in 1609 with purely commercial interests, little had they realized that they would be ruling this country one day. Their commercial interests involved them in local politics which, finally, resulted in the colonization of India by Great Britain. The consolidation of the British position in India laid the foundation of the present-day police force. The need for a policing agency was felt first in 1792. By that time the East India Company had established itself fully in the three presidency provinces of Bengal, Bombay and Madras. Lord Cornwallis, the Governor-General of India, took police administration away from the large Zamindars in the three Presidency provinces in the same year. He divided districts into parts and a darogha was placed in charge of each of the parts. The darogha was made responsible to the district judge. In towns, the responsibility of police administration was left with the Kotwal. But this system did not succeed and was abolished in 1814. Sir Charles Napier conquered the territory of Sind for the Company in 1843. Napier had to create a new machinery and used the Royal Irish Constabulary as a model.
There was an Inspector-General of police for the entire territory, with Superintendents in each district. The Superintendent was responsible to the Inspector-General as well as Collector. This experiment was successful and its broad framework was used to reorganize police administration. Later, the model was used in other parts of India too. The main principles of Napier’s model were not altered even by the police Commission 1860, which designed the present police force for India.

The Mutiny broke out in 1857. It, for the first time, forced awareness upon the British of Imperial domination in such a vast territory. The British felt the necessity to create a strong civil constabulary to meet internal disturbances and to protect the British and their interests in India. Thus, on the report of the police Commission 1860 a police administration was designed for British India. The police Act of 1861, passed by the British Parliament, created the present police system in India.  

1.2 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.¹

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.¹

1.3 GUJARAT STATE POLICE ORGANIZATION:

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.

¹ Police in Changing India, By Ajay K. Mehta. P.12.